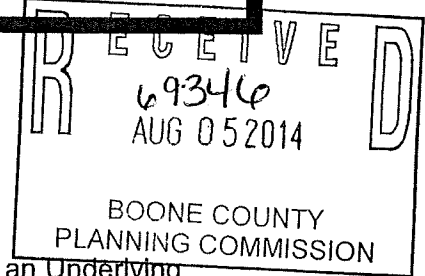


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



**FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED**

(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Check One:
  - Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
  - Change in an Approved Concept Development Plan
  - Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
  - Long Range Planning Committee Review (As stated in the Union Town Plan)
  - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
  - Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
  - Zoning Administrator Review (As stated in the Mall Road District Study)
2. Name of Project Planet Fitness of Florence, KY
3. Location of Project SE corner of Mall Road and Heights Blvd
4. Total Acreage of Site ~~1.22 ACRES~~ 2 ACRES +/-
5. Current Zoning C-2- PD/MR-Commercial Services, PD District, Mall Road overlay
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Yes. The Mall Road District Study, March 13, 2012
8. Proposed Uses (please specify each use) Fitness Center/Health Club
9. Proposed Building Intensities (please specify) Occupancy Load Anticipated = 558
10. Have you submitted a Concept Development Plan? Under this cover.
11. Are you also applying for:
  - N/A Conditional Use Permit
  - N/A Dimensional Variance
12. Name of Applicant(s) Austin Hahn, PE  
Phone Number 312.518.0919 Fax No. N/A E-Mail austin@calichi.com
13. Address of Applicant(s) 445 W. Erie, Suite 208  
Chicago Illinois 60654  
City State Zip
14. Name of Property Owner(s) DJS Mall Road, LLC  
Phone Number 513.699.2276 Fax No. 513.563.4288 E-Mail dneyer@neyer1.com
15. Address of Property Owner(s) 2135 Dana Avenue, Suite 200  
Cincinnati OH 45207  
City State Zip
16. Are there any existing buildings on the site? No.  
How many? N/A
17. Deed Book 981 Page No. 920 Group No. — 2040 B
18. Have you had a pre-application meeting with BCPC Staff? Yes, June 20, 2014

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of Austin Hahn, P.E. (applicant) for D&J Mall Road, LLC (owner) for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.6 acre tract located on the southeast corner of the Mall Road and Heights Boulevard intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard.

September 3, 2014

### REQUEST

The applicant is requesting approval of this Concept Development Plan in order to:

1. exceed the maximum corner side yard setback;
2. and to allow additional parking in the corner side yard

### DEVELOPMENT STANDARDS (CHAPTER 3) MALL ROAD DISTRICT STUDY

Front and Corner Side Yards: 25 feet maximum for outlot or frontage buildings along all streets, except KY 18 and US 42, when parking is not provided between the building and the street. When parking is provided between an outlot or frontage building and the street, the building may be setback far enough from the street to provide the required minimum street frontage and building landscaping, one two-way driveway that is double loaded with parking spaces, and a walkway and/or covered arcade across the front of the building, but no further.

### RECENT SITE HISTORY

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

December 6, 2012, the TANK Transit Hub plans were approved.

March 13, 2012, the City of Florence adopted the Mall Road District Study and this property becomes zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR).

June 4, 2014, the Special Sign District for the Florence Heights subdivision (including this parcel) was approved. This approval included a 24' high and 231 square foot multi-tenant sign at the corner of Mall Road and Heights Blvd.

July 30, 2014, the Preliminary Plat and Improvement Plans for the Florence Heights subdivision were approved by the Boone County Planning Commission.

### ADJACENT LAND USES AND ZONING

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

South: Proposed outlot within the Florence Heights subdivision zoned (C-2/PD/CD/MR)

East: TANK Transit Hub (C-2/PD/MR)

West: Across Mall Road, Florence Antique Mall (C-3/PD/MR), Florence Center, Valvoline, Snuggly's, and La-Z-Boy (C-2/PD/MR)

### RELATIONSHIP TO THE 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

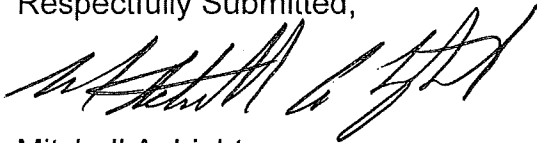
1. The request is to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard. Staff would like to point out that the applicant could meet these requirements by moving the building closer to the intersection of Mall Road and Heights Boulevard. Kevin Wall said that this was discussed with the applicant prior to the submittal of this project and that they preferred this layout.
2. The approval of the Special Sign District permits a 24' high and 231 square foot multi-tenant sign at the corner of Mall Road and Heights Boulevard.

3. The proposed parking lot has an odd configuration. Staff suggests a more traditional parking lot layout that would include more area(s) for landscaping. A few of the spaces shown may need to be eliminated, however it was always the intent was always to have shared parking between the subject property and the Transit Hub property.
4. A thorough site plan review will be conducted by the Boone County Planning Commission Staff as well as the Project Review Committee.

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 15 (Planned Development District) of the Boone County Zoning Regulations and the Mall Road District Study. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully Submitted,

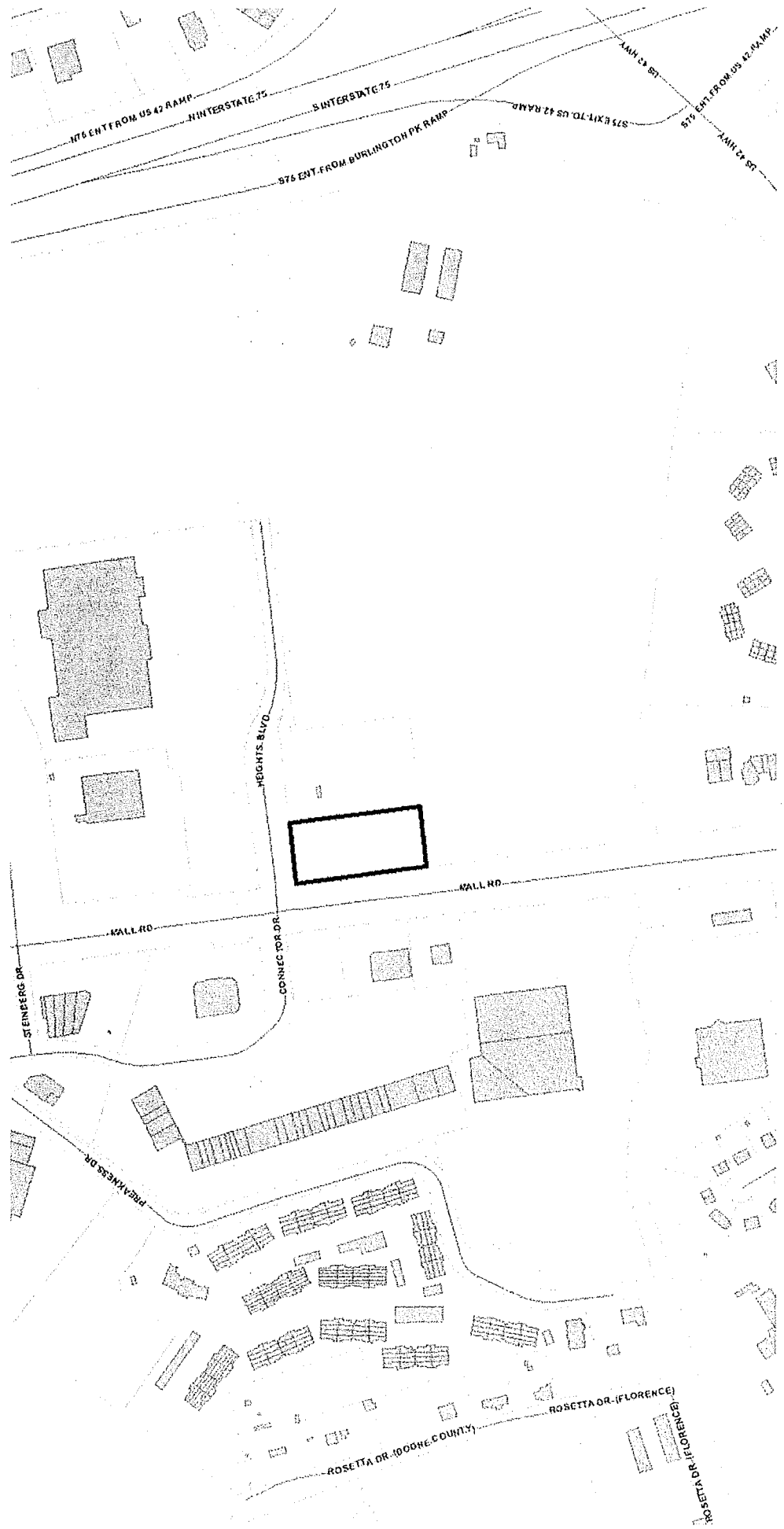


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

MAL/tlb

### **Attachments:**

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Proposed Layout
- Proposed Landscape Plan
- Elevations
- Mall Road District Study, Development Standards (Chapter 3)
- Application



**VICINITY MAP**

**C-2/PD/MR**

**C-2/PD/CD/MR**

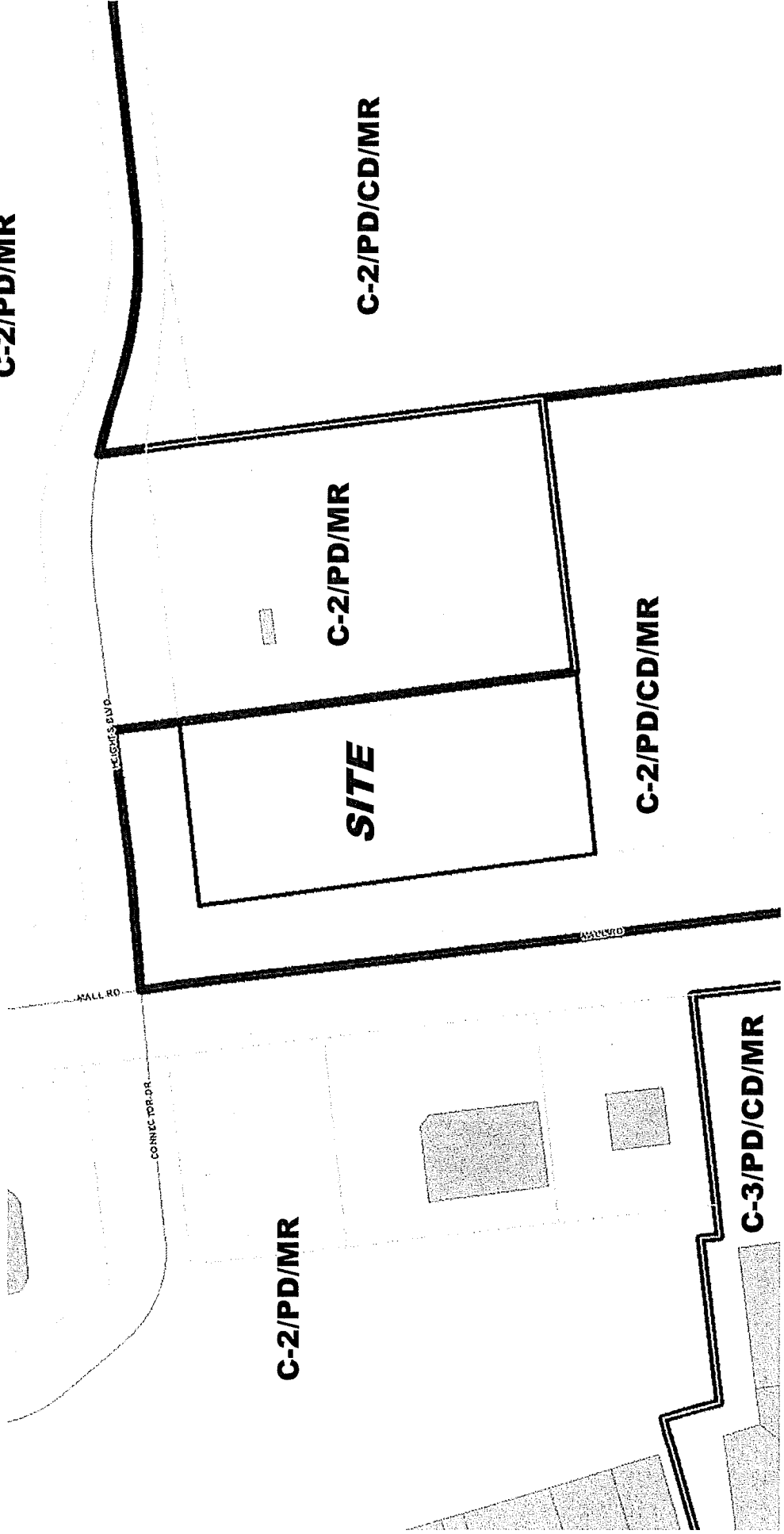
**C-2/PD/MR**

**SITE**

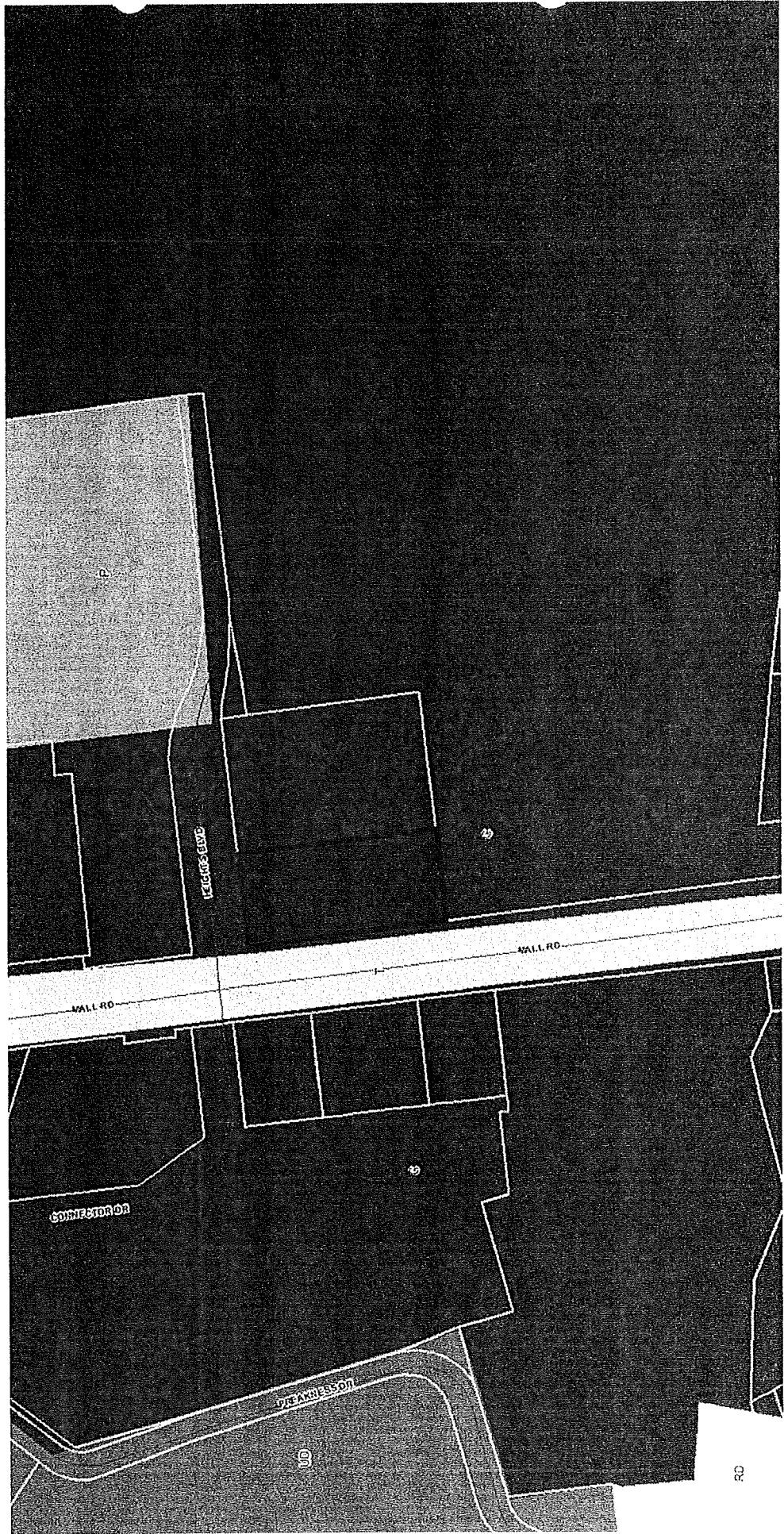
**C-2/PD/CD/MR**

**C-2/PD/MR**

**C-3/PD/CD/MR**



**ZONING MAP**



**FUTURE LAND USE MAP**

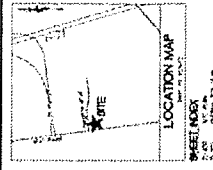
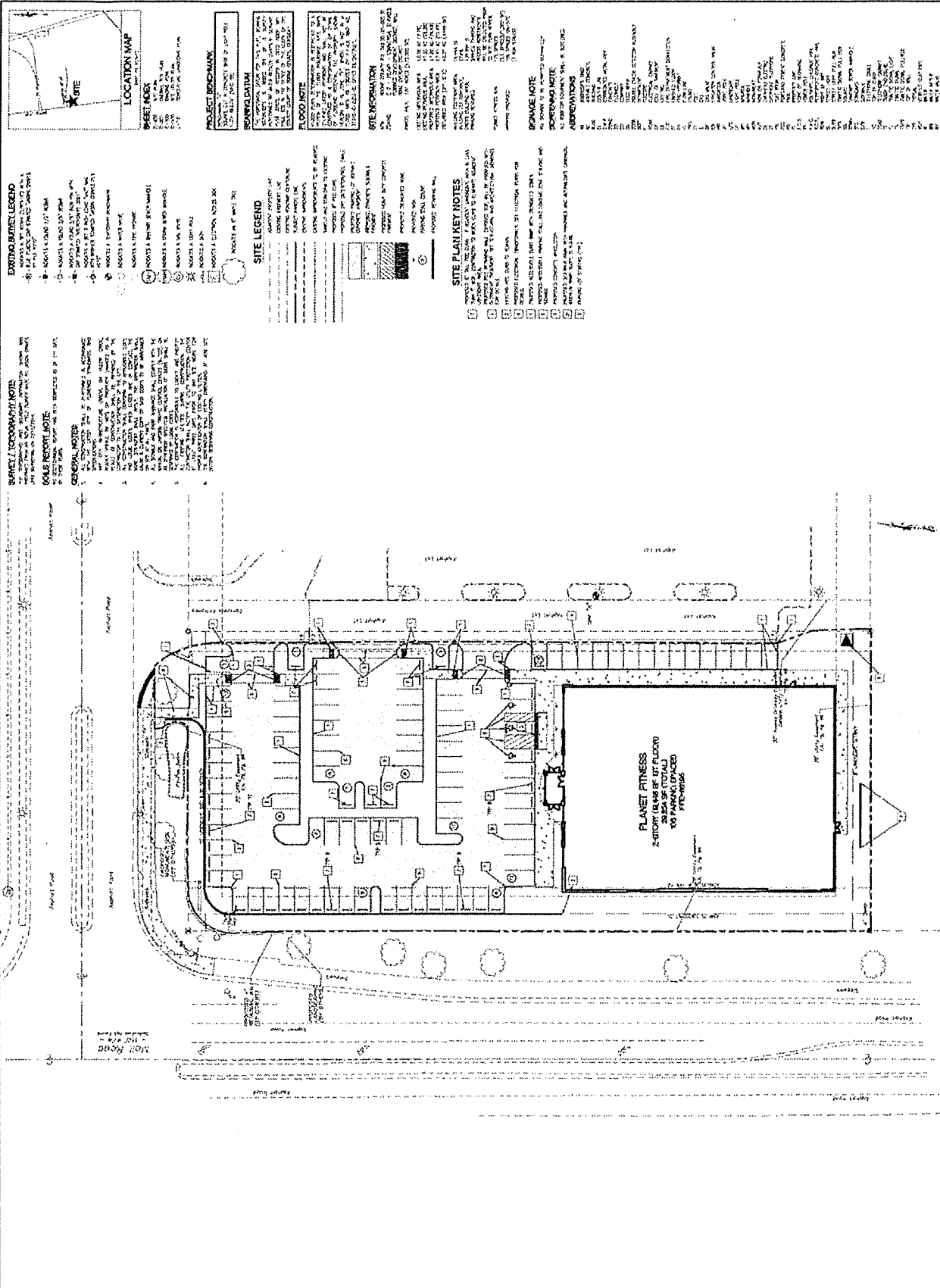


FLORIANZ CONSTRUCTION LTD.  
 1000 PROJECT PLAZA, SUITE 100  
 FORT MONROE, NY 11731  
 (845) 338-1100  
 www.florianz.com

Planet Fitness  
 2nd Floor  
 1000 PROJECT PLAZA, SUITE 100  
 FORT MONROE, NY 11731  
 (845) 338-1100  
 www.planetfitness.com

SITE PLAN

C-200



**EXISTING BUILDING LEGEND**  
 1. EXISTING BUILDING  
 2. EXISTING DRIVEWAY  
 3. EXISTING DRIVEWAY CURB  
 4. EXISTING DRIVEWAY CURB CUT  
 5. EXISTING DRIVEWAY CURB CUT  
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 25. EXISTING DRIVEWAY CURB CUT

**PROJECT INFORMATION**  
 PROJECT NAME: PLANET FITNESS  
 PROJECT ADDRESS: 1000 PROJECT PLAZA, SUITE 100, FORT MONROE, NY 11731  
 PROJECT OWNER: FLORIANZ CONSTRUCTION LTD.  
 PROJECT ARCHITECT: CALTECH DESIGN GROUP  
 PROJECT ENGINEER: ROBERT J. ...  
 PROJECT DATE: ...

**SITE LEGEND**  
 1. EXISTING DRIVEWAY  
 2. EXISTING DRIVEWAY CURB  
 3. EXISTING DRIVEWAY CURB CUT  
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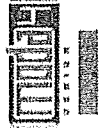
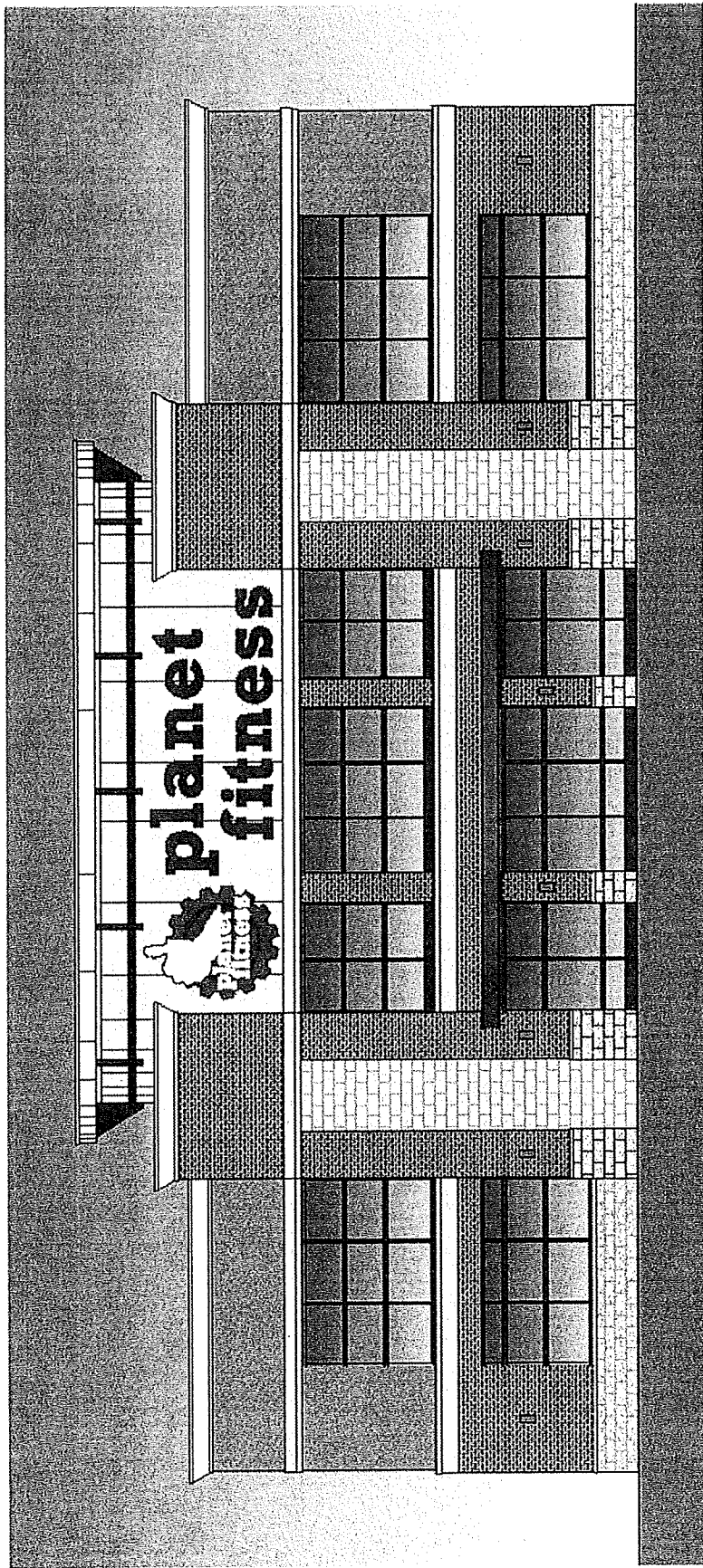
**SITE PLAN KEY NOTES**  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTRICAL CODE (IEC) AND THE INTERNATIONAL FIRE CODE (IFC).  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC) AND THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC).  
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC) AND THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC).  
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 25. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC) AND THE INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMPC).

NOT FOR CONSTRUCTION

PROPOSED LAYOUT

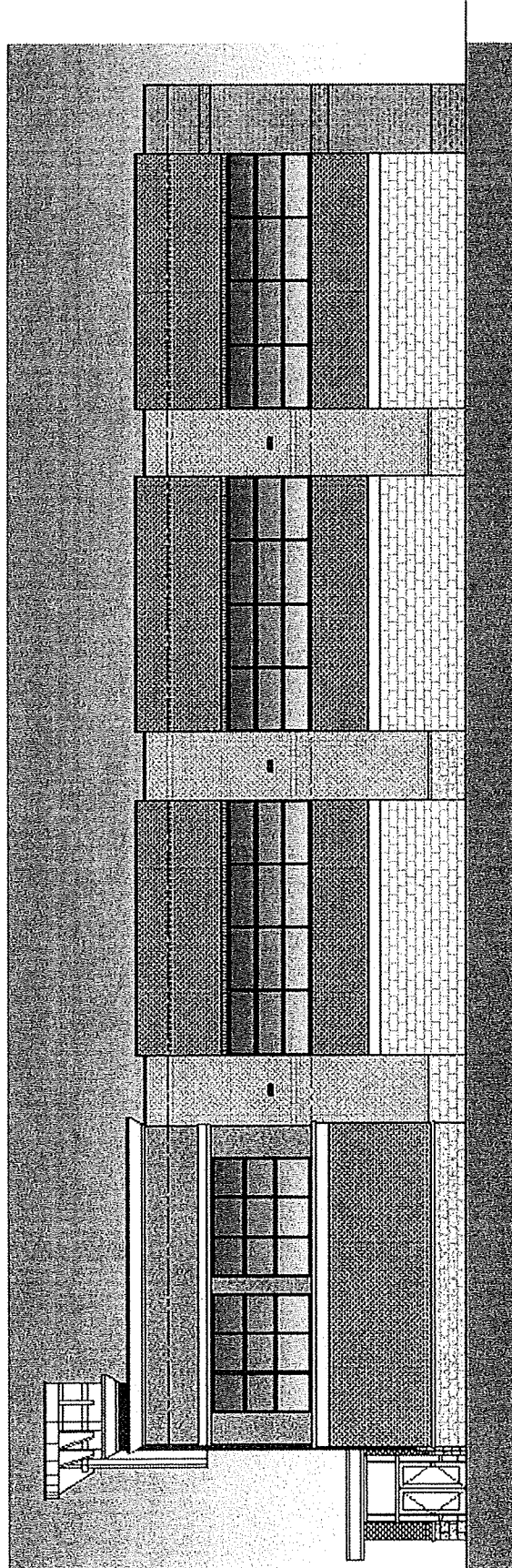


PLANET FITNESS  
10000 W. CENTURY BLVD.  
SUITE 100  
DENVER, CO 80231  
303.755.7500

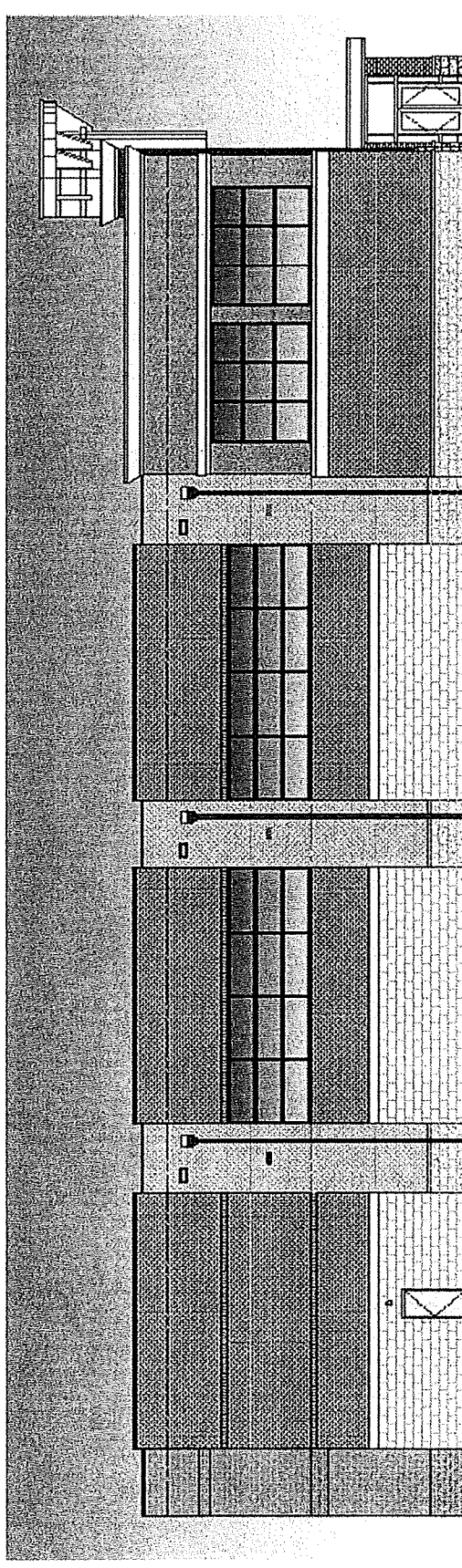


PLANET FITNESS

# PROPOSED ELEVATION

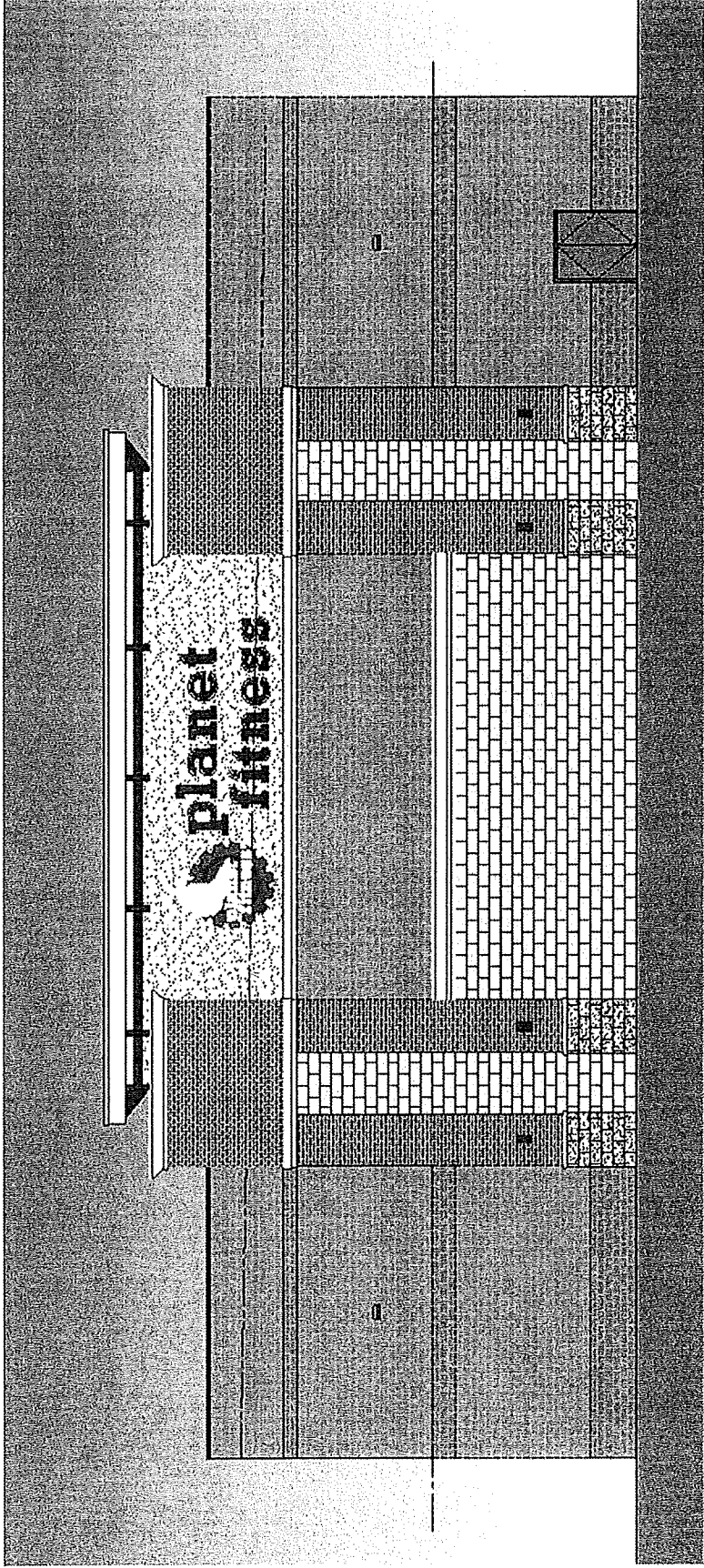


**PROPOSED ELEVATION**



# PROPOSED ELEVATION

PLANET FITNESS  
123456789  
1011121314  
1516171819  
2021222324



PLANET FITNESS  
123456789  
1011121314  
1516171819  
2021222324

# PROPOSED ELEVATION

## CHAPTER 3

# DEVELOPMENT STANDARDS

---

Development proposals in the Mall Road (MR) Overlay District shall follow the standards outlined in this chapter. These standards may be adjusted by the Zoning Administrator if necessary to better meet the recommendations discussed in the other chapters of this document. Additionally, variances may be requested for the dimensional standards outlined in this chapter per the Board of Adjustment procedures that are outlined in Article 2 of the Boone County Zoning Regulations. For topics not addressed in this document, the standards set forth in the Boone County Zoning Regulations shall be followed.

### Building Setbacks

Front and Corner Side Yards: 30 feet minimum along KY 18 and US 42, 15 feet minimum along Mall Road, and 10 feet minimum all other street frontages. For residential units, the minimum setback is 20 feet where a parking pad or driveway is provided between the building and street or other vehicular way.

25 feet maximum for outlot or frontage buildings along all streets, except KY 18 and US 42, when parking is not provided between the building and the street. When parking is provided between an outlot or frontage building and the street, the building may be setback far enough from the street to provide the required minimum street frontage and building landscaping, one two-way driveway that is double loaded with parking spaces, and a walkway and/or covered arcade across the front of the building, but no further.

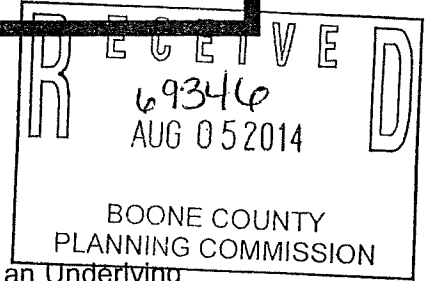
Front and Corner Side Yards for Impact Sites: The minimum front yard and corner side yard for "Impact Sites" as discussed in the "Recommended Land Use and Development Concepts for the 8 Sub-Districts" section in Chapter 2 and identified on the Impact Sites Map on page 2.16 is 5 feet. The maximum front yard and corner side yard for these "Impact Sites" is 15 feet.

Side Yards\*: 5 feet minimum when adjoining another development site within the Mall Road (MR) Overlay District. Zero lot line (0 feet minimum) is permissible when the adjoining development along the same property line is also zero lot line.

10 feet minimum when adjoining a shared private development street/driveway or other main circulation drive. 50 feet minimum when adjoining a residential use or district that is outside of the Mall Road (MR) Overlay District.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Check One:

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

- 2. Name of Project Planet Fitness of Florence, KY
- 3. Location of Project SE corner of Mall Road and Heights Blvd
- 4. Total Acreage of Site ~~1.2256~~ 2 ACRES +/-
- 5. Current Zoning C-2-PD/MR-Commercial Services, PD District, Mall Road overlay
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Yes. The Mall Road District Study, March 13, 2012
- 8. Proposed Uses (please specify each use) Fitness Center/Health Club
- 9. Proposed Building Intensities (please specify) Occupancy Load Anticipated = 558
- 10. Have you submitted a Concept Development Plan? under this cover.
- 11. Are you also applying for:
  - N/A Conditional Use Permit
  - N/A Dimensional Variance
- 12. Name of Applicant(s) Austin Hahn, PE
- Phone Number 312.548.0919 Fax No. N/A E-Mail austin@calichi.com
- 13. Address of Applicant(s) 445 W. Erie, Suite 208

Chicago Illinois 60654  
City State Zip

- 14. Name of Property Owner(s) D+J Mall Road, LLC
- Phone Number 513.699.2276 Fax No. 513.563.4288 E-Mail dneyer@neyeri.com
- 15. Address of Property Owner(s) 2135 Dana Avenue, Suite 200

Cincinnati OH 45207  
City State Zip

- 16. Are there any existing buildings on the site? No.
- How many? N/A
- 17. Deed Book 981 Page No. 920 Group No. —
- 18. Have you had a pre-application meeting with BCPC Staff? Yes. June 20, 2014

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Randy Bessler, Chairman

**DATE:** October 1, 2014

**RE:** Request of **Austin Hahn, P.E. (applicant)** for **D&J Mall Road, LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.6 acre tract located on the southeast corner of the Mall Road and Heights Boulevard intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard.

**REMARKS:**

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

Findings of Fact

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

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

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. (Houston-Donaldson/Mall Road, pg. 167)."

- C. The request is in agreement with the following passage from the Goals and Objectives (Business Activity, Goal):

"Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas."

- D. The request is in agreement with the following passage from the Goals and Objectives (Business Activity, Commercial Objective #1):

"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."

- E. The request is in agreement with the following passage from the Future Land Use Development Guideline found in the Land Use Element:

"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."

The applicant adequately demonstrated to the Committee that the proposal is in agreement with the adopted Comprehensive Plan as this site lies between I-71/75, US 42, Mall Road and is compatible with the surrounding commercial developments.

2. The Committee has concluded that the request is in general agreement with the Mall Road District Study "Plan Recommendations Report" for the following reasons:

"Facades shall be designed to have a defined base, mid section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the wainscot or knee wall (or entire ground floor for multi-story buildings) from the upper portion of the exterior wall."

The proposed building elevations show a defined base, middle and top sections. The proposed building itself has those design elements on all elevations, not just the prominent facades.

3. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan, Section 1514 of the Boone County Zoning Regulations and the Mall Road District Study "Plan Recommendations Report." The Committee has also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

Condition

1. The Property Owner agrees to redesign the center section of the proposed parking lot so that it is no longer a dead-end.

A Revised Site Layout meeting this condition is attached to this Committee Report.

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.



PLANNING DEPARTMENT  
CITY OF SAN JOSE  
150 SOUTH SAN CARLOS AVENUE  
SAN JOSE, CALIFORNIA 95128  
TEL: (415) 351-2000  
FAX: (415) 351-2001

PROJECT NO. 15123  
DATE: 10/15/00

PROJECT NAME: PLANET FITNESS  
LOCATION: 150 SOUTH SAN CARLOS AVENUE, SAN JOSE, CA 95128

SITE PLAN  
C-200

**LOCATION MAP**  
★  
150 SOUTH SAN CARLOS AVENUE  
SAN JOSE, CA 95128

**PROJECT DESCRIPTION**  
RENOVATION OF EXISTING BUILDING TO ACCOMMODATE PLANET FITNESS GYMNASIUM AND OFFICE SPACE.

**PERMITS REQUIRED**  
1. CITY OF SAN JOSE PERMIT NO. 15123  
2. CALIFORNIA STATE PERMIT NO. 15123

**ASSUMPTIONS**  
1. EXISTING BUILDING TO BE RENOVATED TO ACCOMMODATE PLANET FITNESS GYMNASIUM AND OFFICE SPACE.  
2. EXISTING PAVING TO BE MAINTAINED AND REPAIRED AS NECESSARY.

**GENERAL NOTES**  
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE PERMIT NO. 15123 AND CALIFORNIA STATE PERMIT NO. 15123.  
2. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED.

**REVISIONS**  
1. 10/15/00: INITIAL DESIGN.  
2. 10/20/00: REVISIONS TO ACCOMMODATE COMMENTS FROM CITY OF SAN JOSE PERMITTING DEPARTMENT.

**GENERAL NOTES**  
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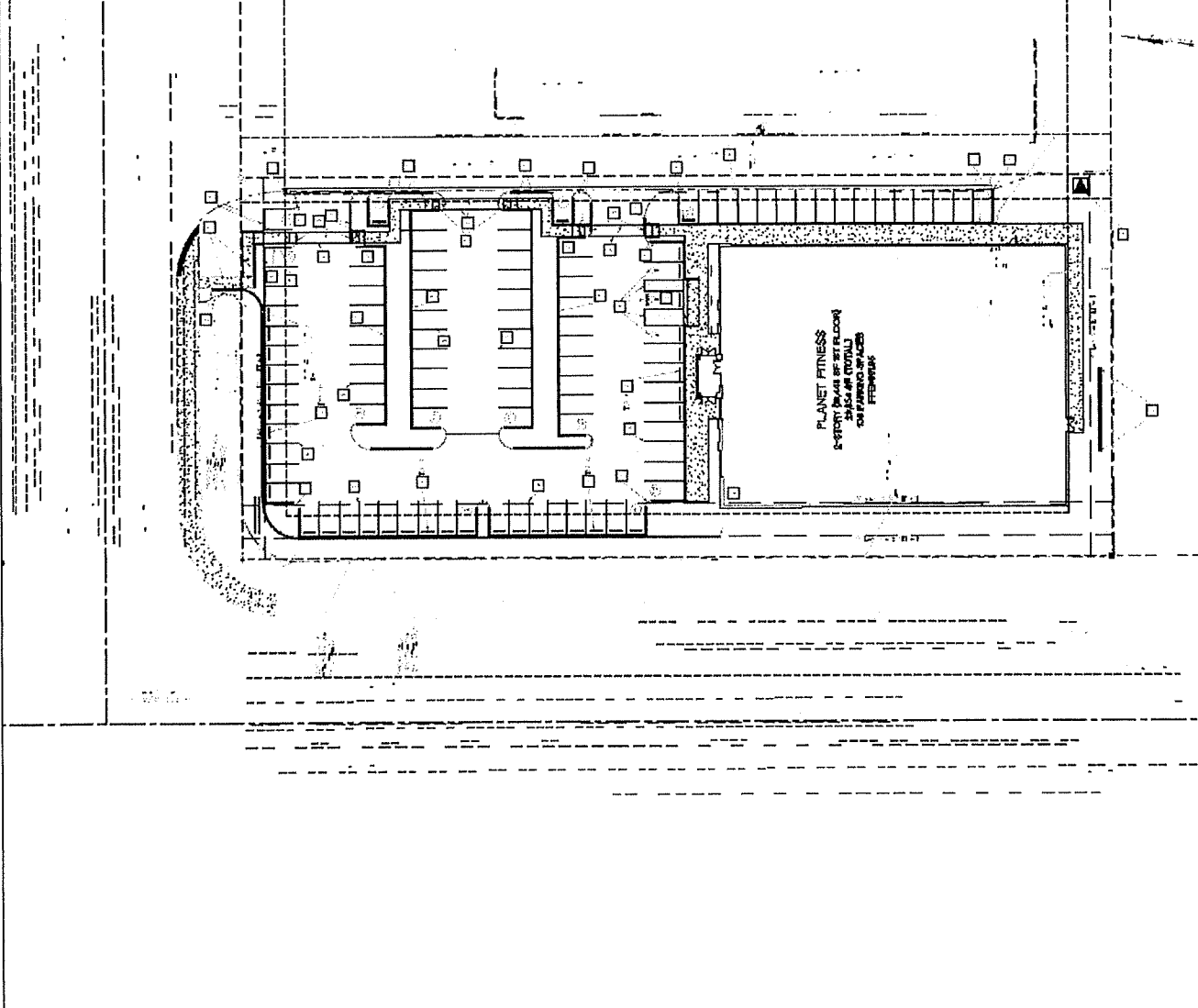
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2. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED.



NOT FOR CONSTRUCTION

REVISED LAYOUT PER THE CONDITION OF APPROVAL

DATE: 10/15/00

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
SEPTEMBER 3, 2014  
7:30 P.M.**

---

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
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. Kim Bunger  
Mrs. Janet Kegley  
Ms. Susan Schultz

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen called the Public Hearing to order at 7:48 P.M. and introduced the first item on the Agenda:

**ZONING MAP AMENDMENT - Mitch Light, Staff**

1. Request of **Austin Hahn, P.E. (applicant)** for **D&J Mall Road, LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.6 acre tract located on the southeast corner of the Mall Road and Heights Boulevard intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard.

Staff member, Mitch Light, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The applicant would like to exceed the maximum corner side yard setback and to allow additional parking in the corner side yard. The request for parking in the side yard is similar to the parking for Menards. Mr. Light referenced the development standards from Chapter 3 of the Mall Road District Study. In regard to front and corner side yards, there is a 25 foot maximum for outlot or frontage buildings along all streets, except KY 18 and U.S. 42, when parking is not provided between the building and the street. When parking is provided between an outlot or frontage and the street, the building may be set back far enough from the street to provide the required minimum street frontage that is double loaded with parking spaces, and a walkway and/or covered arcade across the front of the building, but no further. Mr. Light noted the site history with a Grading Plan approved in 2011, a Site Plan approved in 2012 for a TANK Transit Hub and the Mall Road District Study approved in 2012. This year, a Special Sign District was approved allowing a 24 foot high and a 231 square foot multi-tenant building as well as a Preliminary Plat and Improvement Plan for Florence Heights Subdivision. He referred to adjacent zoning and uses and showed photos of the site. The 2010 Boone County Comprehensive Plan Future Land Use Map designates this site for Commercial uses. This is described as retail, corporate, professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc. The Land Use Element also states that "highway-scaled, automotive-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 Road." There is a shared parking provision with the TANK Transit Hub. Mr. Light referred to the Future Land Use Development Guidelines on page 3 of the Staff Report in which site design is very important to the early stages of development. He showed a layout of the proposed building. If the applicant moved the building to the north, then there would be no need for a Public Hearing. The landscape plan shows features on the western and southern sides of the proposed building. Mr. Light showed photos of the building elevations. The building has design elements on all four sides.

In regard to Staff Comments, the request is to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard. Staff would also like to point out that the applicant could meet these requirements by moving the building closer to the intersection of Mall Road and Heights Boulevard. Staff member, Kevin Wall, said that this was discussed with the applicant prior to the submittal of this project and that they preferred the submitted layout. The approval of the Special Sign District permits a 24 foot high and 231 square foot multi-tenant sign at the corner of Mall Road and Heights Boulevard. The proposed parking lot has an odd configuration. Staff

suggests a more traditional parking lot layout that would include more area(s) for landscaping. A few of the spaces shown may need to be eliminated, however it was always the intent to have shared parking between the subject property and the Transit Hub property. Finally, a thorough site plan review will be required by the Boone County Planning Commission Staff as well as the Project Review Committee.

At this time, Chairman Rolfsen asked if the applicant was present and ready to make a presentation?

Mr. Austin Hahn, P.E. (applicant) stated that he represents Planet Fitness and is the Civil Engineer for the project. He stated that he is involved in the new Planet Fitness located at 6186 Glenway Avenue in Western Hills, Ohio. It is the same prototype and ornamentation except for one side. Because of the Mall Road location, ornamentation will occur on all 4 sides. Mr. Hahn referred to his Powerpoint presentation. The use is a permitted use in the Mall Road District Study. If one doesn't comply with the requirements of the study, then one has to appear before the Planning Commission. Planet Fitness prefers placing the building on the southern end of the parcel. There are view corridor issues if the building is placed at the northern end. There is also a shared parking agreement with TANK. By placing the building on the south side, it maximizes the amount of shared parking for the front of the TANK Transit Hub. Planet Fitness can also benefit from the parking agreement. There will be 106 new parking spaces for a total of 263 spaces. Mr. Hahn recommended eliminating 2-3 parking spaces on the west side of the alcove and constructing a one-way thru lane. It will allow the movement of vehicles in the event all parking spaces are filled in this area. Planet Fitness is proposing a closed loop geothermal system in the parking lot. No landscaping can appear in this area. It will be a parking field. The Florence Heights Concept Development Plan is affecting the placement of the Planet Fitness building. The developer is proposing a retaining wall and a sign off Heights Boulevard. It would obstruct their building if it was placed on the north side. The sign itself would obstruct it along with a potential second retaining wall. It would also be difficult to route stormwater to the TANK lot if the building was placed to the north. The elevation would not make it possible. By placing the building to the south, it will sit higher on the site thus directing the stormwater towards the TANK lot.

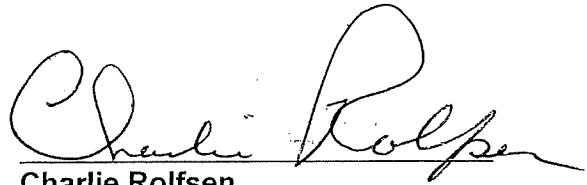
Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, he asked if the Board Members had any questions or comments?

Mr. Hicks asked how would the geothermal system be installed? Mr. Hahn responded that they will drill 60 bores, 300 feet into the earth. It will get to a point where the temperature is favorable in the summer for cooling and in the winter for heating. The system will be located under the parking spaces in the alcove area.

Chairman Rolfsen asked if there will be any landscaping in the parking lot to break it up? Mr. Hahn replied that the only paved portions of the central area are the accessible paths. The rest of the area is landscaped. There will be more landscaping in the middle area than a traditional development.

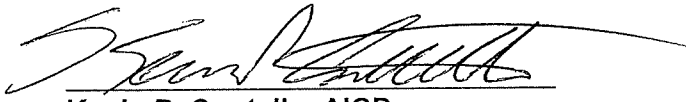
There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 17, 2014 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on October 1, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:09 P.M.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

Exhibit :

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Bessler, Chairman

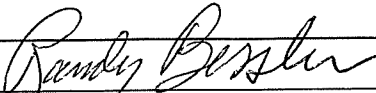
DATE: September 17, 2014

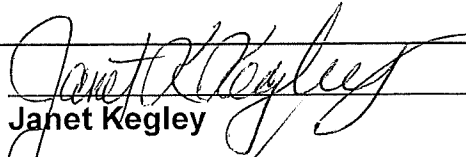
RE: **CONCEPT DEVELOPMENT PLAN - Randy Bessler, Chairman, Mitch Light, Staff**


1. Request of **Austin Hahn, P.E. (applicant)** for **D&J Mall Road, LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.6 acre tract located on the southeast corner of the Mall Road and Heights Boulevard intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard.

### REMARKS:

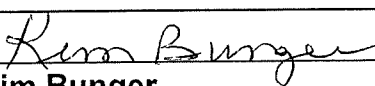
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

  
\_\_\_\_\_  
**Randy Bessler, Chairman**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

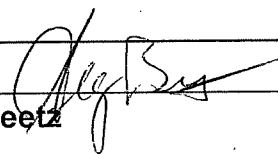
  
\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Ben Brandstetter**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Charlie Reynolds (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_

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

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

  
\_\_\_\_\_  
**Greg Breetz**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

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

<b>TOTAL:</b> _____ DEFERRED _____ FOR PROJECT _____ ABSENT _____
_____ AGAINST PROJECT _____ ABSTAIN _____

# **SUPPORTING INFORMATION**



# CALICHI DESIGN GROUP

1845 S. Michigan Avenue, Suite 2003  
Chicago, IL 60616  
(312) 548-0919

CIVIL ENGINEERS www.CaliChi.com

**To:** Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington, KY 41005

**From:** Austin J. Hahn, P.E., CaliChi Design Group

**CC:** John Clancy, PF Cornerstone LLC

**Date:** 8/4/2014

**Re:** Legal Description – Proposed Planet Fitness – Heights Blvd & Mall Road, Florence, KY

To Whom it may Concern,

The legal description for the proposed Planet Fitness project (SE Corner of Mall Road and Heights Boulevard) are as follows:

## LAND DESCRIPTION

(PER COMMITMENT)

SITUATED IN THE CITY OF FLORENCE, COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, AND BEING PART OF A 4.00 ACRE TRACT CONVEYED TO D & J MALL ROAD, LLC IN DEED BOOK 961, PAGE 18 OF THE BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT A FOUND 1/2 " IRON PIN (LS#2316) THE NORTHWEST CORNER OF NON-BUILDABLE PARCEL "C" AS SHOWN ON THE PLAT OF THE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT SLIDE 237B, SAID PIN ALSO ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF HEIGHTS BOULEVARD (R/W VARIES) AND THE NORTHEAST CORNER OF THE ABOVE MENTIONED 4.00 ACRE TRACT; THENCE WITH THE EXISTING SOUTH RIGHT-OF-WAY LINE OF THE HEIGHTS BOULEVARD AND THE NORTH LINE OF THE ABOVE MENTIONED 4.00 ACRE TRACT, SOUTH 82°53'58" WEST, 260.60 FEET TO A SET IRON PIN AND THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING. LEAVING THE ABOVE MENTIONED EXISTING SOUTH RIGHT-OF-WAY LINE OF HEIGHTS BOULEVARD, AND WITH A NEW DIVISION LINE THROUGH THE ABOVE MENTIONED 4.00 ACRE TRACT, SOUTH 07°06'02" EAST, 400.00 FEET TO A SET IRON PIN ON THE NORTH LINE OF A TRACT CONVEYED TO JOSEPH CLINTON AND FRANCES BERKSHIRE IN DEED BOOK 149, PAGE 120; THENCE LEAVING THE NEW DIVISION LINE AND WITH THE COMMON LINE OF THE ABOVE MENTIONED 4.00 ACRE AND THE ABOVE MENTIONED BERKSHIRE TRACT, SOUTH 82°53'58" WEST, 1755.00 FEET (APPARENT TYPO FOR 175.00 FEET) TO A FOUND 5/8" IRON PIN (LS#3001) ON THE EXISTING EAST RIGHT-OF-WAY LINE OF MALL ROAD (150' RW);

THENCE LEAVING THE ABOVE MENTIONED BERKSHIRE TRACT AND WITH THE EXISTING RIGHT-OF-WAY LINE OF MALL ROAD, NORTH 07°06'02" WEST, 400.00 FEET TO A FOUND 1/2" IRON PIN (NO CAP) AT THE INTERSECTION OF THE EXISTING EAST RIGHT-OF-WAY LINE OF MALL ROAD WITH THE EXISTING SOUTH RIGHT-OF-WAY LINE OF THE ABOVE MENTIONED HEIGHTS BOULEVARD;

THENCE LEAVING THE EXISTING EAST RIGHT-OF-WAY LINE OF MALL ROAD AND WITH THE SOUTH RIGHT-OF-WAY LINE OF HEIGHTS BOULEVARD, NORTH 82°53'58" EAST, 175.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1.607 ACRES OF LAND AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



# CALICHI DESIGN GROUP

1845 S. Michigan Avenue, Suite 2003  
Chicago, IL 60616  
(312) 548-0919

CIVIL ENGINEERS [www.CaliChi.com](http://www.CaliChi.com)

Page | 2

ALL SET IRON PINS ARE 5/8" X 30" WITH PLASTIC CAP STAMPED 3275, 3292, 2916, 3238, UNLESS OTHERWISE NOTED. THE REFERENCE MERIDIAN IS KENTUCKY STATE PLANE COORDINATES, NORTH ZONE (1601).

THE ABOVE DESCRIPTION WAS PREPARED FROM A FIELD SURVEY MADE ON MAY 19, 2008 UNDER THE DIRECTION OF CHRIS R GEPHART, LICENSED PROFESSIONAL LAND SURVEYOR #3292 IN COMMONWEALTH OF KENTUCKY.

BEING THE SAME PROPERTY CONVEYED TO D & J MALL ROAD, LLC, AN OHIO LIMITED LIABILITY COMPANY BY DEED DATED JULY 9, 2010 AND RECORDED JULY 12, 2010 AT DEED BOOK 981, PAGE 920 OF THE BOONE COUNTY, KENTUCKY CLERK'S OFFICE.

If you have questions, please contact me.

Respectfully,

**CaliChi Design Group**  
(513) 265-6397 (Cell)  
(312) 548-0919 (Office)





# 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)

September 22, 2014

Mr. Austin Hahn, PE  
CaliChi Design Group  
445 W. Erie, Suite 208  
Chicago, IL 60654

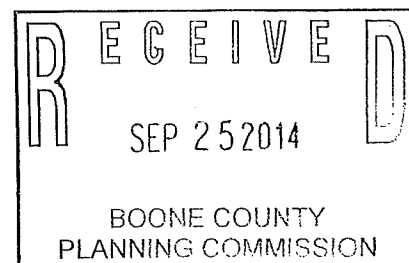
RE: Request of **Austin Hahn, P.E. (applicant)** for **D&J Mall Road, LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.6 acre tract located on the southeast corner of the Mall Road and Heights Boulevard intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard.

Dear Mr. Hahn:

The following represents the condition of approval for the above referenced Concept Development Plan as agreed to by you and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. The signature line on the last page of this letter must be signed by the current property owner to show agreement with the listed condition. Please return this letter with the original signatures to the Boone County Planning Commission office by September 26, 2014.

## CONDITIONS

1. The Property Owner agrees to redesign the center section of the proposed parking lot so that it is no longer a dead-end.



Mr. Austin Hahn, PE  
September 22, 2014  
Page 2

Page 2

Sincerely,




Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/tlb

AGREEMENTS

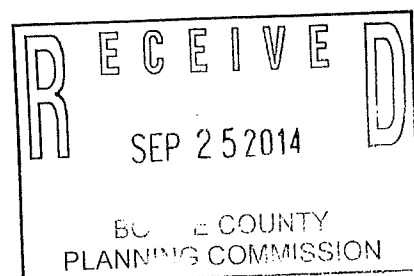
I, Daniel A. Neyer, do hereby agree to the listed conditions of approval for the Zoning Map Amendment for a Special Sign District which is described in this letter.



9/23/14

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

\_\_\_\_\_  
Date



ORDINANCE NO. O-25-14

**AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR AN APPROXIMATE 1.6 ACRE TRACT GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE MALL ROAD AND HEIGHTS BOULEVARD INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW AN APPROXIMATE 30,000 SQUARE FOOT FITNESS CENTER/HEALTH CLUB TO EXCEED THE MAXIMUM CORNER SIDE YARD SETBACK, AND TO ALLOW ADDITIONAL PARKING IN THE CORNER SIDE YARD. (D&J MALL ROAD, LLC PROPERTY)**

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-14-017-A recommended approval, with one condition, for a concept development plan, and

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

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

**SECTION I**

That the request of Austin Hahn, P.E. (Applicant) for D&J Mall Road, LLC (Owner), for a concept development plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.6 acre site generally located on the southeast corner of the Mall Road and Heights Boulevard Intersection, Florence, Kentucky, to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this concept development plan for this subject property.

**SECTION II**

The approval of this concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-14-017-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

**SECTION III**

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-14-017-A, marked Exhibit "A", and attached hereto.

**SECTION IV**

If the approval for this concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the validity of any

of the other zoning regulations, zoning map, comprehensive plan, or other portions, provisions or terms of the approved concept development plan for this property as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.

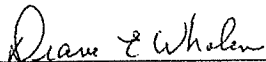
**SECTION V**

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


PASSED AND APPROVED ON FIRST READING THIS 21<sup>st</sup> DAY OF October, 2014.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28<sup>th</sup> DAY OF October, 2014.

APPROVED:

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

**CITY OF FLORENCE, KENTUCKY**  
**SUMMARY OF ORDINANCE NO. 0-25-14**

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-25-14 on October 28, 2014. The title of this Ordinance is as follows:  
**ORDINANCE NO. 0-25-14**

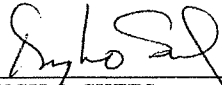
**AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR AN APPROXIMATE 1.6 ACRE TRACT GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE MALL ROAD AND HEIGHTS BOULEVARD INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW AN APPROXIMATE 30,000 SQUARE FOOT FITNESS CENTER/HEALTH CLUB TO EXCEED THE MAXIMUM CORNER SIDE YARD SETBACK, AND TO ALLOW ADDITIONAL PARKING IN THE CORNER SIDE YARD. (D&J MALL ROAD, LLC PROPERTY)**

The effect of this Ordinance is to allow an approximate 30,000 square foot fitness center/health club to exceed the maximum corner side yard setback, and to allow additional parking in the corner side yard in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 1.6 acre site generally located on the southeast corner of the Mall Road and Heights Boulevard intersection, Florence, Kentucky.

The full text of Ordinance No. 0-25-14, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

**CERTIFICATION**

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-25-14 and that it has been prepared by me on the 17<sup>th</sup> day of October, 2014, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.

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

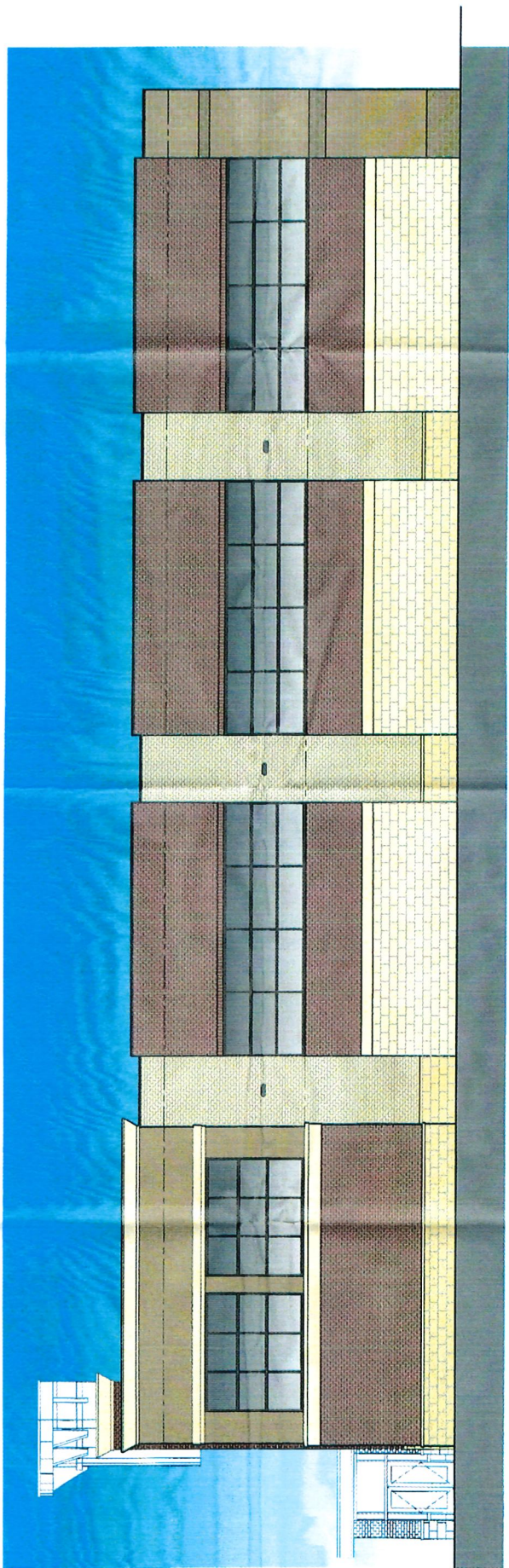


10/10/2014  
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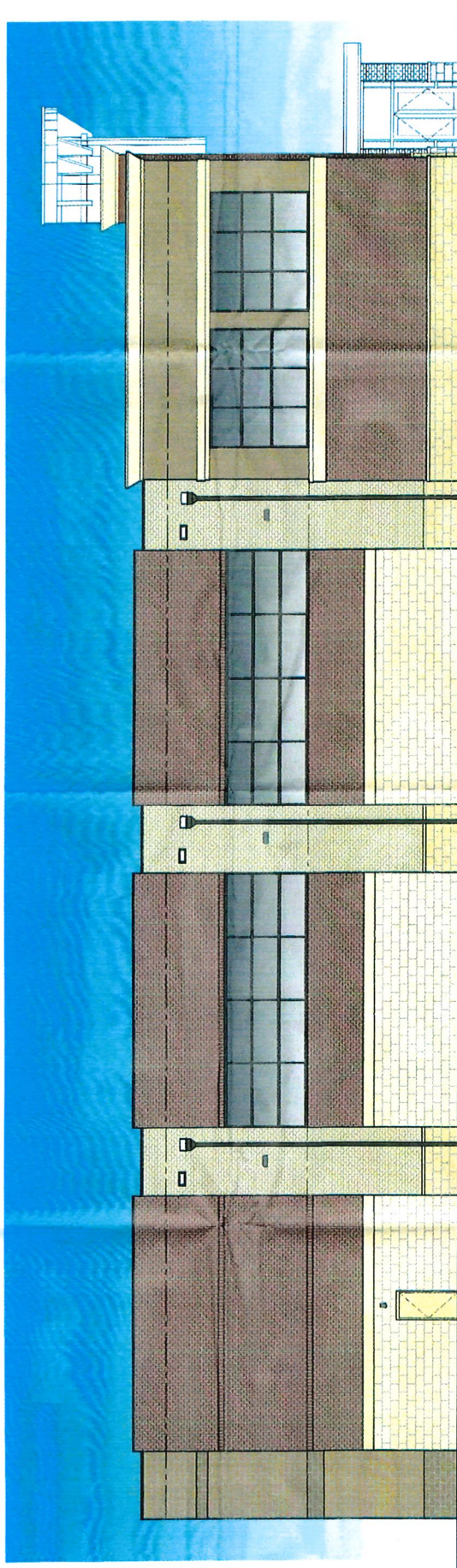


FRONT ELEVATION RENDERING  
10/10/2014

PLANET FITNESS  
FLORENCE, KY



PLANET FITNESS  
10000  
10000  
10000  
10000



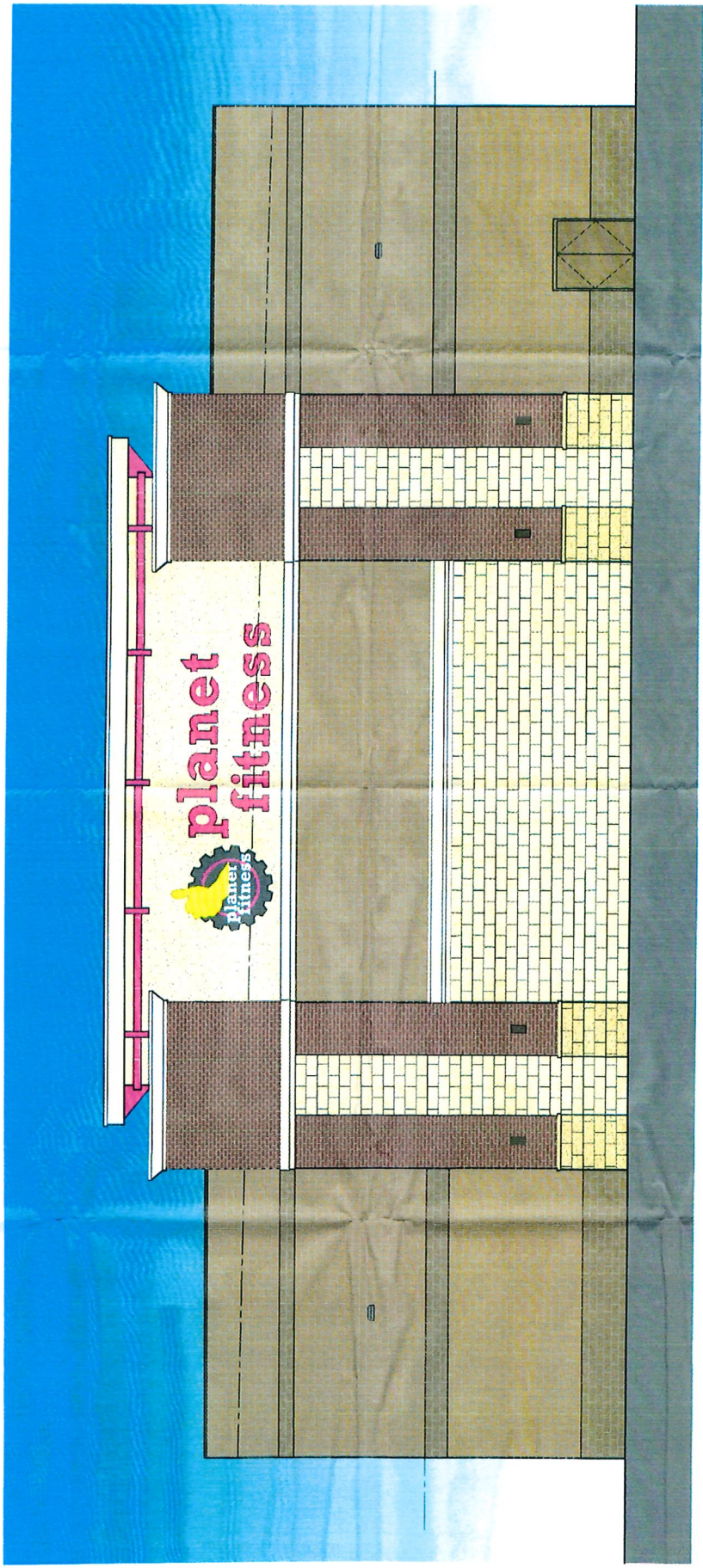
MOBIL  
DESIGN

SIDE (PARKING) ELEVATION RENDERING  
REV. 11/14

PLANET FITNESS  
FLORISSANCE, KY



PLANET FITNESS  
FLORENCE, KY



PLANET FITNESS  
FLORENCE, KY

REAR ELEVATION RENDERING  
2001.14

