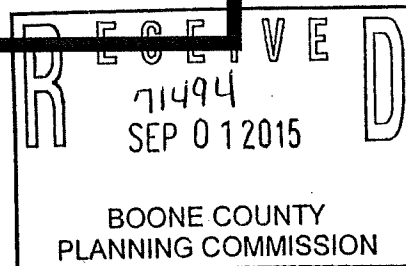


APPLICATION FORM

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 ABRA Auto Body and Glass
- 3. Location of Project 5980 Merchants Street
- 4. Total Acreage of Site 1.1793 Acres
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) December 21, 1999
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston-Donaldson Study
- 8. Proposed Uses (please specify each use) Auto Body and Glass
- 9. Proposed Building Intensities (please specify) existing building
- 10. Have you submitted a Concept Development Plan? yes
- 11. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
- 12. Name of Applicant(s) Grea Monnia Woolpert
- Phone Number 937.531.1481 Fax No. 937.461.0143 E-Mail grea.monnic@woolpert.com
- 13. Address of Applicant(s) 4154 Idea Center Boulevard
- Dayton City OH State 45430 Zip
- 14. Name of Property Owner(s) Kentucky Asset Management LLC - Wayne Smith
- Phone Number 859.586.0999 Fax No. 859.371.0208 E-Mail smithsh@tech.msn.net
- 15. Address of Property Owner(s) 5980 Merchants Street
- Florence City KY State 41042 Zip
- 16. Are there any existing buildings on the site? yes
- How many? one
- 17. Deed Book 466 Page No. 298 Group No. 2033A

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

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 Raymond Wayne Smith #
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature John M. Morrison
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 9/11/15 Fee Received \$2,305.00 R# 71494
2. Check what has been submitted:
 Application Fee _____ Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
7 No. of copies of plan received **
3. _____ Date Application is **Administratively Complete** as Defined in KRS 100.211
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson GREG BRETEZ
6. Scheduled Public Hearing Date 10/7/15
7. Boone County Planning Commission Action:
 Approved Approved With Conditions 11/4/15
 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.

EXHIBIT

“A”

STAFF REPORT

Request of Greg Monnig, Woolpert (applicant) for Kentucky Asset Management, LLC c/o Wayne Smith (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 1.1793 acre site located at 5980 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a auto body repair and glass business with an outside storage area.

October 7, 2015

PROPOSAL

This application is for a Change in Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 1.1793 acre site located along at 5980 Merchants Street in Florence (currently occupied by Smith's High Tech Automotive). A Change in Concept Development Plan application was conditionally approved to allow an automotive maintenance and repair facility in 1999 (1999 Concept Development Plan, 9/22/99 Boone County Planning Commission Public Hearing minutes, 10/20/99 Committee Report, Planning Commission Resolution R-99-030-A, and Ordinance #0-30-99 are attached). The 1999 approval does not permit auto body work or junk, wrecked, or salvaged vehicles to be stored on the premises. This approval also requires all repair and service work to occur inside of the building (refer to 9/22/99 Public Hearing minutes and Exhibit C of Ordinance #0-30-99).

The current proposal is to reuse the facility for an auto body repair and glass business. The only new improvements outlined in the application materials is a fenced storage yard on the east side of the building. The enclosure entails fencing an approximate 45 foot by 130 foot portion of the existing parking lot with a 6 foot high solid PVC fence. The fence is paneled with decorative caps on the posts. Forty four (44) columnar junipers are proposed along the north and east sides of the fence enclosure.

The narrative submitted with the application states "ABRA Auto Body and Glass is proposing to provide auto body repair as part of this concept development plan. ABRA will use the existing building and site layout with updates to the signage for store branding and construction of a solid privacy fence with landscaping around the east parking lot to screen customer's vehicles before they are brought inside for repair. All repair work will be performed inside to mitigate sound transmission."

The narrative also states "although customer vehicles will be stored onsite prior to repair, there will be no prolonged storage for junk, wrecked or salvaged vehicles. ABRA's business model is to repair vehicles quickly in 1 to 3 business days. If a vehicle is deemed unrepairable it is quickly removed from the site."

SITE HISTORY

The previously mentioned Change in Concept Development Plan application was conditionally approved in 1999. Before the 1999 approval, the specific site in question was part of a Zoning Map Amendment/Concept Development Plan that was conditionally approved in 1990 for Merchants Square Subdivision. The tract was part of a larger retail strip center site on the 1990 plan.

The current version of the Houston-Donaldson Study (2013) was adopted in early 2014. The 1992 version of the Houston-Donaldson Study was in force when the current (1999) Change in Concept Development Plan approval was granted.

A Major Site Plan for the construction of the existing improvements was approved by the Planning Commission on 7/20/00. A Design Review application for the design of the building was approved by the Planning Commission on 7/19/00, and a Design Review application for signage was approved on 1/3/01.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following.

- A. A rehabilitation hospital is located to the north (C-2/PD/HDO).
- B. A retail strip center is located to the east (C-2/PD/HDO).
- C. A convenience store with gas sales and an automotive repair facility/tire shop are located to the south across Bankers Street (C-2/PD/HDO).
- D. A bank, oil change establishment, car rental business, and an auto parts and accessories store are located to the west across Merchants Street (C-2/PD/HDO).

SITE CHARACTERISTICS

The site contains 1.1793 acres and has approximately 215 feet of frontage along Bankers Street and approximately 275 feet of frontage along Merchants Street. The site is fully developed with a 9,383 square foot automotive repair facility building, vehicular/parking

areas on the south, east, and west sides of the building, and curb cuts on both Bankers Street and Merchants Street.

RELATIONSHIP TO COMPREHENSIVE PLAN

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

The Land Use Element provides the following quotes that relate to the proposal and/or general area (2. "Houston-Donaldson/Mall Road" pg. 167).

- A. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand on to U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's proposed transit hub at a site on the west side of Mall Rd. Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

Regionally-oriented commercial development should be confined to Mall Road and the Houston Road area.

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pp. 162 and 163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces

and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

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

- D. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." This site is on the border between the "Florence" region and the "Airport" region. The population of the "Florence" region is estimated to change to 32,385 in 2020, and to 34,153 in 2030.

The Business Activity Element makes the following statements regarding the surrounding areas ("Recommended Areas of Commercial Activity," pg. 67).

- A. Four studies, the Houston-Donaldson Study, the Central Florence Strategic Plan, the Main Street Study, and the Mall Road District Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Elizabeth-Florence Hospital. The Main Street area will experience a rebirth as a result of an expanded population in the area and public improvements. Existing business districts need to be supported through market analysis and realistic recommendations. Overall the commercial economy of Boone County has become more diversified.

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

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- K. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
- L. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure

compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial [Retail and Office] Objective 2).

- M. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).

RELATIONSHIP TO 2013 HOUSTON-DONALDSON STUDY

The site in question is within Subarea One as outlined in the Houston-Donaldson Study. The "Development and Redevelopment Opportunities/Strategies" section of Chapter 3 "Land Use Recommendations" states the following:

- A. The Future Land Use for Subarea One is entirely Commercial (Figure 3.1). According to the Comprehensive Plan, this includes, "Retail, corporate and professional office, interchange commercial, indoor commercial, restaurants, services, etc." Based on the existing uses in the Subarea, the entire Subarea is in alignment with the Comprehensive Plan.

Subarea One is largely built out and has little development opportunity. What opportunity does exist can mostly be found on Merchants Street. This area is not one for primary retail development and should be developed as support services due to issues of limited access and visibility. Examples of this include the automobile-related development that has already occurred in this area or possibly a long term care facility for seniors, provided that such a facility is not set up as a short/long term senior residential facility. The facility is envisioned to be a place where patients from the Gateway Rehabilitation Center could go for recuperation before either going home or to a permanent care facility (pg. 30).

- B. In summary, the Planning Commission makes the following recommendations for the future of Subarea One:

- Future development and/or redevelopment in Subarea One should be of commercial or office type land uses and not of light industrial or residential uses.
- Support services on Merchants Drive, such as automobile service related development, offices, or short/long term senior residential facilities.

- The properties at the KY 18/Woodspoint Drive intersection should be combined and developed as a single entity.
- The development of the KY 18/Woodspoint Drive intersection as a retail node.
- New development in Subarea One should be aesthetically harmonious with existing surrounding land uses so as to fit into the built landscape (pg. 31).

The Goals and Objectives for “Subarea One - South Entrance” includes the following pertinent statements (pg. 42).

- A. Maintain the successful business climate of the South Entrance Subarea (Goal A).
- B. Continue to consistently apply the Design Standards for future development and/or redevelopment (Goal A, Objective 1).
- C. Continue to support the Commercial, Office, and Industrial uses in their current locations, as well as the current zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map (Goal A, Objective 2).
- D. Use future development and/or redevelopment of properties in the Subarea for opportunities to apply efforts to improve quality and quantity of stormwater runoff (Goal C, Objective 1).

Chapter Six “Current Zoning and Recommended Changes” states the following.

- A. The Zoning for Subarea One is comprised of Office (O-1/PD/CD, O-2/PD/CD) and Commercial (C-2/PD, C-2/PD/CD, C-3/PD) districts (Figure 6.1). A close investigation of the existing zoning for Subarea One shows that the Subarea is appropriately zoned. Because of the limited nature of potential new development and because the existing zoning suits the existing development, thus there are no recommendations for rezonings in Subarea One (pg. 66).

STAFF COMMENTS

1. COMPREHENSIVE PLAN AND HOUSTON-DONALDSON STUDY

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan and the 2013 Houston-Donaldson Study. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as “Commercial.” This designation is described as “retail, corporate and professional office, interchange commercial, indoor commercial

recreation, restaurants, services, etc.”

The Comprehensive Plan’s Land Use Element largely references the Houston-Donaldson Study. In this regard, the Element (pg. 167) states “any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development” and “regionally-oriented commercial development should be confined to Mall Road and the Houston Road area.”

In general terms, the Houston-Donaldson Study contemplates “automobile-related development” in this area. The “Land Use Recommendations” chapter (pg. 30) states “Subarea One is largely built out and has little development opportunity. What opportunity does exist can mostly be found on Merchants Street. This area is not one for primary retail development and should be developed as support services due to issues of limited access and visibility. Examples of this include the automobile-related development that has already occurred in this area or possibly a long term care facility for seniors, provided that such a facility is not set up as a short/long term senior residential facility. The facility is envisioned to be a place where patients from the Gateway Rehabilitation Center could go for recuperation before either going home or to a permanent care facility” (pg. 30). As a point of reference, “automotive repair facilities,” which by definition includes auto body services, is a Conditional Use in the underlying C-2 zone.

The Goals and Objectives of both the Boone County Comprehensive Plan and Houston-Donaldson Study discuss the application of proper design principles and standards.

2. PD OVERLAY ZONE CRITERIA/HOUSTON-DONALDSON STANDARDS/PRIOR CONDITIONS

Staff offers the following comments regarding the criteria set forth in Section 1514 “Planned Development Criteria” of the Boone County Zoning Regulations, the design standards in the Houston-Donaldson Study, and the prior conditions of approval (outlined in Exhibit C of attached Ordinance #0-30-99).

Condition #1 of the 1999 Concept Development Plan approval states “there shall

be no outside storage on the premises at anytime, including, but not limited to junk, wrecked or salvaged vehicles. Provided, however, customer vehicles may be parked on the premises overnight for service on the next business day." Permitting auto body work and outside storage within a fenced enclosure are the two key differences from the 1999 approval. The project narrative states "although customer vehicles will be stored onsite prior to repair, there will be no prolonged storage for junk, wrecked or salvaged vehicles. ABRA's business model is to repair vehicles quickly in 1 to 3 business days. If a vehicle is deemed unrepairable it is quickly removed from the site."

Customer vehicles kept on site within this 1 to 3 business day period are proposed to be parked within an outdoor enclosure along the east side of the building. The enclosure entails fencing an approximate 45 foot by 130 foot portion of the existing parking lot with a 6 foot high solid PVC fence. The fence is paneled with decorative caps on the posts. Forty four (44) columnar junipers are proposed along the north and east sides of the fence enclosure.

Section 3154 "Outside Storage, Display, and Loading Areas" of the zoning regulations states "in all zoning districts where outside storage, display, and loading areas are permitted, except for Industrial zones, such areas shall be screened and enclosed with a wall structure constructed of decorative masonry (excluding plain faced concrete blocks), EFIS, stucco, or other material which is the same or compatible with the texture and color of the materials of the principal building, excluding metal siding, wood fencing, or any type of link or wire fencing regardless of whether or not slats are used. The solid wall enclosure structure shall be high enough to screen the materials or products which are kept within the enclosure, although the area of the walls that are above the height of the materials or products contained within the structure, and any gates, may be constructed of architectural grade metal or wrought iron type fencing (excludes metal siding, wood fencing, and any type of link or wire fencing or gates). The solid wall enclosure structure shall adjoin, and be attached to, the principal building on the site." The basic purpose of these requirements is to only permit enclosures which have a substantive and permanent appearance that is integral with the principal building.

Regarding "loading/unloading/service areas", the Houston-Donaldson Study's "Architectural Design Review Requirements" (pg. 57) state "loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards. Any such area shall be enclosed with a screen wall which is at least 8 feet high and which uses the same materials, colors, and design detailing as the building which it serves. Alternatively, dense landscape hedging which will provide year round screening and that will grow to at least 8 feet high without routinely overtaking the planting space may be considered." These requirements pertain to

areas of intermittent activity (utility spaces), whereas the standards in Section 3154 of the zoning regulations partly pertain to areas where ongoing outdoor storage of items occurs.

Subsection 7 "Architecture" in Section 1514 "Planned Development Criteria" of the zoning regulations states "sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements" and "for attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials." As it relates to enclosing an outdoor storage area, Subsection 7 is very similar to the requirements in Section 3154 of the zoning regulations (as well as the screen wall option under the Houston-Donaldson Study). Based on these two sets of requirements, Staff recommends that the proposed fence be replaced with a solid enclosure structure which meets the requirements of Section 3154, should the application be approved (i.e., "a wall structure constructed of decorative masonry [excluding plain faced concrete blocks], EFIS, stucco, or other material which is the same or compatible with the texture and color of the materials of the principal building").

Regarding the columnar junipers that are proposed along the north and east faces of the enclosure structure, the applicant should verify the intended cultivar. Staff also recommends that the landscaping be added along the fixed part of the enclosure facing Bankers Street (south face) and that several different types of similar columnar evergreens be used to help avoid long term loss. Landscaping is discussed under Subsection 6 of Section 1514 and states, among other items, that "emphasis" should be given to "buffer zones."

Condition #2 of the 1999 Concept Development Plan approval states "all repairs and service will occur inside the building to be located on the premises." The applicant's narrative states that "all repair work will be performed inside to mitigate sound transmission." The applicant should explain any other measures planned to mitigate noise generated by the auto body services (such as not leaving overhead doors open for extended periods), and the hours of operation, as the surrounding area is largely a retail environment, and the adjoining neighbor to the north is a rehabilitation hospital. While there are several automotive repair facilities on nearby lots, none provide auto body repair services. Subsection 2 "Compatibility of Uses" in Section 1514 "Planned Development Criteria" of the zoning regulations states "compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development."

Condition #3 of the 1999 Concept Development Plan approval states "there will be no loud speaker system on the premises" and Condition #4 states "all lighting will be directional toward the premises and directed away from the residential subdivision located adjacent to Merchants Square Subdivision, Section No. 4." The applicant should explain whether any changes to these two conditions are intended.

3. FLORENCE FIRE/EMS DEPARTMENT COMMENTS

Robert Krebs, Fire Marshal with the Florence Fire/EMS Department, has reviewed the plan and has no comments on the proposal (9/9/15 e-mail is attached).

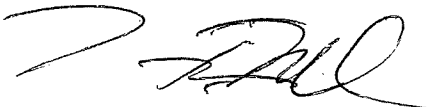
4. OUTSIDE AGENCY COMMENTS

Staff has requested comments on the proposal from the Florence City Administration and Florence Public Services Department. Such comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review.

CONCLUSION

The Boone County Planning Commission and the Florence City Council need to evaluate the application in terms of the requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations, the 2010 Boone County Comprehensive Plan, the 2013 Houston-Donaldson Study, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

KTW/tlb

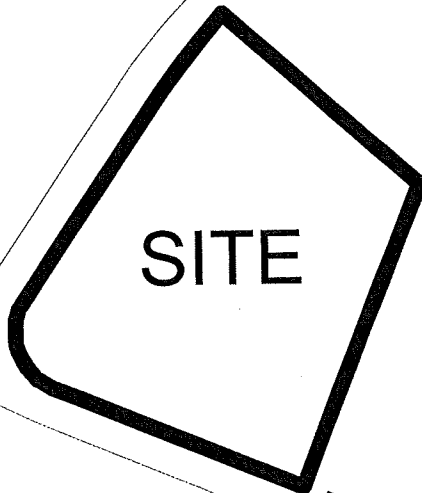
attachments:

- * Location map

- * Aerial photograph with zoning
- * 2035 Future Land Use Map excerpt
- * Topographic map
- * 1999 Concept Development Plan
- * 9/22/99 Boone County Planning Commission Public Hearing minutes
- * 10/20/99 Committee Report
- * Planning Commission Resolution R-99-030-A
- * Ordinance #0-30-99
- * 9/9/15 e-mail from Robert Krebs, Fire Marshal, Florence Fire/EMS Department
- * Application materials including Concept Development Plan

Location

www.boonecountygis.com



MERCHANTS ST

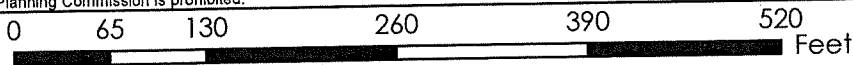
BANKERS ST

BURLINGTON PIKE

FULLER ST

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Map Created: 01/01/2015

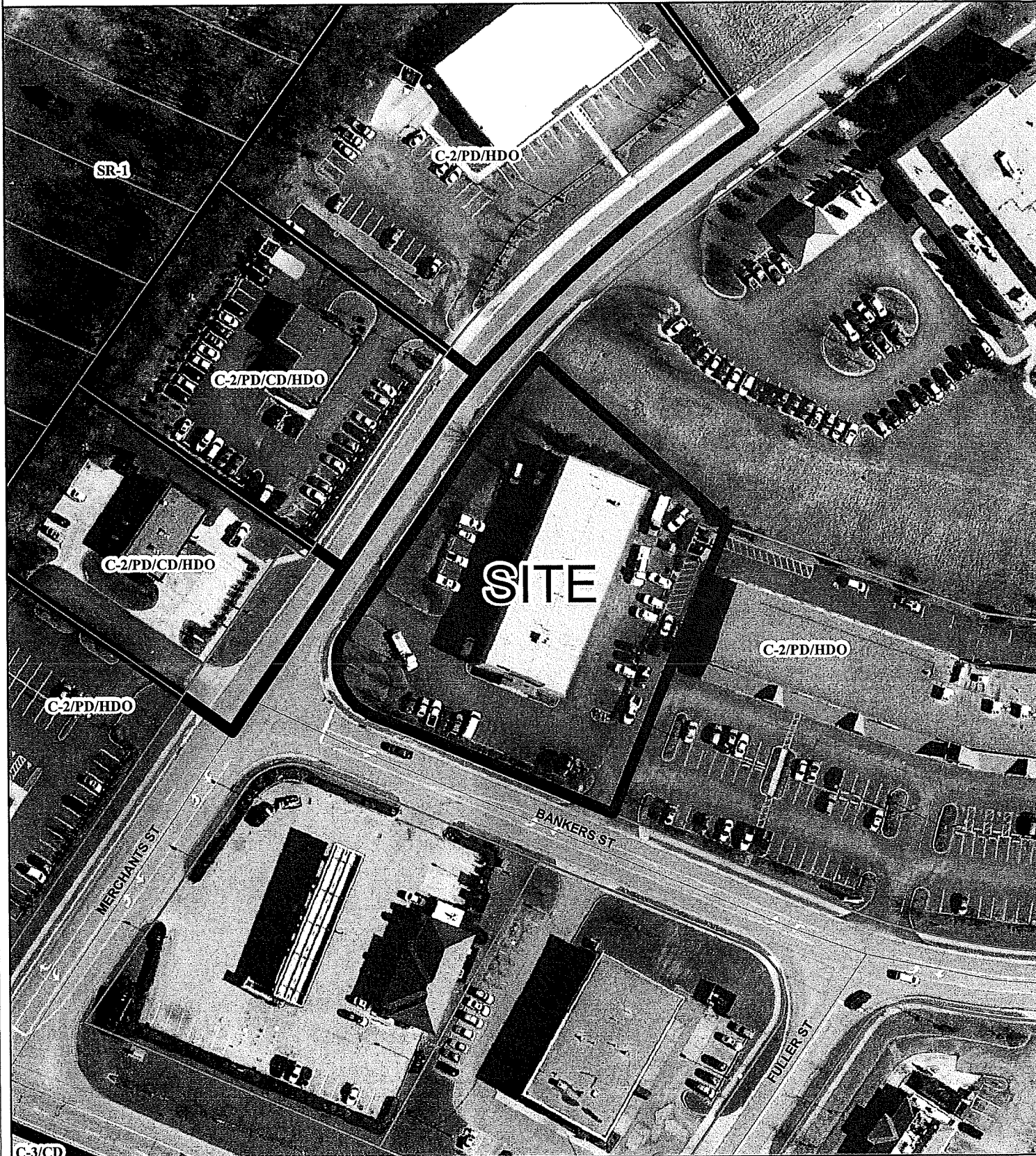
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: BooneMap.mxd

Zoning

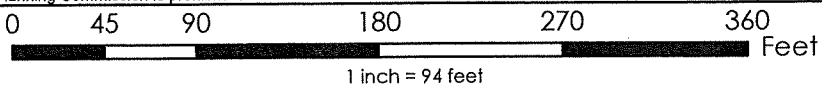
www.boonecountygis.com



C-3/CD

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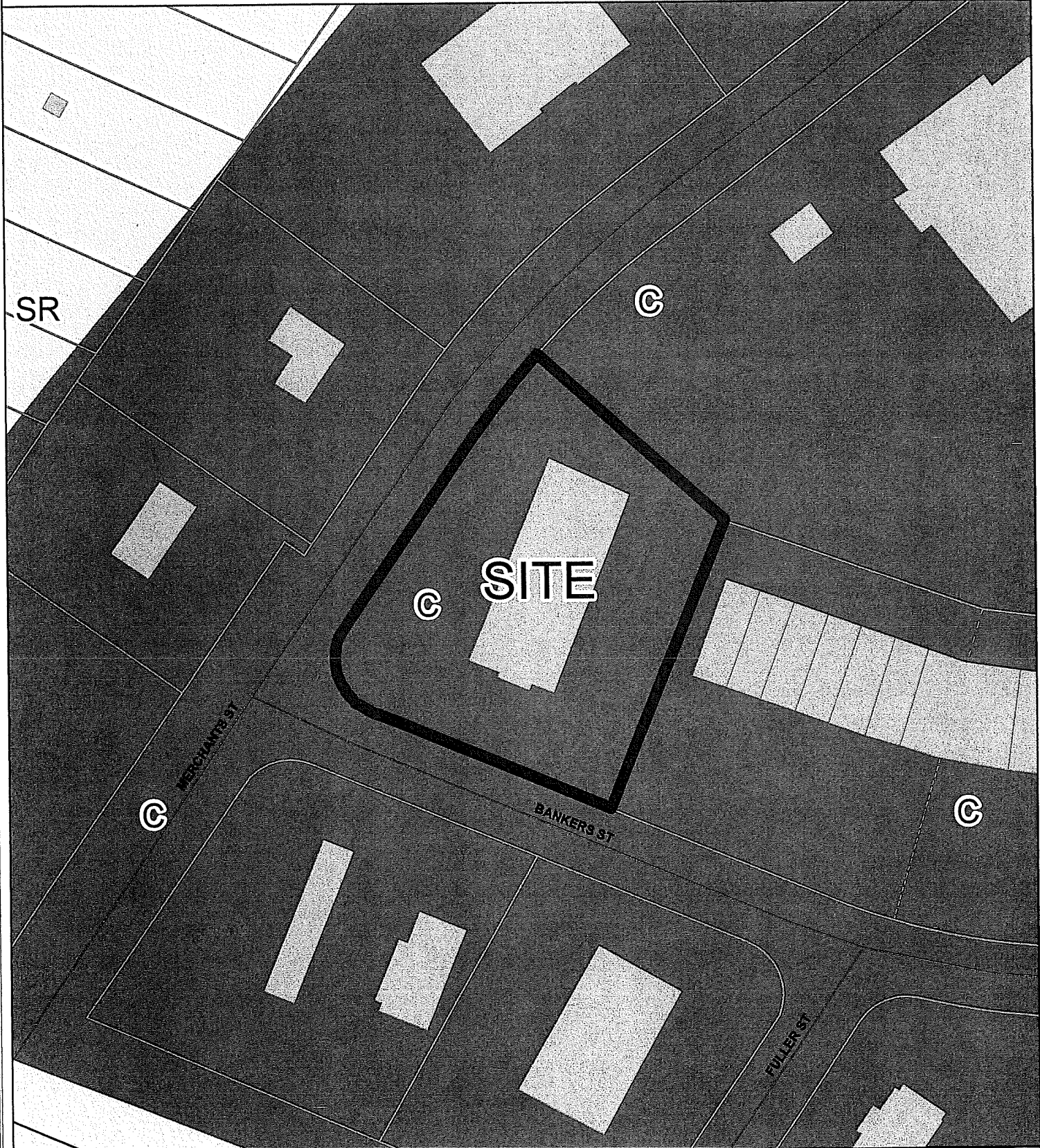
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Boone County GIS - Putting Northern Kentucky on the Map

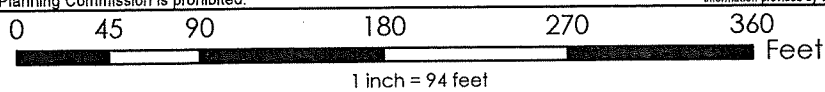
Future Land Use

www.boonecountygis.com



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Map Created: 01/01/2015

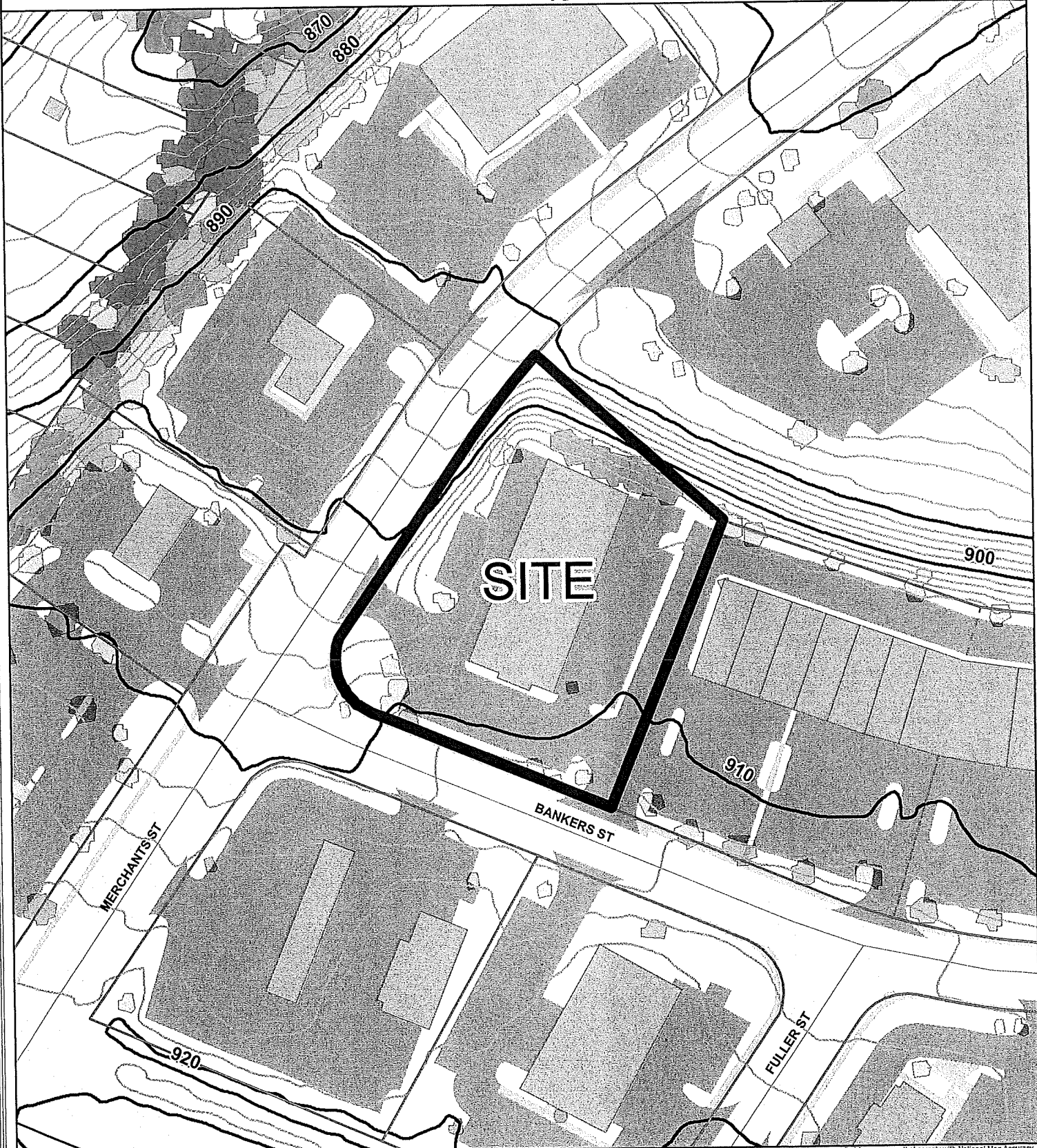
Boone County GIS - Putting Northern Kentucky on the Map



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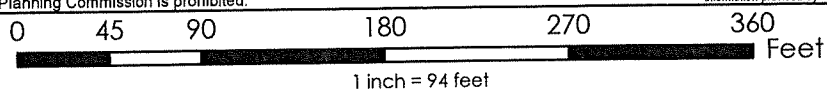
Topography

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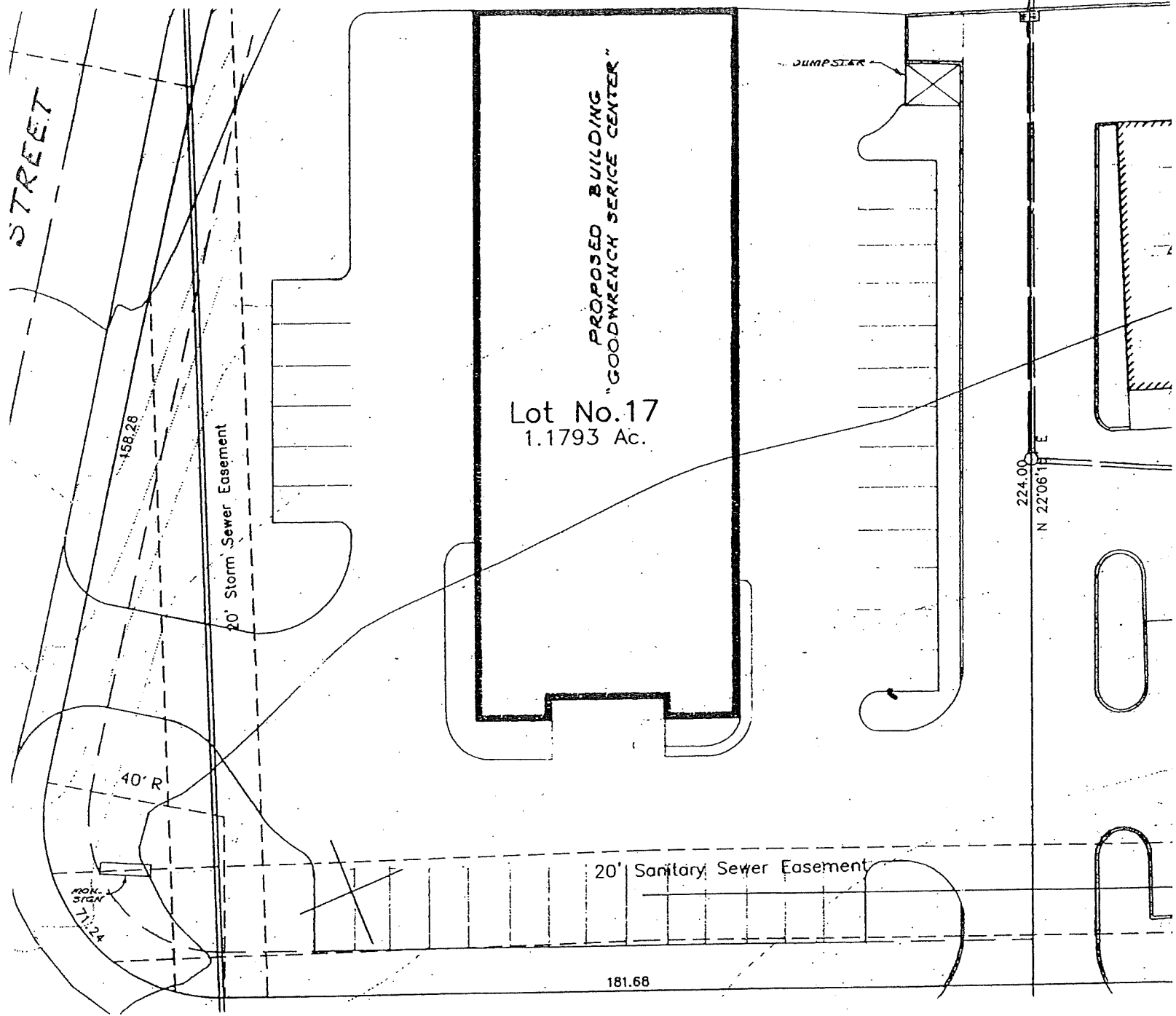


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Boone County GIS - Putting Northern Kentucky on the Map



CONCEPT DEVELOPMENT PLAN MERCHANTS SQUARE LOT 17

PUBLIC HEARING ITEM NO. 2:

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mrs. Smith, Mr. White, and Mrs. Wilson.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mark Jordan, Planner; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: James W. Berling for DC-KY 18, LLC (owner)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract on the northeast corner of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

Staff Member Mark Jordan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked Mr. Costello to address Staff Concern #1. Mr. Costello stated that in Staff Concern #1, there is reference to the applicant going to the Board of Adjustment to obtain a Conditional Use Permit. Mr. Costello has spoken with the Zoning Administrator, and a Conditional Use Permit is not required because the property is zoned C-2/PD and the review authority lies with the Planning Commission and ultimately the use is approved by the legislative unit. Staff Concern #1 is not a concern.

The Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, with offices in Florence and Covington, stated that he was representing Tom Gill and Tom Gill Chevrolet. Jim Berling was also present, as well as Mr. Durr and Mr. Crist, the sellers of the property.

Mr. Dusing stated that the site has been about a ten-year venture through the Planning Commission and through two Comprehensive Plans. They believe their request is compatible with the Comprehensive Plan

and are willing to work with the Planning Commission on Design Review. He stated that the property is zoned C-2/PD and, as a matter of right, every use has to come for review before the Planning Commission and the City of Florence.

Mr. Tom Gill, owners of Tom Gill Chevrolet in Florence, stated that he has been in business there for three years (the dealership was previously Suburban Chevrolet). His business has grown dramatically. He stated that studies show that the average customer after four or five years of ownership will leave a dealership and go to places like Pep Boys and Quik Lube to get their service work done, and dealerships are losing that business. General Motors has developed a concept to try to retain that business. The concept is "Good Wrench Service Centers", which could become a franchise opportunity and grow throughout the country. The purpose will be primarily light maintenance such as oil changes, strut replacement, batteries, wipers, starters, and alternators -- but not "dirty work" like transmission replacement and engine rebuilding. The facilities would be convenient to customers and open from possibly 7 AM or 8 AM until 9 PM Monday thru Saturday and 10 AM to 6 PM on Sunday. The hours are not definite, but it will be a seven day a week operation. Customers will be greeted by a technician who will be working on their car. The technician will take the car to a stall and the customer can go to a walkway in the center of the shop and view the car being worked on and speak with the technician. The car will then be washed and payment taken from the customer.

Mr. Dusing noted that Mr. Gill stated that there will be no heavy maintenance work. He asked Mr. Gill if the service department will be maintained at Tom Gill Chevrolet. Mr. Gill responded "yes". In response to further questions from Mr. Dusing, Mr. Gill advised that the Good Wrench facility will not be authorized to do warranty work, and will not do body shop work. Mr. Dusing asked Mr. Gill if Staff Concern #3 regarding outside storage is a problem. Mr. Gill responded "no" and stated that the building is about 9,300 - 9,400 square feet and there is ample space. He stated that there will not be anything outside. Mr. Dusing questioned the car wash. Mr. Gill advised that the car wash will be inside the building and is for customer use -- it is not for people just driving by.

Mrs. Smith arrived at this time.

Mr. Dusing reviewed the slide of the zoning map. He indicated Houston Road and the bank, the golf shop, Fazoli's, Tire Discounters, the service station, SuperAmerica, the bank, QuikLube, and the Durr/Crist retail center. He stated that the Master Plan showed the strip center going all the way over, but they built less and left an outlot.

Mr Berling reviewed the Landscaping Plan noting the bushes around the parking lot area and planters near the building. He explained that there is a joint entrance between this site and the adjacent strip center which was worked out with Staff when the previous plan was approved to minimize curb cuts on Bankers Street. He stated that the dumpsters will be next to each other and in an enclosure at the back. There is a curb cut on Merchant Street because half an entrance is not enough to service the site. Service trucks will back in the Merchant Street entrance when the store is not open. Mr. Berling stated that there are several levels of review and they will b back with a Site Plan and for Architectural Review. They will be asking for a sign over the front entry and a wall mounted sign on the side. There is a monument sign in the corner of the site. Each of the buildings in the area has a low profile ground mounted sign. Sanitary sewer is available. Water is available on both streets. Utilities will be shown on the Site Plan. There is a central storm water detention facility at the rear of the site and all of the development will drain toward that facility.

In response to a request from Mr. Costello, Mr. Berling indicated the nine acres of the Northern Kentucky Rehab building behind the site. Mr. Costello stated that a center was previously approved and they built a smaller center and isolated a smaller parcel for individual use. Mr. Berling agreed.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or ask questions. There was no response.

The Chairman asked if there were any questions from the Commissioners.

Mr. McMillian commented that the facility is close to the houses and asked if there will be a loud speaker system. Mr. Gill responded "no" and stated that there is no need for that type of thing in this facility.

Mr. McMillian asked if all of the work is done the day the car comes in so that there will be no outside parking or vehicles left for a week. Mr. Gill responded that the intent is to have the parts there. The Chairman clarified that the question is whether there will be any cars parked overnight that do not get service accomplished that day. Mr. Gill responded that people could bring cars in the night before for service the next morning, so there could be cars parked there. The Chairman asked Mr. Gill "You are not stating that every car that comes in each day will be gone that day and not park there over night?". Mr. Gill responded "I am not stating that".

Mr. Ries questioned how the cars will enter and exit the facility. Mr. Gill indicated the entrance and the customer parking area. He stated that there will be glass doors along both sides so that cars can pull in and back out. Mr. Ries commented that usually cars pull in and then pull out the other end, but these cars will be pulling in and out of the side.

Mr. Damstrom questioned the number of employees and the type of signage. Mr. Gill responded that there will be a maximum of sixteen employees. Signage will be a monument sign at the corner of Merchant and Bankers Street. There is a monument sign and building mounted sign on the front and a building mounted sign on the Merchant Street side.


In response to a question from the Chairman, Mr. Gill stated that the delivery vehicle will probably be a tractor trailer. The Chairman asked if the parking lot makes it easy for a tractor trailer to get in and out. Mr. Berling showed on the exhibit how a tractor trailer could come in on Merchant Street and make the left hand turn and back towards the building. Mr. Gill indicated the location of the parts area, which is towards the front of the building.

Mr. McMillian noted that the customers can walk through the garage, but in other service centers they could not get insurance for that. What is the difference here?

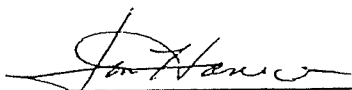
Mr. Gill responded that they provide some protection for the customers. There is a railing that goes through the center and a walkway. The customers are not under cars where they could possibly fall on them. In a typical service facility with cars going in and out, it is difficult to keep a customer in a local area because the facility was not designed for that -- but this facility is designed for interaction with the customers. Mr. Berling stated that they will bring the footprints and plans to the Committee Meeting.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on October 7, 1999 at 5 P.M.. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Thomas Chaney, Chairman

DATE: October 20, 1999

RE: Request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

REMARKS:

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

Findings of Fact

1. The committee has concluded that the applicant has adequately demonstrated that the request for a Change in Concept Development Plan to allow a freestanding automobile repair facility is an appropriate use for the 1.1793 acre site.
2. The applicant has shown that the request is consistent with the recommendations of the 1995 Boone County Comprehensive Plan, specifically, page 226 of the Land Use Element which states:

The Houston-Donaldson Study recommends "an employment district which would include a mix of office, commercial, and industrial uses". In addition, page 18 of the Houston-Donaldson Study refers to this site as part of Site 1 (Merchant's Square). Page 20 of the study recognizes that because of the site's high visibility from Hwy. 18, the front portion of Merchant's Square is "suitable for commercial uses".
3. The Committee has concluded that the attached condition is necessary to mitigate any impacts that may be created by the development. Both the property owner and the applicant have signed a letter demonstrating agreement with this condition.

Condition

1. The applicant has agreed that there will be no junk, wrecked, or salvaged vehicles stored on the premises at any time.

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

Thomas Chaney

Thomas Chaney, Chairman

For Against _____
Abstain _____ Absent _____

Phil Damstrom

Phil Damstrom

For Against _____
Abstain _____ Absent _____

Don McMillian

Don McMillian

For Against _____
Abstain _____ Absent _____

Bob Newman

Bob Newman

For Against _____
Abstain _____ Absent _____

Earl White

Earl White

For Against _____
Abstain _____ Absent _____

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

RESOLUTION R-99-030-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST OF JAMES W. BERLING (APPLICANT) FOR DC-KY 18, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, WITH ONE CONDITION, IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 1.1793 ACRE TRACT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF THE MERCHANT STREET/BANKERS STREET INTERSECTION, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a change in an approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northwest corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for a change in an approved Concept Development Plan, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky.

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

SECTION I

That the request for a change in an approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The real estate which is the subject of this request for a change in an approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK 466, PAGE NO. 298 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for a change in an approved Concept Development Plan, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky, findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

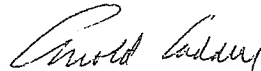
The Committee recommended approval for this request based on the findings of fact and one condition as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval for a change in an approved Concept Development Plan, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

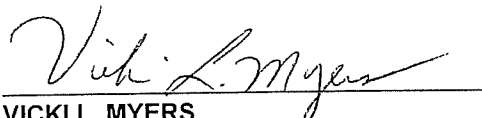
PASSED AND APPROVED ON THIS 3RD DAY OF NOVEMBER, 1999.

APPROVED:



**ARNOLD CADDELL
CHAIRMAN**

ATTEST:



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

ORDINANCE NO. 0-30-99

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.1793 ACRE TRACT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF MERCHANT STREET/BANKERS STREET IN THE CITY OF FLORENCE, KENTUCKY TO ALLOW AN AUTOMOTIVE REPAIR FACILITY FOR THIS PROPERTY CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD). (DC-KY 18, 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 has recommended approval, subject to a development plan and agreed conditions, of a change in concept development plan for an approximately 1.1793 acre tract to allow an automotive repair facility at the northeast corner of the intersection of Merchant Street/Bankers Street in the City of Florence, Kentucky, and

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

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

SECTION I

That the requested change in concept development plan for the approximate 1.1793 acre site located at the northeast corner of the intersection of Merchant Street/Bankers Street in the City of Florence, Kentucky shall be and is hereby approved to allow an automotive repair facility, subject to the concept development plan and other agreed conditions for this site currently zoned Commercial Two/Planned Development (C-2/PD). The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be changed to reflect the approval of this concept development plan.

SECTION II

The approval of this change in concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, 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 "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-99-030-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendations of the Boone County Planning Commission, this approval of the City of Florence, Kentucky through its City Council shall be and is hereby subject to those additional conditions that have been

agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-99-030-A, marked Exhibit "B", and incorporated herein as if fully set out.

SECTION V

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

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 14th DAY OF December 1999.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 21st DAY OF December 1999.

APPROVED:

Deane E. Whaler
MAYOR

ATTEST:

Steph E. Conrad
CITY CLERK

FROM : CHESROWN-OLDS
DEC 14 1999 THE 03:03 PM AM

PHONE NO. : 6148466798
STEPNER WOLTERMANN FAX NO. 606 291 7702

Dec. 14 1999 12:32PM P2
P. 02

ADAMS, STEPNER, WOLTERMANN & DUSING. P.L.L.C.

Attorneys and Commissioners at Law

WILLIAM L. JEFFERSON *	MARY ANN STEPHENS *
JAMES C. WOLTERMANN *	LORI A. NEULANDER *
DEBRA D. BURG *	SCOTT M. GUNOTHER *
MICHAEL M. SKELTON *	ROBERT D. DAVIS *
WYNN K. WELLS *	DALE L. SCHWARTZ *
WALTER A. SAUER *	CATHERINE B. STANFORD *
JEFFREY C. MARION *	PATRICY A. STUMPER *
MARC D. STEY *	ANDREW L. LARSON *
STACY L. ORRIS *	

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COVINGTON, KENTUCKY 41012-0861
AREA CODE 606-291-7270
FAX 606-291-7902

140 SULLINGTON POB - SUITE 144
P.O. BOX 178
FLORENCE, KENTUCKY 41042-0178
AREA CODE 606-371-4220
FAX 606-371-4341

2057 ACCLAND AVENUE
CINCINNATI, OHIO 45206
AREA CODE 513-291-7270

* ALSO ADMITTED BY OHIO
** ADMITTED ONLY BY OHIO

CHARLES E. ADAMS (1888-1971)
C. GORDON WALKER (1911-1989)

December 10, 1999

Hugh O. Skees, Esq.
Rouse, Skees, Wilson & Dillon
7699 Ewing Boulevard
P.O. Box 756
Florence, Kentucky 41042-0756

RE: Change in Concept Development Plan - Berling/DC-KY 18, LLC
(Goodwrench)

Dear Hugh:

The following are the conditions for approval of the Concept Development Plan submitted by Jim Berling on behalf of Tom Gill for a Goodwrench facility to be located on a 1.1793 acre tract on the northeast corner of the intersection of Merchant Street and Bankers Street, Florence, Kentucky. The change in the Concept Development Plan will allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

1. There shall be no outside storage on the premises at anytime, including, but not limited to, junk, wrecked or salvaged vehicles. Provided, however, customer vehicles may be parked on the premises overnight for service on the next business day.
2. All repairs and service will occur inside the building to be located on the premises.
3. There will be no loud speaker system on the premises.
4. All lighting will be directional toward the premises and directed away from the residential subdivision located adjacent to Merchants Square Subdivision, Section No. 4.

Exhibit "C"

Hugh O. Skees, Esq.

December 10, 1999

Page 2

Please let me know if these conditions accurately reflect the wishes of the Florence City Council. Also, please let me know if I need to take any additional action so that the ordinance approving the change in the Concept Development Plan can be put on next week's agenda. Finally, when will the second reading occur?

Thanks you for your cooperation.

Very truly yours,

ADAMS, STEPNER, WOLTERMANN,
& DUSING, F.L.L.C.

Michael M. Sketch
MICHAEL M. SKETCH

MMS:cjp

OWNER/APPLICANT
TOM GILL CHEVROLET, INC.

By:

Thomas A. Gill
TOM GILL, PRESIDENT

Dated:

12/14/99

Kevin Wall

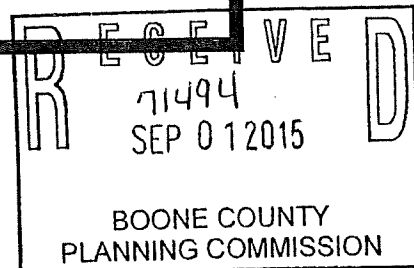
From: Robert Krebs <Robert.Krebs@Florence-KY.gov>
Sent: Wednesday, September 09, 2015 2:31 PM
To: Kevin Wall
Subject: ABRA Zone Change

No comments on this change.

Bob

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 ABRA Auto Body and Glass
- 3. Location of Project 5980 Merchants Street
- 4. Total Acreage of Site 1.1793 Acres
- 5. Current Zoning C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) December 21, 1999
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston-Donaldson Study
- 8. Proposed Uses (please specify each use) Auto Body and Glass
- 9. Proposed Building Intensities (please specify) existing Building
- 10. Have you submitted a Concept Development Plan? yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Grea Monnia Woolpert
- Phone Number 937.531.481 Fax No. 937.461.0143 E-Mail grea.monnia@woolpert.com
- 13. Address of Applicant(s) 4454 Idea Center Boulevard
- Dayton City OH State 45430 Zip
- 14. Name of Property Owner(s) Kentucky Asset Management LLC - Wayne Smith
- Phone Number 859.586.8999 Fax No. 859.371.0208 E-Mail smithskia@tech@msn.net
- 15. Address of Property Owner(s) 5980 Merchants Street
- Florence City KY State 41042 Zip
- 16. Are there any existing buildings on the site? yes
- How many? one
- 17. Deed Book 466 Page No. 298 Group No. _____

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

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
 Florence Union

21. ORIGINAL Property Owner's Signature Raymond Wayne Smith #
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature John M. Morrison
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 9/11/15 Fee Received \$2,305.00 R# 71494
2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
 No. of copies of plan received ** 1
3. Date Application is **Administratively Complete** as Defined in KRS 100.211
4. Staff Reviewer KEVIN WARD
5. Committee Chairperson _____
6. Scheduled Public Hearing Date 10/7/15
7. Boone County Planning Commission Action:
 Approved 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@boonecountky.org - E-Mail
www.boonecountky.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.



August 31, 2015

Kevin Wall, Director of Zoning Services
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
Burlington, KY 41005

RE: ABRA Auto Body and Glass
Concept Development Plan

Dear Mr Wall:

On behalf of our client ABRA Auto Body and Glass, we are submitting a change to the approved Concept Development Plan for the property at 5980 Merchants Street. ABRA wants to locate a corporate facility as their base of operations in northern Kentucky on the site. A stipulation in the Concept Development Plan submitted by the previous owner stated that the property would not be used as an autobody repair shop and that there will be no junk, wrecked or salvaged vehicles stored on the premises at any time.

ABRA Auto Body and Glass is proposing to provide auto body repair as part of this concept development plan. ABRA will use the existing building and site layout with updates to the signage for store branding and construction of a solid privacy fence with landscaping around the east parking lot to screen customer's vehicles before they are brought inside for repair. All repair work will be performed inside to mitigate sound transmission.

We have included the following information for our submittal:

- 7 Copies of the Concept Development Plan
- Concept Development Plan Application
- Waiver of 60 Day Time Requirement
- Names and Addresses of the property owners within 250'
- Legal Description of the Property
- Check in the amount of \$2,305.60 for the Application Fee

ABRA Automotive is a corporate business with hundreds of shops throughout the country. They pride themselves on having clean well maintained facilities that will improve the look and operations over the current towing and auto repair facility. Although customer vehicles will be stored onsite prior to repair, there will be no prolonged storage for junk, wrecked or salvaged vehicles. ABRA's business model is to repair vehicles quickly in 1 to 3 business days. If a vehicle is deemed unrepairable it is quickly removed from the site.

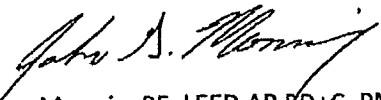
Woolpert, Inc.
4454 Idea Center Boulevard
Dayton, OH 45430-1500
937.461.5660

Kevin Wall
August 31, 2015
Page 2

Please call me if you have any questions regarding what we are proposing.

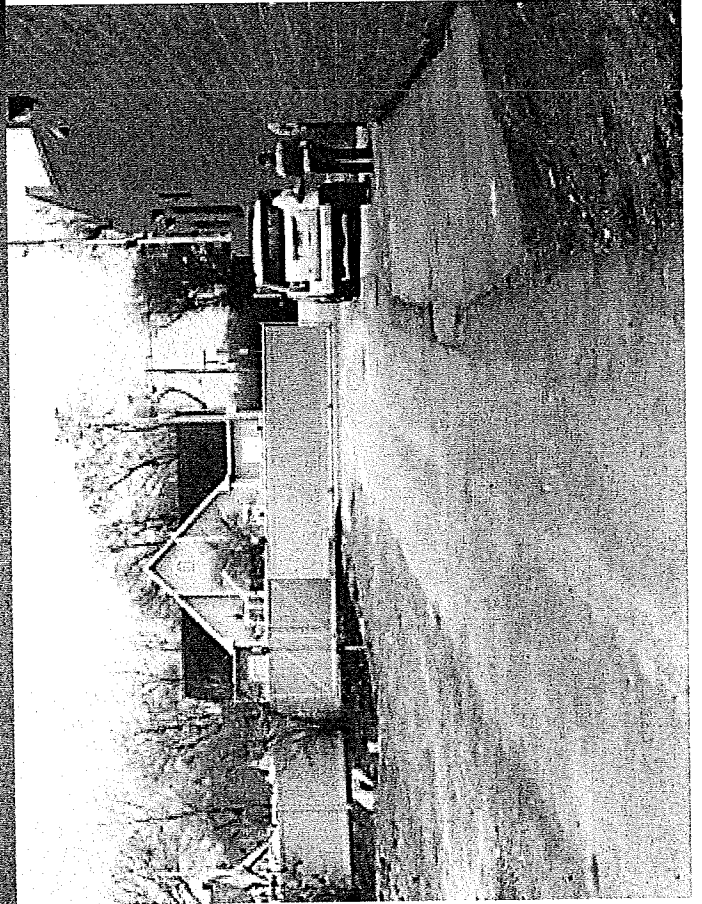
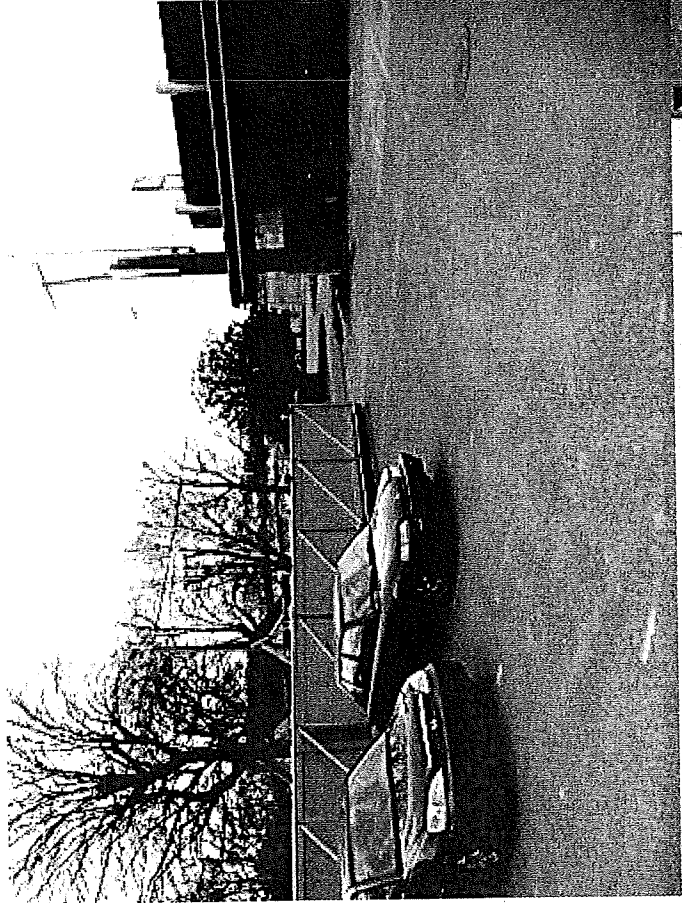
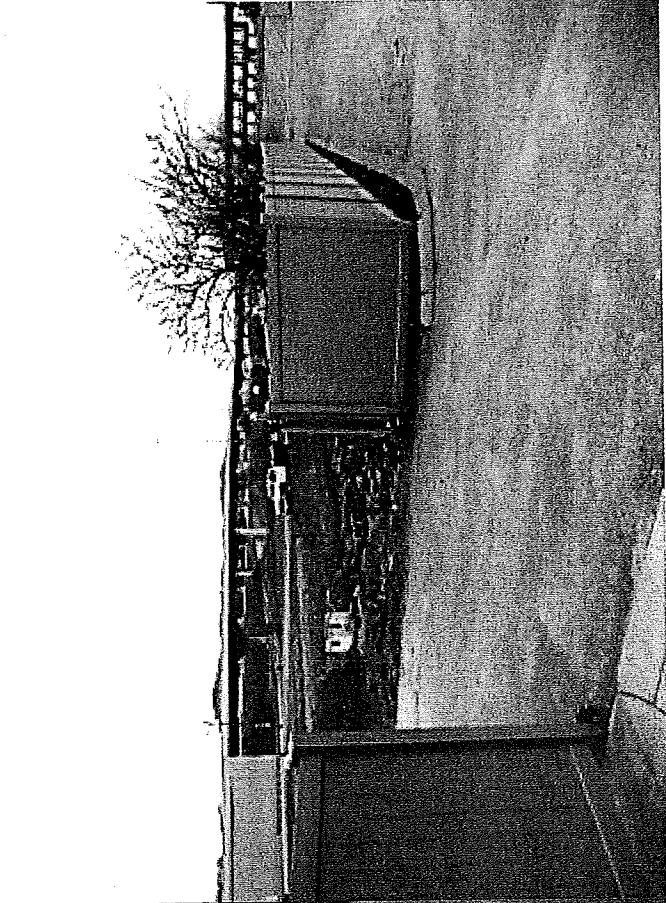
Sincerely,

Woolpert, Inc.



Greg Monnig, PE, LEED AP BD+C, PMP
Project Manager

Woolpert, Inc.
4454 Idea Center Boulevard
Dayton, OH 45430-1500
937.461.5660



PRIVACY FENCE EXAMPLE

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: November 4, 2015

RE: Request of **Greg Monnig, Woolpert (applicant)** for **Kentucky Asset Management, LLC c/o Wayne Smith (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 1.1793 acre site located at 5980 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a auto body repair and glass business with an outside storage area.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Change in Concept Development Plan is in agreement with the 2010 Boone County Comprehensive Plan and 2013 Houston-Donaldson Study due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Comprehensive Plan's Land Use Element largely references the Houston-Donaldson Study. In this regard, the Element (pg. 167) states "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development" and "regionally-oriented commercial development should be confined to Mall Road and the Houston Road area."

The subject site is in Subarea One in the Houston-Donaldson Study. Regarding this area, the Study (pg. 30) states "Subarea One is largely built out and has little development opportunity. What opportunity does exist can mostly be found on Merchants Street. This area is not one for primary retail development and should be developed as support services due to issues of limited access and visibility. Examples of this include the automobile-related development that has already occurred in this area or possibly a long term care facility for seniors, provided that such a facility is not set up as a short/long term senior residential facility. The facility is envisioned to be a place where patients from the Gateway Rehabilitation Center could go for recuperation before either going home or to a permanent care facility." The summary of recommendations at the end of the Subarea One text (pg. 31) includes providing "support services on Merchants Drive, such as automobile service related development, offices, or short/long term senior residential facilities."

In short, commercial uses such as automobile repair facilities are envisioned by the Comprehensive Plan for the area. The Houston-Donaldson Study recommends "automobile-related development" and "automobile service related development" for this specific part of the overall Study area as the site is located on the corner of Bankers Street and Merchants Street. The proposal is to allow auto body repair and an enclosed, short term outdoor storage area for vehicles awaiting repair at a facility which already provides automobile repair services. As a point of reference, there are existing automobile repair facilities immediately across the Bankers Street and Merchants Street rights-of-way from the subject site (Tire Discounters and Quikstop Oil Lube).

- B. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the applicable Comprehensive Plan Future Land Use Development Guidelines and Goals and Objectives, and the design and development standards in the 2013 Houston-Donaldson Study. The Land Use Element's "Future Land Use Development Guidelines" include several provisions that pertain to this proposal which are quoted in the Staff Report. These pertain to mitigation of impacts, landscaping and buffering, and proper design. These basic tenets are also discussed in the Goals and Objectives.
2. The Committee has concluded that the Concept Development Plan, coupled with the agreed conditions, fulfills the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and the 2013 Houston-Donaldson Study. 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 proposal shall comply in all respects with the attached Concept Development Plan ("Concept Development Plan" sheet and "Fence And Landscape Details" sheet) which was revised in accordance with comments made at the 10/7/15 Public Hearing for this request, except when clarified or superceded by the conditions below.
2. Masonry columns which match the materials, design, and colors used on the existing building shall be used in lieu of posts for the portion of the fence enclosure which faces Bankers Street, and along the east side of the fence enclosure between the southeast corner and a point in line with the front building face of the strip center building on the adjoining property to the east.
3. All repairs and service shall occur inside the building. Overhead doors shall not be left open for extended periods of time to mitigate the noise generated by the auto body services.
4. A loud speaker system shall not be used on the premises.
5. Any changes to the site lighting fixtures shall direct lighting inward towards the premises and away from adjacent properties.

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. 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 Bungler, 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 8:57 P.M. and introduced the second item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

3. Request of **Greg Monnig, Woolpert (applicant)** for **Kentucky Asset Management, LLC c/o Wayne Smith (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 1.1793 acre site located at 5980 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a auto body repair and glass business with an outside storage area.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). It is an existing facility in which the applicant wants to change the originally approved Concept Development Plan. The site was originally the Goodwrench Center. It was developed about 15 years ago by Tom Gill. It is now occupied by Smith's Hi-Tech Auto. ABRA Auto Body wants to operate the facility as an auto body and glass store. The original approved plan did not allow auto body work to be performed on the site. There were other conditions dealing with outside storage, no parking of junk materials, etc. The site is located at the corner of Bankers and Merchant Streets. Mr. Wall showed photographs of the site and surrounding properties. The applicant is proposing a fenced storage area where vehicles are parked waiting for service. It will be 45' by 130' in size and columnar junipers will be placed on the east and north sides of the site. A 6 foot high fence made of PVC panel material will be installed.

In terms of Staff Comments, Mr. Wall referred to Page 9 (2). The first condition pertains to outside storage. There was one condition from the Planning Commission and 4 additional conditions from Florence City Council. Actually, the first condition by the Planning Commission was expanded by Florence City Council. The applicant is proposing a 6 foot high PVC panel fence. The zoning code and the Houston-Donaldson Study requires something more substantial. Article 31 of the zoning code requires a solid wall enclosure for outside storage. An example if this is the outdoor garden area at Home Depot. There is a CMU wall that matches the actual Home Depot building. Landscaping is being proposed by the applicant around the perimeter. Staff would like to see more landscaping facing Bankers Street. Mr. Wall noted that the applicant submitted a narrative that limits the auto body work indoors. How will this occur? Will the overhead doors be closed when work is occurring? The other two conditions deal with loud speakers and lighting. Will there be any changes to these two items based upon the proposed use that warrants changing the final two conditions?

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

Mr. Greg Monnig, Woolpert (applicant) representing ABRA Auto Body and Glass, stated that the company is a national chain and has been around since 1984. It has 342 store locations in 23 states. The proposed store is the first one in Northern Kentucky. They currently have stores in Cincinnati and Dayton. Mr. Monnig stated they will not change the lighting or intercom system. Service doors will be closed when the work is being performed. They are agreeable to add landscaping along the south side of the fence. They will probably lose one parking space. The hours of operation will be 8:00 a.m. - 6:00 p.m. They may open at 7:00 a.m. to allow customers to

drop off their vehicles before work. It will be business driven. It will have a local manager. The regional representative will be based in Northern Kentucky. Mr. Tom Carrico, Vice-President of Real Estate for ABRA Auto Body and Glass, Brooklyn Park, Minnesota stated that the glass portion of the business is glass repair related to auto body work. They also have mobile vans that are used to fix windshields.

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

Mr. Dick Crist stated that his company started developing the commercial subdivision in 1992. He owns the retail center next door. He explained that adding auto body work is not any different than what is going on now. There have been no complaints. The only reason they are here is because Tom Gill Chevrolet conceded to no auto body work on the site. He stated that he has no objection to the use and is glad to have them there.

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

Chairman Rolfsen asked if the applicant would have a paint booth and what about odors? Mr. Carrico replied there is an existing exhaust system in the building. Chairman Rolfsen asked where is the closest store? Mr. Carrico responded that his company purchased the True Quality Collision and USA Collision chains in Cincinnati. They have a prototype look but when they buy an existing building, they usually modify it by putting on a new store front and sign.

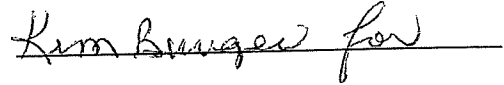
Mr. Patton asked for more details on the proposed fence. Chairman Rolfsen asked if the applicant could provide either a sample or photographs of what the fence would look like when installed.

Chairman Rolfsen asked if all of the wrecked vehicles will be stored behind the fence? Mr. Carrico replied yes until repair work actually begins. When the vehicles have been repaired, they will be moved to the parking area for pick up.

Mr. Ford asked if the applicant was going to other automotive repairs like oil changes or mechanical work? Mr. Carrico responded no, just auto body work. If a radiator is broken and it needs replacement when the auto body work is performed, it will be replaced at the same time. They don't do transmission work.

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 9:10 P.M.

APPROVED:

A handwritten signature in cursive script, appearing to read "Kim Burges for", written over a horizontal line.

Charlie Rolfsen
Chairman

Attest:

A handwritten signature in cursive script, appearing to read "Kevin P. Costello", written over a horizontal line.

Kevin P. Costello, AICP
Executive Director

Exhibit

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: October 21, 2015

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

2. Request of **Greg Monnig, Woolpert (applicant)** for **Kentucky Asset Management, LLC c/o Wayne Smith (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for a 1.1793 acre site located at 5980 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a auto body repair and glass business with an outside storage area.

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.

Monnig/Smith

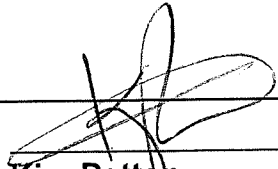
October 21, 2015

Randy Bessler

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

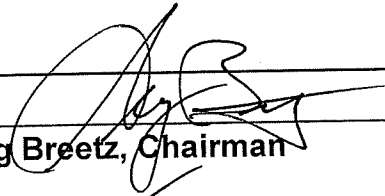


Kim Patton

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___



Greg Breetz, Chairman

For Project Absent ___

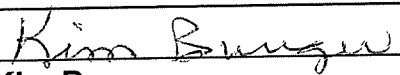
Against Project ___

Abstain ___ Deferred ___

Charlie Reynolds (Alternate)

For Project ___ Absent ___

Against Project ___



Kim Bunger

For Project Absent ___

Against Project ___

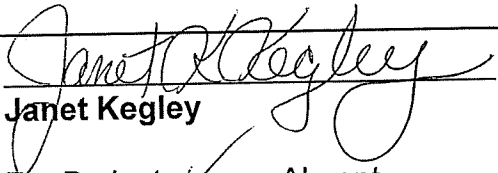
Abstain ___ Deferred ___

Jim Longano, (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___



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

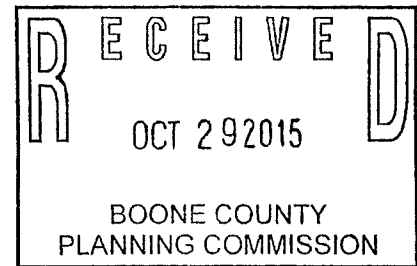
www.boonecountyky.org/pc
www.boonecountygis.com

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

October 22, 2015

Mr. Wayne Smith
Kentucky Asset Management, LLC
c/o Greg Monnig, P.E.
Woolpert
4454 Idea Center Boulevard
Dayton, KY 45430



FAX: 937-461-0743

RE: Recommended Conditions of Approval for Kentucky Asset Management, LLC
(Abra) Change in Concept Development Plan Application, 5980 Merchants Street,
Florence, Kentucky

Dear Mr. Smith:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their October 21, 2015 meeting. If you, as the authorized representative of the property owner, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, October 30, 2015.


CONDITIONS

1. The proposal shall comply in all respects with the attached Concept Development Plan ("Concept Development Plan" sheet and "Fence And Landscape Details" sheet) which was revised in accordance with comments made at the 10/7/15 Public Hearing for this request, except when clarified or superceded by the conditions below.
2. Masonry columns which match the materials, design, and colors used on the existing building shall be used in lieu of posts for the portion of the fence enclosure which faces Bankers Street, and along the east side of the fence enclosure between the southeast corner and a point in line with the front building face of the strip center building on the adjoining property to the east.
3. All repairs and service shall occur inside the building. Overhead doors shall not be left open for extended periods of time to mitigate the noise generated by the auto body services.

Mr. Wayne Smith
c/o Greg Monnig, P.E.
October 22, 2015
Page 2

4. A loud speaker system shall not be used on the premises.
5. Any changes to the site lighting fixtures shall direct lighting inward towards the premises and away from adjacent properties.

Sincerely,

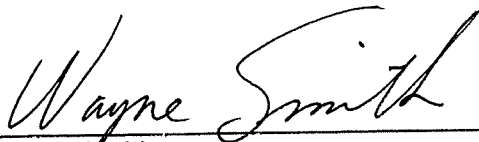


Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

AGREEMENT

I, the authorized representative of the property owner of the 1.1793 acre site located at 5980 Merchants Street, Florence, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan application.



Wayne Smith
Kentucky Asset Management, LLC
Authorized Representative for Property Owner

10-29-15

Date

Legal Description:

Being all of Lot No. 17 of Merchant Square Subdivision, Section No. 5, as recorded in the Office of The Boone County Clerk's Office located in Burlington, Kentucky



To whom it may concern:

Enclosed please find a certified copy of **City of Florence, Kentucky Ordinance No. O-21-15:**

ORDINANCE NO. O-21-15:

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON- DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) ZONE FOR A 1.1793 ACRE SITE LOCATED AT 5980 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW AN AUTO BODY REPAIR AND GLASS BUSINESS WITH AN OUTSIDE STORAGE AREA. (GREG MONNIG, WOOLPERT/KENTUCKY ASSET MANAGEMENT, LLC)

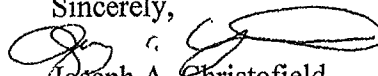
The First Reading of Ordinance No. O-21-15 was held on the 15th Day of December, 2015.

The Second Reading of Ordinance No. O-21-15 was held on the 22nd Day of December, 2015.

Ordinance No. O-21-15 was published in the *Boone County Recorder* on the 31st 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-21-15 as same appears in the official records of my office.

Dated this 31st 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

www.florence-ky.gov

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-21-15

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-21-15 on December 22, 2015. The title of this Ordinance is as follows:

ORDINANCE NO. 0-21-15

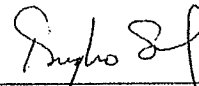
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON - DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) ZONE FOR A 1.1793 ACRE SITE LOCATED AT 5980 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW AN AUTO BODY REPAIR AND GLASS BUSINESS WITH AN OUTSIDE STORAGE AREA. (GREG MONNIG, WOOLPERT/KENTUCKY ASSET MANAGEMENT, LLC)

The effect of this Ordinance is to allow an auto body repair and glass business with an outside storage area in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone.

The full text of Ordinance No. 0-21-15, 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. 0-21-15 and that it has been prepared by me on the 11th day of December, 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. 0-21-15

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON - DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) ZONE FOR A 1.1793 ACRE SITE LOCATED AT 5980 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW AN AUTO BODY REPAIR AND GLASS BUSINESS WITH AN OUTSIDE STORAGE AREA. (GREG MONNIG, WOOLPERT/KENTUCKY ASSET MANAGEMENT, 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-15-016-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 Greg Monnig, Woolpert (Applicant) for Kentucky Asset Management, LLC c/o Wayne Smith (Owner), for a change in an approved concept development plan in a Commercial Two/Planned Development/Houston - Donaldson Study Corridor Overlay (C-2/PD/HDO) zone, for a 1.1793 acre site located at 5980 Merchants Street, Florence, Kentucky, to allow an auto body repair and glass business with an outside storage area. 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-15-016-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-15-016-A, marked Exhibit "A", and attached hereto.

SECTION IV

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

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

SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 15th DAY OF December, 2015.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 22nd DAY OF December, 2015.

APPROVED:

Diane & Whale
MAYOR

ATTEST:

Joe Whitfield
CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

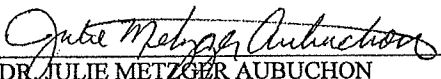
IN RE: **REPORT AND RECOMMENDATION - REQUEST OF GREG MONNIG, WOOLPERT (APPLICANT) FOR KENTUCKY ASSET MANAGEMENT, LLC C/O WAYNE SMITH (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (C-2/PD/HDO) ZONE FOR A 1.1793 ACRE SITE LOCATED AT 5980 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW AN AUTO BODY REPAIR AND GLASS BUSINESS WITH AN OUTSIDE STORAGE AREA.**

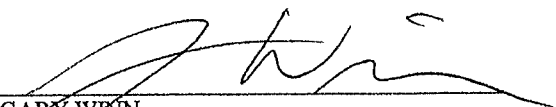
The Committee met in a special meeting on December 9, 2015, at the Florence Government Center Building to consider Resolution No. R-15-016-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone 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 WRINN

