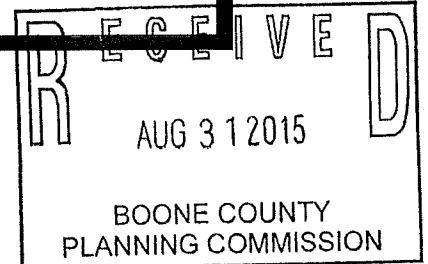


APPLICATION FORM

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  Technical Design  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 Domino's Pizza
- 3. Location of Project 7550 Dixie Hwy, Florence, KY 41042
- 4. Total Acreage of Site 1.633 Acres Total (Area under Review 1.2 +/- Acres)
- 5. Current Zoning C-1
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) R-94-029-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) No
- 8. Proposed Uses (please specify each use) Any use permitted in C-1 zoning
- 9. Proposed Building Intensities (please specify).  
2963 sq Building
- 10. Have you submitted a Concept Development Plan? \_\_\_\_\_
- 11. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
- 12. Name of Applicant(s) Cobblestone Street II, LLC.  
Phone Number 513-984-5597 Fax No (513) 984-5110 E-Mail Ricke.Vigoda.com
- 13. Address of Applicant(s) 4695 Lake Forest Dr.  
Cincinnati Ohio 45242  
City State Zip
- 14. Name of Property Owner(s) Cobblestone Street II, LLC.  
Phone Number (513) 227-2868 Fax No. \_\_\_\_\_ E-Mail Riche.Bergman-Group.com
- 15. Address of Property Owner(s) 4695 Lake forest Dr. #100  
Cincinnati Ohio 45242  
City State Zip
- 16. Are there any existing buildings on the site? Yes  
How many? 1
- 17. Deed Book D1055 Page No. PG307 Group No. 2042

(over)

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

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

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

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

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

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

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

1. Date Received 8-31-15 Fee Received 2306.00 RA 0711492
2. Check what has been submitted:  
 Application  Fee  Legal Description  
 Concept Development Plan  Addresses of Adjoining Property Owners  
5 No. of copies of plan received \*\*
3.      Date Application is Administratively Complete as Defined in KRS 100.211
4. Staff Reviewer TODD MORGAN
5. Committee Chairperson \_\_\_\_\_
6. Scheduled Public Hearing Date \_\_\_\_\_
7. Boone County Planning Commission Action:  
 Approved 11/4/15 Approved With Conditions  
 Denied \_\_\_\_\_ Resolution # \_\_\_\_\_
8. Other: \_\_\_\_\_

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

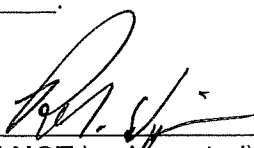
**Note:** See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

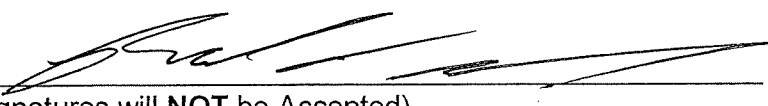
**ADDENDUM TO ZONING MAP AMENDMENT OR  
CONCEPT DEVELOPMENT PLAN APPLICATION  
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION**

***Waiver of 60 Day Time Requirement by Originator  
for Final Planning Commission Action***

1. Name of Project Dominos PIZZA
2. Location of Project 7550 Dixie Hwy, Florence, KY 41042
3. Names of Applicant(s) Cobblestone Street II, LLC.  
Phone No. (513) 984-5597 Fax No. (513) 984-5110 E-Mail Rick@Vigren.com
4. Address of Applicant(s) Cobblestone Street II, LLC.  
Cincinnati Ohio 45242  
City State Zip
5. Name of Property Owner(s) Cobblestone Street III, LLC.

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan\* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on November 5, 2015.

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

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

**Note:**

\*The 60-day time limit applies to Concept Development Plan applications if the site was originally subject to a Zoning Map Amendment request as part of an individual request, county-wide Zoning Update or a land use/zoning study or plan.

# EXHIBIT

“A”

## STAFF REPORT

Request of **Cobblestone Street II, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for a 1.633 acre site located at 7550 Dixie Highway, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow all uses permitted in the C-1 zone.

October 7, 2015

### REQUEST

The property owner has applied for a Change in an Approved Concept Development Plan to allow the bank located at 7550 Dixie Highway to be occupied by principally permitted uses of the Commercial One (C-1) zone. The submitted Concept Development Plans shows that the bank drive through will be demolished and Domino's Pizza will occupy the building. Exterior improvements include two fabric awnings, building mounted signage, and a 7' tall monument sign. An interior floor plan was submitted showing the restaurant will have sit down dining.

### PERTINENT SITE HISTORY

- 1994 - Approximately 1.2 acres of the 1.633 acre property is rezoned from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow a bank (see attachments).
- 1996 - Boone County Planning Commission approves a Site Plan allowing a 3,000 square foot bank, drive through lanes, and 23 parking stalls on the subject site (see attachments).

### SITE CHARACTERISTICS

The 1.633 acre site is located on the west side of Dixie Highway and contains feet of 206 feet of road frontage. The property contains a 3,000 square foot bank, drive through lanes, and an accessory parking lot. The building is constructed of brick and asphalt shingle roofing. Access to the site is provided from a single curb cut on Dixie Highway. Evergreen shrubs are located along Dixie Highway and a substantial portion of the drive through lane. Mature evergreen trees buffer the drive through side of the building from the adjoining apartments on Circle Drive. The rear portion of the site (approximately 0.7 acres) is an open grass area with a few mature deciduous trees.

### ADJACENT LAND USES AND ZONING

North: Family Dollar (C-2)

South: Circle Drive Apartments and Single -Family Residential Dwellings (SR-2)

East: Dixie Highway, Patrick's Custom Hardwood Flooring (C-2) and a Single-Family Residential Dwelling (SR-2)

West: Florence Apartments (UR-2)

### RELATIONSHIP TO COMPREHENSIVE PLAN

The Boone County Comprehensive Plan's "2035 Land Use Plan" designates the site for "Commercial" and "Suburban Residential" uses. These designations are described as follows:

Suburban Residential - Single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision.

Commercial - Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

The Land Use Element (Florence Central, pg. 166) makes the following statement regarding the general area:

- A. Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments.

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

- A. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Landscaping, pg. 163).

- B. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns.

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

- A. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Four studies, the Houston-Donaldson Study, the Central Florence Strategic Plan, the Main Street Study, and the Mall Road District Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area (Recommended Areas of Commercial Activity, pg. 67).

The following Goals and Objectives relate to the request:

- A. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Objective).
- B. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- C. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective).
- D. 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, Objective).
- E. Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways and roadway lanes (Transportation, Objective).

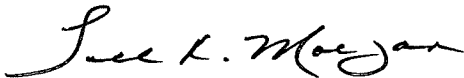
STAFF COMMENTS

1. The Change in Approved Concept Development Plan was required because the 1994 Zone Change approval only allowed a bank.
2. Staff has attached the principally permitted, accessory, and conditional uses of the O-1 zone for review. Staff recommends that the Planning Commission, City of Florence, and applicant should review this list to determine which uses are appropriate.

CONCLUSION

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

Respectfully Submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/tlb

Attachments:

- \*Site Vicinity Map
- \*Concept Development Plans
- \*6/29/94 Public Hearing Minutes
- \*7/20/94 Committee Report
- \*City of City of Florence Ordinance No. O-24-94
- \*3/20/96 Approved Site Plan
- \*2013 Aerial Map
- \*Zoning Map
- \*Topographical Map
- \*2035 Future Land Use Map
- \*C-1 Principally Permitted, Accessory, and Conditional Uses
- \*Application

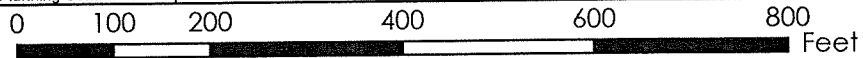
# SITE VICINITY MAP

www.boonecountygis.com



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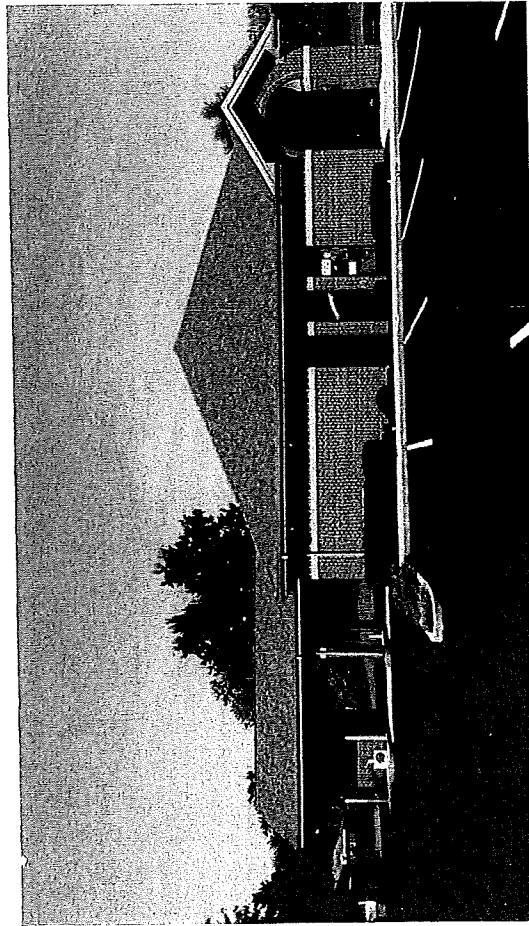
1 inch = 200 feet



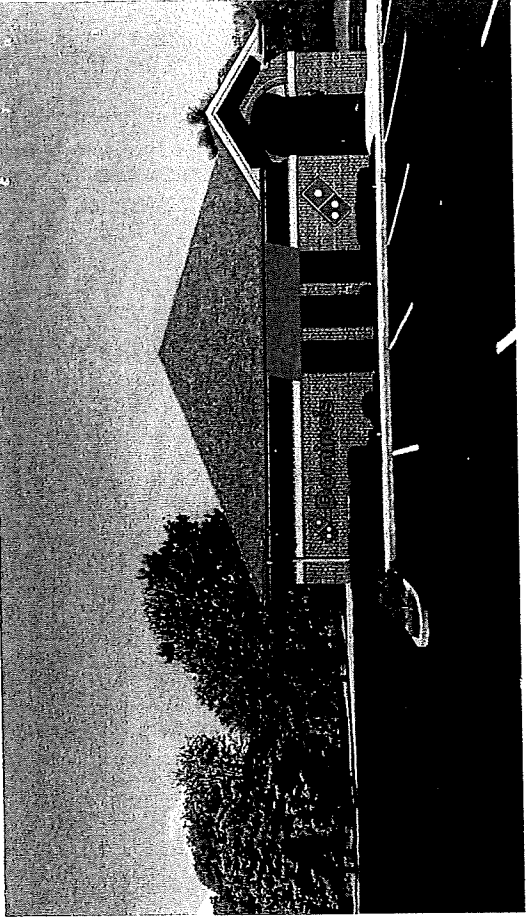
**Boone County GIS - Putting Northern Kentucky on the Map**



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ArcMap Document: BooneMap (file).mxd

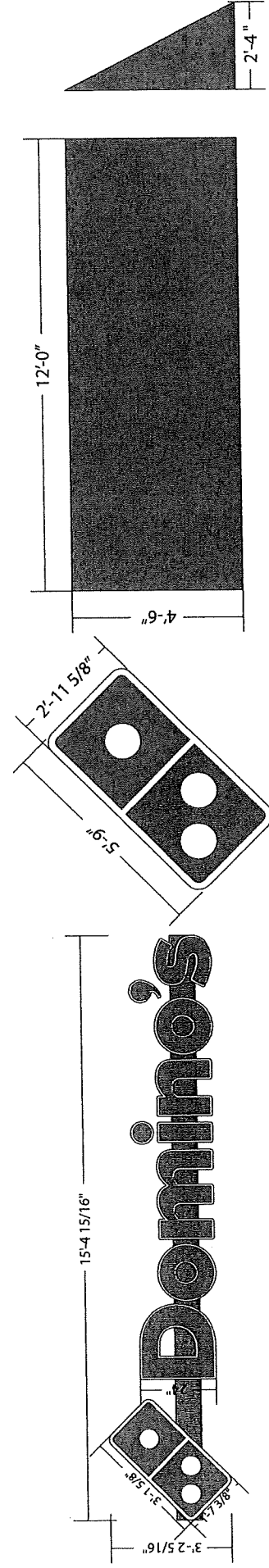


EXISTING



PROPOSED

# Proposed removal of existing drive-thru structure

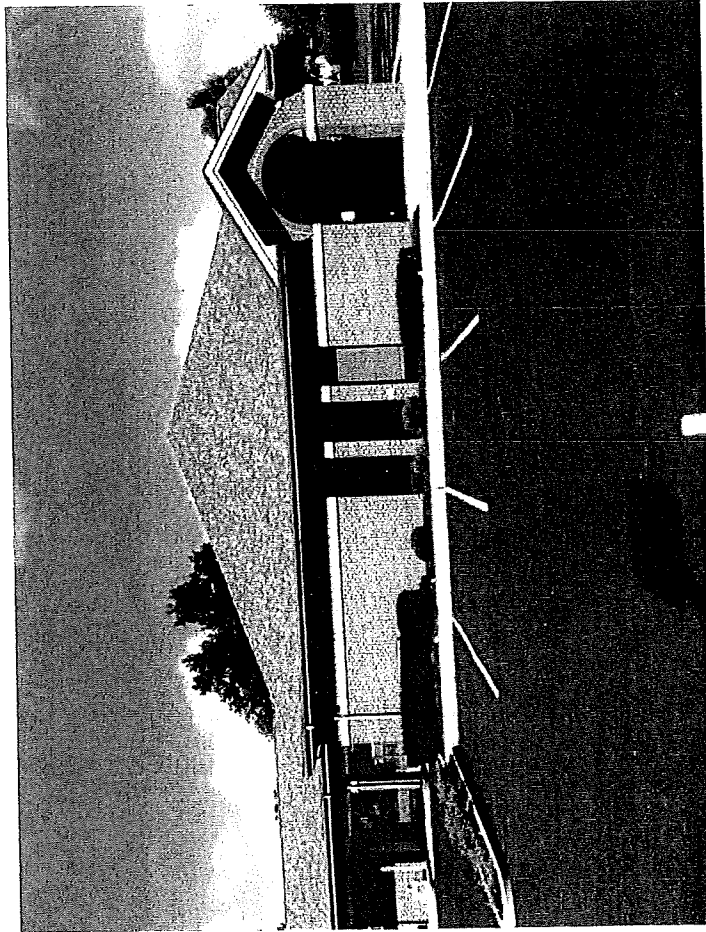


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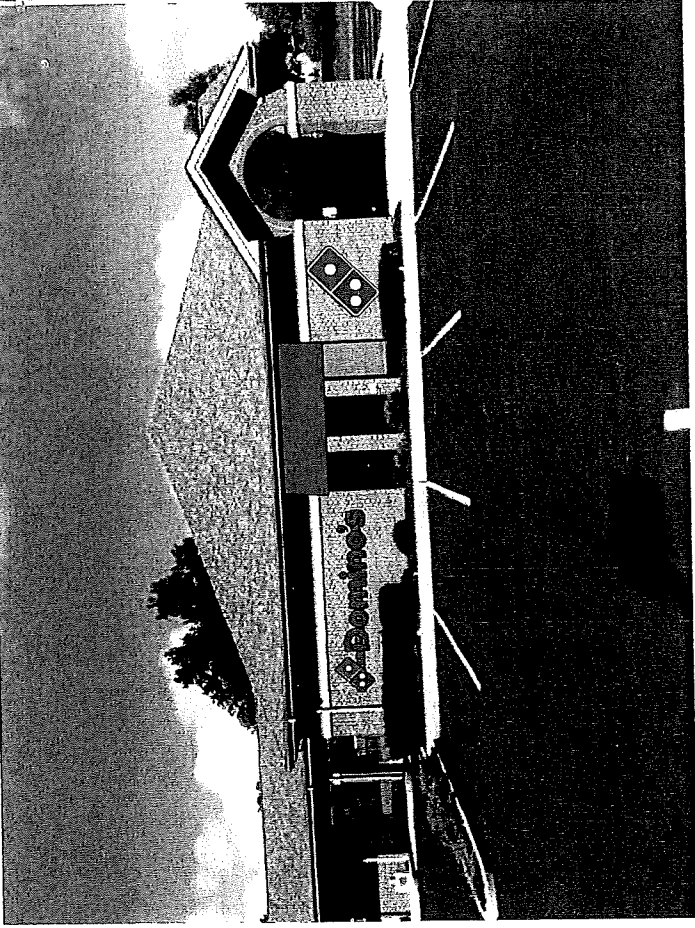
NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

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Date:		Eng:	
Location:	FLORENCE, KY	File Name:	

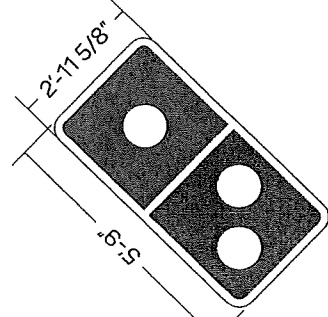
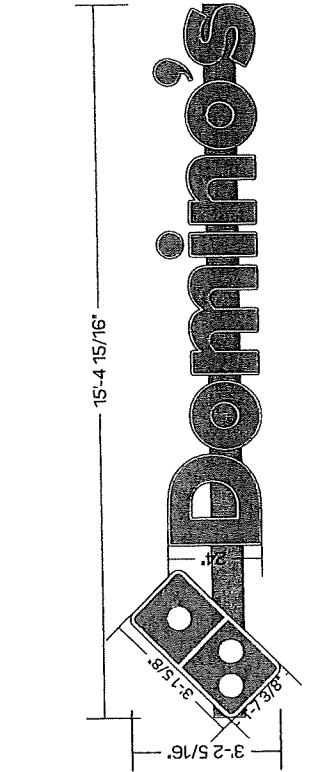
Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a reference to this drawing will be made.



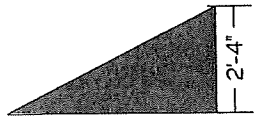
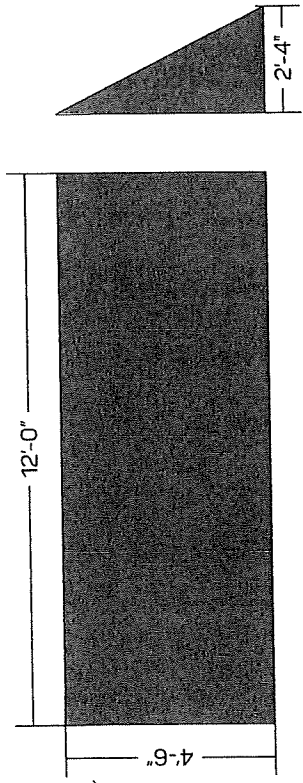
EXISTING



PROPOSED



GRAPHIC DETAIL  
SCALE: 1/4" = 1'-0"

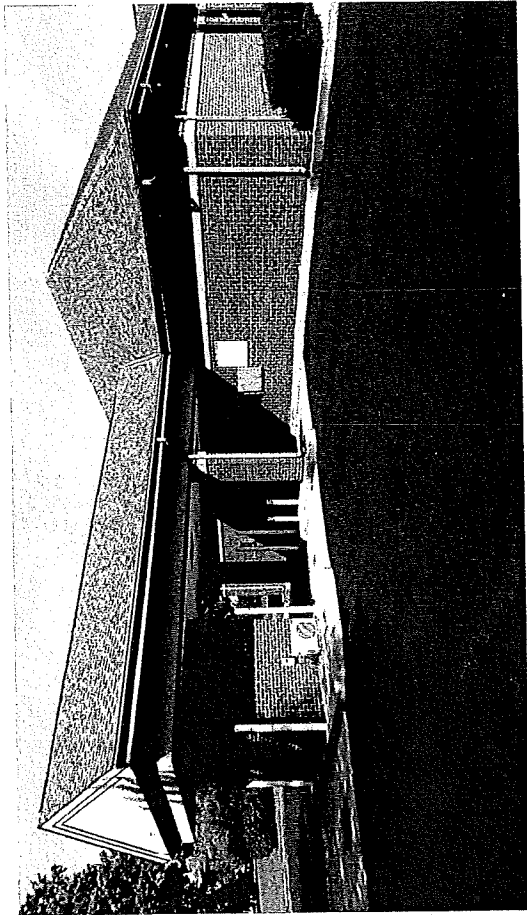


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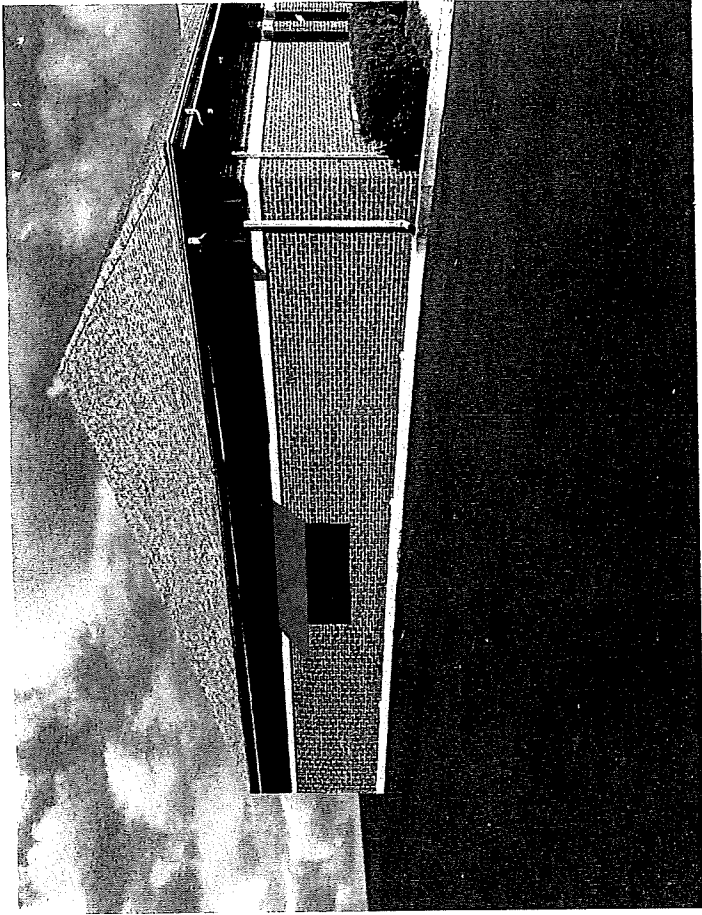
Customer:	<b>DOMINO'S</b>	Date:	<b>8/3/15</b>	Prepared By:	<b>RM</b>	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>
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**persōna**  
SIGNS | LIGHTING | IMAGE

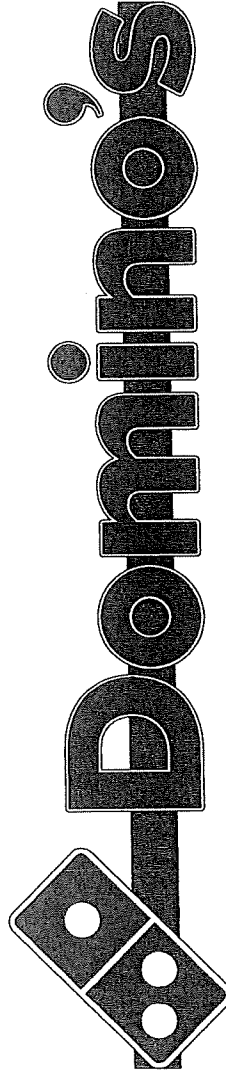
DISTRIBUTED BY SIGN UP COMPANY  
700 21st Street Southwest  
PO Box 210  
Watertown, SD 57201-0210  
1.800.843.9888 · www.personasigns.com



EXISTING



PROPOSED



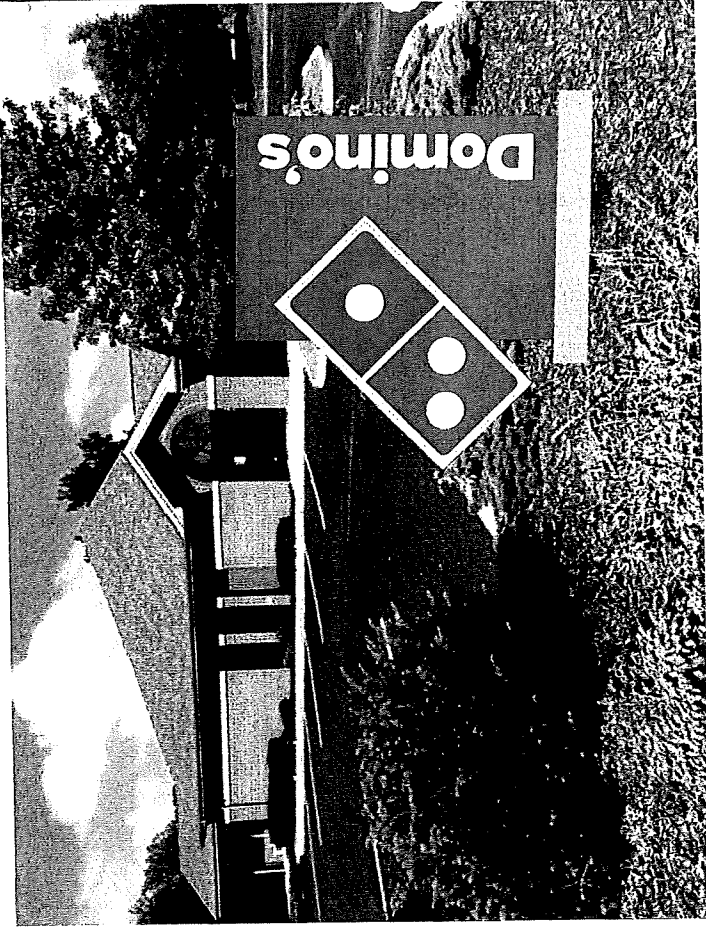
# Proposed removal of existing dive-thru structure

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

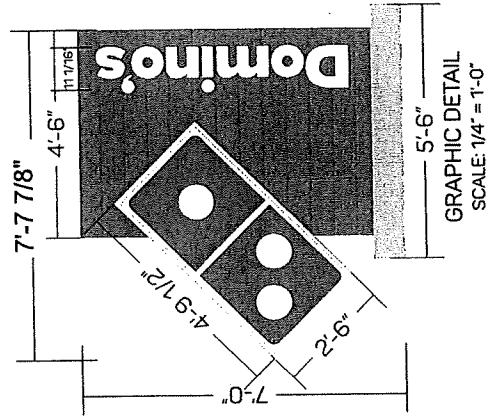
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Location: <b>FLORENCE, KY</b>	File Name:	Eng:	



EXISTING



PROPOSED

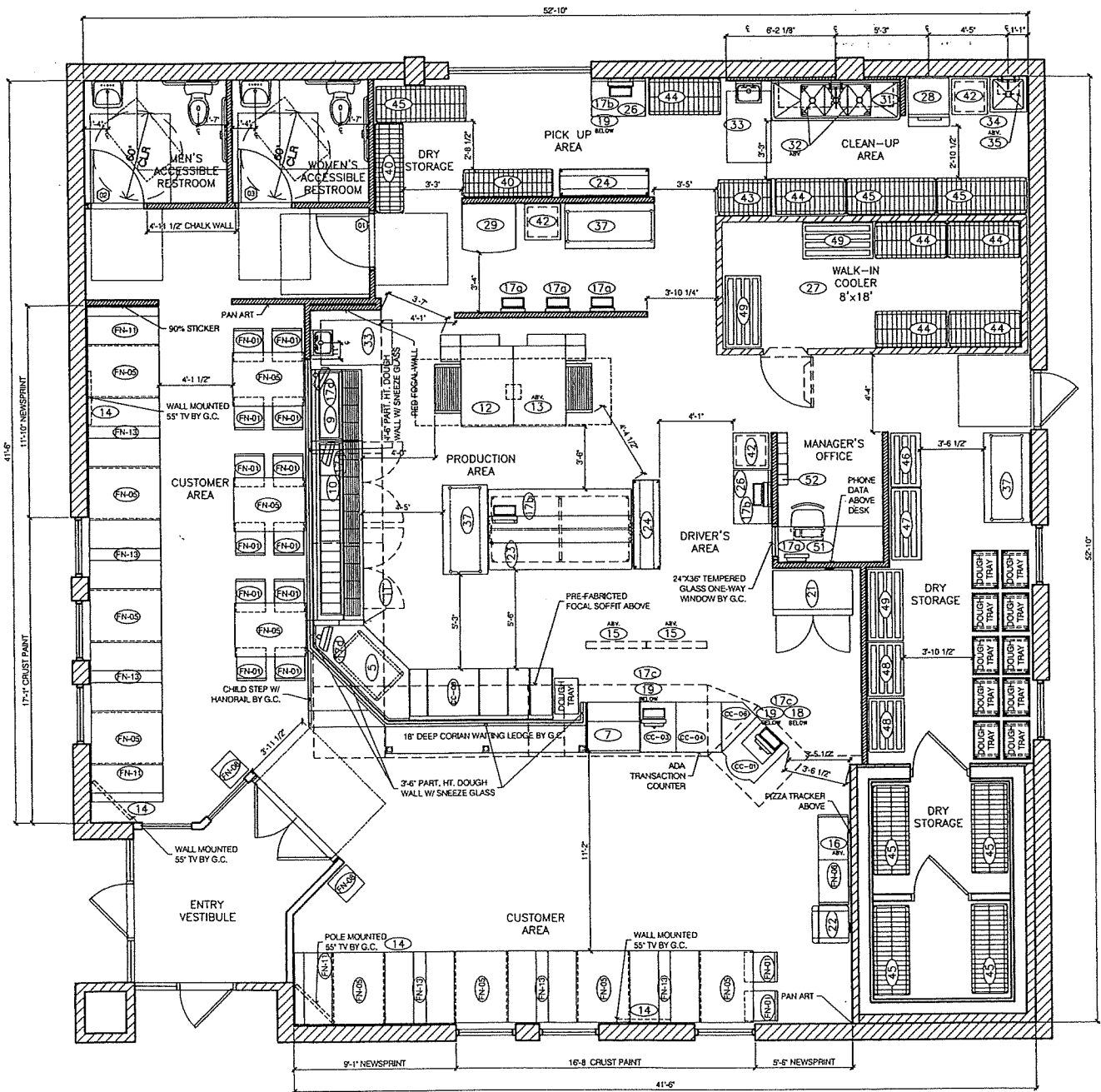


NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: **DOMINO'S** Date: **8/3/15** Prepared By: **RM**  
 Location: **FLORENCE, KY** File Name: **138420 - FLORENCE, KY - SIGN PACKAGE**

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 700 21st Street Southwest  
 PO Box 210  
 Watertown, SD 57201-0210  
 1.800.843.9888 · www.personasigns.com

Eng: -



1 EQUIPMENT LAYOUT

SCALE: 1/4" = 1'-0"

NOTE: THIS DRAWING IS FOR EQUIPMENT LAYOUT PURPOSES ONLY. PLEASE SEE PARTITION AND FINISH PLAN ON FOLLOWING PAGE FOR FULLY DIMENSIONED PARTITION LOCATIONS AND ASSEMBLIES.

# BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

June 29, 1994

## PUBLIC HEARINGS

Commission members present: Judy Arnett, William Bailey, Phil Damstrom, Robert Kirby, Jr., Don McMillian, Barry Neltner, Linda Schaffer, Chairman William Viox, and Earl White. Also present: Director Kevin P. Costello, Planners Dean E. Niemeyer and Robert A. Jonas, and Attorney Dale T. Wilson.

Chairman Viox introduced the second item on the Agenda, the time being 8:33 p.m.:

2. **Applicant:** Columbia Federal Savings & Loan Association for Mark H. Berliant, Trustee (owner)  
**Request:** Zoning Map Amendment

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

Staff Member Robert Jonas presented the Staff Report which included a review of the attachments (see Staff Report) and a slide presentation.

Chairman Viox asked for the applicant's comments.

Mr. Robert Lynch introduced himself as President of Columbia Federal, a local, independent, mutually-owned association which has been in Northern Kentucky since 1884. He stated that they have five offices from Covington to Florence, that the Florence Office has been in existence for 18 years at St. Jude and U.S. 25, that they are very happy with this location, but have outgrown the rental quarters in the small shopping center. He continued, stating that that office has 1,300 savings accounts most of which are from local neighborhoods in the Florence area. He stated that they began looking for property to build a larger facility about six months ago, that they wanted to stay in same neighborhood, that they looked at six or seven properties on U.S. 25, most of which were 1/2 to 3/4 acre, and they felt they needed more than that.

Mr. Lynch stated that the subject property is 1.6 acres, a little large for them, but it will allow them to leave some space around the building, and the biggest advantage is that it is only block and half from their present location. He continued, stating that that

office now has four employees in 1,600 square feet, that they are planning on a free-standing office building of about 3,000 square feet, with probably five to six employees maximum, with perhaps a loan officer later on. He explained they definitely want a walk-in vault, and safety deposit boxes which they do not have now, and that they will move the *Jeanie* machine up there. He noted the Board of Directors is very interested in the project, and committed the funds to complete it, with the furniture and equipment, totalling about \$600,000 to \$700,000. He then introduced Attorney Tim Theissen and Architect Bill Hub.

Mr. Theissen advised he is with law firm of Strauss & Troy, practicing out of the Northern Kentucky office, is general counsel for Columbia Federal and has been for several years, and that he was present on their behalf with their zone change request. He stated he also has the unusual opportunity to represent the seller of the site, that he brought the previous application in 1991, and was at that time representing the seller and they had no buyer. Mr. Theissen indicated he would speak in four areas: history of the site, site from a planning standpoint, the proposal itself, the legal standard and staff comments.

Mr. Theissen stated that the subject property has been zoned residential for years having been changed when the apartments were built in the 1960s, that the current zone is SR-2 which would allow eight units per acre, single family homes, duplexes or townhouses, which for this 1.6 acres, would allow 12 units. He stated that the property has been marketed as residential for years, that several real estate companies have had the listing, with almost no interest, because of three reasons: (1) there is no demand for residential uses on an arterial street...the goal of residential development now is to get it away from the arterial streets and leave the arterials to be primarily commercial with residential development behind; with buffering of multi-family between commercial and single family; (2) there is substantial existing apartment-type residential in the area...Florence Apartments are directly behind the site, Shenandoah Apartments are a couple blocks away, and while both of those complexes are successful, he does not know that there is the demand for any more rental-type residential uses in the area. He referred to the Comprehensive Plan, pages 108 to 110, where he said there is a discussion about the supply of housing in Florence, indicating that Florence is the hotbed for multi-family type residential buildings and that in 1987, Florence had 66% of the multi-family units, with only about 34% of the population, thus his position that there is a large density of multi-family in the area already, and no more is needed in Florence, or certainly not along this area. He stated that a recognition of a low percentage of single family units in existence in Florence is also discussed in the Housing Type Section. Mr. Theissen continued, stating that (3) the Comprehensive Plan also discusses growth patterns on page 110, indicating the City is following a typical pattern of development in growth whereby older homes in the central area are being renovated or replaced for the expansion of business and office use, leading to the conclusion that perhaps a residential zone on this site is not appropriate any more.

Mr. Theissen stated that in 1991, John Shore applied for a change to the site to C-1 zoning, and this Planning Commission recommended approval of that request with the finding that while C-1 was not in agreement with the Comprehensive Plan, the Land Use Element calls for it to be Urban Density Residential. He stated that approval at that time was conditioned on six specific details imposed on the developer, each of which have been complied with in the current plan: landscaping, reduced intensity, greater buffer to the apartment building, trying to maintain trees on the site, an access point as far north as possible to be shared with the property next door if it ever develops (said property being a large single family residential lot with the old farm house), and to meet Florence's storm water requirements. He continued, that the property had been zoned Residential for a long time, marketing was not working, so they were trying to get the zone changed so that they could market it as a commercial site, and they had no specific user at the time. He recalled that Mayor Kalb was then on Council, and she was especially concerned about not knowing who the user was, which was understandable inasmuch as the C-1 zone has 31 types of permitted uses, some of which (such as dry cleaners, liquor stores, bars, 24-hour stores, pet shops) were considered problematic, so City Council rejected the Commission's recommendation to change the zone at least until such time as a user was found. Mr. Theissen stated that he felt Council probably would have approved it except for the concern about the potential use, and that he felt there was fairly positive reaction from the City at that time even though they turned it down.

Mr. Theissen then discussed the site and the appropriateness of this site for proposed use, stating that while the Land Use Element of the Comprehensive Plan, page D-4, designates the property as Urban Density Residential, substantial adjacent land along U.S. 25 has been identified as commercial, and that in fact the approximately one-acre wooded area directly across the highway is actually designated C-2. He stated that the Zoning Map also has commercial zoning districts both north and south on both sides of the street. Mr. Theissen reviewed the uses along the Highway in the vicinity of the subject property: Reynolds' single family home next to site, which is good-sized lot that could go commercial in future; Les Jacobs' 12-unit apartment building; Carter Insurance, Mardis Catering, and State Farm; Woodcock Insurance; Emerson Bakery; Santini's Restaurant; Kelly's Antiques; Quast Orthodontist building; Kenco Industries, Cincinnati Bell, Domino's, Cooper Tire, AmeriStop, and Clark gasoline station, all of the foregoing on the same side of the street as site; on the other side, U-Save Auto rentals in a converted residential structure, St. Paul's, Bressler's CPA firm, Jack & Jill, General Rental, four residences, Mark's Gun Shop, a vacant lot zoned C-2, the house with wood decks, three residences which have an elevation drop of approximately 10' from road, Florence Medical Arts Center, Auto Glass, Columbia Federal's current branch in the shopping center where they share rental space with Florence Karate and Watson's; Remke's and Super-X. He stated that commercial is appropriate inasmuch as these businesses are successful and most have existed there since before 1991.

Mr. Theissen stated that while the map shows the subject property as Urban Density Residential, the Land Use Text of the Comprehensive Plan indicates that commercial development in this area should remain near the arterial roads or close to the Interstate (noting that U.S. 25 is an arterial), that the coordination of curbcuts and parking lot connections in the already developed areas must occur in order to maintain reasonable ease of travel along these roads, that undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial office or industrial development in existence, that where no development has yet occurred, provision for access management must be made for future development, including the use of frontage roads as well as parking lot connections and shared curb cuts. He noted the property is adjacent to the Reynolds tract and that Columbia Federal is more than willing to provide a joint curb cut or a common driveway or access from their parking lot to Reynolds' lot if that ever goes commercial.

Mr. Theissen stated that the Business Activity Element of the Comprehensive Plan, page 95, talks about areas of future commercial activity in the Florence area and how the various small communities should continue to serve the commercial needs of their surrounding areas, that new businesses as they are constructed, or as existing structures are remodeled, should be developed with sensitivity to the historical character as well as the current character of the area, however this redevelopment should be done with attention paid to existing traffic, parking and pedestrian patterns. He stated that there is a sidewalk in front of this site, and that can be maintained after the development. He continued referring to the Plan, noting that in general, large residential developments may need to provide for neighborhood scale commercial activities. He noted that the U.S. 25 strip is obviously going commercial, that there are at least three instances within a block or two of this site where an existing residential structure has been converted to business, that the traffic is well resolved with direct access off of U.S. 25 and no local streets necessary, and that this bank will serve the neighbors and the persons already traveling U.S. 25. He added that this is not a regional draw, and that there are no other banks on this strip servicing this neighborhood.

Mr. Theissen stated that there is very good sight distance both directions from the proposed curb cut, that one can see both directions 500 feet which is more than enough in an 35 mph zone to get out. He noted a left turn storage lane on U.S. 25 is in existence, and that they can get the curb cut almost 300 feet from Circle Drive, and 12 cars theoretically could stack in there. He continued, stating that the site is perfect for the proposed use, minimum grading of the site is necessary, and they can keep the existing trees. He stated that the rear portion of the lot will not need to be used, that the site is bigger than Columbia Federal needs, that the rear portion will be undisturbed, that they do not even need to take anything underground, so no dig is anticipated there. He noted that one of the Staff's concerns was what will go on back there, and he emphasized that nothing is going to go on back there, that there is no "phase two" to this project, that the site is merely bigger than needed.

With regard to buffering to the apartments, Mr. Theissen stated that the code requires at least 20 feet of landscaped buffering when a commercial zone is adjacent to a residential zone, that they are proposing 40, as they did in 1991. He stated that the intensity of the site is minimum, that C-1 allows 8,000 square feet of finished space for every acre, that 1.6 acres would allow 12,800, but that they are proposing only 3,000.

With regard to the type of use, Mr. Theissen advised that this is not just a drive-through, that the facility will have pedestrian access as well, and a parking lot, that there will be no after-hours use of the site since banks operate generally from 9 to 6, that no trucks will be going in there which was a concern last time. He noted that the proposed use produces no noise or smells that could be offensive to adjacent users, also that minimal traffic comes into a branch bank facility as compared to other more intense uses such as convenience store.

With regard to landscaping, Mr. Theissen stated they have provided beyond requirements of the code, that they have not provided for landscaping between the parking lot and 25 for security reasons, that the police do not want banks to build things that prevent them from being able to see the building itself, that they want to not only see the building, but also be able to see into the building if they can, so they do not even want such things as mini blinds used. He indicated they can put a grass strip or even low landscaping.

With regard to signage, Mr. Theissen stated that the code allows one sign with maximum of 100 square feet out front, and that they are prepared to meet the requirements.

Mr. Theissen then discussed the legal standard required for granting a zone change, stating that the Land Use Element of the Comprehensive Plan calls for residential, the proposal is for commercial, but that from at least one standpoint, this proposal can be thought of as being at least partially in compliance with the Comprehensive Plan based on supporting text he previously referenced in the Housing Section, the Business Activity Section, the Land Use Section and the Future Commercial Activity Section.

Mr. Theissen stated that even if it is not in agreement, the proposal is still viable within two provisions of the statute: if the existing zone is inappropriate and the proposed zone is appropriate, or if there have been major changes of an economical, physical or social nature. He stated that there have not been any major changes in the area, that the area has been zoned residential a long time, but he thought that since the last time the site was given any detailed review by this Commission, U.S. 25 has been widened, and that there is continued development of commercial industry along the entire strip.

Mr. Theissen stated that obviously the strongest argument the applicant has is the fact that the SR-2 zoning is inappropriate and the C-1 zoning is appropriate, which is the basis the Commission used in 1991 when they recommended approval of the change. He continued, stating that it is his position that construction of 6 duplexes or 12 townhouses

on the site is not appropriate because there is adequate residential in the area, rather the rest of this strip of 25 is going commercial and Columbia Federal's plan offers an optimal plan to allow the change now of both the Comprehensive Plan and of the zoning of this site so that it can go C-1 now rather than having to wait until the next time the Planning Commission updates the five year plan.

Addressing the six Staff comments in order, Mr. Theissen recalled the first, that the proposal is not in compliance with the current Land Use Element of the Plan, stating that this does not prevent the Commission from supporting the request; the second regarding landscaping, stating that they have gone beyond the requirements; the third regarding screening along the front, stating that this is a police issue; the fourth regarding the rear portion of the lot, stating that there is no intended use; the fifth regarding the large oak tree in the front of the lot, stating that their goal is to maintain the tree with hope to make it the focal point of the site; and the sixth regarding signage which was previously discussed.

Mr. William Hub, architect whose office is located in Covington, stated that his firm has been doing work for a lot of banks, eight or ten of which are in Boone County. He discussed the design process noting that a project like this designs itself, that the site is really a lot bigger than needed, that typically a branch in the 3,000 square foot range takes 6/10 to 8/10 of an acre, but this site is more than twice that big. He explained how he had suggested moving the facility to one side, allowing a little more opportunity for frontage and further development to the rear of the site, but that Mr. Lynch had instructed him that they did not wish to develop the rear, thus they placed the building in the middle of the site.

Mr. Hub stated that there are four large trees on the site now, that they intend all of them to remain, that the tree in the front has lost a lot of leaves in the upper portion which is a concern, but that they will try to use that as a focal point. He stated that a big part of the design of a branch bank involves the drive-through lanes, that if there will be night deposit and ATM machine available after-hours, it is absolutely mandatory that this be visible from the street. He continued, stating that they have to consider back-up for cars waiting in line at the drive-through lane which eliminates using the right side, because the stack up would block the site; the back of the building could not be used because there is no visibility for the ATM machine and night deposit and people would be afraid to use it because of the possibility of robberies; the front of the building would not be considered, thus the branch designs itself in terms of location of the ATM and drive-through facility. He advised that the lack of shrubbery in front results from a critical design issue for banks with the concern of people hiding there so that police driving by cannot see them. Regarding signage, Mr. Hub indicated that they would abide by the code, with a sign sized similarly to the competition's. He noted that the line of shrubbery shown across the back was at the Planning Commission's suggestion that

it not be at the perimeter screening this parking lot, but rather that it be closer to the facility with the idea that lights would be screened by these 3-foot high shrubs.

Mr. Theissen stated that Columbia Federal intends to begin construction promptly after the zone change approval, and he asked for a timely review of this request.

Chairman Viox called for questions and comments from the audience, then recognized Les Jacobs, owner of the 12-unit apartment building next to the subject property. Mr. Jacobs expressed concern about the closeness of the branch to his building, the residents of which are mostly senior citizens, and about the noise from the drive-throughs. Mr. Hub responded that it is 53 feet from the boundary to the edge of the canopy, which is just a roof-edge, not a wall or barrier, so it will not appear to be even that close; that there is another 27 feet to the face of the building, for a total of almost 80 feet from the property line to the actual building. Mr. Hub added that Mr. Jacobs' building is not on the property line either, so he thought it would be at least 100 feet between buildings.

Mr. Jacobs commented that of all the things that have been proposed over the years, he felt this happens to be the best one, certainly better than an all-night operation. Mr. Jacobs expressed concern regarding night time lighting, stating that he hoped it would not shine in the apartment windows. Mr. Hub responded, stating that they did not intend to illuminate the whole lot, that there will be low-level lighting for security in the parking area, probably some accent lighting on the building itself, and probably on the focal point, but it will be a lot more architectural in character, not like shopping center type lighting.

Mr. Jacobs indicated there is a bit of a problem there now about storm water runoff from the subject property which drains towards his building. At question from Mr. Jacobs, Mr. Hub indicated there would be no fence.

Mr. Jacobs advised that some people are concerned about traffic at U.S. 25 & Circle, as well as the back of the property on which neighborhood youngsters frequently play. Mr. Hub responded that the curb cut was situated 300 feet from Circle, and that the bank has said it is their intention to use the rear of the property the way it is intended right now. He stated that if they wanted to use this rear part of the property for an office building or some other use, they would have instructed his firm to design it differently, but they have made the commitment to place the building right in the middle of the lot which makes all the rest of it virtually useless.

Chairman Viox recognized Lucretia Henderson, resident of Circle Drive, who expressed concern that traffic will be much worse, and she asked if Columbia Federal has bought or will buy all of the two or three parcels that belong to Shore. Mr. Theissen responded that there are no other vacant parcels that Mr. Shore owns, that Columbia Federal is buying 1.6 acres which is the entire lot, that the Reynolds-owned lot is on one side of

the subject property, that on the other side is Les Jacobs's apartment complex and several residences on Circle, and that behind the subject property is the parking lot that is part of the Florence Apartments.

Chairman Viox recognized Gary Maines, resident of Circle Drive, who stated that when he bought his house, he was told that the green area was set aside for kids to play ball, and he indicated that Fair Court was located behind the lot. Mr. Theissen responded that the subject property goes back to 10 or 15 feet short of what is paved as parking lot, that Fair Court is beyond that, that Columbia Federal does not own all the way back to Fair Court, and that the parking lot is not part of zone change.

Chairman Viox recognized Frances Mahan, resident of Circle Drive, who stated that she gets drainage from the apartments, as well as their discarded TVs and air conditioners out in the back. She asked why the applicant wanted to rezone the back part of the property if they are not going to use it. She asked what would prevent a subsequent owner of the property from building in the rear portion. Mr. Wilson responded, advising that if the applicant indicates they are willing to agree, in writing, to a condition in exchange for the zone change to put the bank on the front and not build on the back part, then they could not do that until and unless the zoning was changed again. Mr. Theissen advised that he was prepared to accept a condition that prevents them from using that back portion without some other zone change or approval of the Commission and/or City Council, because they have no intention of developing back there.

Ms. Mahan asked if Mr. Theissen represented John Shore as the seller; Mr. Theissen responded affirmatively. Ms. Mahan asked who comprised East Construction Company; Mr. Theissen responded that he did not know. Ms. Mahan stated that three sections of property were sold to the apartment complex, East Construction Company, and that she thought John Shore was part of that organization which is now dissolved, and she asked how he could sell property that has already been sold.

Chairman Viox recognized Alberta Maines, resident of Circle Drive, who stated she was told when she moved there a few years ago that that rear portion of the subject property was a green area set aside by Florence, that someone had even called her wanting to plant a tree in her yard, and that they were given the impression that that property was for the youngsters to play. She expressed concern that there would be no buffering around her home, that there would be an unsightly dumpster, and that traffic would become worse, especially in winter weather.

Chairman Viox recognized Jo Anne Henry of 4 Circle Drive, who recalled that Mr. Theissen said that this lot is not appropriate for residential area. She stated that this lot comes all the way back past her house and on past the third house, and she asked if that means that her property is no longer appropriate for residential. Ms. Henry commented that if this business is supposed to only be open from 9 to 6, why do they have to worry

about lights from the cars, and she asked if the ATM only operates from 9 to 6. She referenced a letter she had written, copies of which were distributed to the Commissioners. She expressed concern about the encroachment of commercial property into residential property, that residents will move out of Florence because they do not want to be left after 6 o'clock with no neighbors, no place to walk, and afraid to go out of their locked houses. She expressed concern regarding the traffic situation, noting that she has difficulty pulling out of Circle Drive to turn right on Dixie Highway. She expressed concern regarding the ability of visitors to the Reynolds' property to get back on Dixie Highway when they have to share an entrance and exit with a bank. She requested the Commission not to recommend approval of this request.

Chairman Viox recognized Charles Newberry, owner of property across the Highway from site, who expressed a complaint regarding drainage from the Medical Arts Building onto his property. He asked how much variation there could be between the plan and the actual building. Mr. Wilson responded, advising that there is no standard that says something has to be so precise in the Concept Development Plan and that if one deviates a little bit, it is a violation. Mr. Wilson advised that the purpose of the public hearing is not to address some other situation that Mr. Newberry feels is some kind of violation, but rather the zone change request. Mr. Wilson suggested the applicant address Mr. Newberry's question about where the water from the subject property is going to go. Mr. Hub responded that it is currently barren land, that wherever nature takes the water is where it takes it, that when they put paving in there, they will have to retain that somehow, but it will continue to go where it goes now, and that they are not going to send it somewhere else. Mr. Hub continued, stating that whatever provisions there are in the street for sewers, that is what they will tie into, and that if there are none, obviously they are not going to build some.

Chairman Viox called for questions or comments from the members of the Commission. He then recognized Commissioner Schaffer who advised she would not be participating in the proceedings because she has done work for Columbia Federal.

Commissioner Damstrom asked if any pole lights were going to be installed or whether it would all be low level lighting; Mr. Hub responded that there will be pole lights, that these are needed for security, that they can be directed towards the facility's parking area, but that low level lights do not provide adequate security.

Commissioner Damstrom commented regarding the front buffering, stating that he had seen other banks in Boone County with buffering in the front to break the traffic lights up from hitting oncoming traffic, and did not understand why this could not be done.

Commissioner White asked how the back part of the property would be maintained; Mr. Theissen responded that it would be maintained in the same manner as it is currently, which is that it gets mowed fairly regularly, in a yard-like manner.

Commissioner McMillian asked if the neighborhood kids could use the rear portion for a play lot; Mr. Theissen responded that although there are a couple of volleyball poles up there, he had checked the title to this site and there is no recreational restriction on it, that as far as he knew, nobody has ever obtained permission to use it for recreational purposes. He stated he was not prepared at this point to make a commitment on that issue. Commissioner McMillian then asked where the shared access with the property to the north would be placed; Mr. Theissen responded that there would be numerous options to consider at the point in time when the Reynolds lot is developed.

Commissioner Bailey commented that one of his concerns as well as one of the concerns of Council in 1991 was the 375 foot depth of this lot, that it is deeper than some of the other businesses such as Emerson's which is around 200. He stated that even if they develop in the front and do not develop the back, it would seem that the Reynolds property which is a deep lot will at some time go commercial, and, if the subject property is zoned commercial all the way back, the owner of the Reynolds property at that time would have some legitimate reason then to ask for that kind of zone change. He recalled that Council opposed it in 1991 because there was no specific plan, and that he could see from the tone of questions at this hearing that there is still concern and the residents still do not know for sure exactly what is going to take place back there.

Chairman Viox called on Mr. Theissen to respond to concerns and questions. Mr. Theissen indicated he did not know how many trips per hour a small branch bank produces, but that he knew from experience that it is not a high traffic type use. Chairman Viox asked if he thought there would be more, less or the same traffic out of this site with the bank than would result on this site under the current zoning with the 12 units; Mr. Theissen responded that he thought the 12 residential units would probably produce more than a 3,000 square foot branch bank. Mr. Costello advised he would provide that information to the Committee.

Mr. Theissen stated that the curb cut is as far from Circle as they can get it and still meet the buffering requirement on the side of the site, that it is almost 300 feet or about ten car lengths from Circle Drive to the access point. Regarding storm water retention, Mr. Theissen stated that the zoning code requires them to have proper storm water facilities in place, but that since this is a concept plan, they have not gotten that far. He stated that all of the water that is increased because of this development must go into a City sewer system, that they are not allowed to pour it off onto adjacent land owners.

Mr. Theissen stated they will have an ATM which is obviously open 24 hours, so there will be a few cars going in there after hours for the minute or so it takes to drive through the parking lot and use it. He continued, stating that a dumpster is included in the plan this time since it was not the last time, and its absence was raised as a concern. He added that there are two possible locations for the dumpster, if one is indeed required, that it would be screened by a wall constructed with material similar to that which is

ultimately selected for the building. He noted that Mr. Lynch indicated that not all the other branches had dumpsters, and that if it is not required, they will not have one.

Mr. Gary Maines expressed concern that the bank's business would grow and they would enlarge their building, and install more drive-throughs to the rear of the property, which might cause additional water runoff into his yard.

Ms. Frances Mahan reiterated her complaint of getting the water runoff from the parking lot from Florence East apartments, and she commented that Commissioner Bailey had accurately expressed her concerns. She complained that the businesses at the corner have parking lots which obstruct the view of vehicles trying to get out of Circle Drive.

Ms. Alberta Maines asked whether the bank could turn around and sell the back portion, or whether they could extend the facility to the rear of the lot without permission. Mr. Wilson responded, advising that the applicants have indicated their willingness to agree to a condition that says they would not put anything on the back part, that if they would want to change that and put something back there, they would have to come back through the public hearing process to remove that condition or change it, that they can sell it to anybody they want, but that person would have to adhere to the conditions that they agreed to, because that is part of the zoning. Mr. Wilson advised that he was not saying that cannot happen, because someone can buy it and come back through this process to try to change that condition, but they would have to have that condition changed. Mr. Costello added that conditions are recorded in the County Clerk's Office.

At question from Mr. Newberry, Mr. Theissen advised that they would not be sharing the Reynolds' driveway until such time as that property is developed commercially.

Ms. Mahan asked whether there would be one curb cut or two; Chairman Viox indicated the drawing depicted only one.

Commissioner White asked whether Columbia Federal would consider leaving the back part of that property zoned as it is now just from the hedges back; Mr. Theissen responded that he thought they were addressing that already with the conditions, that he did not know that it is a significant difference, and that the Reynolds lot has the same depth, is adjacent to the road behind, and the next business down, the U-Save Auto Rentals, also goes back the full depth of over 300 feet. Mr. Theissen suggested that rather than putting the zone line across the lot, to leave it there with the condition.

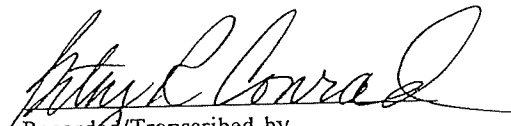
Commissioner White reiterated the City's concern about just how deep commercial is going to go into residential. Mr. Theissen responded that he had two concerns about that, (1) if the commercial zoning is cut off mid-way back, it leaves a totally unusable lot which could not be developed for residential or commercial, that this would be landlocking or killing a piece of land which probably is not appropriate; and (2),

throughout the Comprehensive Plan, it talks about having commercial buffered by multi-family or densely populated residential, then having single family behind that, and that this guide would not be followed if the commercial zoning were cut off. Mr. Theissen continued, that if they do that, they would end up with 100 feet of totally worthless land that will never be used. He noted that buffering is required between commercial and residential, so there is built-in protection in the code already.

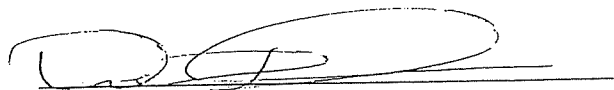
Commissioner White advised that the property next door to the subject property would have a different problem in that the subject property adjoins residential on Circle, and he reiterated the City's concerns. Mr. Theissen responded that there is commercial development in front of residential on Dixie Highway from Covington out, that most of the lots probably do not go much deeper than about 200 or 250 feet, and that the subject property is 350 feet. He added that there are some places where it is appropriate and he suggested this was one place, because there is a road and then apartments behind it, and the way that this concern might best be addressed is by doubling the amount of buffering required, as this plan shows. He suggested that at the time of development of the Reynolds lot, the Commission could grant a condition that a wider buffering than required by code be required before any use could be made of the north side of that back lot. Commissioner White asked, "But you said you were willing to commit you would never build back there, so why would you not be willing to leave that as a residential?"

Mr. Les Jacobs commented that he felt that this proposal might be a good buffer zone for the people on Circle Drive if the Reynolds property is developed into a strip center, bar, or restaurant.

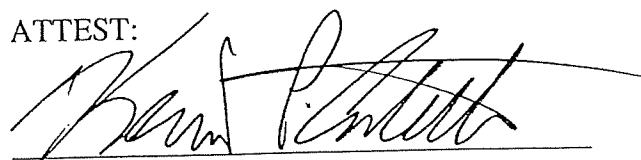
There being no further comments, Chairman Viox advised the Committee meeting for this application will be July 11 at 1 p.m. in the Extension Office at the corner of Camp Ernst Road and KY 18; then back on Planning Commission agenda July 20 at 8:00 p.m. in the County Administration Building. Chairman Viox then declared this public hearing closed, the time being 10:06 p.m.

  
Recorded/Transcribed by  
Betsy R. Conrad, Recording Secretary

APPROVED:

  
William R. Viox, Chairman

ATTEST:

  
Kevin P. Costello, Director

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: July 20, 1994

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

## Remarks:

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

### Findings of Fact

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

### Conditions

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

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

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

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

William Bailey, Chairman

Phil Damstrom  
Phil Damstrom

Barry Neltner  
Barry Neltner

Fred Burch

Thurman Owens  
Thurman Owens

Gayle McElroy  
Gayle McElroy

RAJ\par

ORDINANCE NO. 0-24-94

BC - Planning Com

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE 1.2 ACRE SITE LOCATED ON U.S. 25, JUST NORTH OF CIRCLE DRIVE, THIS REZONING BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL ONE (C-1), SUBJECT TO AGREED CONDITIONS OF DEVELOPMENT PLAN, AND BY AGREEMENT OVERRIDING COMMISSION RECOMMENDATION FOR REZONING REMAINING PORTION OF 1.6 ACRE PARCEL. (COLUMBIA FEDERAL PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that a requested zone change be approved for an approximate 1.63 acre parcel located on U.S. 25, just north of Circle Drive in the City of Florence, Kentucky, from current zoning of Suburban Residential Two (SR-2) to Commercial One (C-1), and

WHEREAS, the recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky, and the owner/applicant has agreed to conditions as part of its development plan for this zone change, and

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

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

#### SECTION I

That the requested zone change for the real estate which is more particularly described below shall be and is hereby approved to rezone an approximate 1.2 acre parcel from Suburban Residential Two (SR-2) to Commercial One (C-1) zoning classification, subject to a development plan and its conditions. The subject real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

#### SECTION II

That the zoning map of Boone County, Kentucky, as it

applies to the City of Florence, Kentucky,. shall be amended or changed to reflect the rezoning of the property, subject to the agreed development plan.

### SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission, including those conditions recommended by the Commission and made a part of the development plan, except as otherwise provided herein.

### SECTION IV

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

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

### SECTION V

In the event that the rezoning of this property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning

regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect regardless of any invalidity relating to this particular rezoning.

**SECTION VI**

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

PASSED AND APPROVED ON FIRST READING THIS 23<sup>rd</sup> DAY OF August, 1994.

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

APPROVED:

Evelyn McKelb  
MAYOR

ATTEST:  
[Signature]  
CITY CLERK





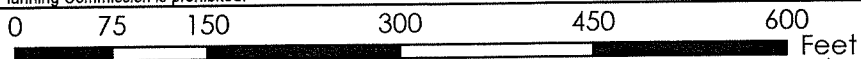
# 2013 AERIAL MAP

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1 inch = 150 feet



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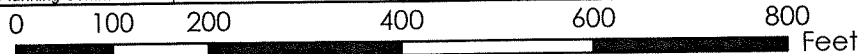
# ZONING MAP

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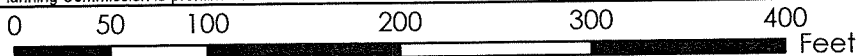
# TOPOGRAPHICAL MAP

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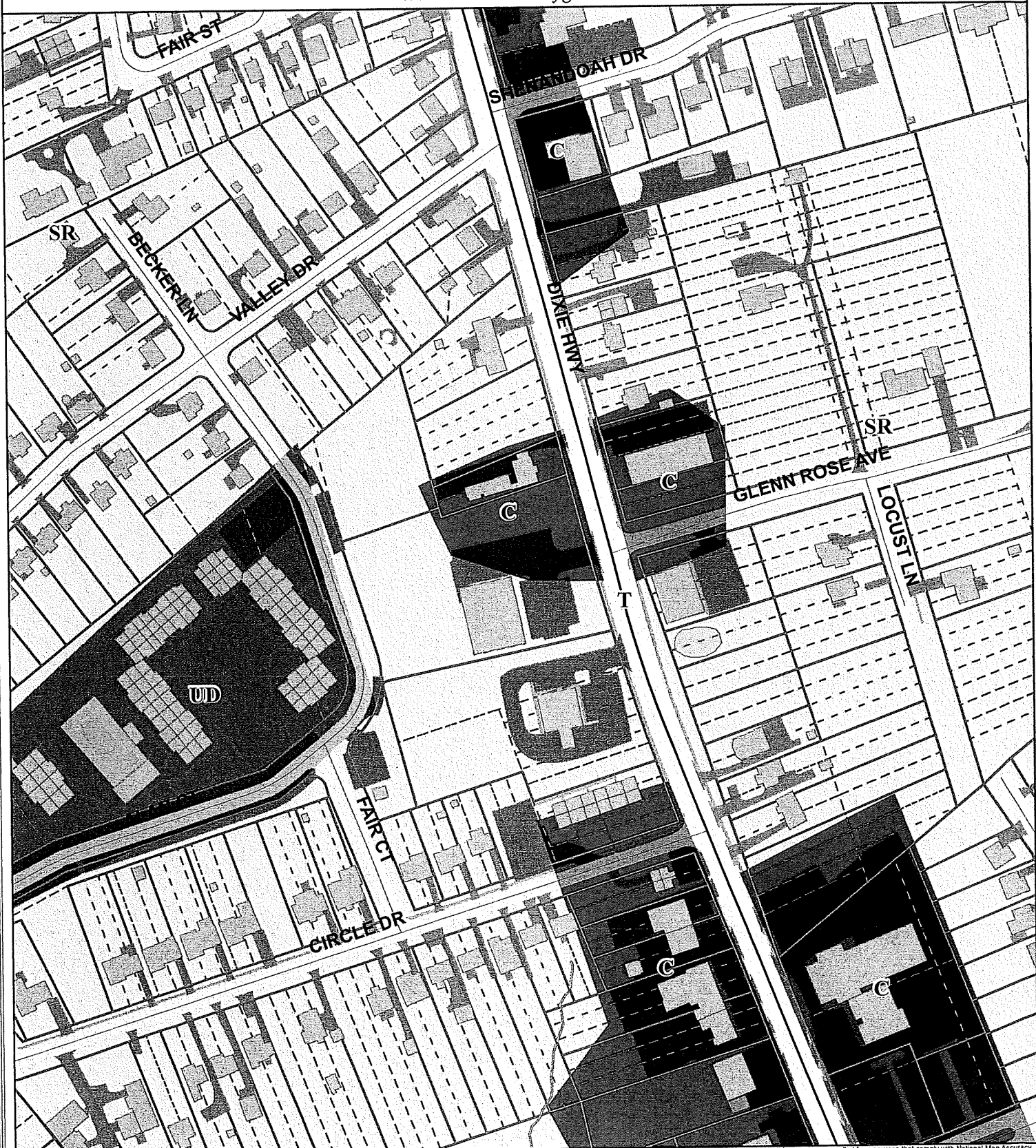
**Boone County GIS - Putting Northern Kentucky on the Map**



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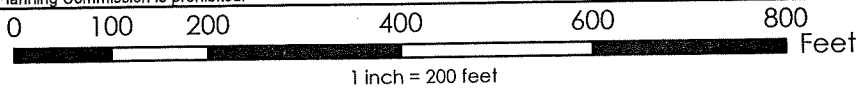
# 2035 FUTURE LAND USE MAP

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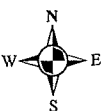
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Map Document: BooneMap (16).mxd

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**ARTICLE**

**10**

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**COMMERCIAL DISTRICTS**

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**SECTION 1000**

**Intent**

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

**SECTION 1010**

**COMMERCIAL ONE (C-1)**

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

**SECTION 1011**

**Principally Permitted Uses**

The following uses are permitted:

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

## **SECTION 1012**

### **Accessory Uses**

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

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

## **SECTION 1013**

### **Conditional Uses and Criteria**

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

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

#### **SECTION 1014**

##### **Intensity**

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

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

#### **SECTION 1015**

##### **Minimum Size**

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

#### **SECTION 1016**

##### **Minimum Standards**

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

#### **SECTION 1020**

##### **COMMERCIAL TWO (C-2)**

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

#### **SECTION 1021**

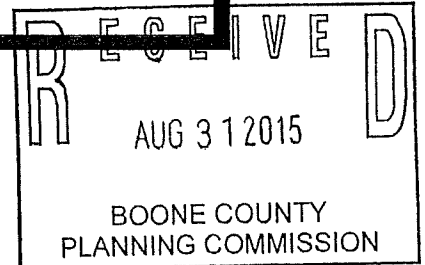
##### **Principally Permitted Uses**

The following uses are permitted:

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

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 \_\_\_ Technical Design \_\_\_ 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 Domino's Pizza
- 3. Location of Project 7550 Dixie Hwy, Florence, KY 41042
- 4. Total Acreage of Site 1.633 Acres Total (Area under Review 1.2 +/- Acres)
- 5. Current Zoning C-1
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) R-94-029-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) No
- 8. Proposed Uses (please specify each use) Any use permitted in C-1 zoning
- 9. Proposed Building Intensities (please specify) 2963 sq Building
- 10. Have you submitted a Concept Development Plan? \_\_\_\_\_
- 11. Are you also applying for:
  - Conditional Use Permit
  - Dimensional Variance
- 12. Name of Applicant(s) Cobblestone Street II, LLC.  
Phone Number 513-984-5597 Fax No (513) 984-5110 E-Mail Ricke@vigora.com
- 13. Address of Applicant(s) 4695 Lake Forest Dr.  
Cincinnati Ohio 45242  
City State Zip
- 14. Name of Property Owner(s) Cobblestone Street II, LLC.  
Phone Number (513) 227-2868 Fax No. \_\_\_\_\_ E-Mail Riche Bergman-Group.com
- 15. Address of Property Owner(s) 4695 Lake forest Dr. #100  
Cincinnati Ohio 45292  
City State Zip
- 16. Are there any existing buildings on the site? Yes  
How many? 1
- 17. Deed Book D1055 Page No. PG307 Group No. ~~24~~ 2042

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Kim Bunger, Chairman

**DATE:** November 4, 2015

**RE:** Request of **Cobblestone Street II, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for a 1.633 acre site located at 7550 Dixie Highway, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow all uses permitted in the C-1 zone.

**REMARKS:**

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

**FINDINGS OF FACT**

1. The Committee concluded that the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
  - A. The proposal is in agreement with the following passage from the Business Activity Element:

Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts (Recommended Areas of Commercial Activity, pg. 67).
  - B. The proposal is in agreement with the following passage from the Land Use Element:

Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments (Florence Central, pg. 166).
  - C. The project is in agreement with the following Goals and Objectives:
    - Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
    - Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective).

The Committee determined that the proposal is in agreement with the Business Activity text, Land Use Element text, and Goals and Objectives outlined above. The proposal will allow a vacant bank to be occupied by a Domino's Pizza and other future Commercial One (C-1) uses. A condition has been drafted to address headlight glare on the adjoining apartments to the south.

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

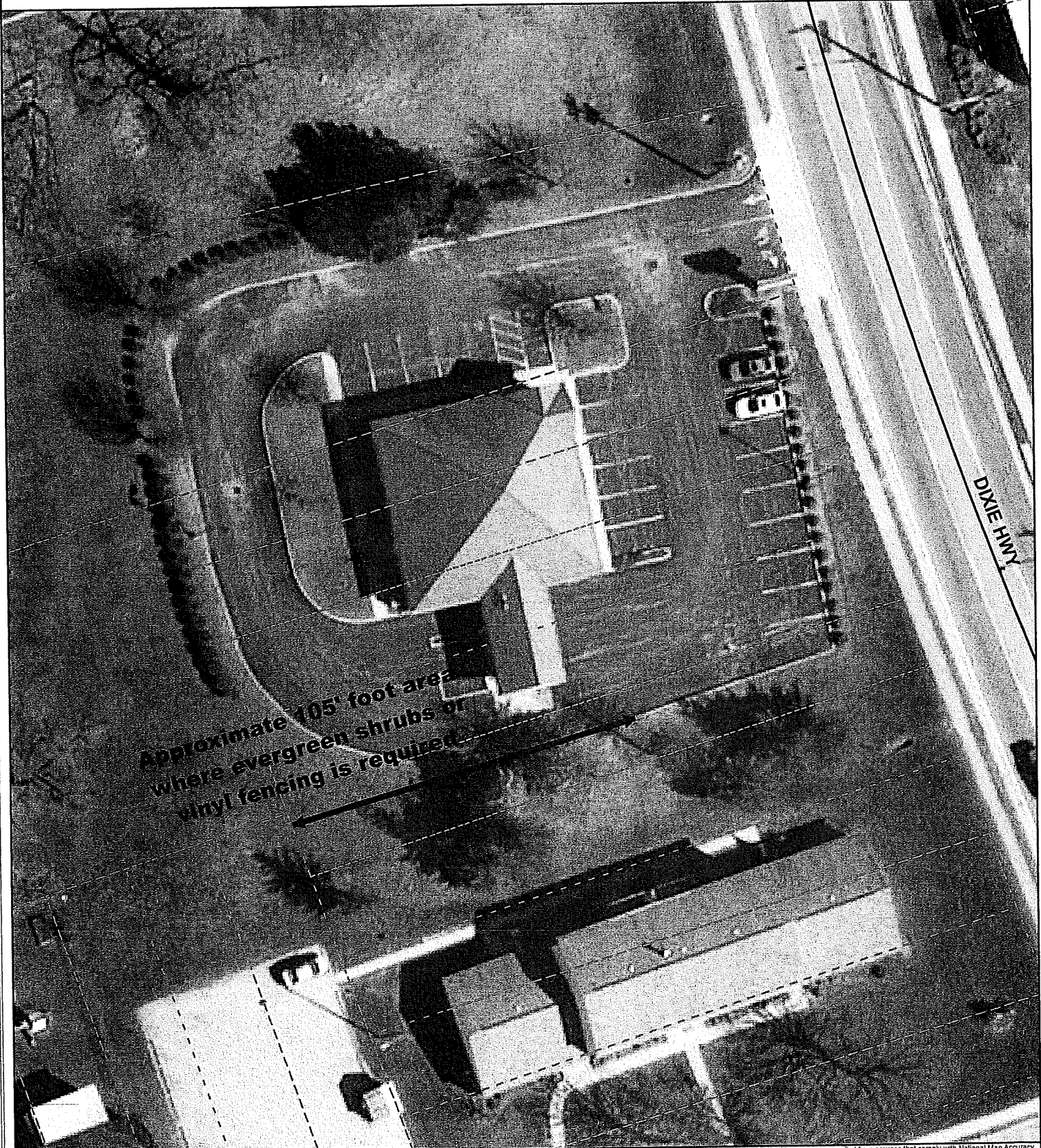
### CONDITIONS

1. The approval shall be based on the submitted Concept Development Plans unless modified by the conditions below.
2. The rear portion of the site (approximate 0.7 acre area) shall remain undeveloped per the 1994 zone change conditions.
3. All proposed fabric awnings on the front and southern side of the building shall be colored blue.
4. The property owner shall be required to enhance an approximate 105 linear foot section of the southern buffer yard with an evergreen hedge or a 6' tall vinyl privacy fence to prevent headlight glare from impacting the adjoining apartments. The vinyl fence shall not be located in the front yard (see attachment).
5. An attachment lists the principally permitted, accessory, and conditional uses that are permitted on site. Items that are stricken out are not permitted. Any listed Conditional Uses shall be acted upon by the Florence Board of Adjustment through a separate public hearing process.

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

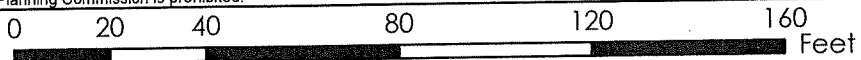
# 7050 DIXIE HIGHWAY

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## ARTICLE

10

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### COMMERCIAL DISTRICTS

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#### SECTION 1000

##### Intent

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

#### SECTION 1010

##### **COMMERCIAL ONE (C-1)**

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

#### SECTION 1011

##### Principally Permitted Uses

The following uses are permitted:

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

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

## SECTION 1012

### Accessory Uses

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

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

## **SECTION 1013**

### **Conditional Uses and Criteria**

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

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Mike Ford, Vice Chairman  
Ms. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mr. Charlie Reynolds  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitchell A. Light, Asst. Zoning Administrator

Chairman Rolfsen called the Public Hearing to order at 8:46 P.M. and introduced the second item on the Agenda:

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff**

2. Request of **Cobblestone Street II, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for a 1.633 acre site located at 7550 Dixie Highway, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow all uses permitted in the C-1 zone.

Staff Member, Kevin Wall, presented the Staff Report for Todd Morgan, which included a PowerPoint presentation (see Staff Report). The request is for a Change in an Approved Concept Development Plan. The site was subject to a Zone Change request in 1994 and was limited to a bank. The original Committee Report is attached to the Staff Report. There were several conditions imposed on the site. The applicant is requesting all C-1 uses in the future. For now, the applicant would like to open a Dominos Pizza restaurant. The proposed changes to the existing building include removing the drive-thru canopy and adding an awning and signage in the front of the building. The building's interior would be remodeled. Mr. Wall showed photographs of the site and adjoining properties. The existing building is located next to the newly constructed Family Dollar store. In terms of Staff comments, Mr. Wall stated that since the approved use was limited to one use - a bank, the Board should carefully review the list of C-1 uses to determine which ones would be appropriate. The C-1 text is attached to the Staff Report.

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

Mr. Rich Vigran, stated that he was the agent for the property owner. The property was purchased from Huntington Bank with the plan to have a long term lease with Dominos Pizza. The property owner has 29 Dominos' stores in Greater Cincinnati. The existing Dominos store will be moving from down the street into the former bank facility. Dominos wants to have a sit down store like Donatos where customers can eat inside the store and not just carry out. The owner wants to lease the building for 15 years with three five year extensions. Even though the owner is asking for all C-1 uses, the property will be locked in for the long-term as a Dominos store. The Dominos franchise owner is financially secure and it is a family owned business. Mr. Vigran submitted a new drawing showing blue awnings instead of the originally proposed red awnings (see Exhibit A). It is a more attractive awning. It goes over the windows and entrance way. It is a cloth awning.

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

Seeing no one, Chairman Rolfsen asked if any of the Planning Commission Members had any questions or comments?

Mr. Ford asked if the Planning Commission could restrict the property to only one use like Dominos? He expressed a concern about all C-1 uses. Mr. Wilson responded that the Board cannot do it unilaterally but only by agreement with the applicant as part of the Concept

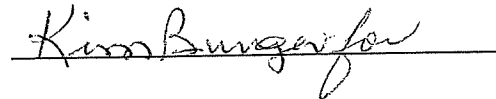
Development Plan process. Mr. Costello also stated this is why the applicant is before the Planning Commission. He would like more than one approved use. The existing building is a bank and was designed to be one. That is why the property is currently limited to one use. He noted that the Board and applicant should review the list of C-1 uses carefully to determine potential impacts.

Chairman Rolfsen advised the applicant to review the list before the Zone Change Committee meeting to try to narrow it down to a few uses. Chairman Rolfsen asked if the proposed store will serve alcoholic beverages? Mr. Vigran replied no.

Mr. Turner asked what would happen to the existing Dominos store on Dixie Highway? Mr. Vigran responded that they would move out of the existing facility and into the proposed new store, if approved. The proposed store owner leases the existing Dominos store down the street. The existing store is limited in size. It is an old gas station.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 21, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on November 4, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:56 P.M.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

Exhibit A - Revised Building Elevations

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: October 21, 2015

### CHANGE IN CONCEPT DEVELOPMENT PLAN - Kim Bunger, Chairman, Todd Morgan, Staff

1. Request of Cobblestone Street II, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for a 1.633 acre site located at 7550 Dixie Highway, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow all uses permitted in the C-1 zone.

### 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.

**Cobblestone**  
October 21, 2015

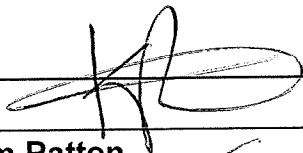
\_\_\_\_\_

**Randy Bessler**

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

Against Project \_\_\_

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



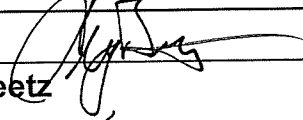
\_\_\_\_\_

**Kim Patton**

For Project  Absent \_\_\_

Against Project \_\_\_

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



\_\_\_\_\_

**Greg Breetz**

For Project  Absent \_\_\_

Against Project \_\_\_

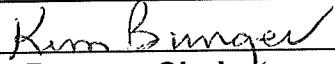
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_

**Charlie Reynolds (Alternate)**

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

Against Project \_\_\_



\_\_\_\_\_

**Kim Bunger, Chairman**

For Project  Absent \_\_\_

Against Project \_\_\_

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

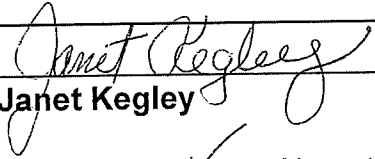
\_\_\_\_\_

**Jim Longano, (Alternate)**

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

Against Project \_\_\_

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



\_\_\_\_\_

**Janet Kegley**

For Project  Absent \_\_\_

Against Project \_\_\_

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

\_\_\_\_\_

**Mark Hicks (Alternate)**

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

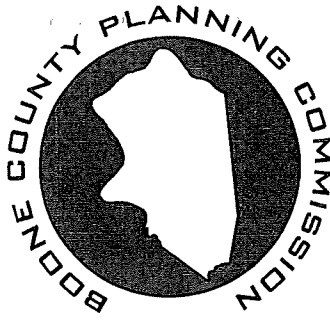
Against Project \_\_\_

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

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

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

# **SUPPORTING INFORMATION**



# BOONE COUNTY PLANNING COMMISSION

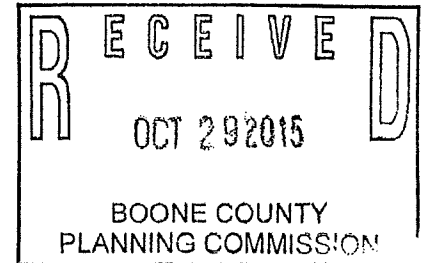
[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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

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

October 23, 2015

Mr. Rich Pregel  
Cobblestone Street II, LLC  
4695 Lake Forest Drive #100  
Cincinnati, OH 45242



RE: Request of **Cobblestone Street II, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for a 1.633 acre site located at 7550 Dixie Highway, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow all uses permitted in the C-1 zone.

Dear Mr. Pregel,

The following represents the conditions of approval for the above referenced application. Please sign the appropriate line on the last page of this letter if you agree with the conditions. Please return this letter to the Boone County Planning Commission office by November 2, 2015.

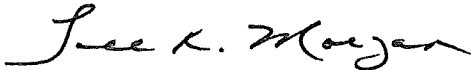
## CONDITIONS

1. The approval shall be based on the submitted Concept Development Plans unless modified by the conditions below.
2. The rear portion of the site (approximate 0.7 acre area) shall remain undeveloped per the 1994 zone change conditions.
3. All proposed fabric awnings on the front and southern side of the building shall be colored blue.
4. The property owner shall be required to enhance an approximate 105 linear foot section of the southern buffer yard with an evergreen hedge or a 6' tall vinyl privacy fence to prevent headlight glare from impacting the adjoining apartments. The vinyl fence shall not be located in the front yard (see attachment).

Mr. Rich Pregel  
October 23, 2015  
Page 2

5. An attachment lists the principally permitted, accessory, and conditional uses that are permitted on site. Items that are stricken out are not permitted. Any listed Conditional Uses shall be acted upon by the Florence Board of Adjustment through a separate public hearing process.

Sincerely,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

Attachments

TKM\tlb

AGREEMENT

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



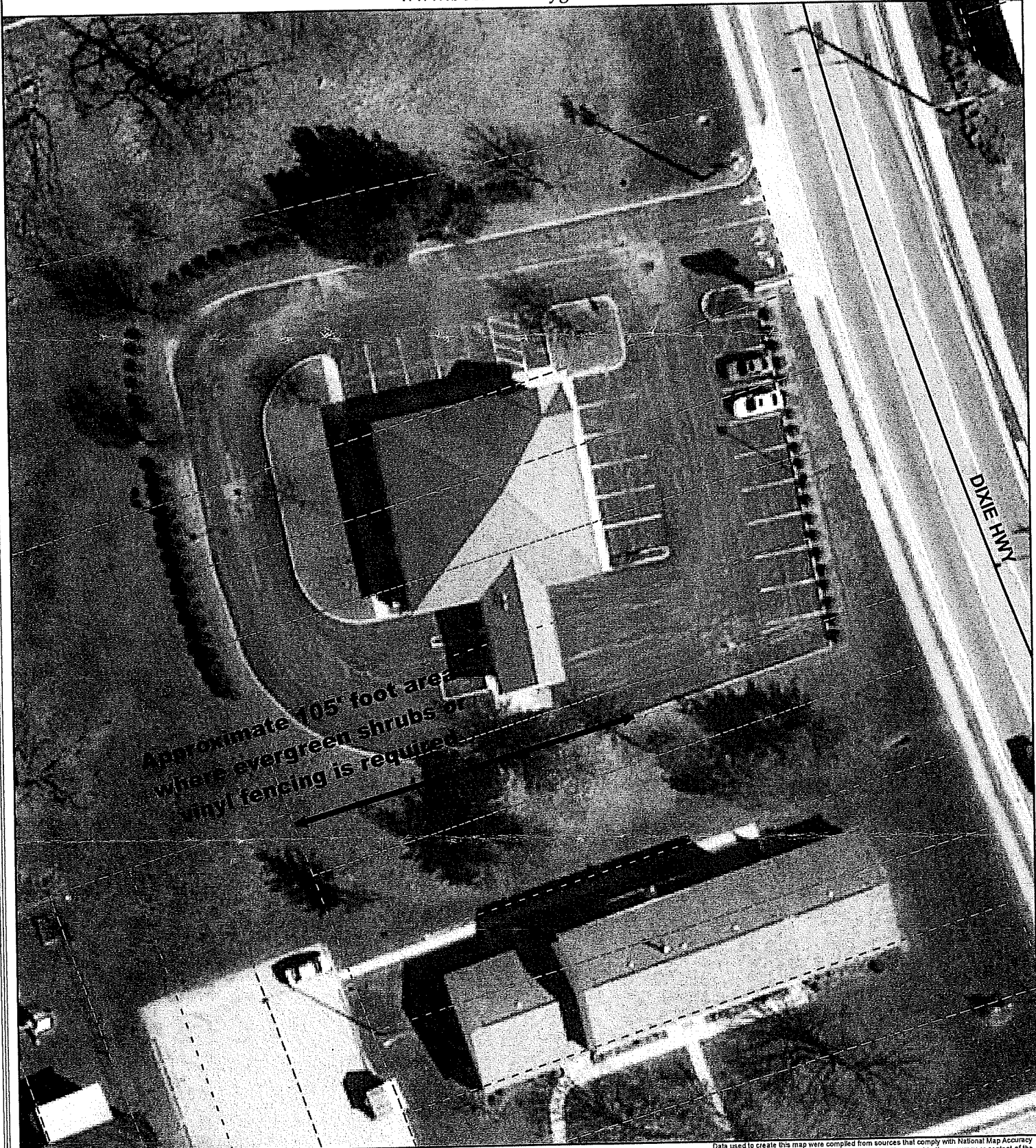
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Mr. Rich Pregel, Agent  
Cobblestone Street II, LLC

10-26-15  
Date

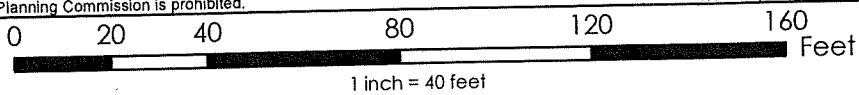
# 7550 DIXIE HIGHWAY

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



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



Map Created: 07/01/2013  
ArcMap Document: BooneMap (file).mxd

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ARTICLE

10

---

COMMERCIAL DISTRICTS

---

**SECTION 1000**

**Intent**

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

**SECTION 1010**

**COMMERCIAL ONE (C-1)**

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

**SECTION 1011**

**Principally Permitted Uses**

The following uses are permitted:

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

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

## SECTION 1012

### Accessory Uses

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

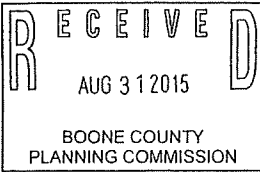
1. Recreation uses or spaces of integral relation to the developed portions of the district including:
  - a. Temporary exhibit spaces;
  - b. Aquariums, botanical gardens and other natural exhibitions;
  - c. Stages and similar assembly areas;
  - d. Indoor target ranges and similar athletic uses;
2.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

## SECTION 1013

### Conditional Uses and Criteria

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

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



C4

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT THE HUNTINGTON NATIONAL BANK, a national association, successor to Advantage Bank formerly known as Columbia Federal Savings and Loan Association of Covington

for and in consideration of----- \$252,000.00-----

to it paid by the grantee herein, the receipt of which is acknowledged, does bargain, sell and convey, with covenants of special warranty, to:

COBBLESTONE STREET II, LLC, an Ohio limited liability company, its successors and assigns forever,

the following described real estate, in the City of Florence, County of Boone, State of Kentucky, to-wit:

PRESENT STREET ADDRESS: 7550 Dixie Highway, Florence, KY 41042

IN CARE OF TAX MAILING ADDRESS: 4695 Lake Forest Dr #100  
Cincinnati, OH 45242

RETURN TO: Pg. 4

PIDN: 061.24-24-013.01  
Group NO. 24

Being located in the City of Florence, Boone County, Kentucky and lying on the west side of Dixie Highway and being more particularly described as follows:

Being part of Lot No. 123; and all of Lot Nos. 124, 125, 126, 127, 128 and 129, CARPENTER ADDITION, Florence, Kentucky, as shown on Plat Book 1, page 6 of the Boone County Clerk's records at Burlington, Kentucky, and more particularly described as follows:

**Beginning at the common corner of Lots 129 and 130 on the east line of Lot 205 of the CARPENTER ADDITION; thence with the said east line N 21° 53' W, 45.00 feet to a set iron pin and cap; thence with the rear lines of Lots 199 - 205, S 72° 00' W, 152.07 feet to a set iron pin; thence leaving said line N 18° 00' W, 201.01 feet to a set iron pin and cap; thence N 78° 35' E, 348.52 feet to the right of way line of Dixie Highway; thence with said right of way along a curve to the left 206.06 feet, R=1939.86 feet to a set iron pin and cap on the north line of Lot 130, CARPENTER ADDITION; thence with said line S 72° 00' W, 193.05 feet to the point of beginning and containing 1.63 acres.**

Being the same property conveyed to Grantor herein by deed dated January 4, 1995 and recorded on January 9, 1995 in Deed Book 565, page 114 in the office of the Boone County Clerk at Burlington, Kentucky.

The foregoing restrictive covenant shall be covenant that runs with the land and shall expire five (5) years from the date of recording of this deed.

and all the Estate, Title and Interest of the said grantor, either in Law or Equity, of, in and to the said premises; Together all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

COBBLESTONE STREET II, LLC, an Ohio limited liability company, its successors and assigns forever,

the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns, that it is the true and lawful owner of the said premises, and has full power to the convey the same; that the Title so conveyed is CLEAR, FREE AND UNINCUMBERED, and that it will WARRANT AND DEFEND the same with covenants of special warranty.

IN WITNESS WHEREOF, the said Grantor,

THE HUNTINGTON NATIONAL BANK, a national association, successor to Advantage Bank formerly known as Columbia Federal Savings and Loan Association of Covington


has hereunto set its hand this 16 day of June, 2015.

THE HUNTINGTON NATIONAL BANK,  
a national association

  
BY: Jaimine L. Johnson  
JAIMINE L. JOHNSON, Sr. Vice President

STATE OF OHIO            )  
  )SS  
COUNTY OF FRANKLIN )

The foregoing instrument was acknowledged before me this 16th day of June, 2015 by JAIMINE L. JOHNSON, Sr. Vice President of THE HUNTINGTON NATIONAL BANK, a national association, for and on its behalf.


  
NOTARY PUBLIC

My Commission Expires 12/31/2016



STATE OF Kentucky )  
 )SS  
COUNTY OF Kenton )

The foregoing Consideration Certificate was acknowledged and sworn to before me this 25<sup>th</sup> day of June, 2015 by Richard Pregel, Member (TITLE) of COBBLESTONE STREET II, LLC, an Ohio limited liability company, for and on its behalf, Grantee herein.

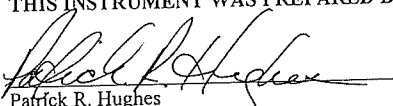
  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**AARON E. CASKEY**  
NOTARY PUBLIC  
STATE AT LARGE - KENTUCKY  
ID# 533335  
MY COMMISSION EXPIRES MAY 5, 2019

THIS INSTRUMENT WAS PREPARED BY:

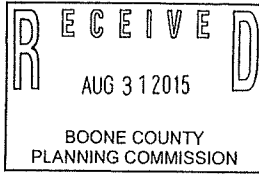
RETURN TO:

  
Patrick R. Hughes  
Dressman Benzinger LaVelle psc  
207 Thomas More Parkway  
Crestview Hills, Kentucky 41017  
(859) 341-1881

470636v.vv1

Boone County  
D1055 PG 310

DOCUMENT NO: 675833  
RECORDED ON: JUNE 25, 2015 11:24:23AM  
TOTAL FEES: \$20.00  
TRANSFER FEE: \$232.00  
BOOKS: 25  
CLERK: HENRY BROWN  
COUNTY: BOONE COUNTY CLERK  
BOOK DATES: 5/20/15 - 5/20/15  
BOOK DATES: PAGES 307 - 310



C4

SPECIAL WARRANTY DEED

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for and in consideration of----- \$252,000.00-----

to it paid by the grantee herein, the receipt of which is acknowledged, does bargain, sell and convey, with covenants of special warranty, to:

**COBBLESTONE STREET II, LLC**, an Ohio limited liability company, its successors and assigns forever,

the following described real estate, in the City of Florence, County of Boone, State of Kentucky, to-wit:

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Cincinnati, OH 45242

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Group NO. 24

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RETURN TO: Pg. 4

The foregoing restrictive covenant shall be covenant that runs with the land and shall expire five (5) years from the date of recoding of this deed.

and all the Estate, Title and Interest of the said grantor, either in Law or Equity, of, in and to the said premises; Together all the PRIVILEGES AND APPURTENANCES to the same belonging. **TO HAVE AND TO HOLD** the same to the said

**COBBLESTONE STREET II, LLC**, an Ohio limited liability company, its successors and assigns forever,

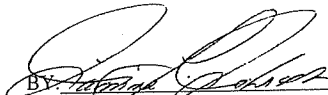
the Grantor, its successors and assigns, **HEREBY COVENANTING** with the Grantee, its successors and assigns, that it is the true and lawful owner of the said premises, and has full power to the convey the same; that the Title so conveyed is **CLEAR, FREE AND UNINCUMBERED**, and that it will **WARRANT AND DEFEND** the same with covenants of special warranty.

IN WITNESS WHEREOF, the said Grantor,

**THE HUNTINGTON NATIONAL BANK**, a national association, successor to Advantage Bank formerly known as Columbia Federal Savings and Loan Association of Covington

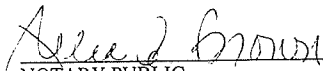
has hereunto set its hand this 16 day of June, 2015.

**THE HUNTINGTON NATIONAL BANK**,  
a national association

  
BY Jaimine L. Johnson  
**JAIMINE L. JOHNSON, Sr. Vice President**

STATE OF OHIO            )  
  )SS  
COUNTY OF FRANKLIN )

The foregoing instrument was acknowledged before me this 16th day of June, 2015 by **JAIMINE L. JOHNSON, Sr. Vice President of THE HUNTINGTON NATIONAL BANK**, a national association, for and on its behalf.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires

CONSIDERATION CERTIFICATE

We, the undersigned, do hereby certify, pursuant to KRS Chapter 382, that the consideration reflected in this deed is the actual consideration of the property. We further certify our understanding that falsification of the stated consideration of the property is a Class D Felony, subject to one to five years imprisonment and fines up to \$10,000.00.

Sales Price: \$252,000.00

GRANTOR:

THE HUNTINGTON NATIONAL BANK,  
a national association

BY: [Signature]  
JAIMINE L. JOHNSON, Sr. Vice President

Grantor's Mailing Address:

37 West Broad Street, HP1097  
Columbus, OH 43215

STATE OF OHIO )  
                          )SS  
COUNTY OF FRANKLIN )

The foregoing instrument was acknowledged before me this 6th day of June, 2015 by JAIMINE L. JOHNSON, Sr. Vice President of THE HUNTINGTON NATIONAL BANK, a national association, for and on its behalf.

My Commission Expires: \_\_\_\_\_

[Signature]  
NOTARY PUBLIC  
JULIA A. BROWN  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES MARCH 28, 2019

GRANTEE:

COBBLESTONE STREET II, LLC,  
an Ohio limited liability company

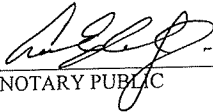
BY: [Signature]  
Print Name: Richard Pregel  
Title: Member

Grantee's Mailing Address:

11100 Lake View Dr #100

STATE OF Kentucky )  
 )SS  
COUNTY OF Kenton )

The foregoing Consideration Certificate was acknowledged and sworn to before me this 25<sup>th</sup> day of June, 2015 by Richard Pregel, Member (TITLE) of COBBLESTONE STREET II, LLC, an Ohio limited liability company, for and on its behalf, Grantee herein.

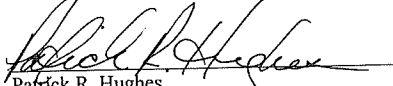
  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**AARON E. CASKEY**  
NOTARY PUBLIC  
STATE AT LARGE - KENTUCKY  
ID# 533335  
MY COMMISSION EXPIRES MAY 5, 2019

RETURN TO:

THIS INSTRUMENT WAS PREPARED BY:

  
Patrick R. Hughes  
Dressman Benzinger LaVelle psc  
207 Thomas More Parkway  
Crestview Hills, Kentucky 41017  
(859) 341-1881

470636v.vv1

Boone County  
D1055 PG 310

DOCUMENT NO: 577523  
RECORDED ON: JUNE 28, 2015 11:24:25AM  
TOTAL FEES: \$20.00  
TRANSFER TAX: \$252.00  
BOOK: 2 24  
COUNTY CLERK: PENNY BROWN  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: STEVE BROWN  
BOOK D1055 PAGE 307 - 310



To whom it may concern:

Enclosed please find a certified copy of **City of Florence, Kentucky Ordinance No. O-20-15:**

ORDINANCE NO. O-20-15:

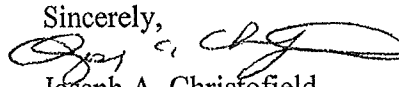
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL ONE (C-1) ZONE FOR A 1.633 ACRE SITE LOCATED AT 7550 DIXIE HIGHWAY, FLORENCE, KENTUCKY, TO ALLOW ALL USES PERMITTED IN THE C-1 ZONE. (COBBLESTONE STREET, II, LLC)

The First Reading of Ordinance No. O-20-15 was held on the 15<sup>th</sup> Day of December, 2015.

The Second Reading of Ordinance No. O-20-15 was held on the 22<sup>nd</sup> Day of December, 2015.


Ordinance No. O-20-15 was published in the *Boone County Recorder* on the 31<sup>st</sup> Day of December, 2015 at which time the Ordinance became statutorily official.

Please contact me if you require additional information.

Sincerely,  
  
Joseph A. Christofield  
City Clerk  
Florence

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify the foregoing is a true and correct copy of Ordinance No. O-20-15 as same appears in the official records of my office.

Dated this 31<sup>st</sup> day of December, 2015.

  
Joseph A. Christofield  
City Clerk  
City of Florence  
8100 Ewing Boulevard  
Florence, KY 41042-7588  
859-647-8178 (phone)  
859-647-5411 (fax)  
[joe.christofield@florence-ky.gov](mailto:joe.christofield@florence-ky.gov)  
[www.florence-ky.gov](http://www.florence-ky.gov)

CITY OF FLORENCE, KENTUCKY  
SUMMARY OF ORDINANCE NO. 0-20-15

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-20-15 on December 22, 2015. The title of this Ordinance is as follows:

ORDINANCE NO. 0-20-15


**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL ONE (C-1) ZONE FOR A 1.633 ACRE SITE LOCATED AT 7550 DIXIE HIGHWAY, FLORENCE, KENTUCKY, TO ALLOW ALL USES PERMITTED IN THE C-1 ZONE. (COBBLESTONE STREET, II, LLC)**

The effect of this Ordinance is to allow all uses permitted in the C-1 zone in a Commercial One (C-1) zone.

The full text of Ordinance No. 0-20-15, 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. 0-20-15 and that it has been prepared by me on the 11<sup>th</sup> day of October, 2015, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.

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

ORDINANCE NO. 0-20-15

**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL ONE (C-1) ZONE FOR A 1.633 ACRE SITE LOCATED AT 7550 DIXIE HIGHWAY, FLORENCE, KENTUCKY, TO ALLOW ALL USES PERMITTED IN THE C-1 ZONE. (COBBLESTONE STREET, II, LLC)**

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-15-015-A recommended approval for a change in an approved concept development plan, and

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

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

**SECTION I**

That the request of Cobblestone Street, II, LLC (Owners), for a change in an approved concept development plan in a Commercial One (C-1) zone, for a 1.633 acre site generally located at 7550 Dixie Highway, Florence, Kentucky, to allow all uses permitted in the C-1 zone. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

**SECTION II**

The approval of this change to the concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-15-015-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-15-015-A, marked Exhibit "A", and attached hereto.

**SECTION IV**

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

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE

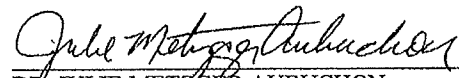
**IN RE:      REPORT AND RECOMMENDATION - REQUEST OF COBBLESTONE STREET II, LLC (OWNERS) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL ONE (C-1) ZONE FOR A 1.633 ACRE SITE LOCATED AT 7550 DIXIE HIGHWAY, FLORENCE, KENTUCKY, TO ALLOW ALL USES PERMITTED IN THE C-1 ZONE.**

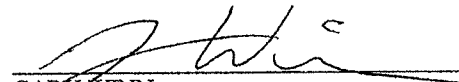
The Committee met in a special meeting on December 9, 2015, at the Florence Government Center Building to consider Resolution No. R-15-015-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone 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.

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.

MEMBERS OF THE COMMITTEE:

  
\_\_\_\_\_  
DR. JULIE METZGER AUBUCHON

  
\_\_\_\_\_  
GARY WINN



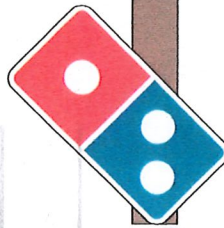
EXISTING

*Concept Development Plan  
APPROVED with  
Conditions*

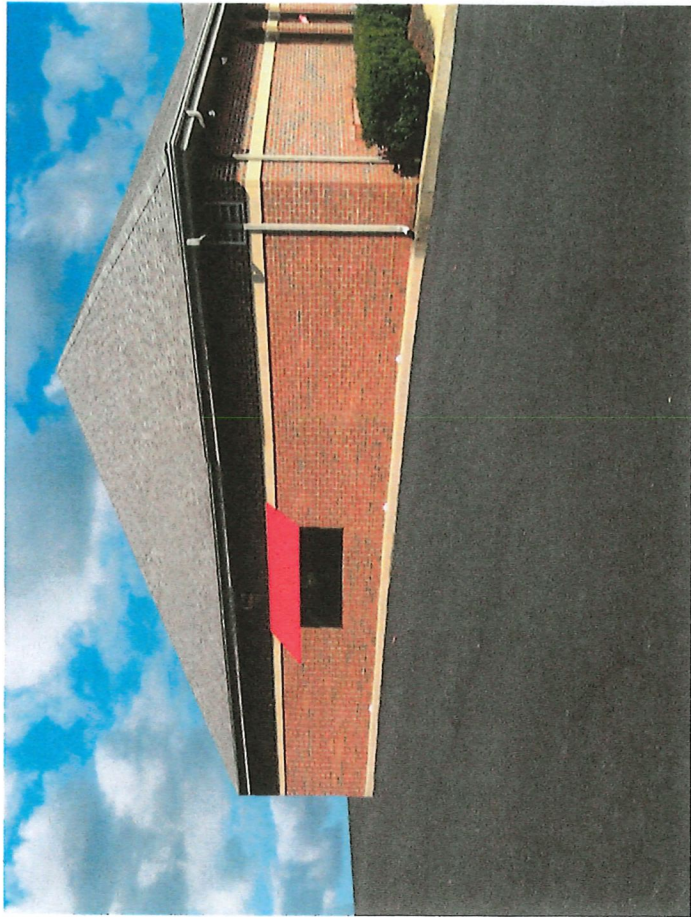
*Staff Lee K. Morgan*

*Date 11/4/15*

Boone County  
Planning Commission



# Domino's



PROPOSED

## Proposed removal of existing dive-thru structure

**NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.**

Note: Color output may not be exact when viewing or printing this drawing. All colors used are CMYK or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a reason to this drawing will be made.

Prepared By:

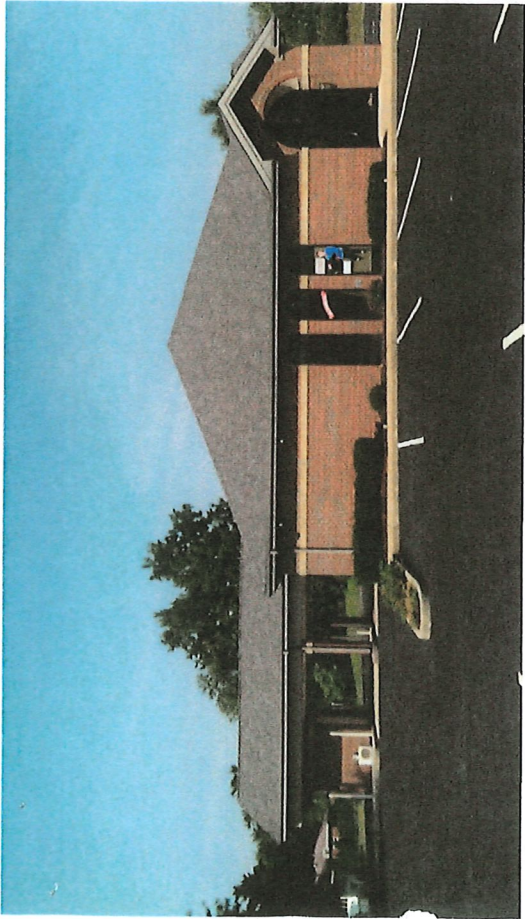
Date:

Customer:  
DOMINO'S

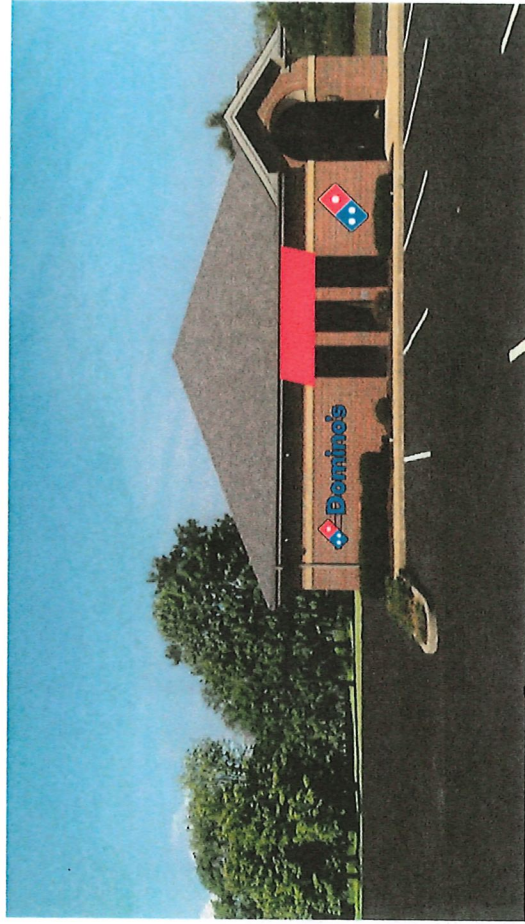
File Name:

Location:  
FLORENCE, KY

Eng:

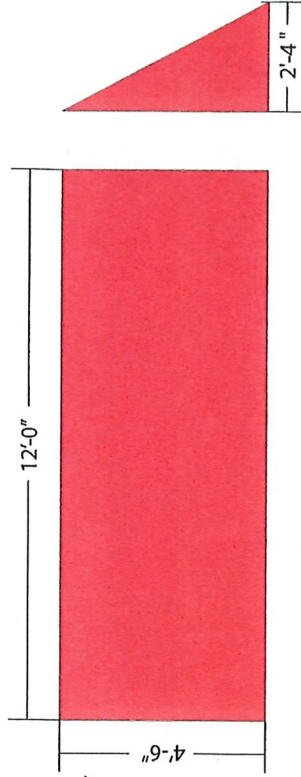
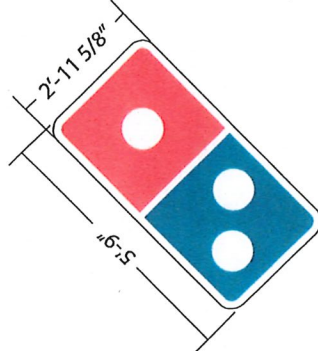
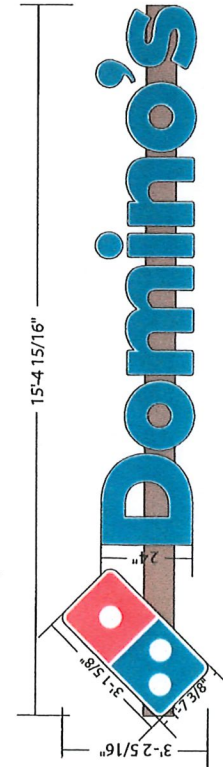


EXISTING



PROPOSED

# Proposed removal of existing dive-thru structure



GRAPHIC DET A11  
SCALE: 1/4" = 1'-0"

**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:	DOMINO'S	Prepared By:	
Date:		Eng:	
Location:	FLORENCE, KY	File Name:	

Note: Color output may not be exact. When viewing or printing this drawing, all colors used are a PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a reason to this drawing will be made.

**EXISTING** **PROPOSED**

GRAPHIC DETAIL  
SCALE: 1/4\"/>

<b>NOTE:</b> Elevation drawings and fee customer approval only drawings are not to be used as any installation guide. All dimensions must be verified before installation.			
CLASSIFICATION <b>DOMINO'S</b>	DATE <b>8/3/15</b>	PROJECT BY <b>RM</b>	NOTE: All lighting, artwork and signs are subject to change without notice. The sign is not to be used for any other purpose. This is a preliminary drawing and is not to be used for construction.
LOCATION <b>FLORENCE, KY</b>	PROJECT NAME <b>138420 - FLORENCE, KY - SIGN PACKAGE</b>		<b>DISTRIBUTED BY SIGN UP COMPANY</b> 200 The Street, Louisville, KY 40202 502-582-2300 1-800-843-8888 - <a href="http://www.persona.com">www.persona.com</a>

On Oct 6, 2015, at 12:51 PM, Charlotte <cjmark@fuse.net> wrote:

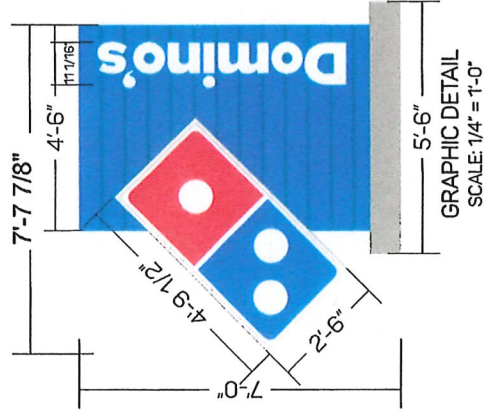
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EXISTING



PROPOSED



**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:	DOMINO'S	Date:	8/3/15	Prepared By:	RM	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location:	FLORENCE, KY	File Name:	138420 - FLORENCE, KY - SIGN PACKAGE	Eng:	-	<b>persona</b> SIGNS   LIGHTING   IMAGE

