

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

D & J Mail Road LLC
2135 DAWA AVE, SUITE 200
Cincinnati, OH, 45207

- 1. Name of Project Florence Heights
2. Location of Project Mall Road, Florence
3. Total Acreage of Site 66.75 ACRES
4. Current Zoning of Site C-2 / PD / MR
5. Proposed Zoning (Classification being requested) C-2 / PD / MR Special Sign District
6. Proposed Uses (please specify each use) Commercial center with additional signage

- 7. Names of Applicant(s) Anchor Properties, Inc.
Phone No. 859-578-2608 Fax No. E-Mail mricke@anchor-prop.com
8. Address of Applicant(s) 128 E. Second Street
Covington KY 41011
City State Zip

- 9. Name of Property Owner(s) (A) Joseph and Sue Kate Berkshire
Phone No. Fax No. E-Mail
10. Address of Property Owner(s) 7414 U.S. Highway 42
Florence KY 41042
City State Zip

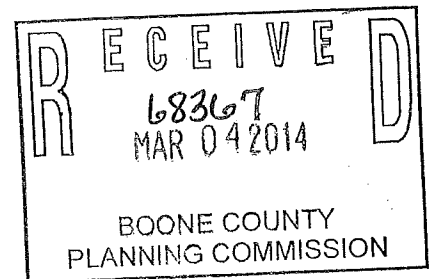
- 11. Proposed Building Intensities (please specify)
The project meets the objectives of the Mall Road Overlay District.

- 12. Are there any existing buildings on the site? No
How many?

- 13. Deed Book 149, 981 Page No. 120, 920 Group No. 20408

- 14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance However, waivers are needed on some sections of MR District.
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

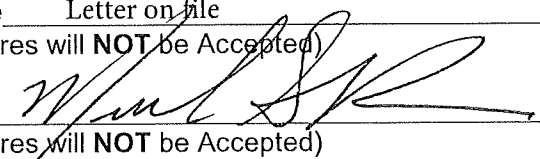
- Boone County Water District
[X] Florence Public Services Dept.
[X] Duke Energy
Sanitation District #1
[X] Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
[X] Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for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



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- 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: City of Florence

18. Project Jurisdiction/Location
- Unincorporated Boone County
  - Florence
  - Walton Union
  - Union

19. **ORIGINAL Property Owner's Signature** Letter on file  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)
- ORIGINAL Applicant's Signature**   
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received 3/4/14
2. Review Fee 3,584.80 R# 68367
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - Number of copies of plan received\*\*
4. Is application complete?  Yes  No
5. Staff Reviewer TODD HORGAN
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - Approval
  - 6/4/14 Approval with Conditions
  - Denial
9. Other: \_\_\_\_\_

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

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

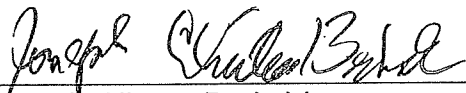
RE: Permission To Obtain Property Development Permits And Plan Approvals  
For Property Located At 8100 US Highway 42, Florence, KY 41042

To whom it may concern,

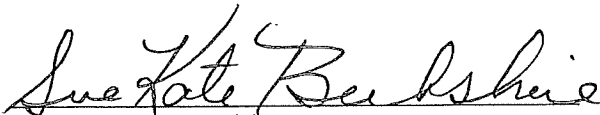
It is my intent, as agreed by Contract, to sell my property at 8100 US Highway 42, Florence, KY 41042, (DB 149, PG120), to Mall Road KY, LLC for the purposes of subdividing and developing the property. It is Mall Road KY, LLC's intent to obtain all permits and plan approvals necessary for development of said property prior to final purchase of the property.

By signature below, I hereby grant permission for Mall Road KY, LLC, or their assigns, to apply for, negotiate accordingly, and to secure permits and plan approvals as necessary for development of the above noted property. Mall Road KY, LLC shall obtain all permits and plan approvals in their name, and be responsible for any and all permit submittal and processing fees.

Signed,

  
\_\_\_\_\_  
Joseph Clinton Berkshire  
7414 US Highway 42  
Florence, KY 41042

12/27/13  
Date

  
\_\_\_\_\_  
Sue Kate Berkshire  
7414 US Highway 42  
Florence, KY 41042

12/23/2013  
Date

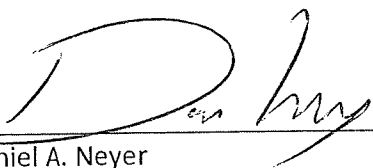
Re: Zoning Map Amendment Application to the  
Special Sign District on Heights Boulevard  
Florence, KY

To Whom It May Concern:

This is to inform you that D&J Mall Road LLC (Neyer Properties Inc.) authorizes Anchor Properties, Inc. to apply for a zoning map amendment to the special sign district on the property located at the intersection of Heights Boulevard and Mall Road in Florence, Kentucky.

I hereby grant permission to proceed with any and all appropriate application submittals and processing fees to be paid solely by Anchor Properties.

Signed,



Daniel A. Neyer  
President / CEO  
Neyer Properties, Inc.

3/6/14  
Date

# EXHIBIT

“A”

## STAFF REPORT

Request of **Anchor Properties (applicant)** for **Joseph Berkshire and Kate Berkshire and D & J Mall Road LLC (owners)** for a Zoning Map Amendment for a Special Sign District for a 66.75 acre site located at 8100 US 42 and the southeast corner of the Mall Road/Heights Boulevard intersection, Florence, Kentucky. The request is for a Special Sign District in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone to allow alternative signage.

April 2, 2014

### REQUEST

The request is for a Zoning Map Amendment for a Special Sign District to allow alternative freestanding signage on a 66.75 acre site. The proposed freestanding signage will advertise businesses located in Florence Heights Subdivision, businesses located at the southeast corner of the Mall Road and Heights Boulevard intersection (D & J Mall Road LLC property), and Transit Authority of Northern Kentucky (TANK). The following freestanding signs are being proposed:

- A. A 31' tall, 336 square foot architectural freestanding sign is shown at southeast corner of Mall Road and Heights Boulevard. The base of the sign is located behind a stone entrance feature that is approximately 6' tall. The tenant panels will display businesses located on lots 1, 2, 3, 4, 5, 7, and 8 of Florence Heights Subdivision, businesses located on the D & J Mall Road property, and TANK.
- B. A 10' tall, 32 square foot architectural freestanding sign is shown at the southeast corner of Mall Road and a future public street (shown as A Street on the Master Streetscape Plan). The base of the sign is located behind a stone entrance feature. The tenant panel will display the business located on lot 3 of Florence Height Subdivision.
- C. Two 7' tall, 26.25 square foot internal directional signs are shown on the plan. The first sign is located at the corner of Heights Boulevard and a future public street (shown as B Street on the Master Streetscape Plan), which is directly across from the Pep Boys/Crossroads Church driveway. The second sign is shown at development access point on a newly proposed section of Heights Boulevard. The signs will provide directional information to businesses which are located on lots 1 through 5 of Florence Heights Subdivision.
- D. A 80' tall, 1,050 square foot Interstate sign is shown on lot 5 of Florence Heights Subdivision. The tenant panels will display businesses located on lots 1, 2, 3, 4, 5, 7, and 8 of Florence Heights Subdivision and businesses located on the D & J Mall Road property.
- E. A 20' tall, 156 square foot architectural freestanding sign is shown at the US 42/Heights Boulevard intersection. The base of the sign is shown with stone that is approximately 3' tall. The tenant panels will display businesses which are located on lots 1 through 5 of Florence Heights Subdivision.

- F. The cover letter that was submitted with the request indicates that the D & J Mall Road property and lots 1, 5, and 7 of Florence Heights will be eligible for outlot monument signs even though architectural freestanding signs are located on these lots. The proposed outlot monument signs would comply with the Mall Road Overlay Sign District regulations.

After the application was submitted the developer revealed that they have agreements with Menards (lot 3) and Costco (lot 5) to be anchor tenants.

### APPLICABLE SIGN REGULATIONS

Section 3400 of the Boone County Zoning Regulations states that the purpose of the sign article is to coordinate the type, placement and physical dimensions of signs within the different zones; to recognize the commercial communication requirements of all sectors of the business community; to recognize free speech; to encourage the innovative use of design through Special Sign Districts. Furthermore, this article is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. Lastly, this article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.

Section 3440 (1) of the Boone County Zoning Regulations lists the Special Sign Districts that were proposed by the Boone County Planning Commission and Legislative Bodies. The Mall Road Overlay Sign District applies to those properties which are within the Mall Road (MR) Overlay as part of the Mall Road District Study. The purpose of the sign district is to promote the mixed-use district that is visualized by the study with high quality construction materials and to follow the recommendations of the 2005 Boone County Comprehensive Plan. The Land Use Element found in the 2005 Comprehensive Plan states that "the minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Future Land Use Development Guidelines - Design, Signs, and Historic Preservation, pg. 142).

For the purpose of the Mall Road Overlay Sign District, the following standards shall apply:

1. All sections of Article 34 not otherwise replaced below;
2. A density of one (1) architectural freestanding sign which identifies a shopping center, mixed use commercial, commercial subdivision, planned development, or single-use commercial development and its major access point shall be permitted in accordance with the following standards:
  - A. The sign shall not exceed 20 feet in height.
  - B. The maximum size of the sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No architectural freestanding sign shall exceed two hundred (200) square feet in area.

- C. The base of the sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. A second option is for the pole structure(s) to have sculptural or artistic characteristics. Lastly, a monument sign may be substituted as the permitted freestanding sign. The base of the monument sign shall be constructed with materials, colors, and design details which match or correlate to one of the principal buildings on site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
- D. Up to 50% of the area of any permitted architectural freestanding or monument sign may be used as manually changeable copy display. Proposed manually changeable copy display(s) shall be located beneath all fixed copy signs.
- E. One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the architectural freestanding or monument sign as a Conditional Use. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
  - 1) The application for conditional use permit shall be accompanied by the following information:
    - a. All of the information required in Section 3405 of this Article;
    - b. Identification of all thoroughfares from which the sign will be visible.
  - 2) Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
    - a. Such message boards and screens will be considered a part of the architectural freestanding sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or display screen.
    - b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
    - c. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.
    - d. The message displayed on the board shall not change more than three (3) times per day.
    - e. Messages shall be displayed in one color on a black background.

- f. The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.
    - g. Off-premise advertising shall be prohibited on the sign.
- 3. Any parcel or outlot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot based on the following standards:
  - A. The sign shall not exceed eight (8) feet in height.
  - B. The maximum size of the sign shall not exceed sixty (60) square feet in area.
  - C. The base and sides of the sign shall use construction materials and design details that match the outlot building.
  - D. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
  - E. Single panel plexi-faced cabinets shall not be permitted.
  - F. Up to 50% of the area of any permitted monument sign may be used for manually changeable copy. Any proposed manually changeable copy shall be located immediately on top of the sign base.
  - G. One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the monument sign as a Conditional Use. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
    - 1) The application for conditional use permit shall be accompanied by the following information:
      - a. All of the information required in Section 3405 of this Article;
      - b. Identification of all thoroughfares from which the sign will be visible;
    - 2) Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
      - a. Such message boards and screens will be considered a part of the monument sign; up to twenty percent (20%) of the permitted sign area can be in the form of an electronic message board or display screen.

- b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
  - c. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.
  - d. The message displayed on the board shall not change more than three (3) times per day.
  - e. Messages shall be displayed in one color on a black background.
  - f. The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.
  - g. Off-premise advertising shall be prohibited on the sign.
4. Sections 3402 and 3413 of the Boone County Zoning Regulations shall be used in determining permitted locations and the amount of building mounted signage that is permitted on a business. Permitted exceptions to Section 3413 are noted in Subsection 2 below.
- (1) The following standards shall apply to building mounted signage in the Mall Road (MR) Overlay Sign District:
    - a. Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted.
    - b. Manually changeable copy, electronically changeable copy, board signs, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless they are replacing an existing sign of like kind that is the same size or smaller.
    - c. Building mounted signage shall not be permitted in residential developments. Exceptions are professional name plates, addresses, and building numbers.
  - (2) Permitted Exceptions to the building mounted signage regulations found in Section 3413 of the Boone County Zoning Regulations are as follows:
    - a. Projecting, shingle, or blade signs shall be permitted when a main building entrance is in close proximity to a street, private access drive, or shared private development street. Projecting signs will not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on that given facade. The maximum size of a projecting sign shall not be more

than 32 square feet in size. Projecting signs shall have a minimum clearance of 10 feet over sidewalks and shall not be permitted to project over vehicular ways.

- b. Restaurants and entertainment uses (limited to night clubs and live performance venues) shall be allowed to have neon or L.E.D. accent banding along cornice lines and main entrances. The accent banding shall not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on a given facade. The neon or L.E.D. banding shall be limited to 2 inches in height.
5. Section 3410 of the Boone County Zoning Regulations shall be used in determining the location, height, area, and number of entrance signs that are permitted for a residential development. The following standards shall apply to residential entrance signs:
- A. The base and sides of the sign shall use construction materials and design details that match or correlate to the residential structures on the lot.
  - B. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
  - C. Single panel plexi-faced cabinets shall not be permitted.
  - D. Electronically changeable message boards, electronic display screens, and manually changeable reader boards shall not be permitted.
6. Seasonal non-commercial banners for the advertising of holidays and special community events shall be permitted without the issuance of a Temporary Advertising Display Permit but are subject to the following standards:
- A. The banner shall be located on permanent brackets on a light standard.
  - B. The light standard shall be located in close proximity to Mall Road or a shared development private street.
  - C. The banner shall be no larger than sixteen (16) square feet in area and shall not obstruct sight distance.

#### RECENT SITE HISTORY

On September 9, 2011, a Grading Plan is approved for the D & J Mall Road, LLC property.

On March 13, 2012, the City of Florence adopted the Mall Road District Study and the properties are rezoned to Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR).

On February 13, 2014, the Zoning Administrator approved the shortened review process for Florence Heights Subdivision relative to the Mall Road District Study (see attached plan and letter).

On March 13, 2014 Preliminary Plat and Improvement Plan applications for Florence Heights Subdivision were submitted to Boone County Planning Commission.

### SITE CHARACTERISTICS

The 66.75 acre site is comprised of two lots of record.

The D & J Mall Road Property is located at the southeast corner of the Mall Road/Heights Boulevard/Connector Drive intersection and is currently undeveloped. The approximate 1.6 acre property has 400 feet of frontage on Mall Road and 175 feet of frontage on Heights Boulevard. A 2011 Grading Plan for the site shows that the topography falls from 866 feet above sea level at the rear property line to 854 feet above sea level at the Mall Road right-of-way line.

The Berkshire Farm is approximately 65.18 acres in area and contains a house and four barns which are accessed from US 42. The property has 615 feet of frontage on Mall Road, 610 feet of frontage on Heights Boulevard, 200 feet of frontage on US 42, 830 feet of frontage along the northbound I-71/75 ramp from Mall Road, and 2,275 feet of frontage on I-71/75 (all measurements are approximates). The property also contains a 150 foot wide Ohio Valley Electric Corporation (OVEC) easement that bisects the property. The easement extends between the terminus of Heights Boulevard and the I-71/75 frontage. A large pond exists along the northern property boundary and Rosetta Creek is located along the southern property boundary. Mature deciduous trees are located in the northern, central, and southern portions of the site. Boone County GIS shows that the topography of the site falls 900 feet above sea level at the northern property line to 820 feet above sea level at the southwest property corner.

### ADJACENT LAND USES AND ZONING

North: North I-71/75 Ramp From Mall Road, TANK Park and Ride, Heights Blvd., Pep Boys, Crossroads Church (C-2/PD/MR)

South: Mall Road Center (C-2/PD/MR), Brook Run Apartments (UR-2/PD/MR), Dental Center of Florence (C-2), Waffle House (C-2), US 42, Holiday Drive, Marathon (C-3), Arby's (C-3), Kentucky Fried Chicken (C-3), Ponderosa (C-3)

East: I-71/75

West: Mall Road, Pro Touch Window Tinting (C-3/PD/MR), Florence Antique Mall (C-3/PD/MR), Florence Center, Valvoline, Snuggly's, and LazBoy (C-2/PD/MR)

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for Commercial uses. The designation is described as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

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

- A. "The Mall Road area was recommended (through the 2002 Mall Road Corridor Study) to become a new urbanism corridor. The current planning effort for the area, the Mall Road District Study, calls for a dense, well designed, urban style of development that should occur over time. Residential development may be a part of this urban area, but should be located to minimize noise impacts from the interstate and airport. The entire area of Steinberg Drive, Rosetta Drive, Connector Drive, and the I-75 Mall Road ramps should be planned in detail to provide mixed use development that includes a good road connection

and traffic circulation between the Pleasant Valley Road corridor and I-75. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand on to U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's proposed transit hub at a site on the west side of Mall Rd."

The following "Future Land Use Development Guideline" found in the Land Use Element relates to the proposal:

- A. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor "Design, Signs, and Historic Preservation, pg. 164).

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

- A. Proper design principles shall be applied in development (Overall, Objective).
- B. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- C. 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 Objectives).

#### STAFF COMMENTS

1. Staff has the following comments and concerns regarding the proposal:
  - A. The site is located within the limits of the Mall Road District Study, which was adopted by the City of Florence on March 13, 2012. The Study contains its own special sign regulations and the key passages have been outlined in this Staff Report. Staff acknowledges that the Mall Road Overlay Sign District did not contemplate a retail development of this size being proposed with extensive freeway frontage.
  - B. Staff is concerned about the number of freestanding signs that could be located along Mall Road. The subject properties have 1,015 feet of frontage along Mall Road and the Crossroads Church/Pep Boys freestanding sign is already located at the northeast corner of the Mall Road/Heights Boulevard intersection. The following signs would be permitted along Mall Road if the request is approved:

- 31' tall, 336 square foot freestanding sign on the D & J Mall Road property.
  - 8' tall, 60 square foot outlet monument sign on the D & J Mall Road property.
  - 10' tall, 32 square foot freestanding sign on lot 1 of Florence Heights Subdivision.
  - 8' tall, 60 square foot outlet monument sign on lot 1 of Florence Heights Subdivision.
  - 8' tall, 60 square foot outlet monument sign on lot 2 of Florence Heights Subdivision.
- C. Both of the proposed freestanding signs along Mall Road are shown behind entrance walls. Staff would like the applicant to address the following:
- What are the heights of the walls?
  - Is any signage proposed on the walls?
- D. Staff would like the applicant to explore the possibility of reducing the height and square of the freestanding sign located at the Mall Road/Heights Boulevard intersection (D & J Mall Road property). The Mall Road Overlay Sign District limits architectural freestanding signs which advertise shopping centers, mixed use commercial, commercial subdivisions, or planned developments to 20' in height and 200 square feet in area.
- E. Staff is concerned about the height (80') and area (1,050 square feet) of the proposed Interstate sign. Staff would like the applicant to do some sight line studies to see how far away the sign would be visible and readable.

Staff believes that the height and area of the sign are excessive. Customers traveling on the Interstate will be able to get to the subdivision by using the KY 18 or US 42 exits. Customers will know how to get the subdivision after they visit it one time.

Staff researched some other signs for comparison purposes:

Houston Lakes Subdivision Interstate Sign

The September 1, 1994 Sign Permit shows the sign is 48'-6" tall and 422.89 square feet in area (square footage was computed by using the current regulations).

Red Lobster Sign on Dream Street

The December 16, 1996 Sign Permit shows that the sign is 80' tall.

- G. The Mall Road Overlay Sign District requires an architectural freestanding sign which identifies a commercial subdivision to have a base constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. A second option is for the pole structure(s) to have sculptural or artistic characteristics. Lastly, a monument sign may be substituted as the permitted freestanding sign. The base of the monument sign shall be constructed with materials, colors, and design details which match or correlate to one of the principal buildings on site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment.

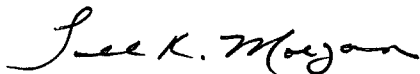
Staff would like the applicant to address how the three freestanding signs meet this standard. Staff would recommend that more masonry, detailing, or artistic characteristics be added to all three signs.

- H. The Special Sign District request does not affect the amount of building mounted signage that is permitted in the development.
2. The Boone County Planning Commission and City of Florence should analyze the following passages from the Boone County Zoning Regulations and Boone County Comprehensive plan before acting on the request:
- A. Section 3440 of the Zoning Regulations states that the purpose of a Special Sign District shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.
  - B. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 164).

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment and Sections 3440 (Special Sign Districts) of the zoning regulations. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner

TKM/tlb

Attachments:

- \*Site Vicinity Map
- \*Letter From Michelle Bollman regarding the request
- \*Concept Development Plans
- \*2013 Aerial Map
- \*Zoning Map
- \*2035 Future Land Use Map
- \*Topographical Map
- \*9/1/94 Meijer/Houston Lakes Sign Permit
- \*12/16/96 Red Lobster Sign Permit
- \*2/13/14 Determination by Zoning Administrator
- \*Application

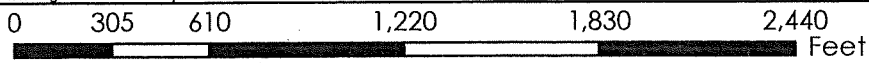
# SITE VICINITY MAP

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

Map Created: 01/01/2013

Map Document: \*.mxd



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452  
www.vioxinc.com

March 4, 2014

Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington, KY 41005  
Attn: Mr. Kevin Wall, AICP

RE: Florence Heights Special Sign District

Dear Mr. Wall,

Attached is a completed Zoning Map Amendment application for the above referenced project. Also included, is the list of adjoining property owners, a legal description of the property, as well as several exhibits which graphically depict the requested signage dimensions and locations on the property.

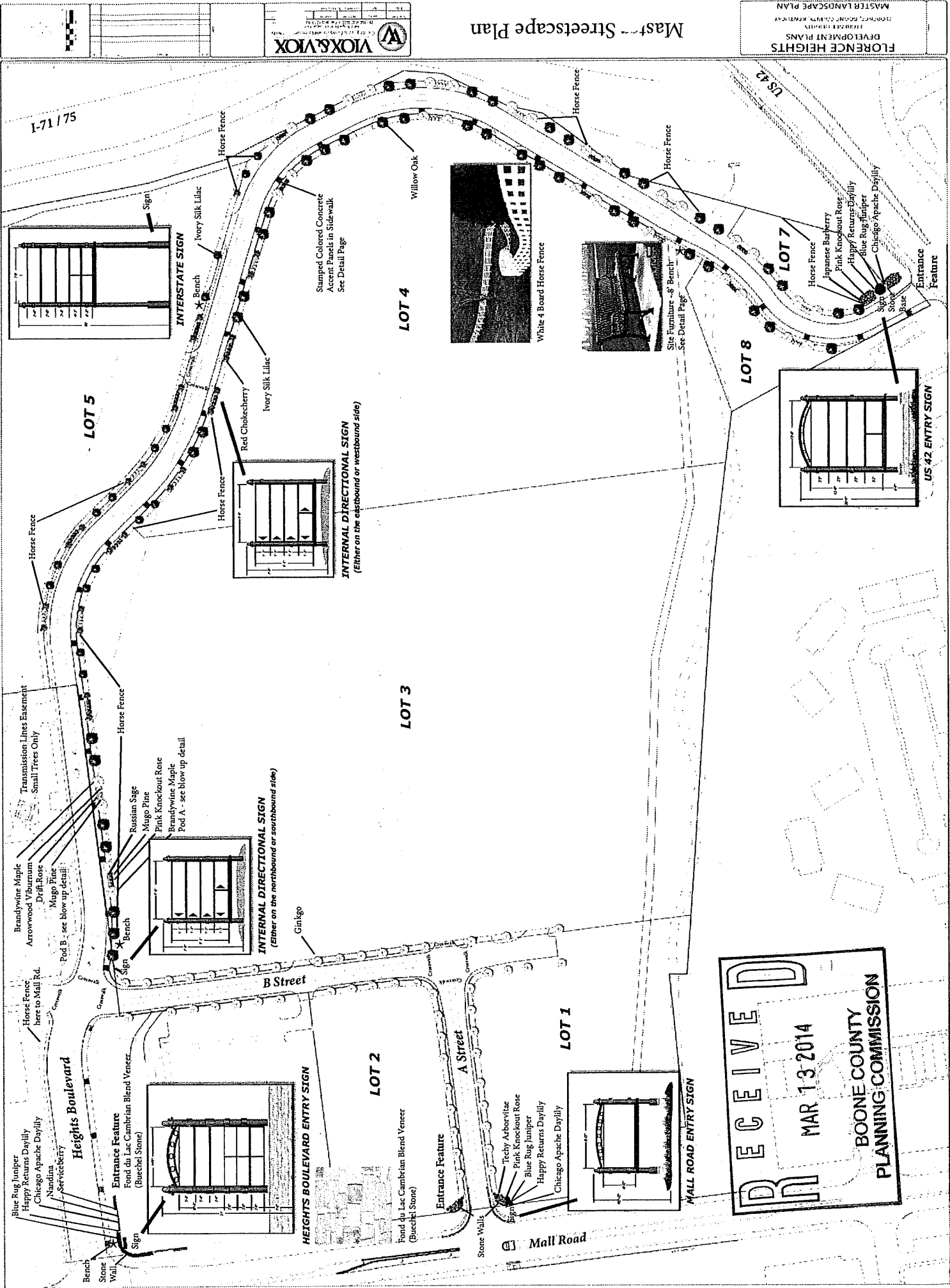
With regards to the requested Zoning Map Amendment, please consider the following information: The "Berkshire Property" is a large development which will contain several commercial lots. The spatial requirement to meet adequate letter sizing for all the businesses exceeds what can be achieved within the current requirements. Traffic volume requires multiple entrances. Entrance signage is beneficial in guiding users efficiently to their destinations with minimal confusion. The existing Interstate 71/75 sign is targeting northbound traffic so drivers can identify the development in time to utilize the U.S. 42 exit ramp. There is no northbound Mall Road exit ramp, thus traffic would need to utilize KY 18 if they passed the U.S. 42 exit ramp. The KY 18/Mall Road intersection and the KY 18/Houston Road intersection are among the busiest intersections in the state. It is preferred that drivers utilize the new entrance provided off of U.S. 42.

The applicant requests that all lots retain the right to have an individual monument sign, regardless of whether a development sign is located on the lot. The monument signs shall comply with all existing regulations. In addition, the applicant requests that the shared development sign located at the Mall Road/Heights Boulevard entrance, shall not prevent this lot (which is not part of the development) from having an individual monument sign.

Please let me know if you have any further questions regarding this application.

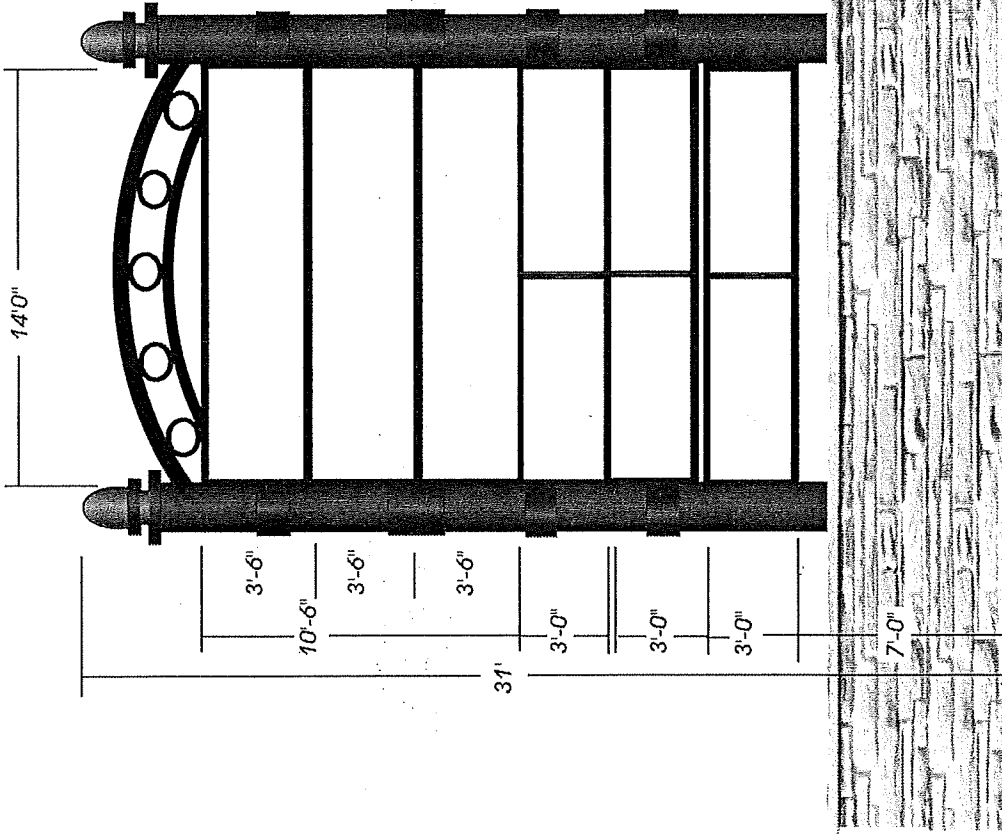
Sincerely,

Michelle Bollman, P.E.



**RECEIVED**  
 MAR 13 2014  
 BOONE COUNTY  
 PLANNING COMMISSION

Tenant Panels for: Florence Heights Lots 1 - 5,  
7, 8, D&J Mall Road LLC Lot (Neyer), and TANK



Extended  
Stone Wall

Heights Blvd Sign

rev 02.25.14  
rev 02.28.14

Job Name :  
**MALL RD.  
DEVELOPMENT**  
Job Location:  
**RT. 32**  
Design No.:  
**EasPa-1300**  
Date:  
**11 12 13**  
Scale:  
**See Drwg. for Dimensions**

Notes

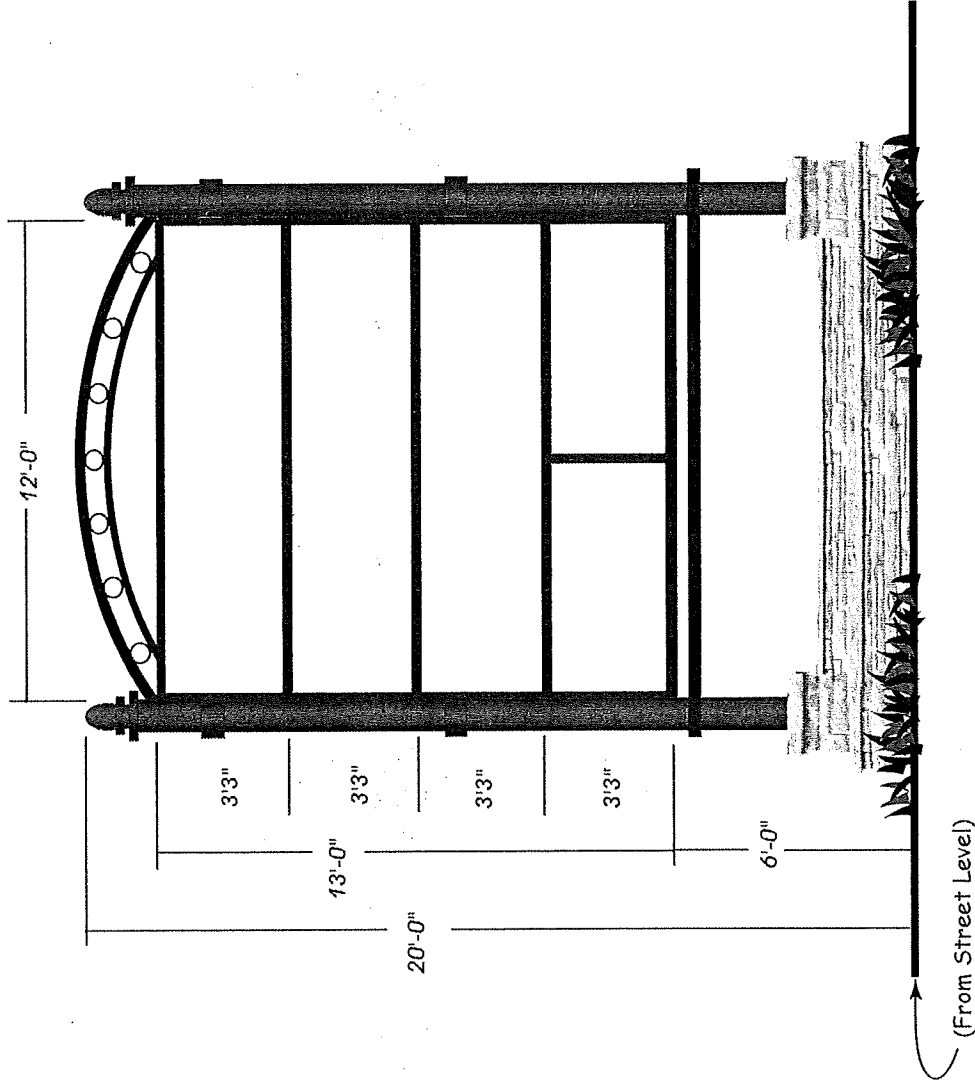
**DESIGN INTENT DRAWING**  
These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contractor sign fabricator and retailer shall accept sole and final responsibility for all final materials selection, engineering details, fabrication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

The customer and the contractor herein are protected under U.S. Copyright Law and shall remain the property of Preferred Resources of the Rowland and may not be reproduced or taken in any manner without the express written consent of Preferred Resources of the Rowland.

**preferred resources**  
P.O. Box 381  
5769 Vice Lane  
Burlington, KY 41005  
(859) 466-2894

Sheet No. **3301**

Tenant Panels for Florence Heights Lots 1 - 5.



U. S. 42 SIGN

Job Name :  
**MALL RD.  
 DEVELOPMENT**

Job Location:  
**RT. 32**

Design No.:  
**EasPa-1300**

Date:  
**11 12 13**

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 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.

The Project and the designs herein are created under U.S. Copyright Law and shall remain the property of Preferred Resources of the Midlands and may not be reproduced or used in any manner without the express written consent of Preferred Resources of the Midlands.

**preferred resources**  
 OF THE MIDLANDS

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

Sheet No. **3310**

Job Name:  
**MALL RD.  
 DEVELOPMENT**  
 Job Location:  
**FLORENCE, KY**  
 Design No.:  
**EasPa-1300**  
 Date:  
**11 12 13**  
 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 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.

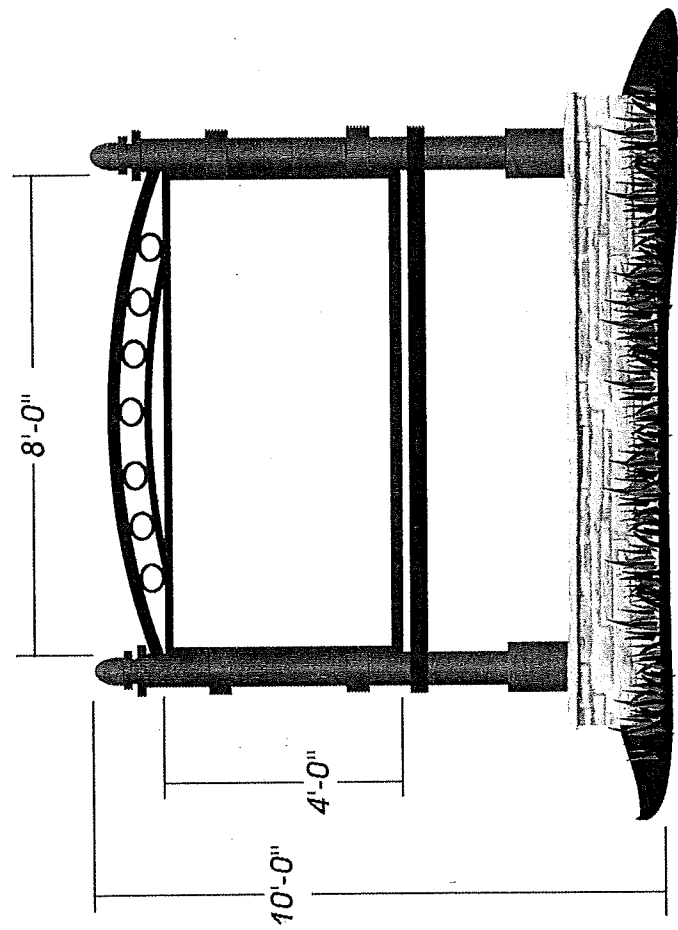
This drawing and the design herein are created under U.S. Copyright Law and shall remain the property of Preferred Resources of the Roadside and may not be reproduced or used in any manner without the express written consent of Preferred Resources of the Roadside.

**preferred resources**  
 of the Roadside  
 P.O. Box 381  
 5769 Viceroy Lane  
 Burlington, KY 41005  
 (859) 466-2894

Sheet No. **3320**

REV 03 03 14

Tenant Panel for Florence Heights Lot 3.



**Mall Road Entry Sign**

Job Name:  
**MALL RD.  
 DEVELOPMENT**  
 Job Location:  
**FLORENCE, KY**  
 Design No.:  
**EasPa-1300**  
 Date:  
**11 12 13**  
 Scale:  
**See Drwg. for Dimensions**

**Notes**

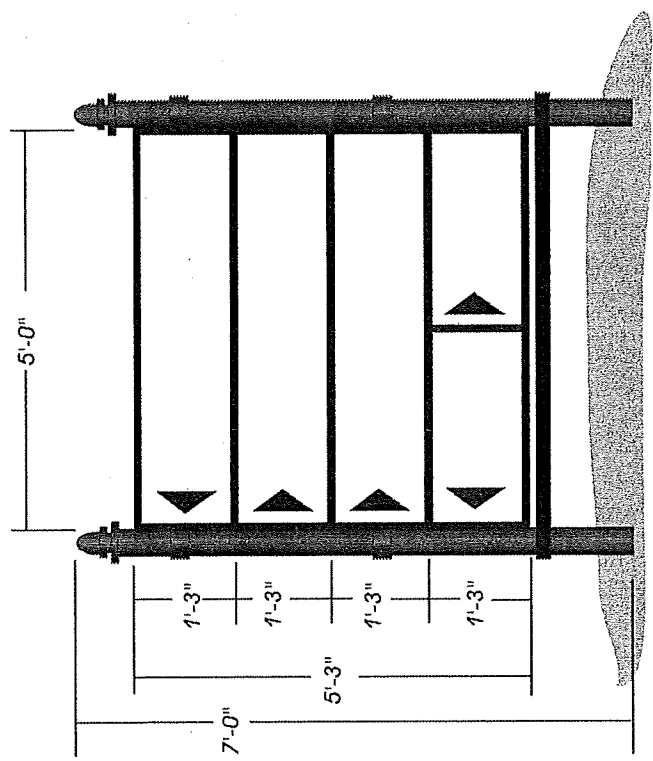
**DESIGN INTENT DRAWING**  
 These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contracted sign fabricator and installer shall accept sole and final responsibility for all final materials, selection, engineering details, 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 its contents shall not be used for any other project without the written consent of Preferred Resources. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

**preferred resources**  
 P.O. Box 381  
 5769 Vee Lane  
 Burlington, KY 41005  
 (859) 466-2894

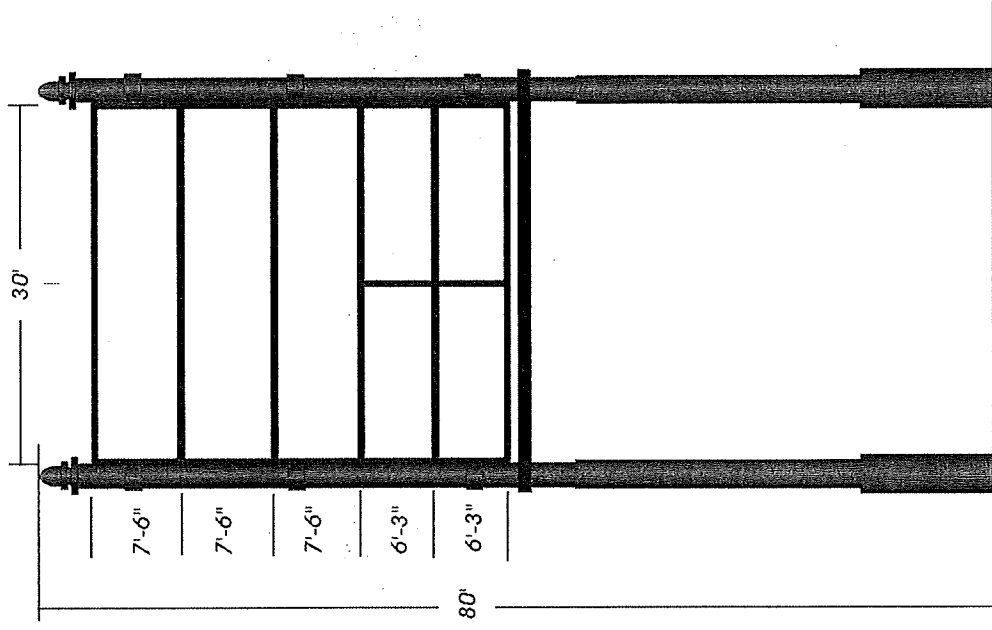
Sheet No. **3330**

Tenant Panels for Florence Heights Lots 1 - 5.



**INTERNAL DIRECTIONAL SIGN**

Tenant Panels for Florence Heights Lots 1 - 5,  
7, 8, and D&J Mall Road LLC Lot (Neyer).



INTERSTATE SIGN

rev 02 25 14

Job Name :

**BERKSHIRE  
FARM**

Job Location:  
**FLORENCE, KY**

Design No.,  
**BerFa-1300**

Date:  
**11 13 13**

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.

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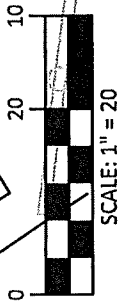
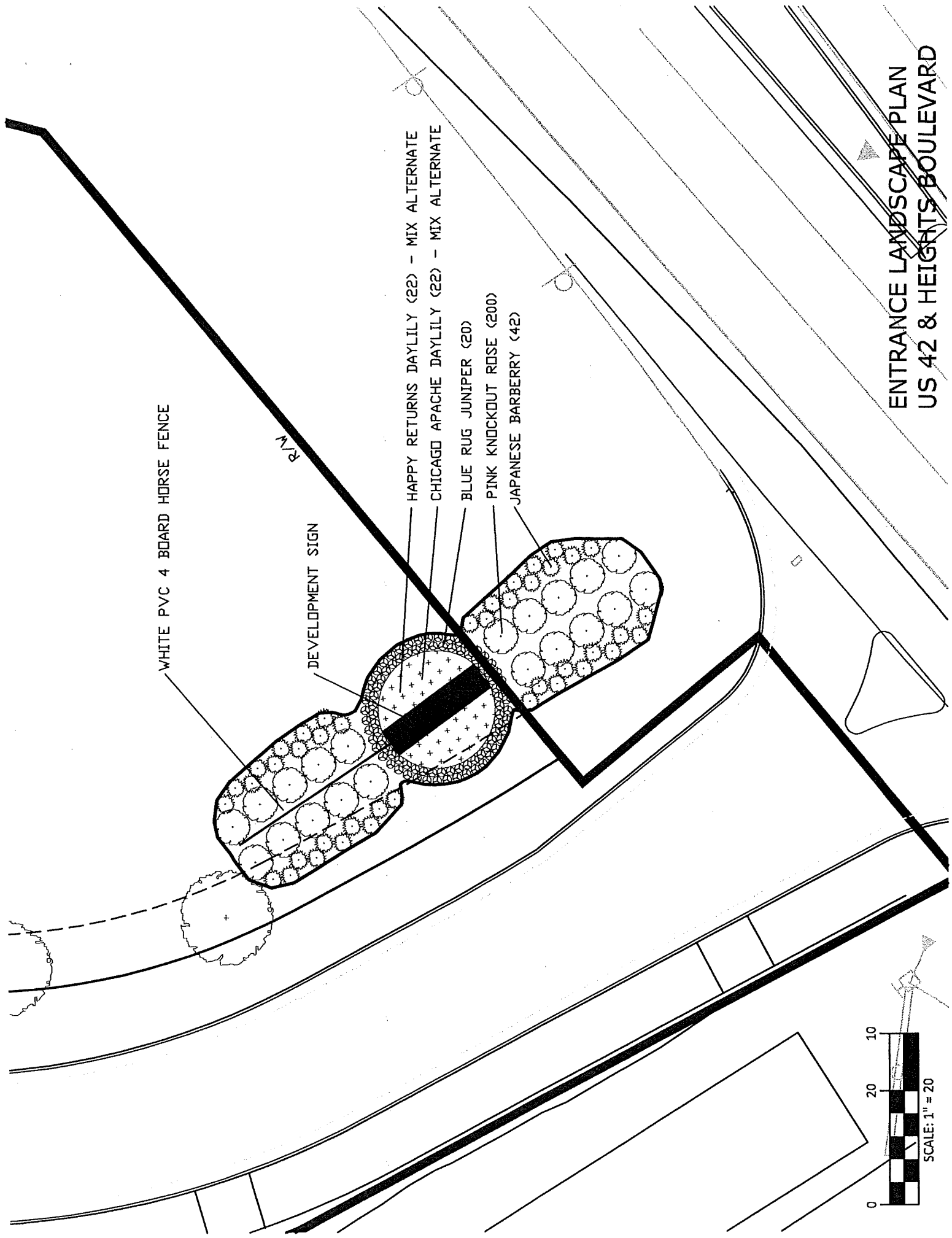
P.O. Box 381  
5769 Vipe Lane  
Burlington, KY 41005  
(859) 466-2894

**3340**

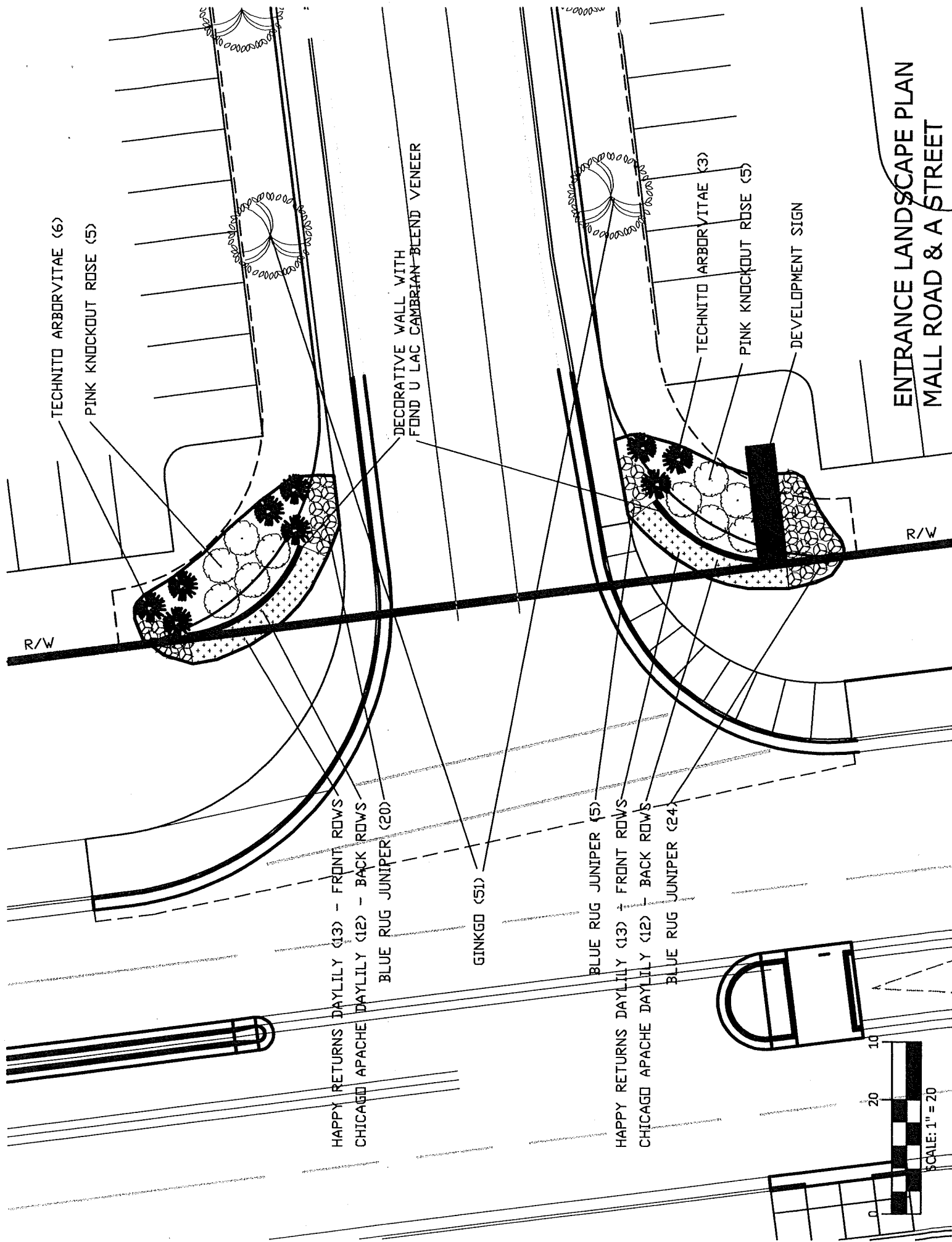
Sheet No.



ENTRANCE LANDSCAPE PLAN  
US 42 & HEIGHTS BOULEVARD



# ENTRANCE LANDSCAPE PLAN MALL ROAD & A STREET



TECHNITO ARBORVITAE (6)  
PINK KNOCKOUT ROSE (5)

DECORATIVE WALL WITH  
FOND U LAC CAMBRIAN BLEND VENEER

TECHNITO ARBORVITAE (3)  
PINK KNOCKOUT ROSE (5)

DEVELOPMENT SIGN

R/W

R/W

HAPPY RETURNS DAYLILY (13) - FRONT ROWS  
CHICAGO APACHE DAYLILY (12) - BACK ROWS  
BLUE RUG JUNIPER (20)

GINKGO (51)

BLUE RUG JUNIPER (5)  
HAPPY RETURNS DAYLILY (13) - FRONT ROWS  
CHICAGO APACHE DAYLILY (12) - BACK ROWS  
BLUE RUG JUNIPER (24)

0 10 20

SCALE: 1" = 20'

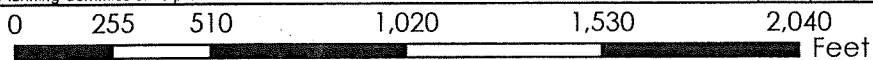
# 2013 AERIAL MAP

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1 inch = 500 feet

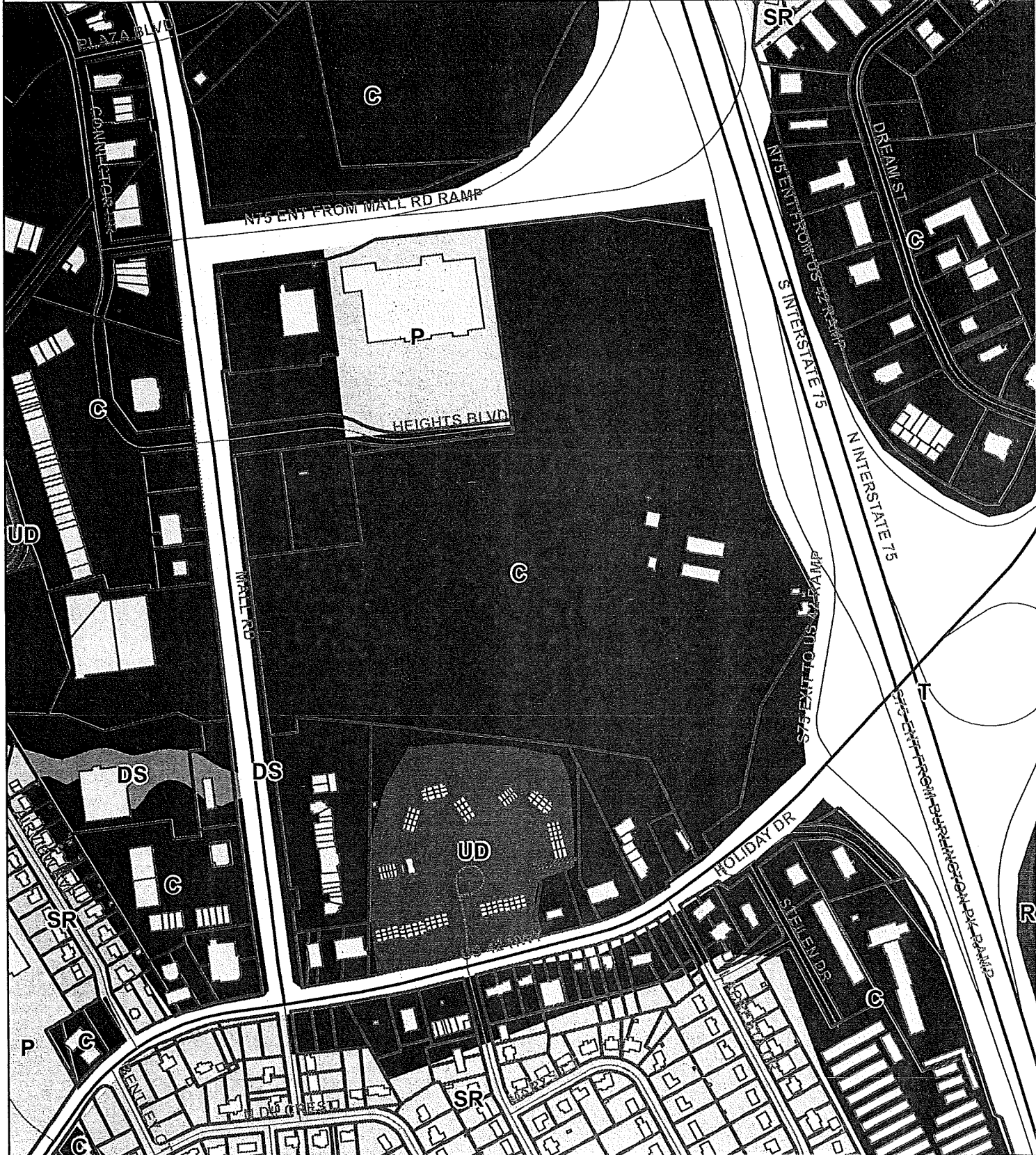


**Boone County GIS - Putting Northern Kentucky on the Map**



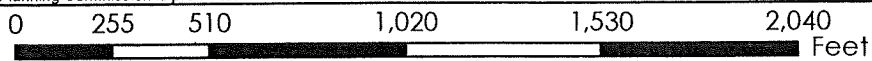
# 2035 FUTURE LAND USE MAP

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1 inch = 500 feet



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



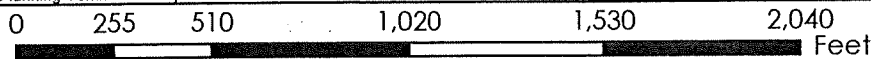
# TOPOGRAPHICAL MAP

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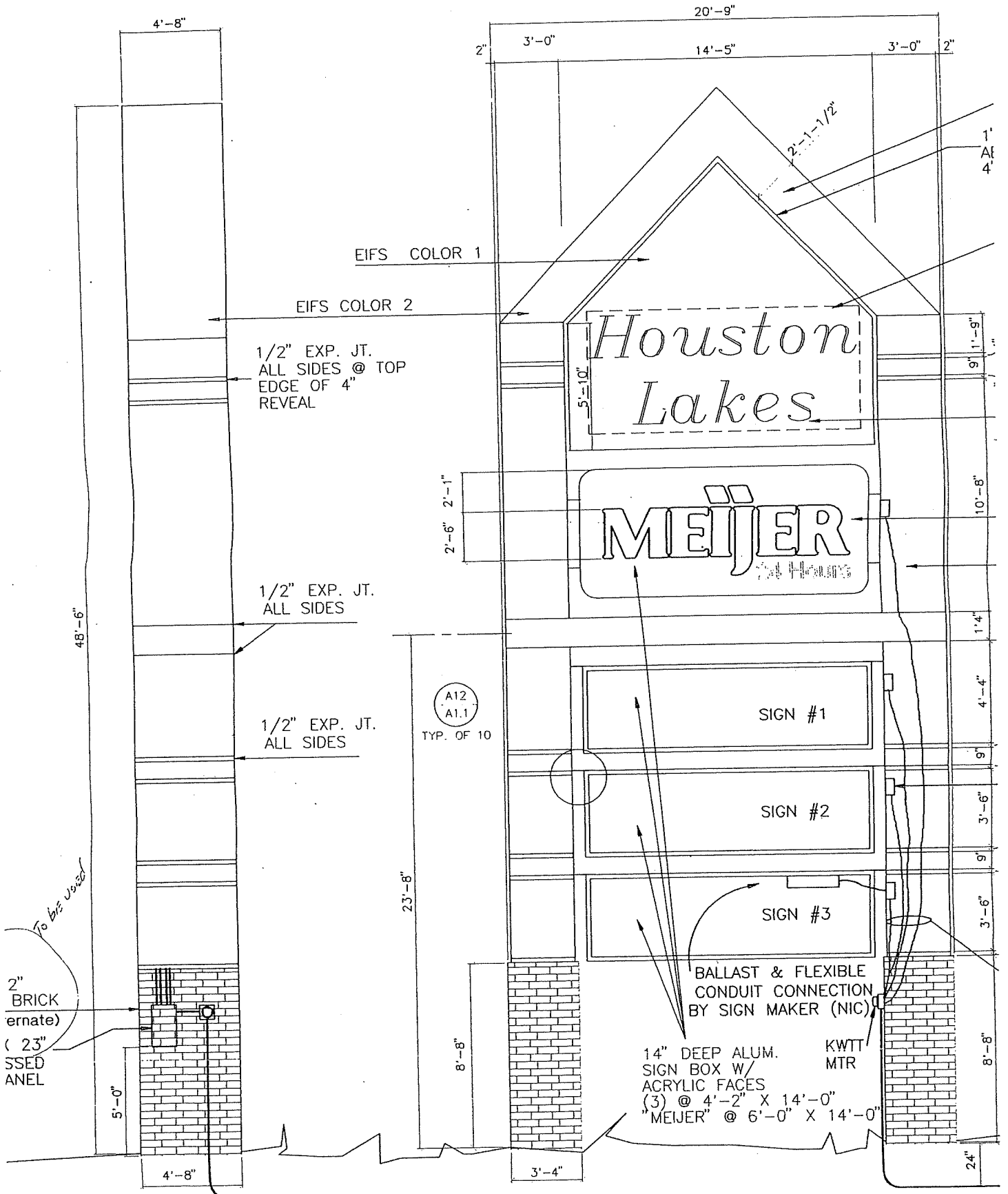
1 inch = 500 feet



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



9/1/94 Sign Permit

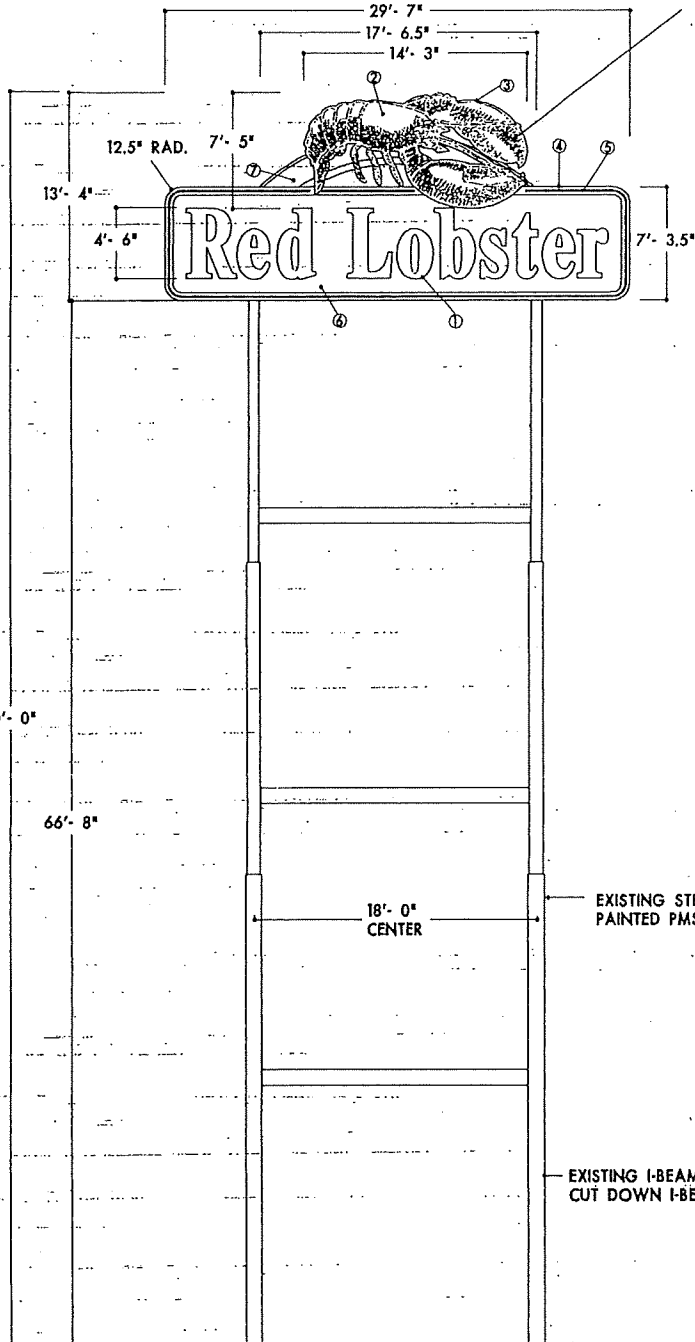


**GENERAL SPECIFICATIONS RL/P400  
(DOUBLE-FACED ILLUMINATED SIGN)**

*STUBS  
SKIPPED  
SEPARATE*

*1-75 Pylon - HIGH RISE*

NOTE: ALL FREE STANDING SIGNS TO BE POSITIONED SO "CRITTER" ALWAYS FACES TOWARD RESTAURANT.



EXTERNAL DISCONNECT SWITCH REQUIRED FOR EACH CIRCUIT

CABINETS: CONVENTIONAL TYPE FRAMING USING 2" x 2" ANGLE IRON, WELDED CONSTRUCTION ALL FRAMING IS PAINTED WITH A QUALITY PRIMER.

FACES: SIGN FACES ARE .080 SHEET ALUMINUM WITH INTERNAL ALUMINUM ANGLE BRACING. FACE OF MAIN ID. SECTION IS TO HAVE A 3" DEEP & A 6.25" WIDE .063 ALUMINUM OPEN CHANNEL BORDER, ILLUMINATED USING 13MM SINGLE TUBE (WHITE) NEON.

LOGO: LOBSTER LOGO IS FABRICATED AS (2) SEPARATE SIGNS MOUNTED TO ARC SECTION OF SIGN. RETURNS ARE .040 ALUMINUM. BACKS ARE .063 ALUMINUM. LOGO FACES ARE .187 FLAT (CLEAR) PLEXIGLASS WITH FIRST SURFACE VINYL APPLICATION. FACE IS SECURED TO LOGO WITH 1" TRIMCAP. (SEE COLOR NOTES). LOGO IS ILLUMINATED USING A 13MM CLEAR RED NEON GRID.

MANUFACTURER'S SQ. FOOTAGE - 301.75 sq. ft.

LETTERS: "RED LOBSTER" COPY IS STANDARD 3" DEEP OPEN CHANNEL TYPE LETTER. (PAINTED WHITE CHANNELS) .040 ALUMINUM RETURNS & .063 ALUMINUM BACKS. ALL LETTERS ARE WELDED CONSTRUCTION / STAPLED & RIVETED ILLUMINATED USING DOUBLE TUBE 13MM (WHITE) NEON.

30MA HPF TRANSF.

ELECTRICAL TRANSFORMERS FOR ALL NEON ARE MOUNTED INTERNALLY, IN ACCESSIBLE LOCATIONS. SERVICE ACCESS DOORS AS NEEDED: (3) TOTAL, ENDS & BOTTOM.

PRIMARY ELECTRICAL SERVICE FURNISHED BY DEALER TO SIGN LOCATION. FINAL ELECTRICAL CONNECTION BY SIGN CONTRACTOR IF PERMITTED BY LOCAL CODE

EXISTING STEEL TO BE PAINTED PMS #404C

EXISTING I-BEAM STANDS AT 70'-0" CUT DOWN I-BEAM TO 66'-8"

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

**COLOR SPECIFICATIONS:**

1. "RED LOBSTER" COPY IS FINISHED (WHITE) INTERIOR & EXTERIOR NEON IS WHITE.
2. LOBSTER FACE FINISH USING SCOTCHCAL 3M TONING RED (P430-43) 1" SURFACE APPLICATION W/ BLACK VINYL GRAPHICS. LOBSTER ILLUMINATED W/ RED NEON GRID.
3. LOBSTER CHANNEL RETURNS BLACK.
4. INTERIOR OF CHANNEL BORDER FINISHED (GRAY) PMS #4545C. EXTERIOR ON FILLER SIDE & EXTERIOR OF FACE SIDE OF CHANNEL IS FINISHED BLACK MEDIUM GLOSS. CABINET & ARC FILLERS ARE FINISHED BLACK.
5. NEON IS WHITE.
6. BACKGROUND IS FINISHED BLUE (PMS #184222)
7. ARC COLORES WIDE BAND IS FINISHED BLUE (PMS #184522) MIDDLE BAND IS FINISHED GREY (PMS #4545C) INNER AREA & OUTLINE IS BLACK.

**ELECTRICAL SPECIFICATIONS:**

120 VOLTS  
62.40 AMPS

**THOMAS**  
SIGN & AWNING COMPANY  
4590 118TH AVENUE NORTH • CLEARWATER, FL 34622  
800-526-3325 • 813-573-7757 • FAX 813-573-0328

CLIENT	RED LOBSTER #185	DATE	12/3/96
INSTALLATION ADDRESS	7921 DREAM STREET	CITY	FLORENCE
DESIGN NUMBER	16690P400	STATE	FL
SHEET	1 OF 1	SCALE	NOTED
REVISION 1		SIZES	PT/BB
REVISION 2		ARTIST	JS
REVISION 3			
REVISION 4			

<input type="checkbox"/> APPROVED	DATE
<input type="checkbox"/> APPROVED AS NOTED	DATE
<input type="checkbox"/> REVISE & RESUBMIT	DATE

THIS DRAWING IS THE PROPERTY OF THOMAS SIGN & AWNING CO., INC. ALL RIGHTS TO ITS USE FOR REPRODUCTION ARE RESERVED BY THOMAS SIGN & AWNING CO., INC. CLEARWATER, FL

*12/16/96 Sign Permit*

*(3)*



# BOONE COUNTY PLANNING COMMISSION

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

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

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountky.org](mailto:plancom@boonecountky.org)

February 13, 2014

Mr. Justin Verst, P.E.  
Viox & Viox  
466 Erlanger Road  
Erlanger, KY 41018

FAX: 727-3293

RE: Final Determination of Review Process Relative to the *Mall Road District Study "Plan Recommendations Report"* for "Florence Heights" Subdivision, 8100 US 42, Florence, Kentucky; Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) Zone

Dear Mr. Verst:

In my initial letter dated 1/9/14, I concluded that the proposal partly fulfilled the necessary criteria for the "short review process" based on the information provided at the time. The 1/9/14 letter also outlined additional materials and information that needed to be provided so that I could fully evaluate the project per the requirements of Chapter 3 "Development Standards" and Chapter 4 "Design Requirements" of the *Mall Road District Study "Plan Recommendations Report."* As you are aware, compliance with the applicable requirements of these chapters is necessary under Criterion 4.B in the "Zoning Administrator Criteria for Determining Review Process Section" in the Study (pp. 2.4 and 2.5).

Since the 1/9/14 letter was issued, we have had several discussions and generations of revised materials to address the outstanding issues. I have also had several discussions with the developer and City of Florence representative regarding these matters. The result of these exchanges and your additional work is the revised plan dated 2/12/14 and the two explanatory letters dated 2/11/14. Based on these revised materials, I hereby approve the project for the "short review process," as it now fulfills the applicable criteria outlined in Chapter 2 of the *Mall Road District Study "Plan Recommendations Report."* The criteria are fully discussed in the 1/9/14 letter.

There are a few issues to keep in mind as the project progresses. First, as you are aware, the accessory building on Lot 3 is currently shown in the corner side yard as it is closer to Heights Boulevard than the principal building. Based on Section 3153 "Location of Accessory Structures or Use" and the "yard" definitions in Article 40 of the *Boone County Zoning Regulations*, accessory structures are not permitted in the front or corner side yard. Since this is a "black letter" location requirement under the standard zoning requirements, I am not empowered to grant any type of relief administratively and this aspect of the plan is not part of this approval. Because this is a location standard versus a "dimensional" standard, a variance through the Board of Adjustment is not a proper course for relief, as variances are only authorized for dimensional standards such as building setbacks and height under Kentucky law.


Mr. Justin Verst, P.E.  
February 13, 2014  
Page 2

Since the site is in the Planned Development (PD) overlay zone, a Concept Development Plan application can be submitted for review and approval so that this issue can be evaluated on its own merits through the public hearing procedure. This application could be submitted and processed concurrently with the Special Sign District proposal that we have discussed. Section 1500 of the zoning regulations states that "a Planned Development may vary the height, use, organization, design, intensity, size or other features of the proposed development. However, any exceptions to the normally applicable development standards in a Planned Development must be requested in writing in the Concept Development Plan application pursuant to Article 3." Alternatively, the plan can be adjusted so that the accessory structure is no longer in the corner side yard.

Second, a narrative architectural/design program for the overall subdivision was provided in the revised materials. Compliance with the architectural/design program for individual projects will be evaluated through the site plan procedure. In any potential instance of inconsistency between the program and the requirements in the *Mall Road District Study "Plan Recommendations Report"* for a specific project, the Study requirements prevail as they are the standards that were adopted by the Florence City Council through the legislative procedure.

Please call me if you have any questions.

Sincerely,



Kevin T. Wall, AICP  
Zoning Administrator  
City of Florence

KTW/vlm

cc: Kevin Costello, AICP, Executive Director  
Eric Hall, Public Services Director, City of Florence  
Josh Wice, Business & Community Development Director, City of Florence



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

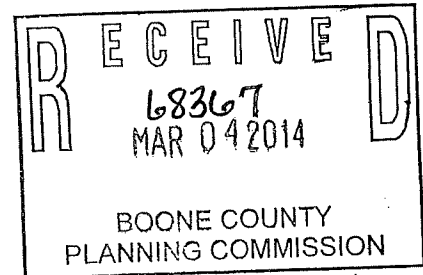
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

D&J MAIL ROAD LLC
2135 DANA AVE, SUITE 200
CINCINNATI, OH 45207

- 1. Name of Project Florence Heights
2. Location of Project Mall Road, Florence
3. Total Acreage of Site 66.75 ACRES
4. Current Zoning of Site C-2 / PD / MR
5. Proposed Zoning (Classification being requested) C-2 / PD / MR Special Sign District
6. Proposed Uses (please specify each use) Commercial center with additional signage
7. Names of Applicant(s) Anchor Properties, Inc.
8. Address of Applicant(s) 128 E. Second Street
9. Name of Property Owner(s) Joseph and Sue Kate Berkshire
10. Address of Property Owner(s) 7414 U.S. Highway 42
11. Proposed Building Intensities (please specify) The project meets the objectives of the Mall Road Overlay District.
12. Are there any existing buildings on the site? No
13. Deed Book 149, 981 Page No. 120, 920 Group No. 20408
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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



**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Janet Kegley, Chairwoman

**DATE:** June 4, 2014

**RE:** Request of **Anchor Properties (applicant)** for **Joseph Berkshire and Kate Berkshire and D & J Mall Road LLC (owners)** for a Zoning Map Amendment for a Special Sign District for a 66.75 acre site located at 8100 US 42 and the southeast corner of the Mall Road/Heights Boulevard intersection, Florence, Kentucky. The request is for a Special Sign District in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone to allow alternative signage.

**REMARKS:**

We, the Committee, recommend approval of the above referenced application based on the following findings of fact:

Findings of Fact

1. Section 3400 of the Zoning Regulations states the intent of the sign article is to encourage the innovative use of design through Special Sign Districts. Furthermore, this article is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. Lastly, this article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.
2. The request is in accord with the Section 3440 of the Zoning Regulations. This section states the purpose of a special sign district is to allow an applicant to create sign standards for a specific district. "The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development."
3. The Committee has concluded that the Zoning Map Amendment for a Special Sign District is in agreement with the 2010 Boone County Comprehensive Plan. The Land Use Element's Future Land Use Development Guidelines state that developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The

objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 164).

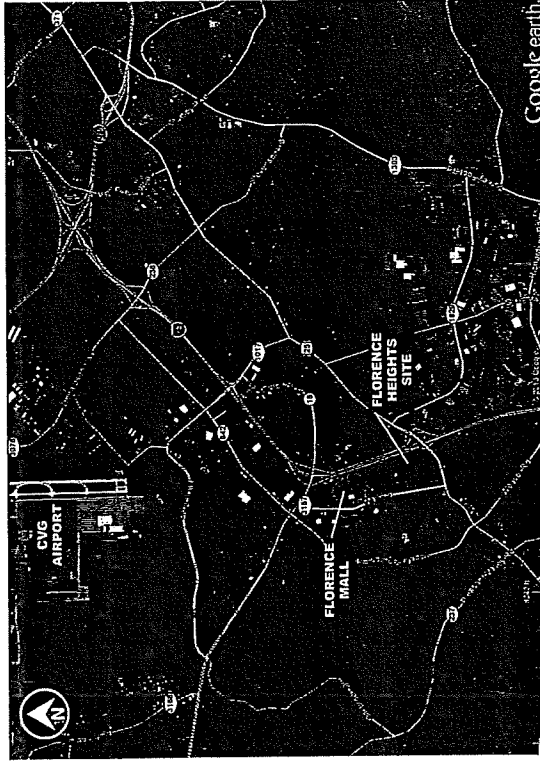
The Committee determined the Mall Road Overlay Sign District did not contemplate a retail development of this size being proposed with extensive freeway frontage and that the purpose of the Sign District is to respond to a special circumstance of development. The proposed signs will adequately identify the development but not be used as a means to compete for motorist attention. The Committee analyzed the following information in making this determination:

- A. The development freestanding sign proposed at the intersection of US 42 and Heights Boulevard complies with the height and square footage requirements of the Mall Road Overlay Sign District. The sign code allows up to a 20' tall, 200 square foot architectural freestanding sign and the proposed sign is 20' tall and 156 square feet in area.
  - B. The development freestanding sign proposed at the intersection of Mall Road and Heights Boulevard is 24' tall and 231 square feet in area. The added height and square footage will allow Transit Authority of Northern Kentucky (TANK) the possibility to advertise on the sign.
  - C. The applicant provided cross section details at the April 16, 2014 Zone Change Committee meeting for the Interstate sign (see attachments). The cross sections show that the bottom of the sign cabinets need to be a minimum of 22' up in the air to be visible from the US 42 exit on northbound I-71/75. The cross sections resulted in the overall sign height being reduced to 65' (bottom of the sign cabinets will be approximately 27' up in the air).
  - D. The freestanding signs proposed at the development entrances meet the architectural freestanding sign definition because they have artistic characteristics. These signs will also contain wall or base features that are constructed with matching masonry.
  - E. The overall sign package will allow motorists to identify the subdivision and individual businesses quickly and eliminate confusion if they are unfamiliar with the subdivision.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and Section 3440 of the Boone County Zoning Regulations. The applicant and property owners have signed a letter demonstrating agreement with these conditions.

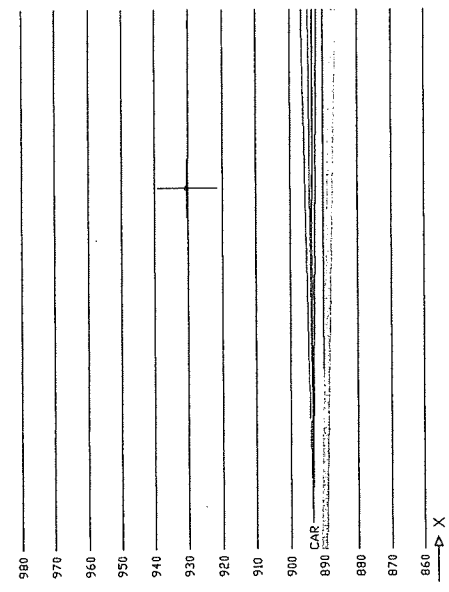
Conditions

1. The approval is based on all submitted information including the "Master Streetscape Plan" and sign drawings that were shown at the April 2, 2014 public hearing with the following modifications:
  - A. The "Heights Boulevard Entry Sign" shown on the D & J Mall Road LLC property shall be constructed per the attached exhibit. The exhibit shows the sign is 24' tall and 231 square feet in area.
  - B. The Interstate sign shown on lot 5 of Florence Heights Subdivision shall be limited to an overall height of 65 feet.
2. The "Mall Road Entry Sign, "US 42 Entry Sign", and "Heights Boulevard Entry Sign" shown on lots 1 and 7 of Florence Heights Subdivision and the D & J Mall Road property are shown with associated decorative masonry walls or bases. These walls and bases shall be required elements and be constructed generally per the attached exhibits. The Zoning Administrator shall determine if the final wall and base designs are generally consistent with the exhibits.
3. Electronic signage shall not be permitted on any architectural freestanding, interstate, directional, or outlot sign.

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

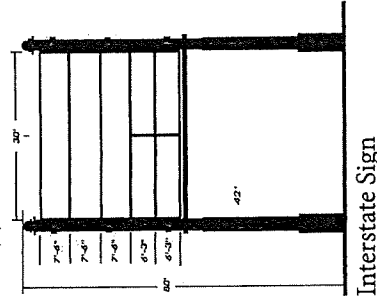


Vicinity Map - Commercial Corridor



Cross Section at Car Prior to Ramp

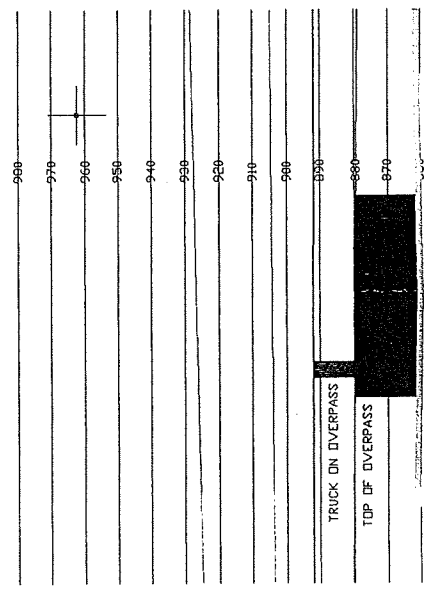
Tenant Panels for Florence Heights, Lots 1 - 5, 7, 8, and D&J Mall Road LLC Lot (Neyer).



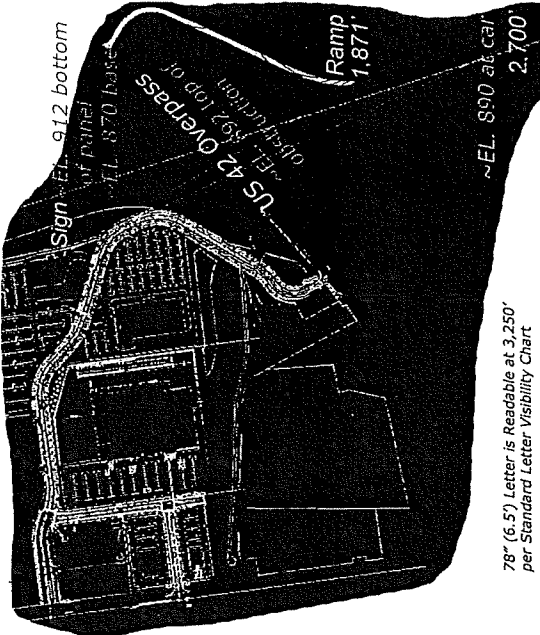
Interstate Sign



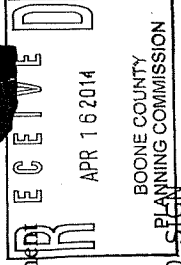
Interstate Street View - Northbound



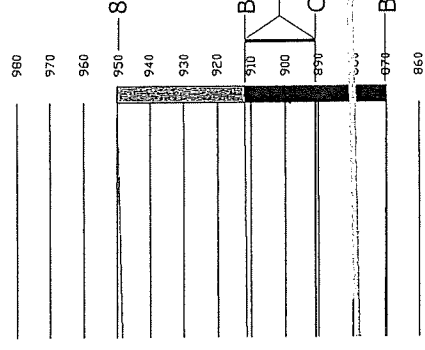
Cross Section at Obstruction



78" (6.5') Letter is Readable at 3,250' per Standard Letter-Visibility Chart



Plan View - Ramp to Development



Total Cross Section

# Proposed Retail Development

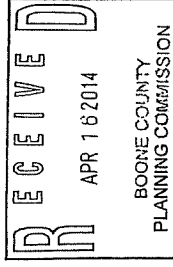
Proposed  
 N.W.C. Interstate 75 / 71 & U.S. 42  
 Florence, Kentucky  
 41042



Graphic Scale Horizontal & Vertical

April 15, 2014

U.S. 42 Overpass



Point of Sight

Sign

1,000			1,000
900			900
800			800

Top of Panel = 950

Bottom of Panel = 912  
 Ground = 870

Top of Overpass = 881

Top of Obstruction = 892

# Highway Signage Cross - Section

Anchor  
 Properties  
 128 East Second Street  
 Covington, KY 41011-1742  
 (859) 491-3300



Job Name:  
**MALL RD.  
 DEVELOPMENT**  
 Job Location:  
**Mall Rd. and  
 Heights Blvd.**  
 Design No.:  
**EasPa-1300**  
 Date:  
**11 12 13**  
 Scale:  
**See Dwg. for Dimensions**  
 Notes

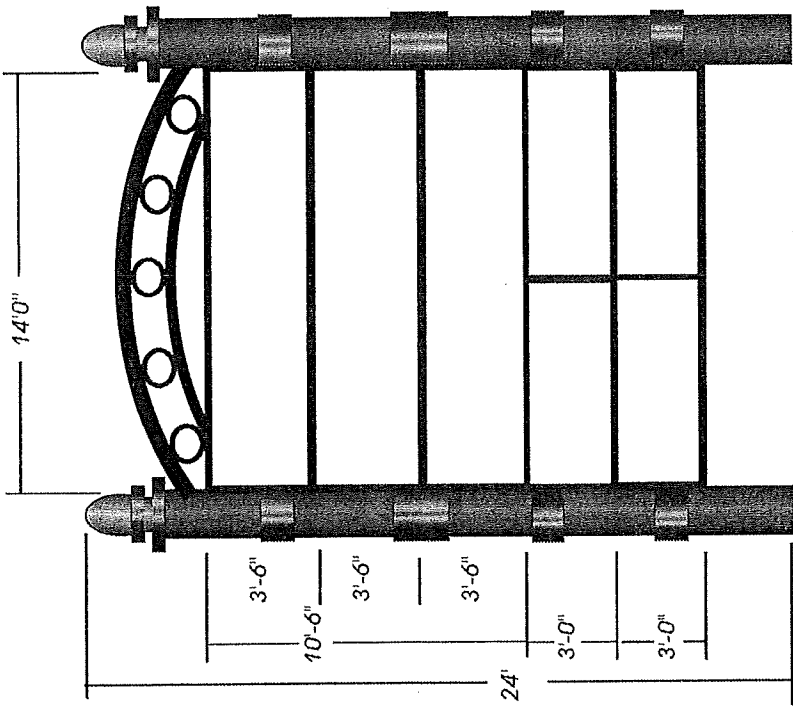
**DESIGN INTENT DRAWING**  
 These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contracted sign fabricator and installer shall accept sole and final responsibility for all final materials selection, engineering details, fabrication 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 design herein are prepared under U.S. Copyright Law and are the property of Preferred Resources of the Burlington, KY area. All rights reserved. No part of this drawing may be reproduced or used in any manner without the expressed written consent of Preferred Resources of the Region.

**preferred resources**  
 P.O. Box 381  
 5769 Vice Lane  
 Burlington, KY 41005  
 (859) 466-2894

Sheet No. **3301**

**R E C E I V E D**  
**APR 15 2014**  
**BOONE COUNTY  
 PLANNING COMMISSION**



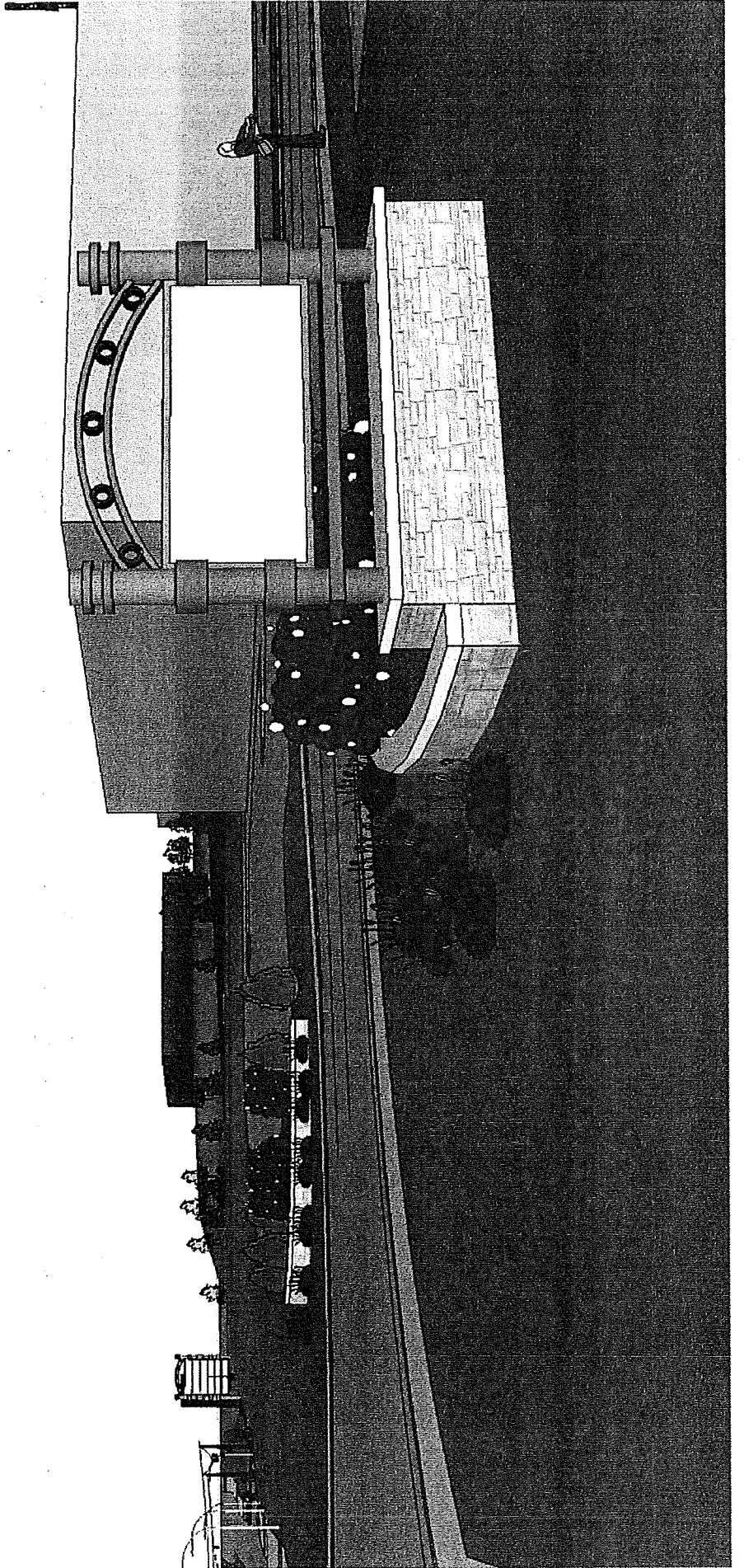
**Extended  
 Stone Wall**



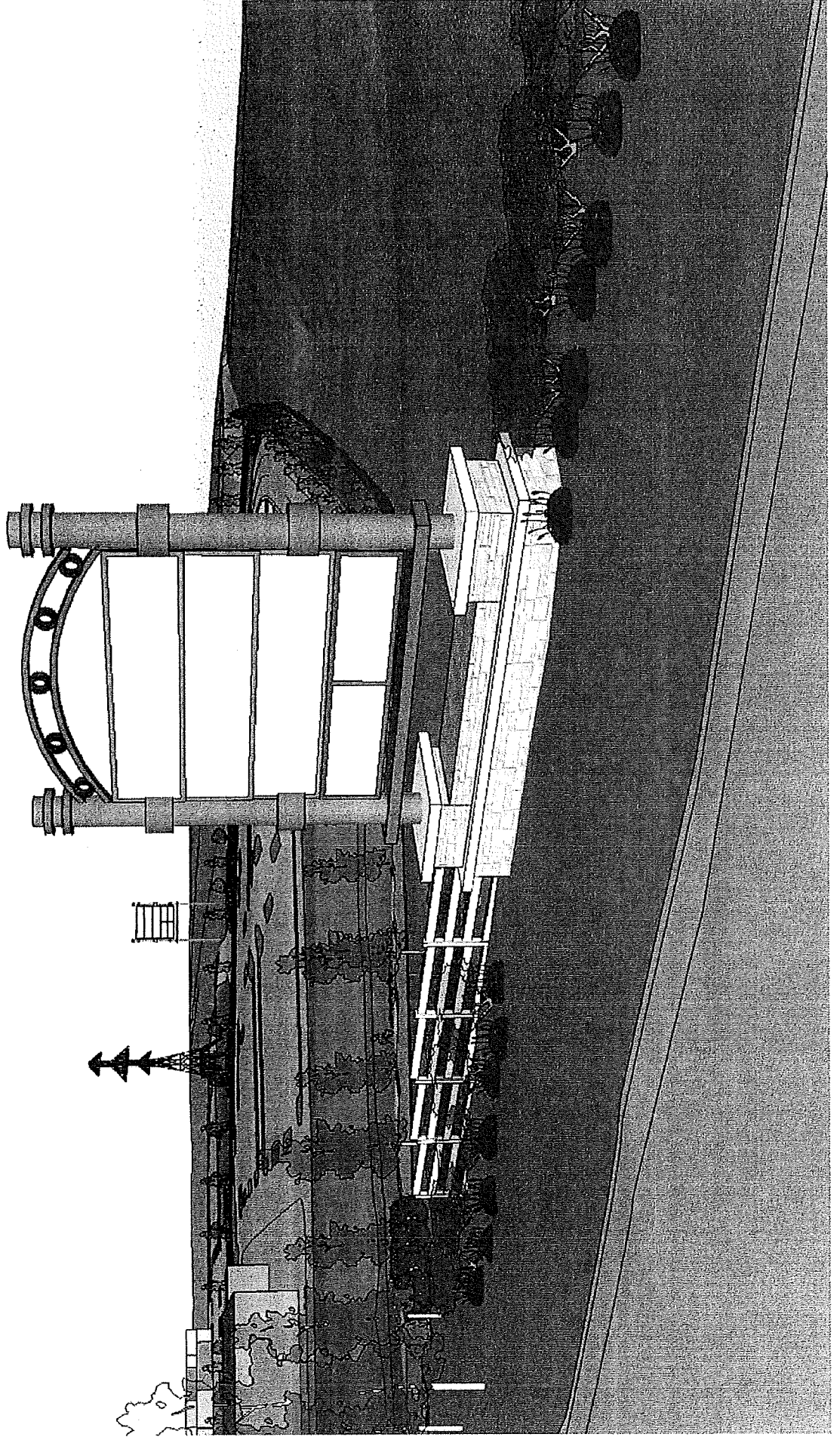
**Heights Blvd**  **Energy Sign**

rev 02 25 14  
 rev 02 28 14  
 rev 04 16 14

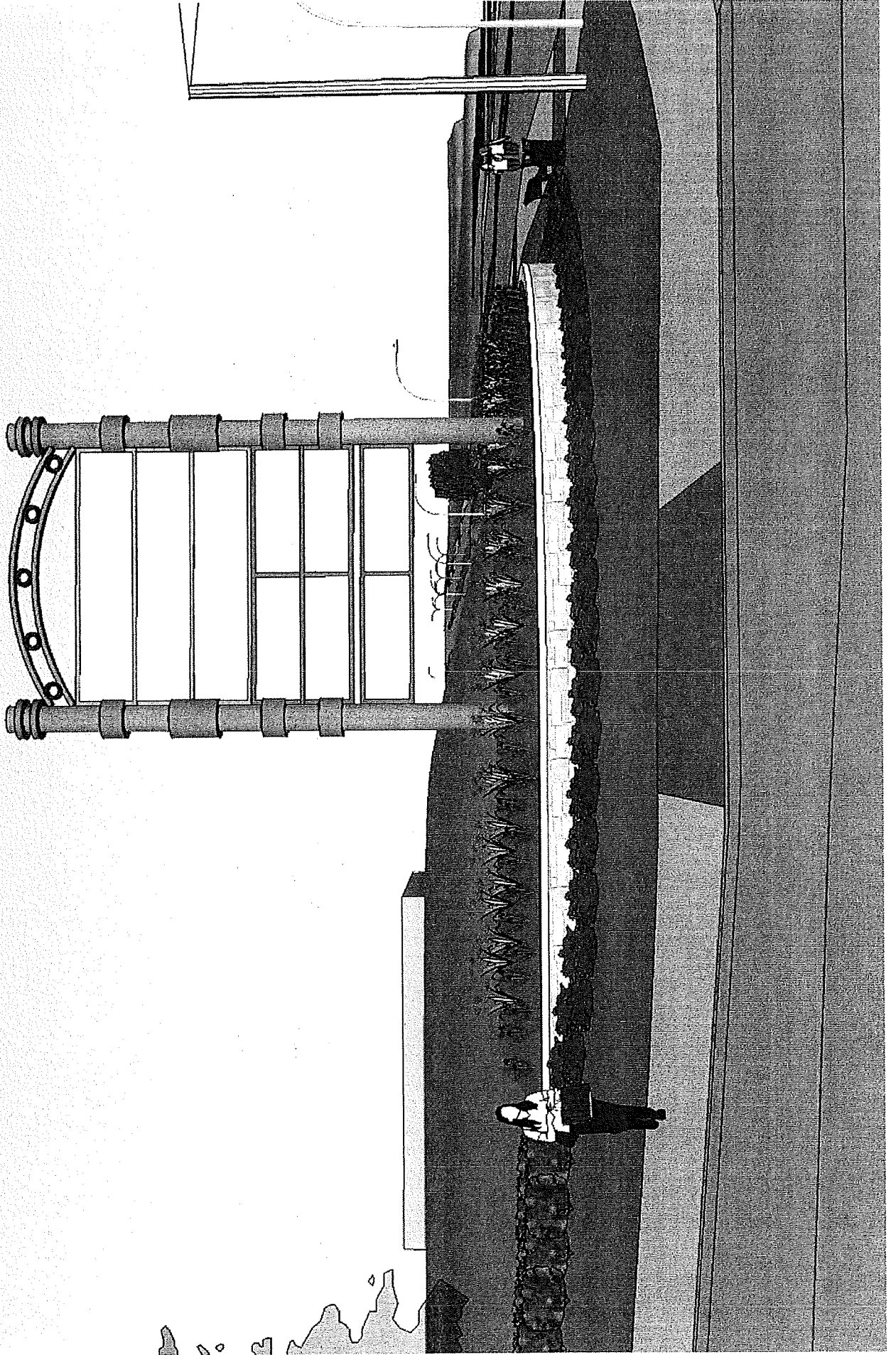
**MALL ROAD ENTRY SIGN – LOT 1, FLORENCE HEIGHTS SUBDIVISION**



**US 42 ENTRY SIGN - LOT 7, FLORENCE HEIGHTS SUBDIVISION**



**HEIGHTS BOULEVARD ENTRY SIGN – D & J MALL ROAD LLC PROPERTY**



## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: April 16, 2014

RE: **ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Todd Morgan, Staff**

Request of **Anchor Properties (applicant)** for **Joseph Berkshire and Kate Berkshire and D & J Mall Road LLC (owners)** for a Zoning Map Amendment for a Special Sign District for a 66.75 acre site located at 8100 US 42 and the southeast corner of the Mall Road/Heights Boulevard intersection, Florence, Kentucky. The request is for a Special Sign District in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone to allow alternative signage.

### REMARKS:

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

**Berkshire - D&J Mall Road, LLC**

April 16, 2014

\_\_\_\_\_

**Ben Brandstetter**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_ *Greg Breetz*

**Greg Breetz**

For Project  Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_ *Kim Bunger*

**Kim Bunger,**

For Project  Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_ *Janet R. Kegley*

**Janet Kegley, Chairwoman**

For Project  Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Susan Schultz**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Charlie Reynolds (Alternate)**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Mark Hicks (Alternate)**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Jim Longano (Alternate)**

For Project \_\_\_ Absent \_\_\_

Against Project \_\_\_

Abstain \_\_\_ Deferred \_\_\_

**TOTAL:** \_\_\_ DEFERRED 3 FOR PROJECT \_\_\_ ABSENT

\_\_\_ AGAINST PROJECT \_\_\_ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
APRIL 2, 2014  
7:30 P.M.**

---

**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  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

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

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen called the Public Hearing to order at 7:40 P.M. and introduced the first item on the Agenda:

**ZONING MAP AMENDMENT - Todd Morgan, Staff**

1. Request of **Anchor Properties (applicant)** for **Joseph Berkshire and Kate Berkshire and D & J Mall Road LLC (owners)** for a Zoning Map Amendment for a Special Sign District for a 66.75 acre site located at 8100 US 42 and the southeast corner of the Mall Road/Heights Boulevard intersection, Florence, Kentucky. The request is for a Special Sign District in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone to allow alternative signage.

Staff Member, Todd Morgan presented the Staff Report (see Staff Report) which included a Powerpoint presentation. The site is located on Mall Road and U.S. 42. It includes a 1.6 acre site owned by D & J Mall Road, LLC and a 65.18 acre site owned by the Berkshires. The applicant is requesting a Zoning Map Amendment to establish a Special Sign District. The Berkshire property will become a commercial subdivision called Florence Heights. The applicant submitted an overall Concept Development Plan showing the proposed signage. The first sign is located on the D & J property. It is a 31 foot tall, 336 square foot architectural free standing sign. The base of the sign is located behind a stone entrance feature that is about 6 feet tall. Businesses located on lots 1, 2, 3, 4, 5, 7, and 8 of Florence Heights, the D & J Mall Road property, and TANK will advertise on the sign. The second sign is 10 foot tall, 32 square foot architectural free standing sign that is located at the A Street/Mall Road intersection. It would advertise lot 3 of Florence Heights Subdivision. The next 2 signs are 7 foot tall, 26.25 square foot internal directional signs. They will be located along portions of Heights Boulevard. They would advertise lots 1 - 5 of Florence Heights Subdivision. The next sign is an 80 foot tall, 1,050 square foot interstate sign on lot 5. The tenant panels will include signage for lots 1, 2, 3, 4, 5, 7, and 8 of Florence Heights Subdivision and the businesses on the D & J Mall Road property. The last sign is a 20 foot tall, 156 square foot architectural free standing sign located at the Heights Boulevard and U.S. 42 intersection. The base of the sign will include stone. The tenant panels will advertise the businesses located on lots 1 - 5 of Florence Heights Subdivision. The applicant is also seeking permission to have outlet signs on parcels that have a free-standing sign. This is typically not allowed in the Mall Road District sign code. It would allow extra outlet monument signs on the D & J Mall Road property and lots 1, 5, and 7 of Florence Heights Subdivision. Menards is planned to be located on lot 3 and Costco will be located on lot 5. Mr. Morgan referenced the applicable sign regulations on pages 2 and 3 of the Staff Report. The Mall Road Overlay District sign code states that commercial subdivisions or shopping centers are permitted a density of one free standing sign that is up to 20 feet in height and 200 square feet in area. In addition, any parcel or outlot can have an outlot sign if a free standing sign isn't located on the same lot. Such outlot signs cannot be more than 8 feet in height and 60 square feet in area. The building materials for the sign have to match the materials of the building on the lot. Mr. Morgan referenced to the site history on page 6 of the Staff Report. To date, only a Preliminary Plat and an Improvement Plan for the subdivision have been submitted for review before the Planning Commission.

Mr. Morgan stated that the zoning of the property is Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). Mr Morgan showed photographs of the site and adjoining properties. The Comprehensive Plan forecasts the property to be used for commercial purposes. In regards to Staff Comments, Mr. Morgan stated that the site is located within the limits of the Mall Road District Study. Staff acknowledges that the Mall Road Overlay Sign District did not contemplate a retail development of the size being proposed with extensive

freeway frontage. Staff remains concerned about the number of free standing signs that could be located along Mall Road. The subject properties have 1,015 feet of frontage along Mall Road and there already is a free-standing serving Crossroads Church and Pep Boys. The following signs would be permitted along Mall Road if the request is approved:

- 31' tall, 336 square foot freestanding sign on the D & J Mall Road property.
- 8' tall, 60 square foot outlot monument sign on the D & J Mall Road property.
- 10' tall, 32 square foot freestanding sign on lot 1 of Florence Heights Subdivision.
- 8' tall, 60 square foot outlot monument sign on lot 1 of Florence Heights Subdivision.
- 8' tall, 60 square foot outlot monument sign on lot 2 of Florence Heights Subdivision.

Both of the proposed freestanding signs along Mall Road are shown behind entrance walls. Staff would like the applicant to address the following: (1) What are the heights of the walls? (2) Is any signage proposed on the walls? Staff would like the applicant to explore the possibility of reducing the height and square footage of the freestanding sign located at the Mall Road/Heights Boulevard intersection (D & J Mall Road property). The Mall Road Overlay Sign District limits architectural freestanding signs which advertise shopping centers, mixed use commercial, commercial subdivisions, or planned developments to 20' in height and 200 square feet in area. Staff is also concerned about the height (80') and area (1,050 square feet) of the proposed interstate sign. Staff would like the applicant to do some sight line studies to see how far away the sign would be visible and readable. Staff believes that the height and area of the sign are excessive. Customers traveling on the Interstate will be able to get to the subdivision by using the KY 18 or US 42 exits. Customers will know how to get the subdivision after they visit it one time.

In addition, Staff researched some other signs in the area for comparison purposes. This comparison appears below:

Houston Lakes Subdivision Interstate Sign

The September 1, 1994 Sign Permit shows the sign is 48'-6" tall and 422.89 square feet in area (square footage was computed by using the current regulations).

Red Lobster Sign on Dream Street

The December 16, 1996 Sign Permit shows that the sign is 80' tall.

The Mall Road Overlay Sign District requires an architectural freestanding sign which identifies a commercial subdivision to have a base constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. A second option is for the pole structure(s) to have sculptural or artistic characteristics. Lastly, a monument sign may be substituted as the permitted freestanding sign. The base of the monument sign shall be constructed with materials, colors, and design details which match or correlate to one of the principal buildings on site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Staff would like the applicant to address how the three freestanding signs meet this standard. Staff would recommend that more masonry, detailing, or artistic characteristics be added to all three signs. The Special Sign District request does not affect the amount of building mounted signage that is permitted in the development.

The Boone County Planning Commission and City of Florence should analyze the following passages from the Boone County Zoning Regulations and Boone County Comprehensive plan before acting on the request:

(1) Section 3440 of the Zoning Regulations states that the purpose of a Special Sign District shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development. (2) Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 164).

In conclusion, the request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment and Sections 3340 (Special Sign Districts) of the zoning regulations.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Mike Ricke, Anchor Properties, stated that his company is the developer of the project. The proposed sign package is critical to the success of the project. It not only identifies the proposed uses but also affects the traffic patterns. KY 18, U.S. 42, and Mall Road carry a considerable amount of traffic. The purpose of the sign package is to promote efficient and effective traffic patterns in the area. The development is a retail subdivision comprising three very large tenants - Costco, Menards and 1 remaining tenant. There will be 2 outlots along Mall Road, hopefully restaurants. Mr. Ricke stated that they are going to construct about one mile of street. Heights Boulevard will be extended east then south on the site. There will be a new access point of U.S. 42. There will also be 2 other public roads built on the site. Traffic from south-bound I-75 can take the U.S. 42 exit, turn left and then turn right into the site without going onto Mall Road. A second entrance off Mall Road is needed due to the expected amount of traffic. This entrance will be signalized and signage is needed. The whole benefit of the signage is to move traffic within the area and have less burden on Mall Road and U.S. 42.

In response to a question from Chairman Rolfsen, Mr. Ricke responded that the curb cut off U.S. 42 will be right in and right out. Mr. Ricke identified lots 7 and 8 located near the U.S. 42 entrance. Heights Boulevard will split the 2 lots. Mr. Ricke stated that he wasn't sure if the lots are large enough to develop. They are questionable lots.

Mr. Longano inquired whether lots 1, 2, 7 and 8 would get the small areas on the proposed interstate sign? Mr. Ricke replied yes.

Mr. Brock McKay, Viox and Viox, PSC, stated that he was a landscape architect. The proposed signs are part of the overall project streetscape. Uniform signage creates a commercial campus appearance. They are attempting to tie everything together by using like materials at the top of

the signs. The proposed free-standing sign at U.S. 42 and Heights Boulevard will have up to 10 different users. This sign will be a gateway to the development. There will be an extensive corner treatment. There will be no lettering on the proposed stone wall. It will have a layered landscaping look to it. The proposed wall will be 3 - 4 feet in height and not 6 feet as indicated on the drawing. The second entrance along Mall Road will have landscaped features on both corners that will include stone walls. It is another gateway feature. The U.S. 42 entrance will have a sign that will catch people from the I-75/U.S. 42 exit. It is a smaller sign to accommodate the larger users only. The proposed interstate sign has been designed based on no exit to Mall Road from north-bound I-75. If you miss the U.S. 42 exit, you will have to exit at KY 18. Based upon a standard letter sizing chart and the distance of the sign from the ramp, which is approximately 1,871 feet and distance of choice of 2,700 feet, the letter size is appropriate. In designing this sign, one must also consider the U.S. 42 overpass and truck traffic. The design target is trying to achieve a sign height that is readable at a distance before the U.S. 42 ramp and clear from truck traffic on the overpass. They are also proposing 2 internal directional signs. One will be located at the intersection of "B" street and Heights Boulevard. The other one will be at the confluence of the Costco and Menards entrances. The applicant also wants to retain the right to have a monument sign for branding purposes. Mr. McKay showed a model video of the various signs.

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

Mr. Keith Laws, Gunpowder Properties, noted that he owns the property at 8076 U.S. 42. He stated that he is neither for or against the project. He expressed a concern about the right in and out entrance off U.S. 42. People will be turning around on the side streets and other businesses along U.S. 42 to get back to I-75 since no left turns will be allowed from the U.S. 42 entrance. Mr. Costello mentioned that the Kentucky Transportation Cabinet will determine how the right in and right out is designed and its impact on adjoining properties. The applicant will be required to obtain an encroachment permit. Mr. Laws stated his concern that people will turn right from the proposed development into his site which has a traffic signal to turn around to go back to I-75.

At this time, Chairman Rolfsen asked if the Board members had any questions or comments?

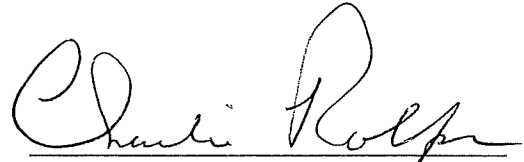
Mr. Steve Turner inquired when will the applicant know about the viability of lots 7 and 8? Mr. Ricke responded that they should know about the viability of the lots within the next 30 days. They could remove 2 tenant panels for the sign if the lots are not viable.

Mr. McMillian asked whether the second Mall Road access point (A Street) is right in and right out? Mr. Ricke replied that is currently right in and right out. However, they intend to cut into the median to install a left turn lane and convert it to full access with a traffic signal. Mr. Ricke stated that their traffic study recommended that it be a full access to better manage traffic.


Mr. Reynolds asked whether the applicant was requesting any electronic message boards? Mr. Ricke responded no.

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 8:18 P.M.

APPROVED:

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director

# SUPPORTING INFORMATION



# BOONE COUNTY PLANNING COMMISSION

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

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

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

April 23, 2014

Mr. Mike Ricke  
Anchor Properties  
128 E. Second Street  
Covington, KY 41011

RE: Request of Anchor Properties (applicant) for Joseph Berkshire and Kate Berkshire and D & J Mall Road LLC (owners) for a Zoning Map Amendment for a Special Sign District for a 66.75 acre site located at 8100 US 42 and the southeast corner of the Mall Road/Heights Boulevard intersection, Florence, Kentucky. The request is for a Special Sign District in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone to allow alternative signage.

Dear Mr. Ricke:

The following represents the conditions of approval for the above referenced Zoning Map Amendment for a Special Sign District as agreed to by you and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. The signature lines on the last page of this letter must be signed by you and the current property owners to show agreement with the listed conditions. Please return this letter with the original signatures to the Boone County Planning Commission office by May 6, 2014.

## CONDITIONS

1. The approval is based on all submitted information including the "Master Streetscape Plan" and sign drawings that were shown at the April 2, 2014 public hearing with the following modifications:
  - A. The "Heights Boulevard Entry Sign" shown on the D & J Mall Road LLC property shall be constructed per the attached exhibit. The exhibit shows the sign is 24' tall and 231 square feet in area.
  - B. The Interstate sign shown on lot 5 of Florence Heights Subdivision shall be limited to an overall height of 65 feet.

Mr. Mike Ricke  
April 23, 2014  
Page 2

2. The "Mall Road Entry Sign, "US 42 Entry Sign", and "Heights Boulevard Entry Sign" shown on lots 1 and 7 of Florence Heights Subdivision and the D & J Mall Road property are shown with associated decorative masonry walls or bases. These walls and bases shall be required elements and be constructed generally per the attached exhibits. The Zoning Administrator shall determine if the final wall and base designs are generally consistent with the exhibits.
3. Electronic signage shall not be permitted on any architectural freestanding, interstate, directional, or outlot sign.

Sincerely,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

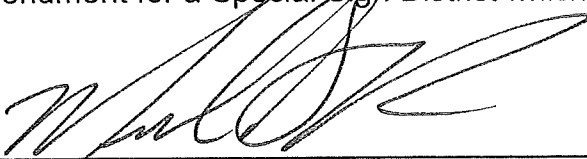
TKM/tlb

cc: Brock MacKay, Viox & Viox

Mr. Mike Ricke  
April 23, 2014  
Page 3

AGREEMENTS

I, Mike Ricke, do hereby agree to the listed conditions of approval for the Zoning Map Amendment for a Special Sign District which is described in this letter.



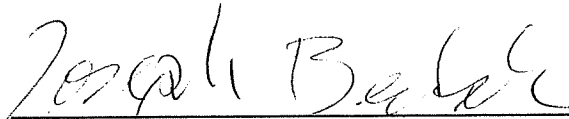
4-30-14

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Mike Ricke  
Anchor Properties, Inc.

Date

I, Joseph Berkshire, do hereby agree to the listed conditions of approval for the Zoning Map Amendment for a Special Sign District which is described in this letter.



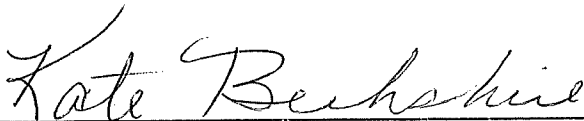
6-2-14

---

Joseph Berkshire

Date

I, Kate Berkshire, do hereby agree to the listed conditions of approval for the Zoning Map Amendment for a Special Sign District which is described in this letter.

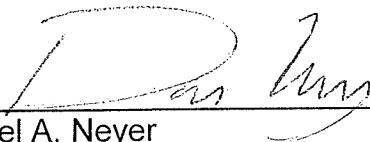


---

Kate Berkshire

Date

I, Daniel A. Neyer, do hereby agree to the listed conditions of approval for the Zoning Map Amendment for a Special Sign District which is described in this letter.



5-30-14

---

Daniel A. Neyer  
D&J Mall Road LLC (Neyer Properties Inc.)

Date

## DESCRIPTION 66.75 ACRES

Located in Boone County, Kentucky, lying on the north side of U.S. Highway 42, the west side of Interstate 75, the east side of Mall Road and the south side of Heights Boulevard and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based upon Kentucky State Plane Coordinate System, North Zone, NAD83.

Beginning at an iron pin (set) in the north right-of-way line of U.S. Highway 42, 60.00 feet as measured perpendicular to the centerline, at the common corner of Joseph Berkshire (Deed Book 149, page 120) and Guy M. Duran (Deed Book 612, page 135); thence with the common line of Berkshire, Duren and Gunpowder Partners, LLC (Deed Book 968, page 536) N 27°59'21" W 413.86 feet to an existing iron pin and cap stamped PLS 3834; thence N 83°08'20" W 303.76 feet to an existing iron pin and cap stamped PLS 3834; at the common corner of Berkshire and Rolling Ridge Properties, LLC (Deed Book 865, page 532); thence with the common line of Berkshire and Rolling Ridge Properties, LLC, N 86°15'05" W 319.55 feet to an existing iron pin; thence N 86°09'34" W 413.06 feet to an existing spike in a corner post at the common corner of Berkshire and Toebben Building and Development (Deed Book 240, page 257); thence with the common line of Berkshire and Toebben Building and Development N 00°45'42" E 32.04 feet to an iron pin (existing); thence S 84°15'12" W 282.50 feet to a point in the east right-of-way line of Mall Road; thence with said right-of-way line N 07°11'22" W 42.50 feet to an existing iron pin; thence S 82°48'32" W 100.00 feet to an iron pin (set); thence N 07°11'28" W 617.19 feet to an existing iron pin and cap stamped PLS 3001 at the common corner of Berkshire and D & J Mall Road, LLC (Deed Book 981, page 920); thence continuing with said right of way line N 07°06'39" W 400.00 feet to a point at the right-of-way intersection of Mall Road and Heights Boulevard; thence with the right-of-way line of Heights Boulevard N 82°53'21" E 175.00 feet to a point at the common corner of D & J Mall Road, LLC and Transit Authority of Northern (Deed Book 981, page 912); thence with the common line of D & J Mall Road, LLC and Transit Authority of Northern Kentucky S 07°06'39" E 400.00 feet to a point at the common corner of Berkshire and Transit Authority of Northern Kentucky; thence with the common line of Berkshire and Transit Authority of Northern Kentucky N 82°53'21" E 260.60 feet to an existing iron pin and cap stamped PLS 2915, 3275, 3238; thence N 07°06'39" W 350.00 feet to an existing iron pin at the common corner of Berkshire and Crossroads Community Church, Inc. (Deed Book 990, page 649) also known as Parcel C of Heights Subdivision (Plat Slide 237B); thence with the common line of Berkshire and Parcel C N 82°58'52" E 207.96 feet to an existing iron pin and cap stamped PLS 3613, in the south right-of-way line of Heights Boulevard. 25.00 feet as measured perpendicular to the centerline; thence with said south right-of-way line N 82°58'52" E 405.74 feet to an existing iron pin and cap stamped PLS 3613; thence N 07°01'08" W 50.00 feet to an existing iron pin and cap stamped PLS 2316 at the common corner of Berkshire and Crossroads Community Church, Inc. (Deed Book 990, page 649), also known as Parcel A of Heights Subdivision; thence with the common line of Berkshire and Parcel A N 07°01'08" W 719.84 feet to an existing iron pin and cap stamped PLS 2316 in the right-of-way line of the northbound on ramp to Interstate 75; thence with said right-of-way line N 82°54'52" E 424.68 feet to a point; thence S 75°16'56" E 107.70 feet to a point; thence N 80°24'57" E 59.55 feet to a point; thence S 79°28'07" E 257.57 feet to a point in the west right-of-way line of Interstate 75; thence with said right of way S 11°30'23" E 703.49 feet to an iron pin (set); thence S 10°56'22" E 201.21 feet to an iron pin (set); thence S 16°50'06" E 150.00 feet to an iron pin (set); thence S 26°18'26" E 363.37 feet to an iron pin (set); thence S 04°15'36" W 73.20 feet to an iron pin (set); thence S 26°47'43" W 130.57 feet to an iron pin (set); thence S 12°33'07" W 69.13 feet to an iron pin (set); thence S 35°47'09" W 200.54 feet to an iron pin (set); thence S 15°27'51" W 402.59 feet to an iron pin (set); thence S 50°27'40" W 148.48 feet to a MAG Nail with washer stamped PLS 3357 (set); thence S 39°32'20" E 40.00 feet to an iron pin (set); thence S 50°27'40" W 54.82 feet to the point of beginning containing 66.75 acres.

**CITY OF FLORENCE, KENTUCKY**  
**SUMMARY OF ORDINANCE NO. 0-19-14**

The City of Florence, Kentucky, enacted on second reading Ordinance No. on 0-19-14, 2014. The title of this Ordinance is as follows:

**ORDINANCE NO. 0-19-14**

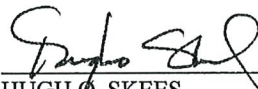
**AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 66.75 ACRE SITE LOCATED AT 8100 US 42 AND THE SOUTHEAST CORNER OF THE MALL ROAD/HEIGHTS BOULEVARD INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW ALTERNATIVE SIGNAGE. (ANCHOR PROPERTIES/BERSKSHIRE PROPERTY)**

The effect of this Ordinance is to allow a zoning map amendment for a Special Sign District in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone, which would allow alternative signage, subject to conditions as approved in this Ordinance. This Ordinance does not change the zoning of the site, but approves a zoning map amendment for a Special Sign District based on its current zoning.

The full text of Ordinance No. 0-19-14, including its Exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, during regular office hours.

**CERTIFICATION**

I hereby certify that the foregoing is a summary of the contents of Ordinance No. and that it has been prepared by me on the 20<sup>th</sup> day of June, 2014, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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

ORDINANCE NO. 0-17-14

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 66.75 ACRE SITE LOCATED AT 8100 US 42 AND THE SOUTHEAST CORNER OF THE MALL ROAD/HEIGHTS BOULEVARD INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW ALTERNATIVE SIGNAGE. (ANCHOR PROPERTIES/BERSKSHIRE PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended approval of a zoning map amendment for a Special Sign District in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone to allow alternative signage, for a 66.75 acre site located at 8100 US 42 and the southeast corner of the Mall Road/Heights Boulevard Intersection, Florence, Kentucky, and

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

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

**SECTION I**

That the zoning map amendment to establish a Special Sign District for property zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) for the 66.75 acre site located at 8100 US 42 and the southeast corner of the Mall Road/Heights Boulevard Intersection, Florence, Kentucky, shall be and is hereby approved.

The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the zoning map amendment for this subject property.

**SECTION II**

This approval of this zoning map amendment and the Special Sign District is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-14-013-A of the Boone County Planning Commission along with the referenced Exhibits to that Resolution.

**SECTION III**

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

**SECTION IV**

This approval is granted based upon the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the committee report of that Commission, which is attached and part of the Commission's Resolution No. R-14-013-A, marked Exhibit "B", and incorporated herein as if fully set out.

**SECTION V**

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

**SECTION VI**

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

PASSED AND APPROVED ON FIRST READING THIS 24<sup>th</sup> DAY OF June, 2014.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 15<sup>th</sup> DAY OF July, 2014.

APPROVED:

Deane E. Whalen  
MAYOR

ATTEST:

[Signature]  
CITY CLERK

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION – REQUEST OF ANCHOR PROPERTIES (APPLICANT) FOR JOSEPH BERKSHIRE AND KATE BERKSHIRE AND D & J MALL ROAD LLC (OWNERS) FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT FOR A 66.75 ACRE SITE LOCATED AT 8100 US 42 AND THE SOUTHEAST CORNER OF THE MALL ROAD/HEIGHTS BOULEVARD INTERSECTION, FLORENCE, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE TO ALLOW ALTERNATIVE SIGNAGE.

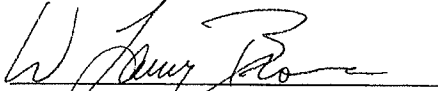
The Committee met in a special meeting on June 17, 2014, at the Florence Government Center Building to consider Resolution No. R-14-013-A of the Boone County Planning Commission, which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

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

NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed, and the request described above be approved, subject to the additional condition attached hereto and incorporated herein.

MEMBERS OF THE COMMITTEE:

  
LARRY BROWN

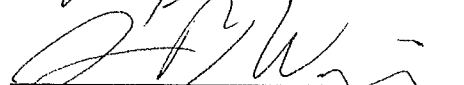
  
GARY B. WINN

EXHIBIT "A"

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE


IN RE: AGREED ADDITIONAL CONDITION – REQUEST OF ANCHOR PROPERTIES (APPLICANT) FOR JOSEPH BERKSHIRE AND KATE BERKSHIRE AND D & J MALL ROAD LLC (OWNERS) FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT FOR A 66.75 ACRE SITE LOCATED AT 8100 US 42 AND THE SOUTHEAST CORNER OF THE MALL ROAD/HEIGHTS BOULEVARD INTERSECTION, FLORENCE, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE TO ALLOW ALTERNATIVE SIGNAGE.

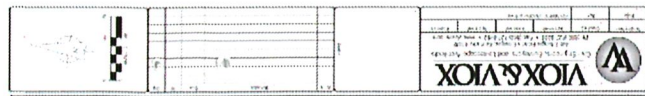
The Planning and Zoning Committee has recommended and the Applicant has agreed that the following additional condition will apply to the request described above:

Directional signage (e.g., directional interstate signage) shall be installed that facilitates traffic egress from the property. This additional signage shall generally match the design elements consistent with the exhibits referenced in the Boone County Planning Commission Zone Change/Concept Plan Committee Report of June 4, 2014. The locations and design of the additional signage is subject to review and approval by the City of Florence.

Agreed to this 23~~RD~~ day of June, 2014.

APPLICANT:

  
\_\_\_\_\_  
SIGNATURE

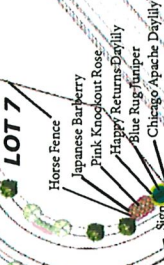
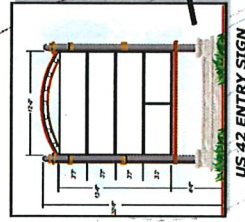
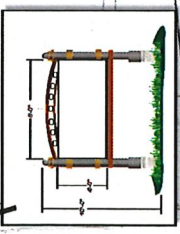
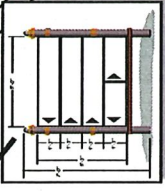
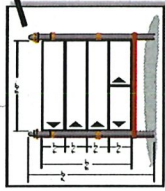
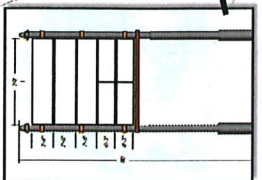


*Zoning Map Amendment  
 For Special Sign Dist.*

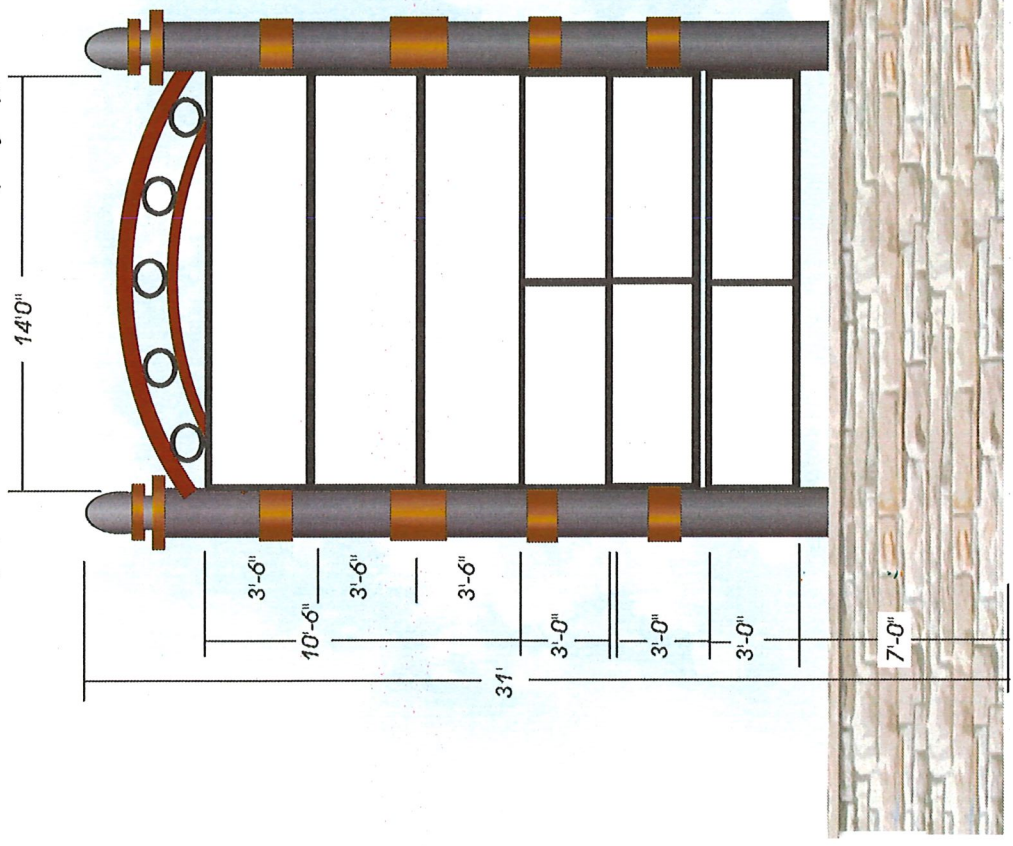
**APPROVED** *with conditions*

Staff Jane K. Moeck  
 Date 6/4/14  
 Boone County  
 Planning Commission

**RECEIVED**  
 MAR 13 2014  
 BOONE COUNTY  
 PLANNING COMMISSION

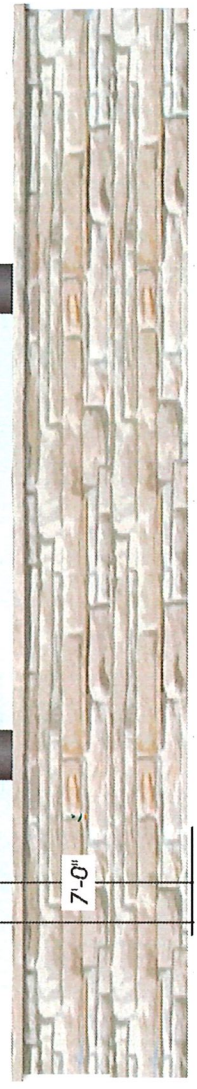


Tenant Panels for: Florence Heights Lots 1 - 5,  
7, 8, D&J Mall Road LLC Lot (Neyer), and TANK



Heights Blvd Sign

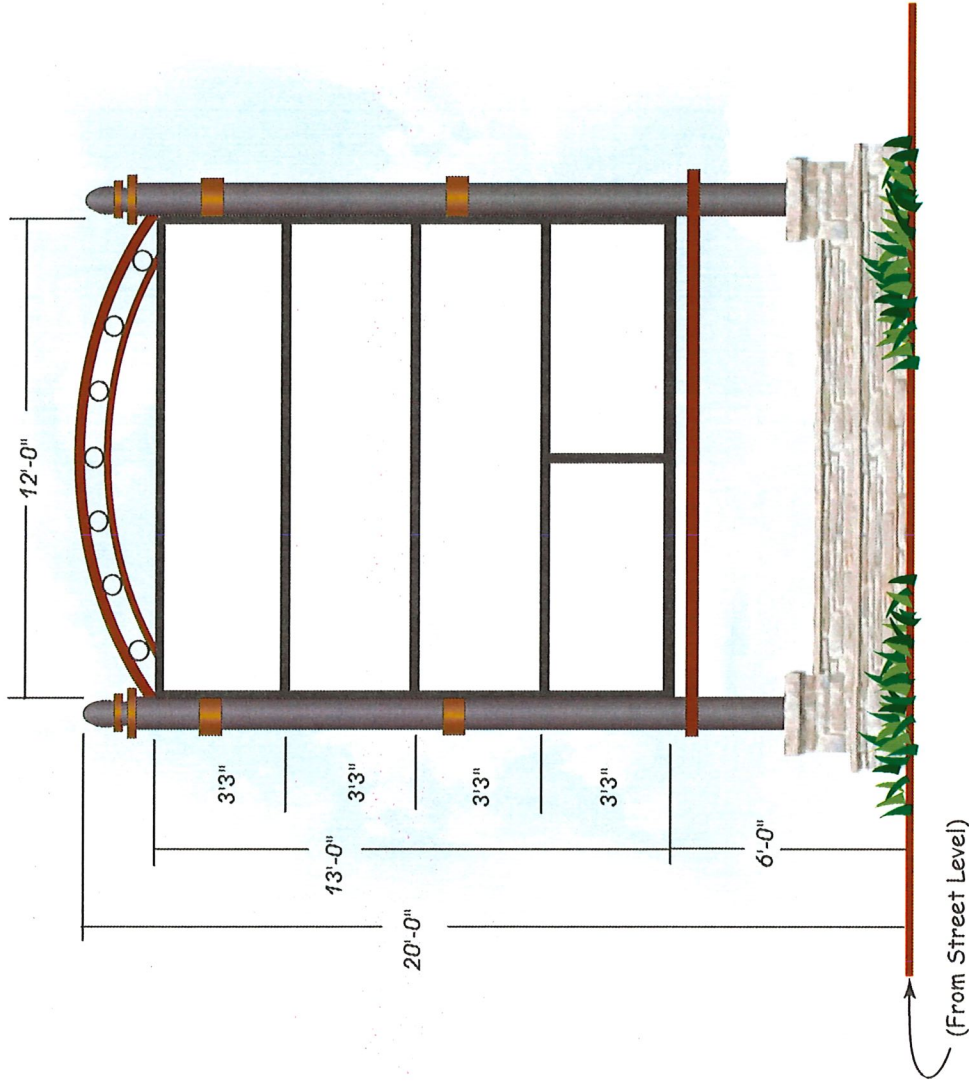
Extended  
Stone Wall



rev.02.25.14  
rev.02.28.14

<p>Job Name : <b>MALL RD. DEVELOPMENT</b></p> <p>Job Location: <b>RT. 32</b></p> <p>Design No.: <b>EasPa-1300</b></p> <p>Date: <b>11 12 13</b></p> <p>Scale: <b>See Drwg. for Dimensions</b></p> <p>Notes</p>	<p><b>DESIGN INTENT DRAWING</b></p> <p>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 procure his own detailed shop drawings and installation drawings for all signs represented in these design intent drawings.</p> <p>This drawing and the custom herein are the property of Preferred Resources, U.S. Copyright Law and shall remain the property of Preferred Resources of the Republic and may not be reproduced or used in any manner without the expressed written consent of Preferred Resources of the Republic.</p>	<p><b>preferred resources</b></p> <p>P.O. Box 381 5769 Vice Lane Burlington, KY 41005 (859) 466-2894</p>	<p>Sheet No. <b>3301</b></p>
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Tenant Panels for Florence Heights Lots 1 - 5.



Job Name:

**MALL RD.  
DEVELOPMENT**

Job Location:  
**RT. 32**

Design No.:  
**EasPa-1300**

Date:  
**11 12 13**

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 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.

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

**3310**

Sheet No.

Job Name:  
**MALL RD.  
DEVELOPMENT**  
Job Location:  
**FLORENCE, KY**

Design No.:  
**EasPa-1300**  
Date:  
**11 12 13**  
Scale:  
**See Drwg. for Dimensions**

Notes

**DESIGN INTENT DRAWING**  
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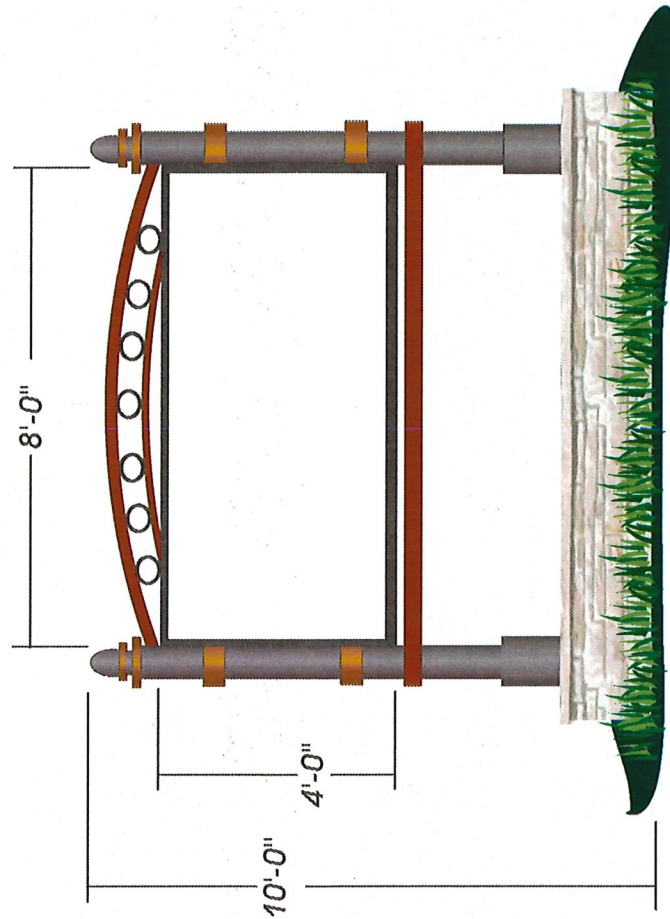
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**preferred resources**  
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5769 Vice Lane  
Burlington, KY 41005  
(859) 466-2894

Sheet No. **3320**

REV 03 03 14

Tenant Panel for Florence Heights Lot 3.



**Mall Road Entry Sign**

Job Name :  
**MALL RD.  
 DEVELOPMENT**  
 Job Location:  
**FLORENCE, KY**  
 Design No.:  
**EasPa-1300**  
 Date:  
**11 12 13**  
 Scale:  
**See Drwg. for Dimensions**

Notes

**DESIGN INTENT DRAWING**  
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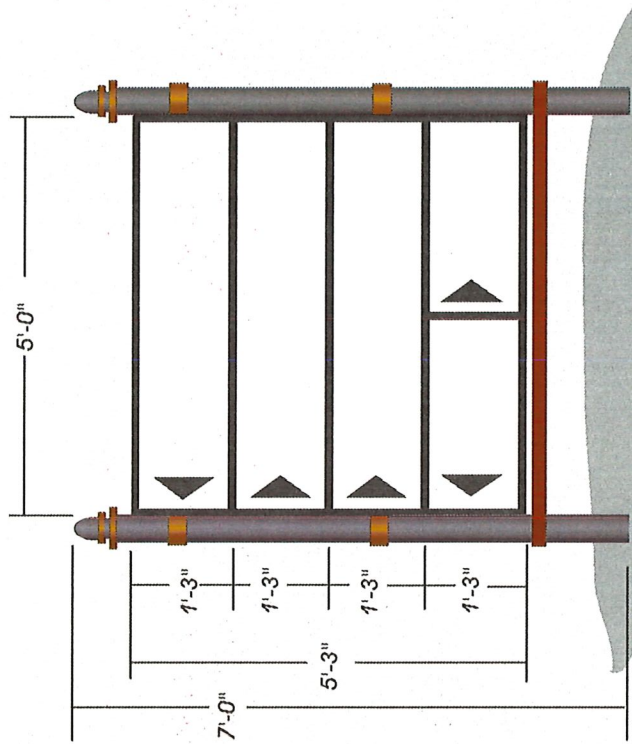
This drawing and the designs herein are the property of Preferred Resources and shall remain the property of Preferred Resources and may not be reproduced or used in any manner without the expressed written consent of Preferred Resources or the RoadBud.



P.O. Box 361  
 5769 Vice Lane  
 Burlington, KY 41005  
 (859) 466-2894

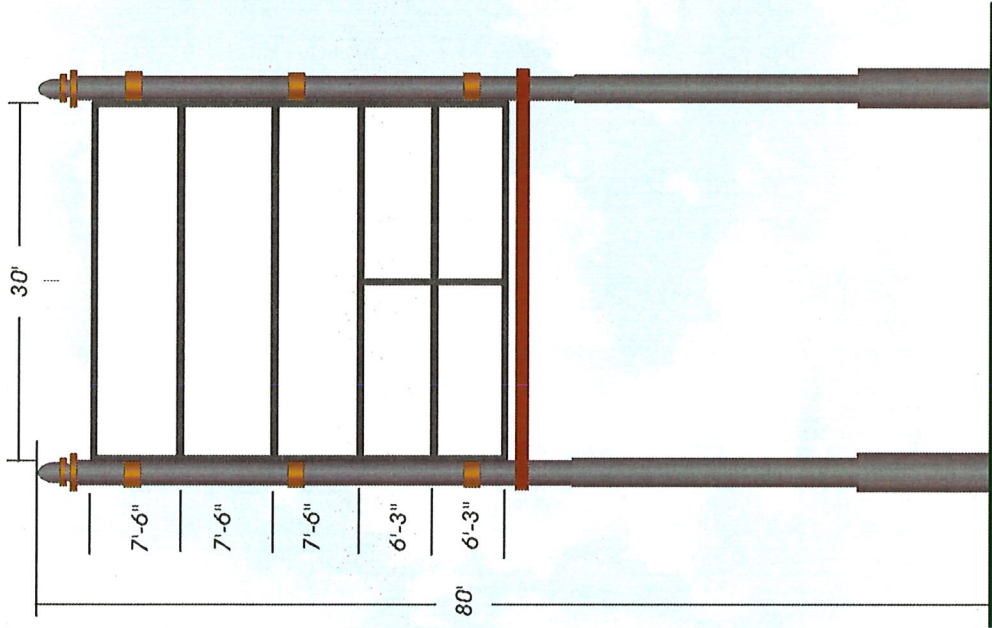
Sheet No. **3330**

Tenant Panels for Florence Heights Lots 1 - 5.



**INTERNAL DIRECTIONAL  
 SIGN**

Tenant Panels for Florence Heights Lots 1 - 5,  
7, 8, and D&J Mall Road LLC Lot (Neyer).



INTERSTATE SIGN

rev 02 25 14

Job Name:

**BERKSHIRE  
FARM**

Job Location:

**FLORENCE, KY**

Design No.:

**BerFa-1300**

Date:

**11 13 13**

Scale:

**See Drwg. for Dimensions**

Notes

**DESIGN INTENT DRAWING**  
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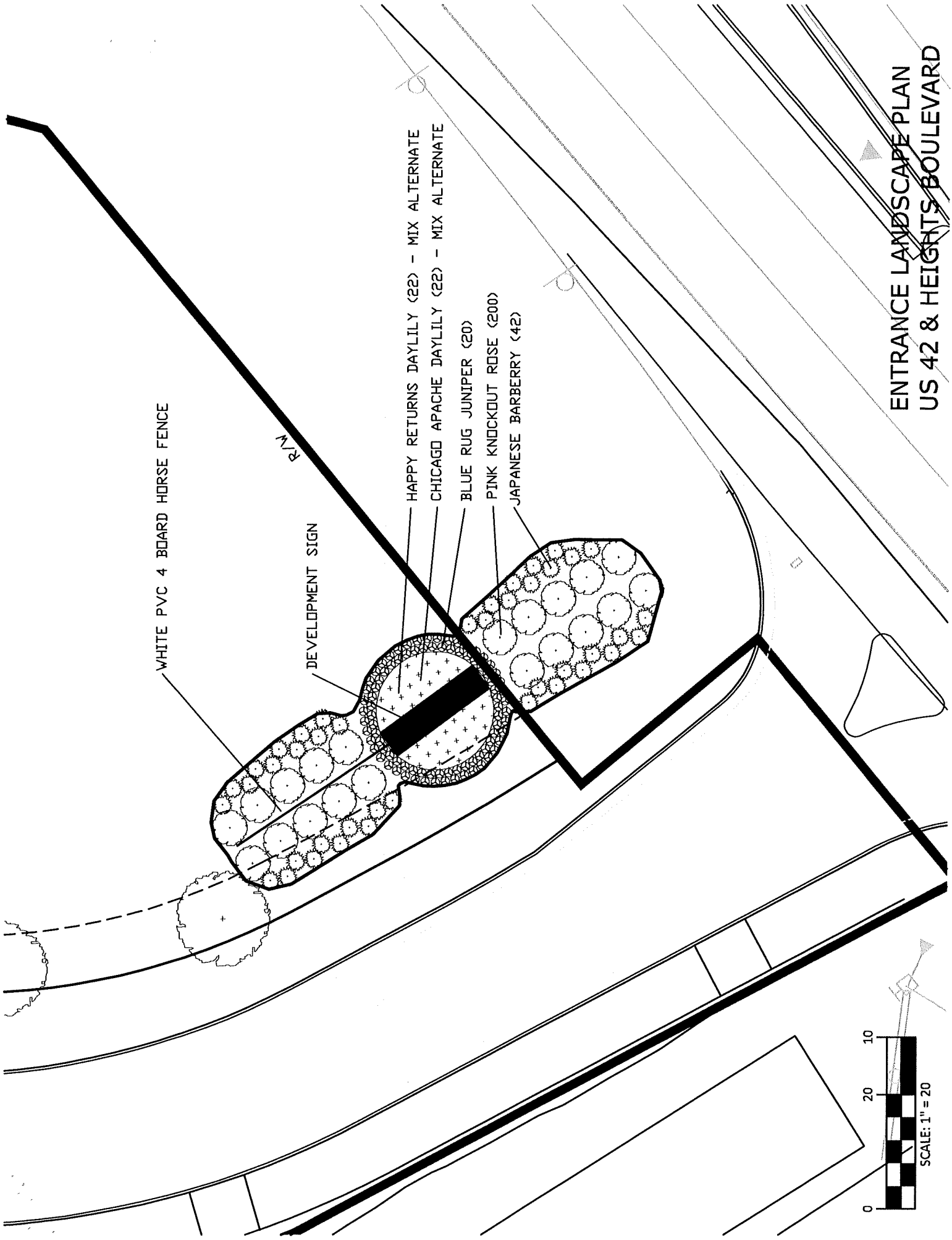
P.O. Box 381  
5769 Vice Lane  
Burlington, KY 41005  
(859) 466-2894

**3340**

Sheet No.



# ENTRANCE LANDSCAPE PLAN US 42 & HEIGHTS BOULEVARD



WHITE PVC 4 BOARD HORSE FENCE

R/W

DEVELOPMENT SIGN

HAPPY RETURNS DAYLILY (22) - MIX ALTERNATE

CHICAGO APACHE DAYLILY (22) - MIX ALTERNATE

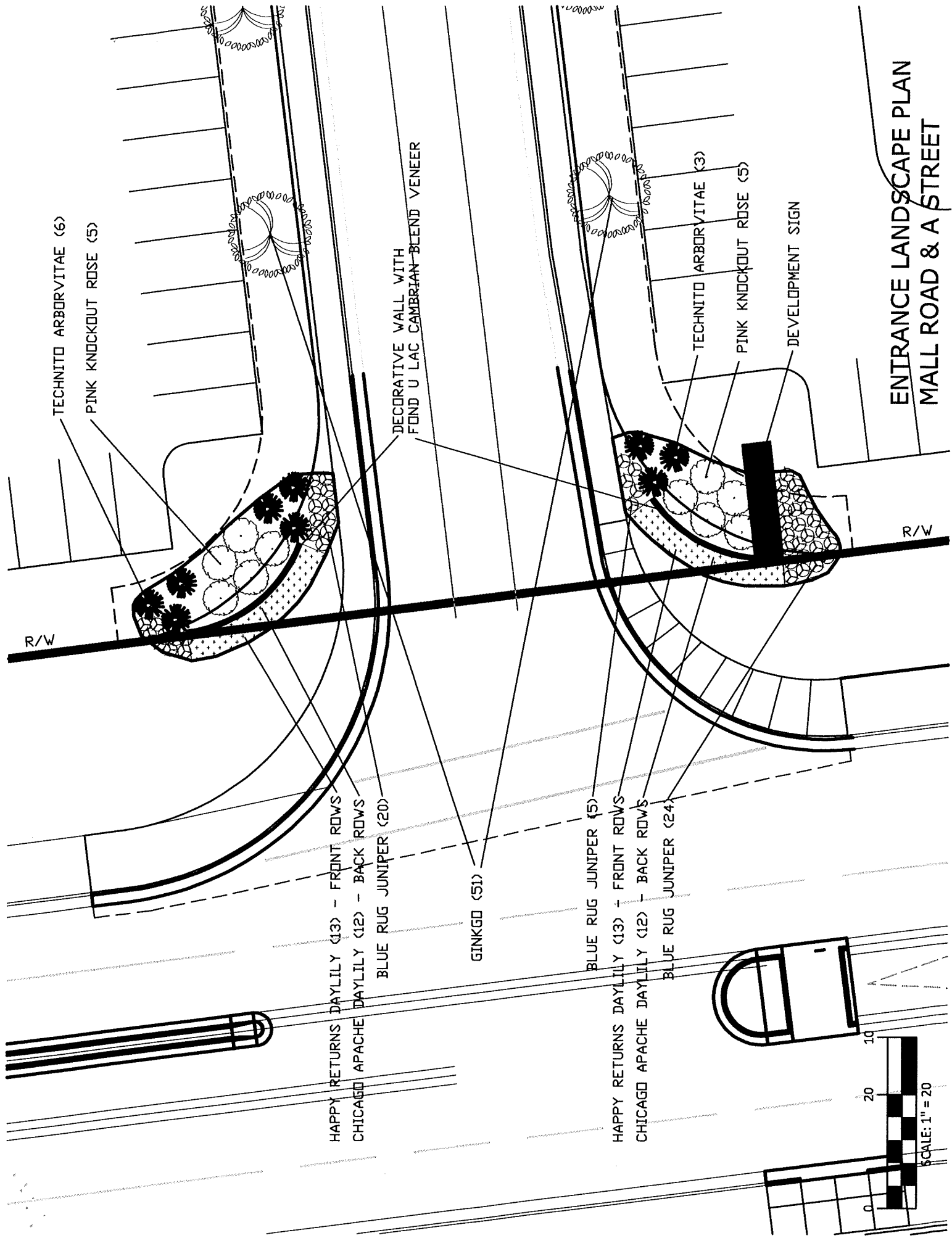
BLUE RUG JUNIPER (20)

PINK KNOCKOUT ROSE (200)

JAPANESE BARBERRY (42)



# ENTRANCE LANDSCAPE PLAN MALL ROAD & A STREET



TECHNITO ARBORVITAE (6)  
PINK KNOCKOUT ROSE (5)

DECORATIVE WALL WITH  
FOND U LAC CAMBRIAN BLEND VENEER

TECHNITO ARBORVITAE (3)  
PINK KNOCKOUT ROSE (5)

DEVELOPMENT SIGN

HAPPY RETURNS DAYLILY (13) - FRONT ROWS  
CHICAGO APACHE DAYLILY (12) - BACK ROWS  
BLUE RUG JUNIPER (20)

GINKGO (51)

BLUE RUG JUNIPER (5)  
HAPPY RETURNS DAYLILY (13) - FRONT ROWS  
CHICAGO APACHE DAYLILY (12) - BACK ROWS  
BLUE RUG JUNIPER (24)



SCALE: 1" = 20'

R/W

R/W