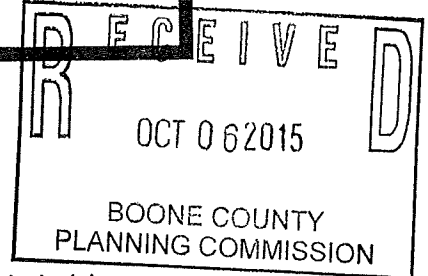


APPLICATION FORM

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 SLIM CHICKEN'S RESTAURANT
- 3. Location of Project 7840 MALL ROAD FLORENCE
- 4. Total Acreage of Site .76 ± PART OF MALL PROPERTY 1 acre
- 5. Current Zoning CZPD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) YES. SITE IS PART OF THE MALL ROAD DISTRICT STUDY
- 8. Proposed Uses (please specify each use) RESTAURANT WITH BOTH SIT DOWN SERVICES & DRIVE-THRU WINDOW
- 9. Proposed Building Intensities (please specify) ONE BUILDING ON THIS SITE

10. Have you submitted a Concept Development Plan? YES

- 11. Are you also applying for:
 - N/A Conditional Use Permit FOR DRIVE THRU
 - N/A Dimensional Variance

12. Name of Applicant(s) Mark C. Smith
 Phone Number 859-760-3925 Fax No. _____ E-Mail cincinnati.slims@gmail.com

13. Address of Applicant(s) 74 CENTRE VIEW BLVD.
CRESVIEW HILLS KENTUCKY 4017
 City State Zip

14. Name of Property Owner(s) GENERAL GROWTH PROPERTIES
 Phone Number 312 960 5000 Fax No. _____ E-Mail _____

15. Address of Property Owner(s) 110 NORTH UPPER WACKER,
CHICAGO IL 60606
 City State Zip

16. Are there any existing buildings on the site? YES - 5TH/3RD BANK TO BE DEMOLISH.
How many? ONE

17. Deed Book J Page No. _____ Group No. 20408

DB 884 *
PG 3
MDB 129
PG 140

PARCEL NUMBER (over)
062-000-25-001.07

CAN ARRANGE ONE - WORKING

18. Have you had a pre-application meeting with BCPC Staff? ON JULY 23, 2015

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
- Florence
- Walton
- Union

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

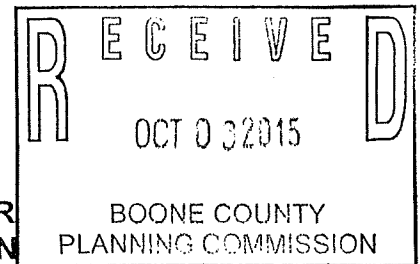
22. ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 10-6-15 Fee Received 2302.00 R# 072202
2. Check what has been submitted:
 - Application Fee _____ Legal Description _____
 - Concept Development Plan Addresses of Adjoining Property Owners _____
 - 5 No. of copies of plan received **
3. Date Application is **Administratively Complete** as Defined in KRS 100.211
4. Staff Reviewer _____
5. Committee Chairperson _____
6. Scheduled Public Hearing Date _____
7. Boone County Planning Commission Action:
 - Approved
 - Denied 12/2/15 Approved With Conditions _____ Resolution # _____
8. Other: _____

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

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



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

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

- Name of Project SLIM CHICKEN'S RESTAURANT
- Location of Project 7840 Mall Road Florence
- Names of Applicant(s) Mark C. Smith
Phone No. 859.760-3925 Fax No. _____ E-Mail cincinnati.slms@gmail.com
- Address of Applicant(s) 741 centre view blvd
crestview Hills Ky 41017
City State Zip
- Name of Property Owner(s) General Growth Properties

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

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

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

Note:

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

EXHIBIT

“A”

STAFF REPORT

Request of **Mark C. Smith (applicant)** for **General Growth Properties (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 0.76 acre site located at 7840 Mall Road, Florence, Kentucky. The request is for a restaurant with a drive-through facility.

November 4, 2015

Request

The applicant has submitted a Concept Development Plan to allow a Slim Chickens restaurant to be constructed at 7840 Mall Road. The submitted plans show the existing bank building will be demolished and a 3,441 square foot building, with a covered outside seating area and drive through, will be constructed. The new parking lot is shown with 43 parking stalls and three access points on Mall Circle Road. Two access points are full access points and the other is egress for the drive through lane. The building elevations show the building will be constructed with brick, CMU block, EIFS, and red standing seam metal roofing.

Site Characteristics

The approximate 0.76 acre property is located at the southeast corner of the Mall Road/Cayton Road/Mall Access Road intersection and contains a vacant bank. The property contains 330 feet of road frontage on Mall Road and approximately 346 feet of frontage on Mall Circle Road (a private driveway). Access to the site is currently provided from two access points on Mall Circle Road. The northern 0.25 acres of the site is currently comprised of grass and trees and is used for storm water management. A nonconforming freestanding sign is located in the northwest corner of the parking lot. Public sidewalks are located along Mall Road. A sanitary sewer main exists along the Mall Road frontage and a water main exists in the northern portion of the site. Boone County GIS shows that the topography of the site is 896 feet above sea level in the southern parking lot and falls to 894 feet above sea level in the grass area in the northern area of the site.

Adjacent Land Uses and Zoning

North: Mall Road/Mall Access Road/Cayton Road Intersection (C-2/PD/MR)

South: Olive Garden (C-2/PD/MR)

East: Mall Circle Road and Florence Mall Parking Lot (C-2/PD/MR)

West: Mall Road, Skyline Chili, AT&T, and Multi-Tenant Building (C-2/PD/MR)

Relationship to the Comprehensive Plan

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

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

- A. The Mall Road area was recommended (through the 2002 Mall Road Corridor Study) to become a new urbanism corridor. The current planning effort for the area, the Mall Road District Study, calls for a dense, well designed, urban style of development that should occur over time. Residential development may be a part of this urban area, but should be located to minimize noise impacts from the interstate and airport. The entire area of Steinberg Drive, Rosetta Drive, Connector Drive, and the I-75 Mall Road ramps should be planned in detail to provide mixed use development that includes a good road connection and traffic circulation between the Pleasant Valley Road corridor and I-75. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand on to U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's proposed transit hub at a site on the west side of Mall Rd.
- B. The visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process. The Mall Road District Study recommends a new direction for Mall Road that included the potential for more entertainment uses, high rise condominium, mixed use, and residential development. This is currently being implemented as part of the Mall Road District Study.

The Land Use Element provides the following Future Land Use Development Guidelines 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, pg. 161-162).

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 (Buffering, pp. 162-163).

C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways...

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

D. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff by increasing on-site infiltration is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds (Stormwater Management and Erosion Control, pg. 163).

E. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. 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. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs, and Historic Preservation, pg. 164).

The Business Activity Element provides the following comments that relate to the general area:

- A. Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Four studies, the Houston-Donaldson Study, the Central Florence Strategic Plan, the Main Street Study, and the Mall Road District Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area (Recommended Areas of Commercial Activity, pg. 67).

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

- A. 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, Goal).
- B. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Goal).
- C. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- D. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Commercial Objectives).
- E. 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 Objectives).
- F. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).

- G. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, Objective).

Planned Development Standards

The Concept Development Plan needs to be evaluated against the Planned Development Standards that are found in Section 1514 of the zoning regulations (see attachments). A proposed Concept Development Plan shall fulfill the criteria outlined in this section "unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal". Staff would like to note that the Mall Road District Study recommendations were drafted to further define the Planned Development Standards in the Study area.

Mall Road District Study

The following passage from the recommended land use and development concepts apply to the proposal:

- A. Further development is recommended to occur throughout this Area to increase density, increase activity levels, shorten distances between activities, and decrease the amount of open surface parking. This Area, combined with Area 8 across Mall Road, should be reinforced as the main activity center in the overall Study Area. In addition to commercial and office uses that are Principally Permitted in the underlying C-2 zone, entertainment, recreation, hospitality, and other uses which help to diversify functions and create a 24 hour environment are sought. Additionally, residential uses are appropriate in this Area, except for on ground floors. Development design must be responsive to the view into this Area from I-71/75. A formal landscaping scheme with large trees and seasonal color is recommended to be added around the water tower site.

The Mall itself is anticipated to remain, however, building additions and cosmetic facade improvements to the Mall are recommended. In particular, additions which house new entertainment and recreation functions are encouraged, as are building improvements which help to further define and emphasize the main pedestrian and vehicular entrances, particularly those on the east side and west side facing Mall Road. Facade improvements which help reduce the apparent scale of the overall building, add architectural detailing, and help create the appearance that the structure is a combination of multiple zero lot line buildings are encouraged. Amenities such as water features, sculptures, flag pole arrangements, and/or landscaping with bright seasonal color within civic "square" type settings are encouraged at the main entry points to the Mall. The addition of a green space or square in the Mall parking area is encouraged to reduce the amount of surface parking and to create a space for an outdoor event venue as discussed in Chapter 3. These spaces would be "civic space plazas" as outlined in Chapter 4. Additions to the Mall should be sited so that they bridge the span between the Mall, new development around Mall Circle Road, and Mall Road into a comfortable walking distance. Defined, separate pedestrian paths should be provided to new development around Mall Circle Road and Mall Road, with the main pedestrian spines being covered with arcades. A interconnected pedestrian system around Mall Circle Road which also links new outlot development is also recommended. The use of multi-level parking structures is particularly encouraged, as are shared parking facilities in general. Active business functions may occur on the lower level(s) of a parking structure.

Additional development around the perimeter of this Area including along Mall Circle Road, Plaza Boulevard, and Mall Road, is recommended. Multi-story buildings are encouraged for this additional development, as are shared parking facilities including parking structures. For development along Mall Road, this will entail relocating the portion of Mall Circle Road that is parallel to Mall Road eastward to provide sufficient depth for new outlots. No direct access for individual lots should occur from Mall Road. Mall Circle Road itself should be redeveloped as a shared private development street/driveway per the standards in Chapter 3, or similar approach which creates the effect of an urban "street," even if this occurs incrementally as additional development occurs. Development or redevelopment immediately along Mall Road should be sited in close proximity to said road to create a "street wall" effect with the primary facades facing Mall Road. Separate turn lanes need to be provided at the main intersections within this Area, including along Mall Circle Road. Other new structures around the perimeter of this Area should be sited in close proximity to Mall Circle Road or Plaza Boulevard. Access to any development in the southern-most portion of this Area that is currently vacant should occur from Plaza Boulevard or other internal route and not from Mall Road.

The corners at the intersections of Mall Road with Mall Circle Road at the northwest corner of this Area, and the Mall connector drives at the approximate midpoint along Mall Road and across from Cayton Road, are "Impact Sites" per the Impact Site Map on page 2.16. Any redevelopment of these sites should: place the building immediately at the road intersection without any intervening vehicular areas; include a multiple story building (or high parapet or other means to provide additional height to a single level building) to create a larger scale and to anchor the building to the intersection; include broad storefronts or other form of substantial fenestration on both street frontages; and include unique, high quality architectural design which uses visually substantive building materials (Area 2, pp. 2.6 - 2.7).

The following development standards apply to the proposal:

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

Side Yards*: 5 feet minimum when adjoining another development site within the Mall Road (MR) Overlay District. Zero lot line (0 feet minimum) is permissible when the adjoining development along the same property line is also zero lot line. 10 feet minimum when adjoining a shared private development street/driveway or other main circulation drive. 50 feet minimum when adjoining a residential use or district that is outside of the Mall Road (MR) Overlay District.

Rear Yards*: 5 feet minimum when adjoining another development site within the Mall Road (MR) Overlay District. Zero lot line (0 feet minimum) is permissible when the adjoining development along the same property line is also zero lot line. 10 feet minimum when adjoining a shared private development street/driveway or other main circulation drive. 50 feet minimum when adjoining a residential use or district that is outside of the Mall Road (MR) Overlay District (Building Setbacks, pg. 3.1).

- B. There are currently several driveway interconnections which function as frontage roads of sorts in the Study Area. These are described in Chapter 8 "Transportation Conditions and Utilities" in the Existing Conditions Report and do not directly serve parking spaces, but function as vehicular connections or "mini-streets" between adjoining parking areas, sites, and public streets.

As new development or redevelopment occurs along these alignments, or new shared private development streets/driveways are developed, they shall be designed or redesigned to appear as actual "streets," even if they are in fact private driveways. Such shared private development streets/driveways serve as interconnections between two or more properties and/or parking areas and a public street(s), or function as a main access into a multi-building or multi-tenant center, and do not immediately serve parking spaces.

The design of a shared private development street/driveway shall include raised box curbs, a 5 foot wide integral curb walk on at least one side (both sides were indicated in Chapter 2 for specific sites), formal marked crosswalks at intersections, consistent architectural grade street lights, and street frontage landscaping per Section 3620 of the zoning regulations. The integral curb walk's width may be included in the minimum required width for the street frontage landscaping, and this landscaping shall be credited as the required street frontage or buffer yard plantings per Section 3620 or 3645 as applicable for the adjoining site/lot. Sidewalk connections shall be provided between each adjoining development site and the integral curb walk. The pavement width shall be per the driveway standards in Article 33 of the zoning regulations, and a formal shared access easement shall be recorded. These improvements shall be made as development or redevelopment occurs, including on an incremental site by site basis along existing alignments, unless incremental construction is demonstrated to be unfeasible or unsafe. Shared private development streets/driveways must follow the Manual on Uniform Traffic Control Devices (Shared Private Development Streets/Driveways, pp. 3.2 - 3.3).

- C. Office/commercial/eating and drinking establishments in multi-tenant/multi-building developments or freestanding single user buildings which have a formal shared parking agreement with at least one other site. Formal shared parking agreements must be recorded in the Boone County Clerk's office.

- 25,000 total gsf or less: 3 spaces per 1,000 gsf of office/commercial floor area plus 1 space per 2 seats for eating and drinking establishments (parking, pp. 3.3 - 3.4).

- D. The installation of street trees is recommended or specified in several instances in this document, including along public streets and private drives or shared private development streets/driveways which function as "streets." In such instances, the trees selected shall be limbed and matched along each specific street or lot frontage where they are installed. The trees selected shall be regularly placed with an average spacing of 35 feet to 40 feet on center. Acceptable street trees include: Elm (American or Patriot), Autumn Gold Ginkgo (male), Honeylocust, Littleleaf Linden, London Planetree, Maple (Autumn Blaze or Red), and Japanese Zelkova. Where space does not permit these trees, smaller trees including Akebono Yoshino Cherry, Canada Red Chokecherry, Crabapple, Kousa Dogwood, Ivory Silk Japanese Tree Lilac, or other smaller trees with comparable characteristics may be substituted. The smaller trees shall be regularly placed with an

average spacing of 25 feet to 30 feet on center. The minimum installation size for street trees shall be 2 inch caliper (Street Trees, pg. 3.5).

- E. Additional provisions apply for the landscaping required by Section 3620 "Landscaping Along Street Frontages" for "Impact Sites" as discussed in the "Recommended Land Use and Development Concepts for the 8 Sub-Districts" section in Chapter 2 and identified on the Impact Sites Map on page 2.16. The trees and shrubs required by Section 3620 shall be regularly spaced in a formal linear arrangement in the area between the building and the adjoining streets. The arrangement of the plantings shall correlate to the spacing or width of windows and/or bays on the adjoining building facades. At least one half of the selected shrubs shall have a vibrant seasonal color (Landscaping for Impact Sites, pg. 3.4).

The following design requirements apply to the proposal:

- A. The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a unit masonry appearance. These materials shall have an integral color. Other materials such as EIFS/stucco, architectural grade metals, wood or cement board siding, glass block, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas.

Only architectural grade materials shall be used. Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU vinyl siding, or hard board type materials are not permitted. Snap-in grids or applied mullions are not permitted in windows; only mullions which physically separate window glass into multiple panes shall be used for divided light type windows. Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal. Other types of decorative metal roofing can be evaluated on a case-by-case basis and approved if they are integral to the overall design of the structure (Building Materials, pp. 4.1 - 4.2).

- B. Exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing (Exterior Wall Colors, pg. 4.2).
- C. Facades shall be designed to have a defined base, mid section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the wainscot or knee wall (or entire ground floor for multi-story buildings) from the upper portion of the exterior wall. Additionally for multi-story buildings, a change in the fenestration pattern between the ground floor and the upper floors can be employed. The top or cap effect should be created through the provision of a three dimensional detail(s) which breaks or jogs the wall plane from the roof such as a defined cornice, brackets, corbels, projecting eave, exposed rafter tails, et al.

Tangible masonry detailing shall be provided such as defined window sills and lintels, quoins, soldier courses, herringbone or tile detailing, or medallions. Windows and storefront units shall be recessed within their openings ("punched" openings) to create

shadow lines and three-dimensional relief. Windows/openings other than storefront type units shall have a vertical height to width orientation. Transoms and main/public entrances which are recessed behind the exterior facade are preferred. For office/commercial buildings, broad storefronts which allow direct visibility into the building interior shall be provided for building frontages along public sidewalks, streets, and private access drives which function as "streets." Facade projections, such as simple fabric awnings and roof awnings/canopies at street level, and shingle/blade style projecting signs, are encouraged for building frontages along public sidewalks, streets, and private access drives which function as "streets." Firmly structured awnings with an "inflated" or plastic appearance shall not be used.

For "Impact Sites" as discussed in the "Recommended Land Use and Development Concepts for the 8 Sub-Districts" section in Chapter 2 and identified on the Impact Sites Map on page 2.16, at least one type of facade projection is required along both of the street/access drive frontages at the intersection corner where the building is located. Multi-story buildings are preferred on "Impact Sites." If one story, they shall use a taller ceiling height with an extended parapet to create height and scale commensurate with a multi-story building to anchor the structure to the intersection corner. The arrangement of bays and openings on the primary facades of buildings on "Impact Sites" shall align with the landscaping along the adjoining street frontages as discussed in the Landscaping section of Chapter 3 (Facade Composition, pp. 4.2 - 4.3).

- D. The main public building entrances for all buildings, except for the individual doorways into in-line multi-tenant spaces or bays, shall be placed along the adjoining public street frontages or private access drives which function as "streets." Public entrances may be placed on other frontages as well. These main public entrances shall be emphasized in the facade design by methods such as recessing the entrance behind the exterior facade, providing an over-scaled entrance feature which projects outward from or above the exterior facade, placing the doorway within a three dimensional archway, providing an awning or roof awning/canopy, and/or a changing the building materials, detailing, or color around the entrance opening.

For "Impact Sites" as discussed in the "Recommended Land Use and Development Concepts for the 8 Sub-Districts" section in Chapter 2 and identified on the Impact Sites Map on page 2.16, at least one main, emphasized pedestrian entrance should be placed at the corner of the intersection where the building is located or along the primary street frontage. For civic/public/institutional uses, the main entrance(s) should be placed symmetrically on the primary facade(s) with over-scaled features which emphasize or highlight it as discussed above; formal plazas or squares which align with the main entry points in an axial manner may also be employed (Public Entry Points, pg. 4.3).

- E. Parapet designs which have a defined cornice line and pitched roofs are permitted. Pitched roof forms shall be complete and symmetrical, and span the entire building massing on which they are placed. Mansard or other "stage set" type designs are not permitted (Roof Shape, pg. 4.3).
- F. All mechanical equipment shall be screened. Ground mounted equipment shall be screened either with landscaping or enclosed with an enclosure structure which uses the same materials, colors, and design detailing as the principal building. If roof mounted,

the equipment shall be screened by a parapet wall (for flat roofed buildings) which is designed and constructed as an integral part of the overall building; applied, "stage set" style mechanical equipment screens are not permitted. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure (Mechanical Equipment Screening, pp. 4.3 - 4.4).

- G. Loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards and along access drives which function as "streets" including shared private development streets/driveways. 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 (Loading/Unloading/Service Areas, pg. 4.4).
- H. Garbage storage areas shall be placed in the side or rear yard only, excluding corner side yards and along access drives which function as "streets" including shared private development streets/driveways. Garbage storage areas shall be enclosed per the requirements of Section 3151 of the zoning regulations. Additionally, the required enclosure structure shall be constructed with the same materials, colors, and design detailing as the principal building (Trash Enclosures, pg. 4.4).
- I. Identity or "personality" features such as flag pole arrangements, water features, follies, monuments or walls, and public art are encouraged throughout the Study Area, especially along the street frontages of Impacts Sites as shown on the "Impact Sites Map" on page 2.16, the main vehicular entrances and building entrances in larger multi-building/multi-tenant developments, street frontage plazas as described in Chapter 3, and civic space plazas as described immediately above. There are no prescribed setbacks for identity elements, however, they may not be located in vision triangles as prescribed by Article 32 of the zoning regulations, or within required buffer yards as outlined in Section 3645. Identity elements which contain any type of "sign" as defined by Article 40 of the zoning regulations will need to conform to the requirements of Article 34, which may include obtaining a Sign Permit (Identity Elements, pg. 4.5).
- J. Site furniture includes items such as benches/seating and outdoor tables, light fixtures and masts, waste receptacles, bollards, bicycle racks, railings around outdoor seating areas, and street/regulatory signage. There are no proprietary specifications or requirements for site furniture, or prototypes which must be followed. Rather, site furniture must be architectural grade and the various items selected for any given site must visually correlate to one another as components of an overall design system. Also, site furniture must use neutral or dark colors, and shall not use wood or wood products (Site Furniture, pg. 4.5).

The following signage requirements apply to the proposal:

- A. Any parcel or outlot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying

the tenant(s) on the lot based on the following standards:

- The sign shall not exceed eight (8) feet in height.
- The maximum size of the sign shall not exceed sixty (60) square feet in area.
- The base and sides of the sign shall use construction materials and design details that match the outlot building.
- The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
- Single panel plexi-faced cabinets shall not be permitted.
- Up to 50% of the area of any permitted monument sign may be used for manually changeable copy. Any proposed manually changeable copy shall be located immediately on top of the sign base.
- One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the monument sign as a Conditional Use. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:

B. Sections 3402 and 3413 of the Boone County Zoning Regulations shall be used in determining permitted locations and the amount of building mounted signage that is permitted on a business. Permitted exceptions to Section 3413 are noted in Subsection 2 below.

(1) The following standards shall apply to building mounted signage in the Mall Road (MR) Overlay Sign District:

- Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted.
- Manually changeable copy, electronically changeable copy, board signs, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless they are replacing an existing sign of like kind that is the same size or smaller.
- Building mounted signage shall not be permitted in residential developments. Exceptions are professional name plates, addresses, and building numbers.

(2) Permitted Exceptions to the building mounted signage regulations found in Section 3413 of the Boone County Zoning Regulations are as follows:

- Projecting, shingle, or blade signs shall be permitted when a main building entrance is in close proximity to a street, private access drive, or shared private development street. Projecting signs will not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on that given facade. The maximum size of a projecting sign shall not be more than 32 square feet in size. Projecting signs shall have a minimum clearance of 10 feet over sidewalks and shall not be permitted to project over vehicular ways.

- Restaurants and entertainment uses (limited to night clubs and live performance venues) shall be allowed to have neon or L.E.D. accent banding along cornice lines and main entrances. The accent banding shall not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on a given facade. The neon or L.E.D. banding shall be limited to 2 inches in height.

The following Transportation Improvements are recommended and relate to the proposal:

- A. The portion of Mall Circle Road that is parallel to Mall Road is recommended to be relocated eastward to provide sufficient depth for new outlots. No direct access for individual lots should occur from Mall Road. Mall Circle Road itself should be redeveloped as a shared private development street/driveway per the standards in Chapter 3, or similar approach which creates the effect of an urban "street," even if this occurs incrementally as additional development occurs. This realignment is discussed in the Area 2 text of the "Recommended Land Use and Development Concepts for the 8 Sub-Districts" section of Chapter 2 (Realignment of Mall Circle Road - Map ID 1, pg 5.6 and pg. 6.2).

Staff Comments

1. The submitted plans shows that the following Planned Development exceptions are being sought:
 - A. Mall Road District Study - Impact Site Requirements
 - Buildings are required to be placed near the intersection without any intervening vehicular areas. Multi-story construction or single story buildings with high parapets are required.
 - The maximum permitted front and corner side yard setbacks are 15'. The plans show the building will have a 24' front yard setback and an approximate 265' corner side yard setback.
 - At least one main, pedestrian entrance is required at the corner of the intersection where the building is located.
 - B. Mall Road District Study - General Requirements
 - 5' wide sidewalks, with box curbs, are required along shared private development streets/driveways. The sidewalks can encroach into the required landscaping buffer yards.
 - The amount of EIFS being used at the top of the building exceeds the trim and detailing requirements.
 - A masonry knee wall or wainscot is required around the base of the building. The window system on the north elevation (and possibly the west elevation) does not meet this requirement.
 - The roof design is not symmetrical. It includes an 8' tall sign wall on the northern facade.
 - The unloading of supplies will take place in the corner side yard.
 - The dumpster enclosure is not being designed with the same detailing as the building.

- No outside furniture, waste receptacles, or bike racks are shown on the plan.

C. Mall Road District Study - Signage Requirements

- The monument sign is 8'-1 $\frac{3}{4}$ " tall. The sign code permits an 8' tall monument sign.
- The applicants needs to confirm if the brick being used in the monument sign matches the building.
- The aluminum pan signs on the side of the building are not a permitted sign type.
- The Slim Chicken circle logo on the north facade is not a permitted sign type because it is not being used with channel letters.

2. Staff has the following concerns regarding the proposal:

A. Overall

- Even without the Mall Road District Study requirements, the project doesn't fit well on site. The single-story building is not located in close proximity to the intersection, the proposed surface parking is located entirely in the corner side yard, and three access points are proposed. The relocation of Mall Circle Road eastwards would permit more development options and allow the project to better fit onto the project site.

B. Building Design

- The northern facade contains an 8' tall and approximate 15 $\frac{1}{2}$ ' wide EIFS sign wall on the roof. The sign wall gives the roof an incomplete and asymmetrical appearance. It also essentially creates a prohibited roof sign and gives the Mall Road elevation the appearance of a secondary facade.
- The Mall Road District Study requires primary walls to be constructed with brick, architectural grade CMU, stone, or tile. EIFS is permitted for trim and detailing. Staff would like the applicant to address if the amount of EIFS at the top of the building can be reduced and if additional masonry can be integrated into the design.
- The contrasting red and sand colored EIFS grids at the top of the northern, southern, and eastern facades appear to be sign elements.
- The applicant needs to address if all roof mounted mechanical equipment will be screened from public view per the Mall Road District Study requirements.

C. Pedestrian Connectivity

- The current plan lacks the perimeter sidewalk improvements that are required by the Mall Road District Study. BJ's constructed 5' curb walks along their Mall Circle Road and Plaza Boulevard frontages.

D. Access, Traffic, and Parking

- The proposed layout includes three access points on Mall Circle Road. The shared driveway can be highly congested during peak times and the Christmas holiday season.
- Only two cars will be able to stack from the menu board before they interfere with surface parking stalls.
- The driveway connection to Olive Garden is being removed.
- The applicant should address what types of vehicles will make deliveries to the restaurant and what hours deliveries will occur?

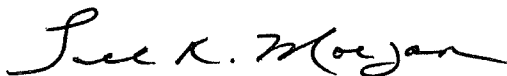
E. Signage

- The monument sign is 1¾" taller than it is permitted to be.
- The aluminum pan signs and Slim Chickens circle logo are not permitted sign types.
- Sign specifications were not provided for the menu board. Will the menu board contain the awning that is shown in the sign example photos?

CONCLUSION

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

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

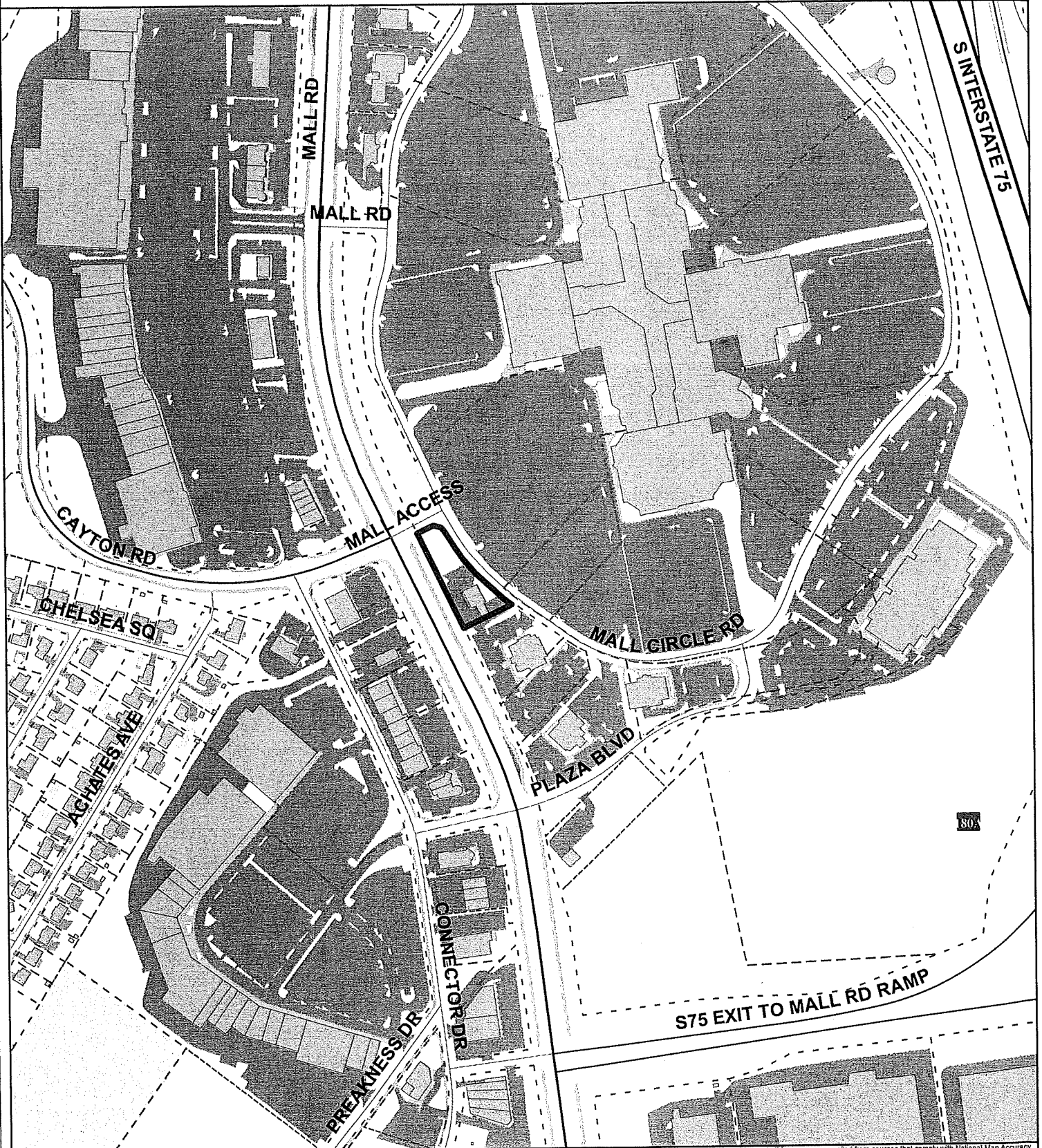
TKM/tlb

Attachments:

- *Site Vicinity Map
- *Concept Development Plans
- *Mall Road District Study - Sub-District Areas Map
- *Mall Road District Study - Impact Sites Map
- *Mall Road District Study - Transportation Improvements Map
- *2013 Aerial Map
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *Planned Development Criteria
- *Application

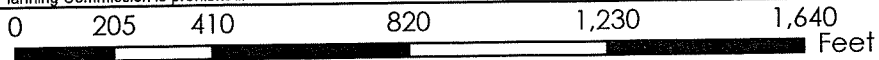
SITE VICINITY MAP

www.boonecountygis.com



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

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

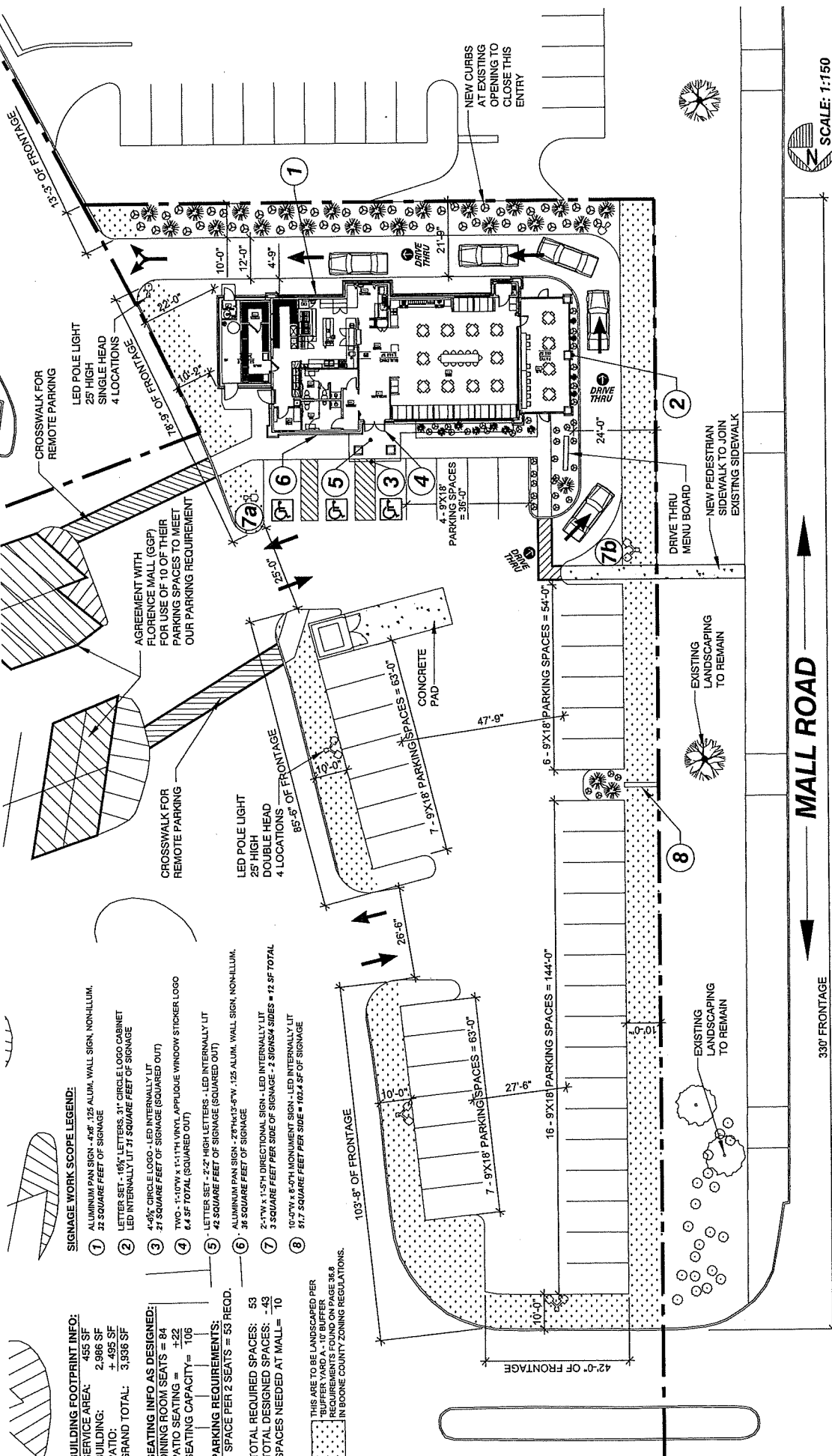


1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map





BUILDING FOOTPRINT INFO:
 SERVICE AREA: 455 SF
 BUILDING: 2,986 SF
 PATIO: 4,495 SF
 GRAND TOTAL: 3,936 SF

SEATING INFO AS DESIGNED:
 DINING ROOM SEATS = 84
 PATIO SEATING = 122
 SEATING CAPACITY = 106

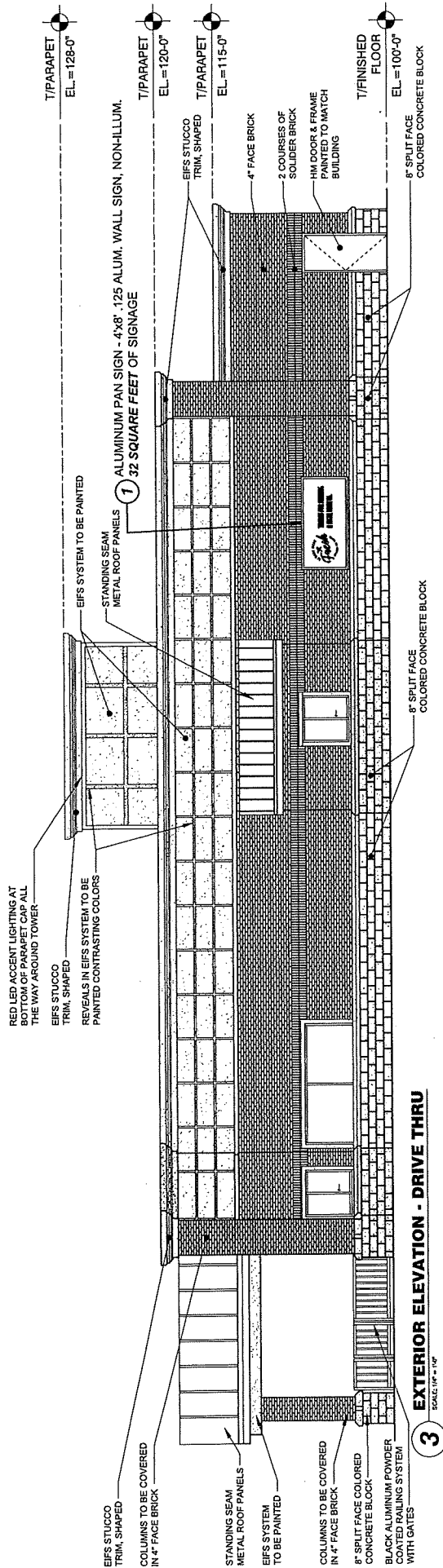
PARKING REQUIREMENTS:
 1 SPACE PER 2 SEATS = 53 REQD.

TOTAL REQUIRED SPACES: 53
TOTAL DESIGNED SPACES: 43
SPACES NEEDED AT MALL = 10

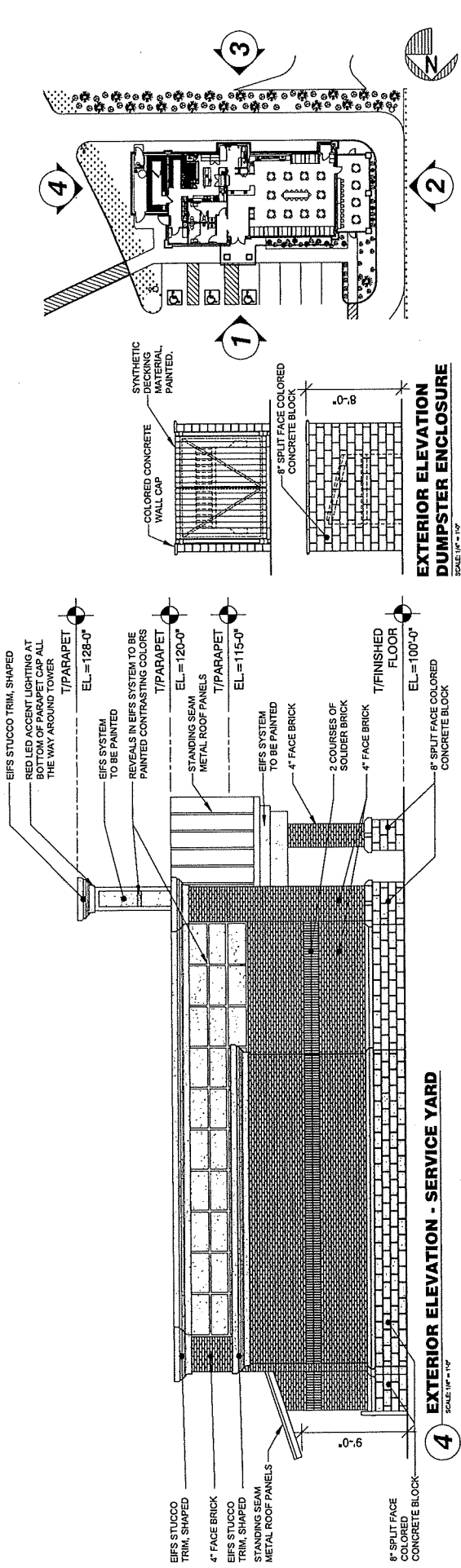
THIS AREA TO BE LANDSCAPED PER REQUIREMENTS FOUND ON PAGE 36.8 IN BOONE COUNTY ZONING REGULATIONS.

- SIGNAGE WORK SCOPE LEGEND:**
- ① ALUMINUM PAN SIGN - 4'x8', 125 ALUM. WALL SIGN, NON-ILLUM., 22 SQUARE FEET OF SIGNAGE
 - ② LETTER SET - 10 1/2" LETTERS, 8 1/2" CIRCLE LOGO CABINET LED INTERNALLY, 51 SQUARE FEET OF SIGNAGE
 - ③ 4'-6 1/2" CIRCLE LOGO - LED INTERNALLY, 27 SQUARE FEET OF SIGNAGE (SQUARED OUT)
 - ④ TWC - 1'-10 1/4" x 1'-11 1/4" VINYL APPLIQUE WINDOW STICKER LOGO 64 SF TOTAL (SQUARED OUT)
 - ⑤ LETTER SET - 2'-2" HIGH LETTERS - LED INTERNALLY, 42 SQUARE FEET OF SIGNAGE (SQUARED OUT)
 - ⑥ ALUMINUM PAN SIGN - 29 1/2" x 13'-8 1/2", 125 ALUM. WALL SIGN, NON-ILLUM., 36 SQUARE FEET OF SIGNAGE
 - ⑦ 5'-4 1/4" x 1'-5 1/4" DIRECTIONAL SIGN - LED INTERNALLY, 3 SQUARE FEET PER SIDE OF SIGNAGE - 2 SIGNS X 2 SIDES = 12 SF TOTAL
 - ⑧ 10'-0" W x 6'-0" H MONUMENT SIGN - LED INTERNALLY, 51.7 SQUARE FEET PER SIDE = 103.4 SF OF SIGNAGE

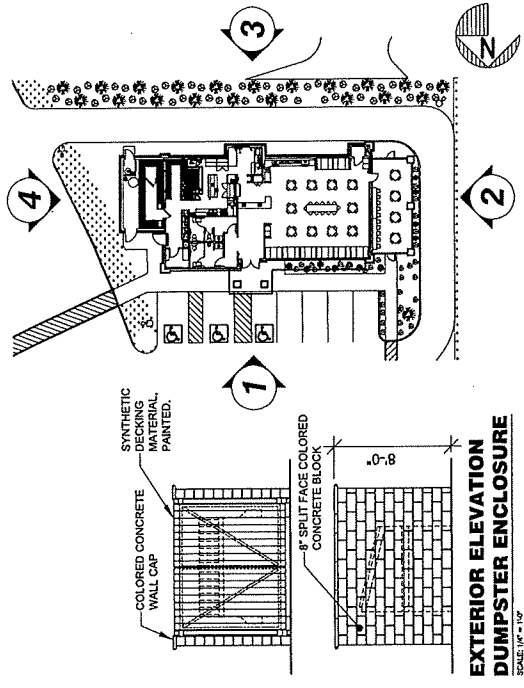
BARBARA S. WELLS
 LBS INVESTMENTS, LLC
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD, SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859) 331-3900 OFFICE
 (859) 331-6040 FAX



3 EXTERIOR ELEVATION - DRIVE THRU
SCALE: 1/8" = 1'-0"



4 EXTERIOR ELEVATION - SERVICE YARD
SCALE: 1/8" = 1'-0"

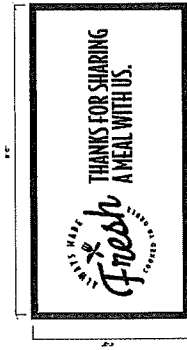


EXTERIOR ELEVATION
DUMPSTER ENCLOSURE
SCALE: 1/4" = 1'-0"

SLIM CHICKENS - EXTERIOR BUILDING ELEVATIONS

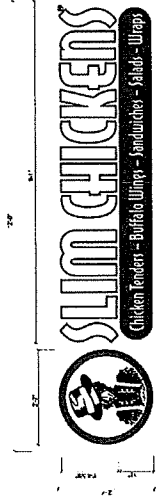
Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 3 of 5 Issue Date: September 2, 2015

BARBARA S. WELLS
LBS INVESTMENTS, LLC.
VICE PRESIDENT OF ARCHITECTURE
741 CENTRE VIEW BLVD, SUITE 100
CRESTVIEW HILLS, KY 41017
(859)331-3900 OFFICE
(859)331-6040 FAX



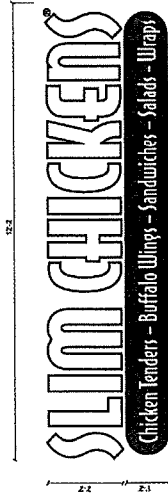
32 SF

1 PAN SIGN
LED INTERNALLY ILLUMINATED
NON-ILLUMINATED
SCALE: NOT TO SCALE



31 SF

2 LETTER SET AND CIRCLE LOGO
LED INTERNALLY ILLUMINATED
SCALE: NOT TO SCALE



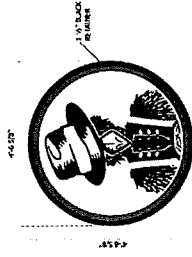
42 SF

3 LETTER SET
LED INTERNALLY ILLUMINATED
NON-ILLUMINATED
SCALE: NOT TO SCALE



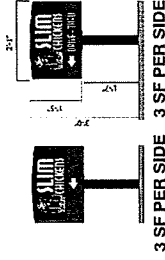
36 SF

6 PAN SIGN
LED INTERNALLY ILLUMINATED
NON-ILLUMINATED
SCALE: NOT TO SCALE



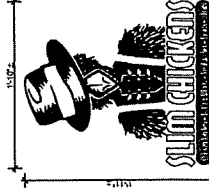
21 SF

3 CIRCLE LOGO CABINET
LED INTERNALLY ILLUMINATED
NON-ILLUMINATED
SCALE: NOT TO SCALE



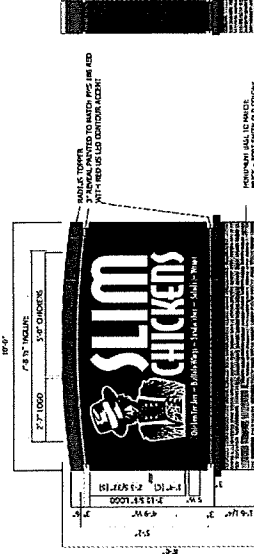
3 SF PER SIDE 3 SF PER SIDE

7 DIRECTION SIGNS
LED INTERNALLY ILLUMINATED
NON-ILLUMINATED
SCALE: NOT TO SCALE



3.2 SF EACH X 2 = 6.4 SF

4 VINYL GLASS STICKERS
LED INTERNALLY ILLUMINATED
NON-ILLUMINATED
SCALE: NOT TO SCALE



51.7 SF PER SIDE

8 MONUMENT SIGN
LED INTERNALLY ILLUMINATED
NON-ILLUMINATED
SCALE: NOT TO SCALE

SLIM CHICKENS - SIGNAGE PACKAGE

Proposed Location: 7840 Mall Road, Florence, KY 41042

Issue Date: September 2, 2015

BARBARA S. WELLS
LBS INVESTMENTS, LLC
VICE PRESIDENT OF ARCHITECTURE
741 CENTRE VIEW BLVD, SUITE 100
CRESTVIEW HILLS, KY 41017
(859) 331-3900 OFFICE
(859) 331-6040 FAX



4



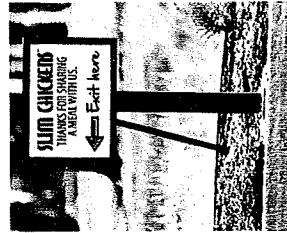
2



1



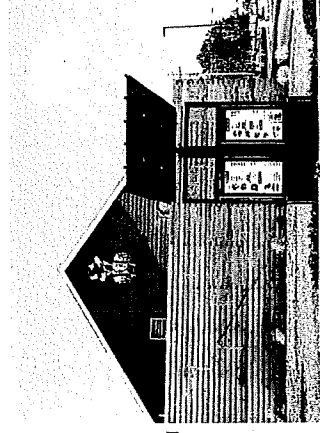
8



7



DRIVE THRU ORDERING MENU

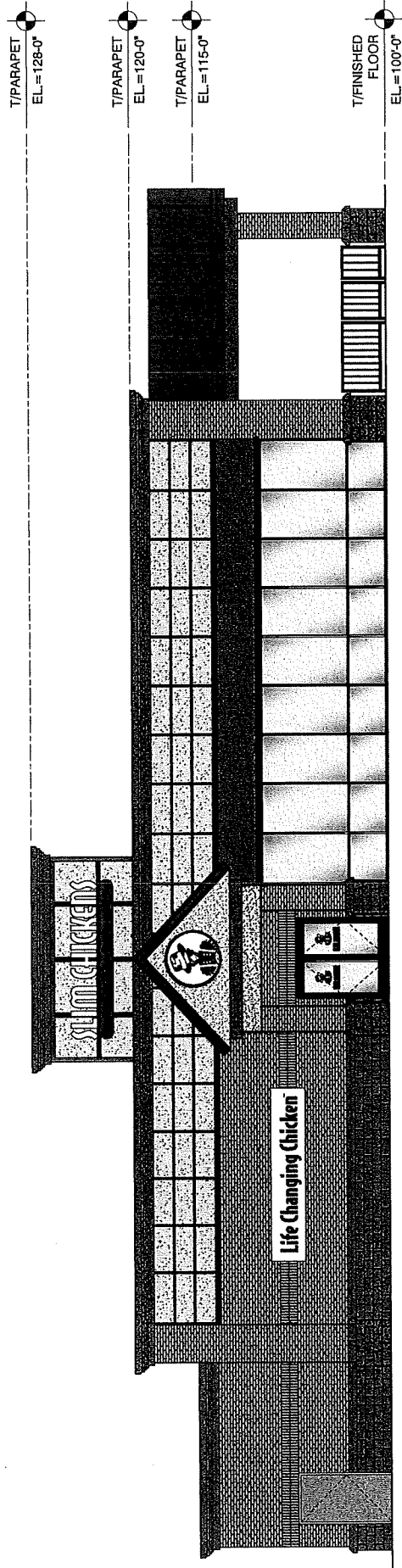


THESE PHOTOS REPRESENT MOST OF THE PROTOTYPICAL SIGNAGE THAT WE WILL BE INSTALLING ON SITE.

SLIM CHICKENS - SIGNAGE EXAMPLES

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 5 of 5 Issue Date: September 2, 2015

BARBARA S. WELLS
 LBS INVESTMENTS, LLC.
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD, SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859)331-3900 OFFICE
 (859)331-6040 FAX

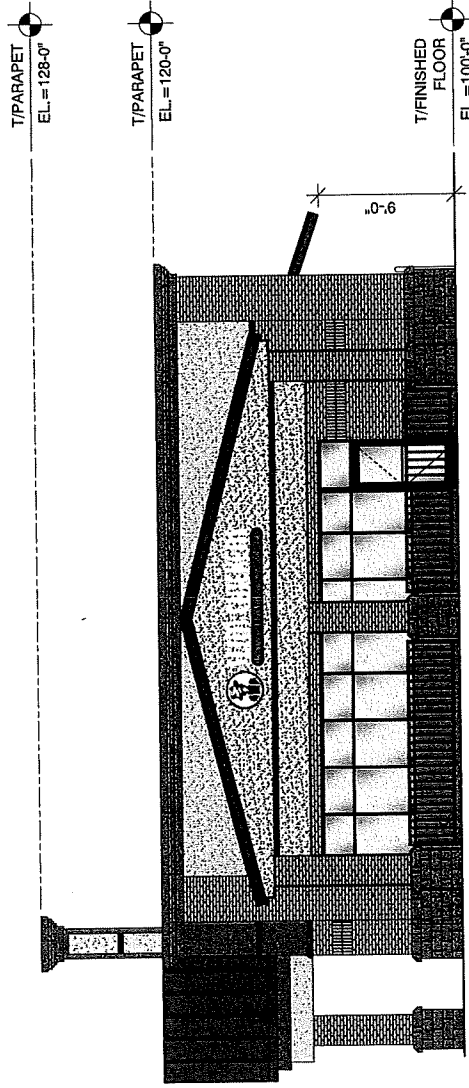


EXTERIOR ELEVATION - MAIN ENTRY
 SCALE: 1/8" = 1'-0"

SLIM CHICKENS - EXTERIOR RENDERINGS

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 1 of 4 Issue Date: September 2, 2015

BARBARA S. WELLS
 LBS INVESTMENTS, LLC
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD, SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859) 331-3900 OFFICE
 (859) 331-6040 FAX

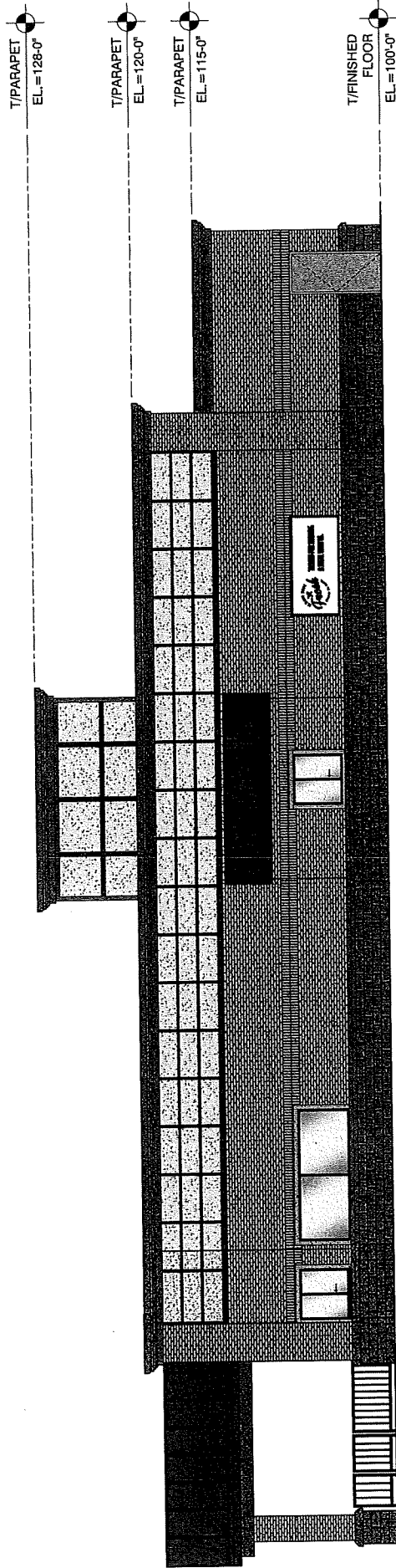


EXTERIOR ELEVATION - PATIO
SCALE: 1/8" = 1'-0"

SLIM CHICKENS - EXTERIOR RENDERINGS

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 2 of 4 Issue Date: September 2, 2015

BARBARA S. WELLS
LBS INVESTMENTS, LLC.
VICE PRESIDENT OF ARCHITECTURE
741 CENTRE VIEW BLVD, SUITE 100
CRESTVIEW HILLS, KY 41017
(859)331-3900 OFFICE
(859)331-6040 FAX



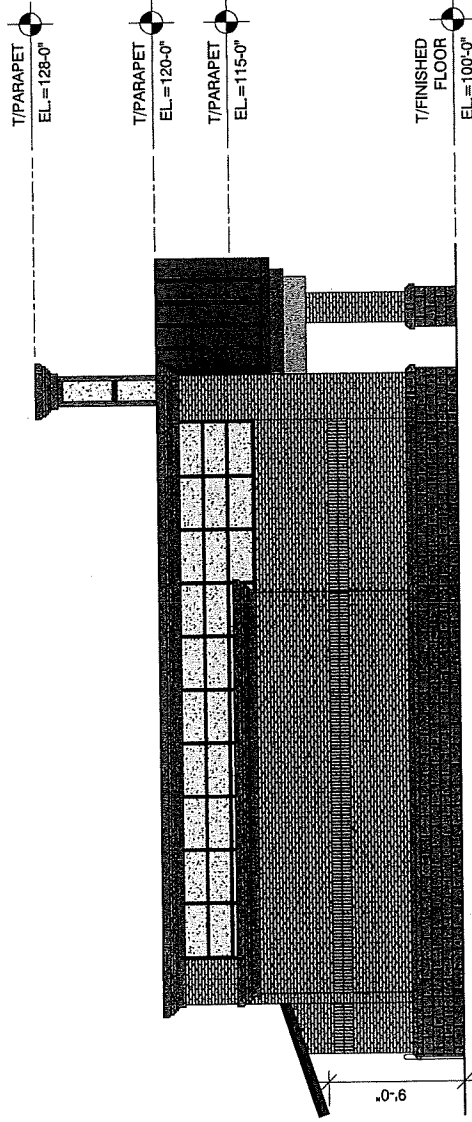
EXTERIOR ELEVATION - DRIVE THRU

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

SLIM CHICKENS - EXTERIOR RENDERINGS

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 3 of 4 Issue Date: September 2, 2015

BARBARA S. WELLS
 LBS INVESTMENTS, LLC.
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD, SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859)331-3600 OFFICE
 (859)331-6040 FAX

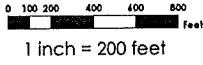


EXTERIOR ELEVATION - SERVICE YARD
SCALE: 1/8"=1'-0"

SLIM CHICKENS - EXTERIOR RENDERINGS

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 4 of 4 Issue Date: September 2, 2015

BARBARA S. WELLS
 LBS. INVESTMENTS, LLC
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD, SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859)831-3900 OFFICE
 (859)831-6040 FAX

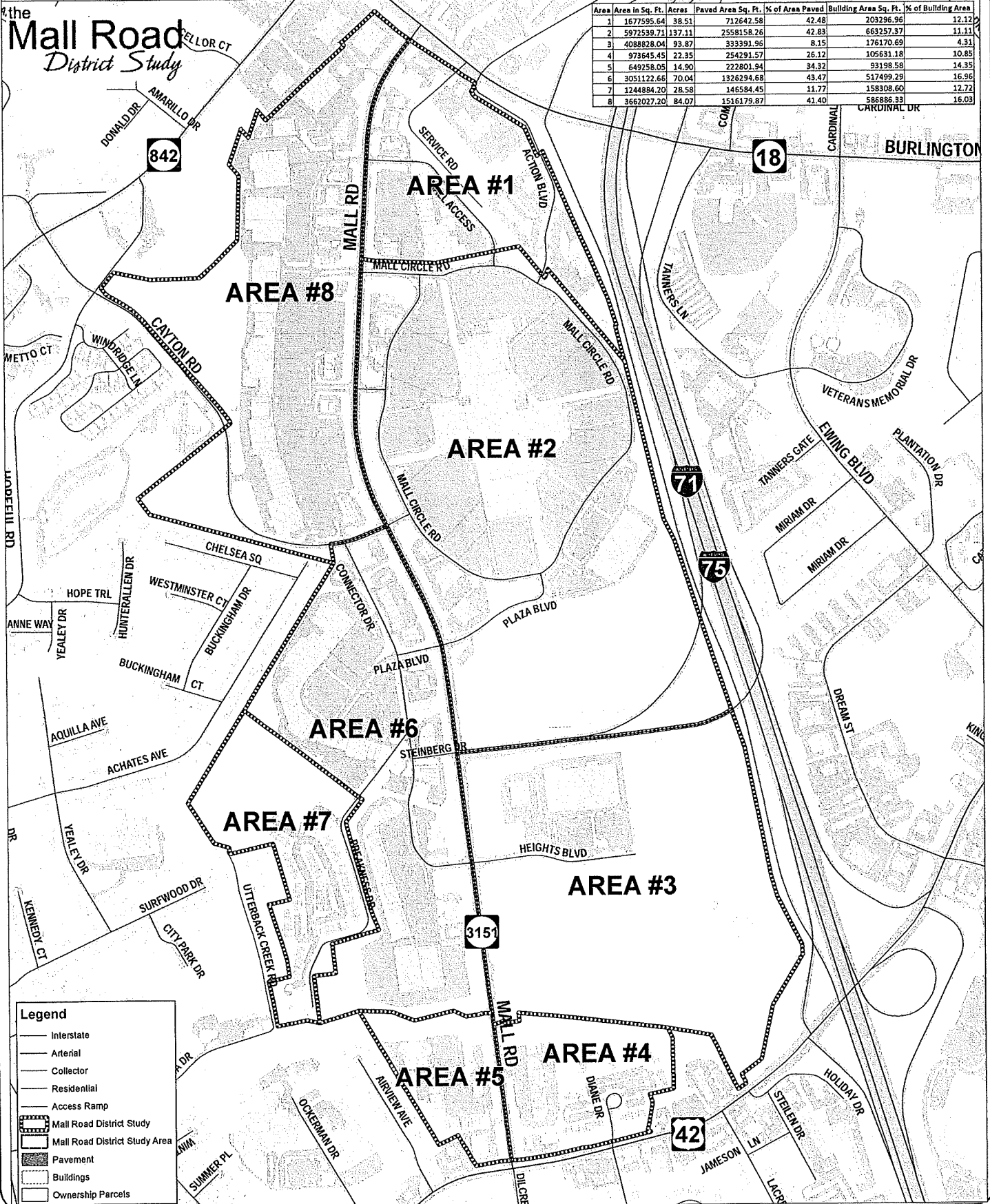


Mall Road District Study Sub-District Areas



www.boonecountygis.com

Area	Area In Sq. Ft.	Acres	Paved Area Sq. Ft.	% of Area Paved	Building Area Sq. Ft.	% of Building Area
1	1677595.64	38.51	712642.58	42.48	203296.96	12.12
2	5972539.71	137.11	2558158.26	42.83	663257.37	11.11
3	4088828.04	93.87	333391.96	8.15	176170.69	4.31
4	973645.45	22.35	254291.57	26.12	106631.18	10.85
5	649258.05	14.90	222801.94	34.32	93198.58	14.35
6	3051122.66	70.04	1326294.68	43.47	517499.29	16.96
7	1244884.20	28.58	146584.45	11.77	158308.60	12.72
8	3662027.20	84.07	1516179.87	41.40	586886.33	16.03



Legend

- Interstate
- Arterial
- Collector
- Residential
- Access Ramp
- ▭ Mall Road District Study
- ▭ Mall Road District Study Area
- ▭ Pavement
- ▭ Buildings
- ▭ Ownership Parcels



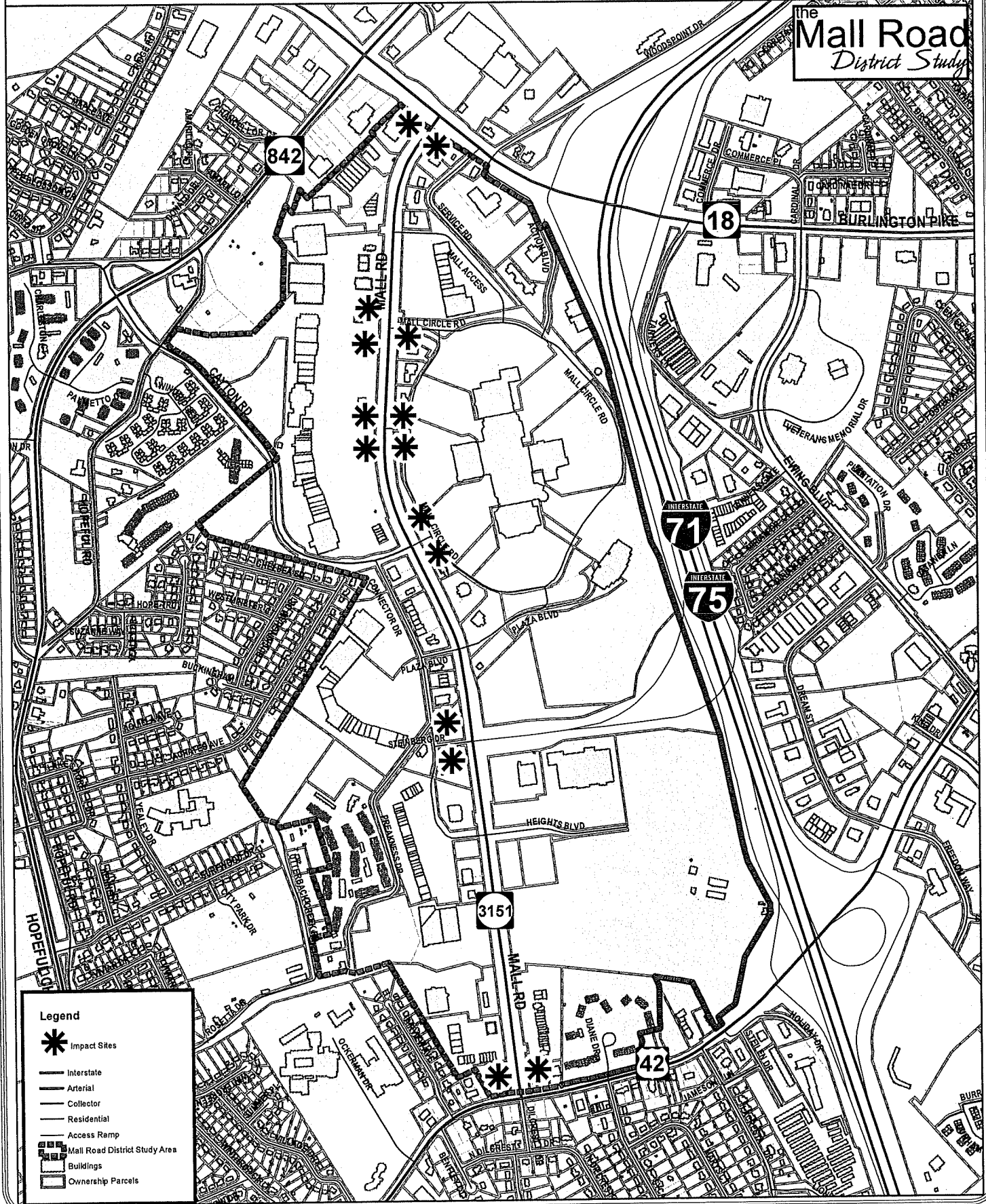
0 125 250 500 750 1,000 Feet
1 Inch = 1,000 feet

Mall Road District Study Impact Sites



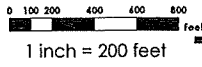
www.boonecountygis.com

The Mall Road District Study



Legend

- Impact Sites
- Interstate
- Arterial
- Collector
- Residential
- Access Ramp
- Mall Road District Study Area
- Buildings
- Ownership Parcels

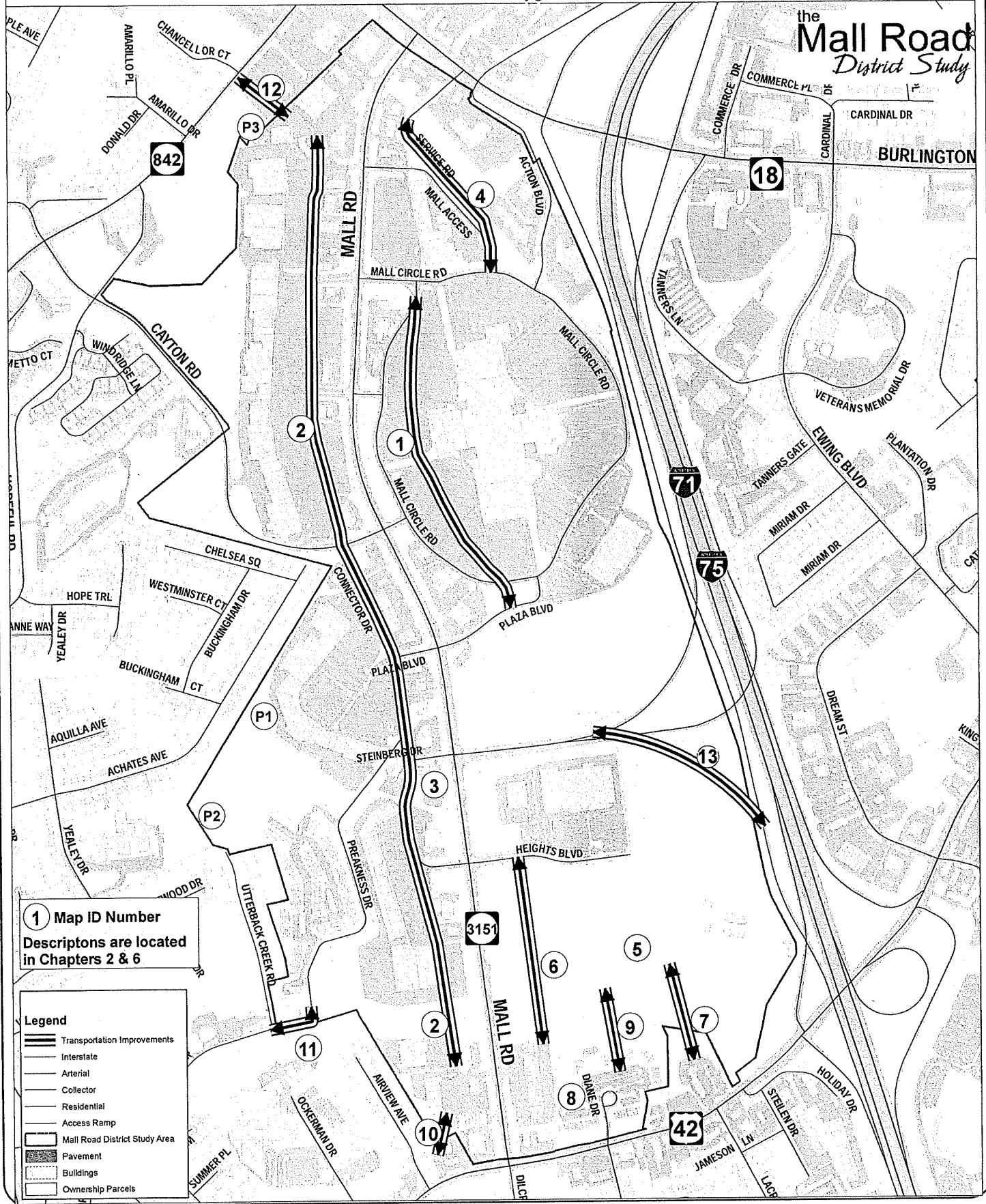


Mall Road District Study Transportation Improvements



www.boonecountygis.com

the
Mall Road
District Study



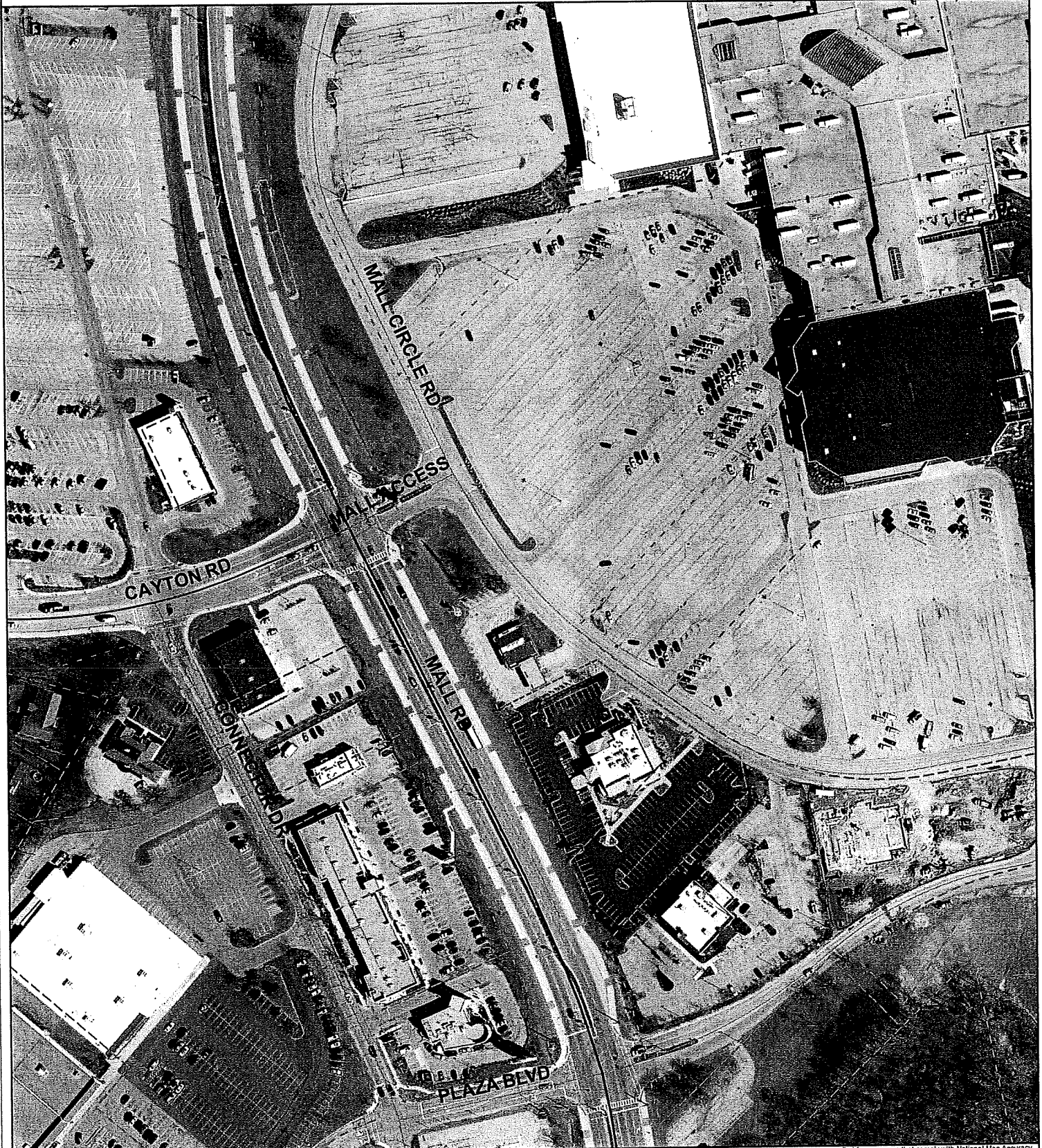
1 Map ID Number
Descriptions are located
in Chapters 2 & 6

Legend

- Transportation Improvements
- Interstate
- Arterial
- Collector
- Residential
- Access Ramp
- Mall Road District Study Area
- Pavement
- Buildings
- Ownership Parcels

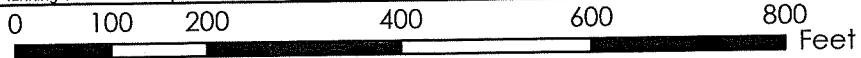
2013 AERIAL MAP

www.boonecountygis.com



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

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



1 inch = 200 feet



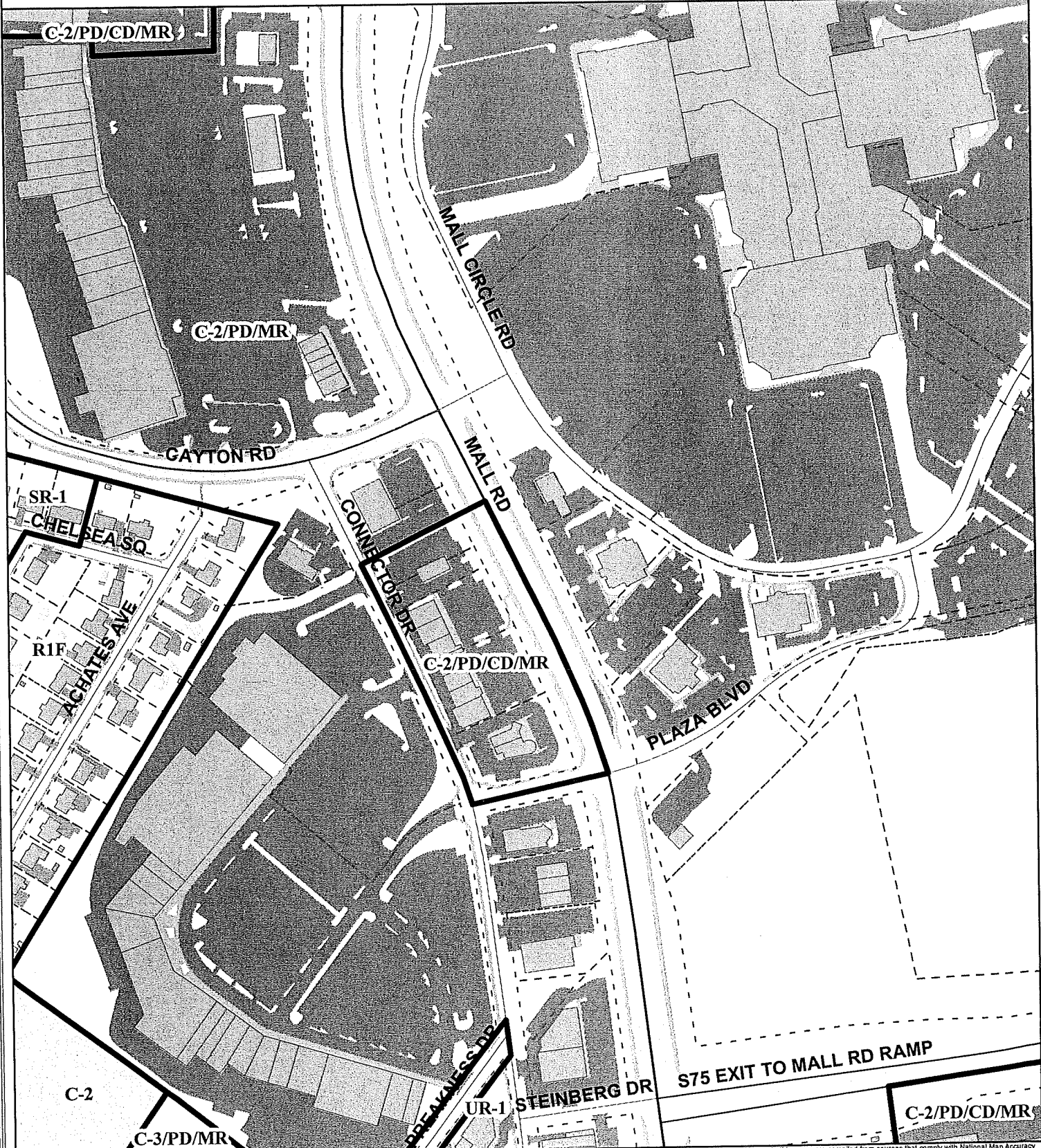
Boone County GIS - Putting Northern Kentucky on the Map



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

ZONING MAP

www.boonecountygis.com



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

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



0 150 300 600 900 1,200 Feet

1 inch = 300 feet

Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013
ArdMap Document: BooneMap (f1e).mxd

TOPOGRAPHICAL MAP

www.boonecountygis.com



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

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

0 100 200 400 600 800 Feet

1 inch = 200 feet



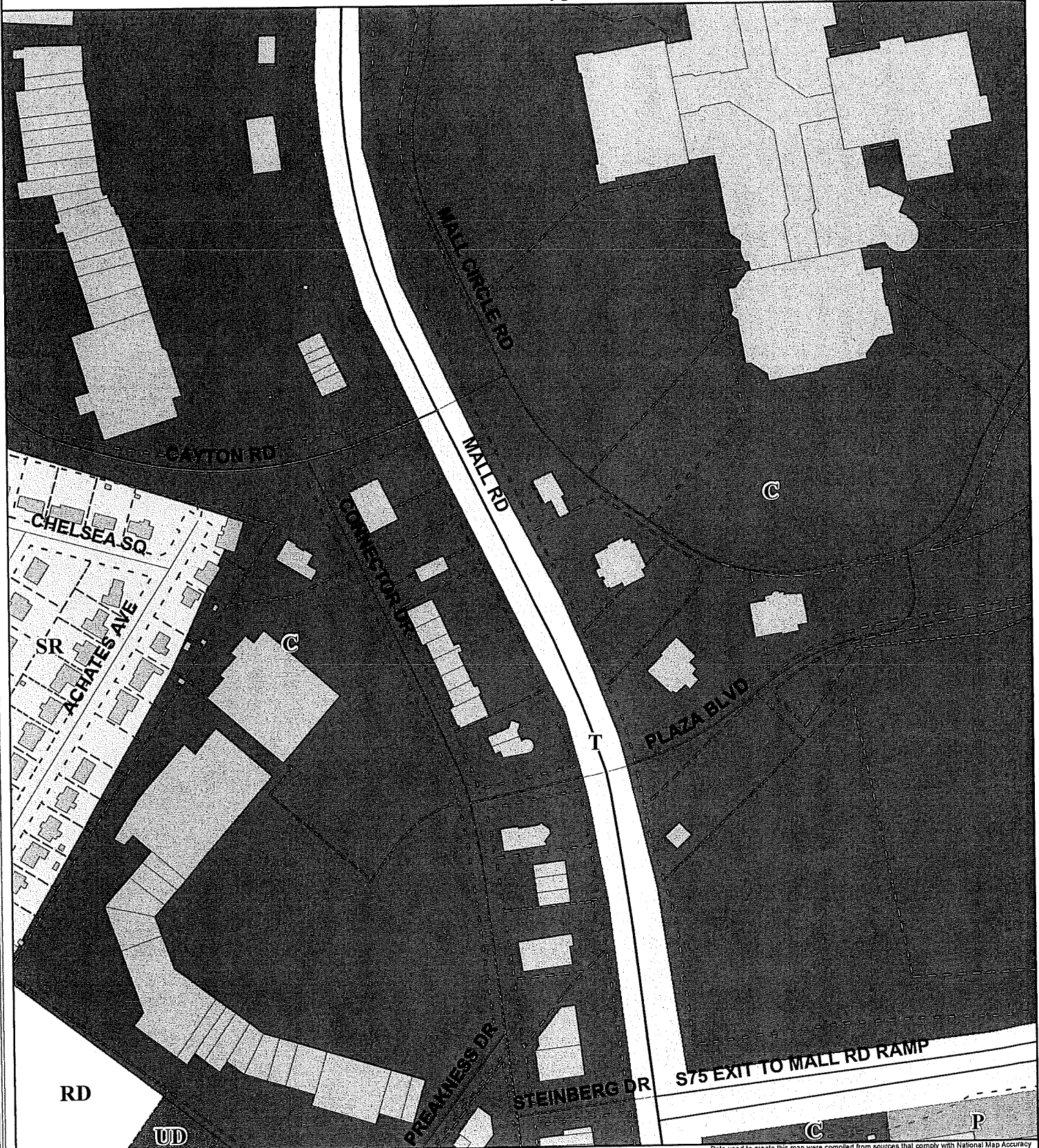
Boone County GIS - Putting Northern Kentucky on the Map



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

2035 FUTURE LAND USE MAP

www.boonecountygis.com



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

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

0 150 300 600 900 1,200 Feet

1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



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

that is consistent and compatible with existing or planned infrastructure;

3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;
5. A development pattern consistent with the adopted Comprehensive Plan and any other appropriate land use studies;
6. A signage package that emphasizes consistency and the minimal use of signs.

SECTION 1510

Provisions Governing Planned Developments

Because of the special characteristics of planned developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of other articles of this order, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this order.

SECTION 1511

Permitted Uses

Uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. Uses proposed for a Planned Development district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan. The review and decision making process under this article identify adverse impacts and address how they may be minimized, if possible, to satisfy the requirements of this article. In no event shall this article on its face or as applied prohibit all use of property zoned with a Planned Development overlay district.

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1512

Intensity

The intensity of use in a Planned Development may exceed by no more than fifty (50) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513

Minimum Size

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do

not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given

to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.

7. **Architecture:** Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

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. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

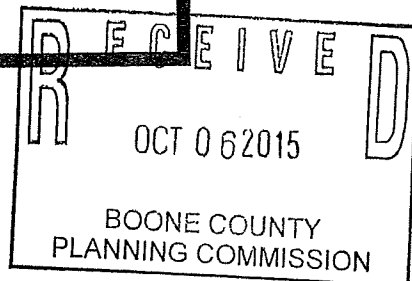
8. **Historic and Prehistoric Features:** Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. **Signage:** A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. **Transportation Connections and Entry Points:** The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted bikeway and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
11. **Conformance with Comprehensive Plan:** All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary

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 SLIM CHICKEN'S RESTAURANT
3. Location of Project 7840 MALL ROAD FLORENCE
4. Total Acreage of Site ± 7.6 PART OF MALL PROPERTY 1 ACRL
5. Current Zoning C2PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) YES. SITE IS PART OF THE MALL ROAD DISTRICT STUDY
8. Proposed Uses (please specify each use) RESTAURANT WITH BOTH SIT DOWN SERVICES & DRIVE-THRU WINDOW
9. Proposed Building Intensities (please specify) ONE BUILDING ON THIS SITE

10. Have you submitted a Concept Development Plan? YES

11. Are you also applying for:

- N/A Conditional Use Permit FOR DRIVE THRU
- N/A Dimensional Variance

12. Name of Applicant(s) Mark C. Smith
Phone Number 859-760-3925 Fax No. _____ E-Mail cincinnati.smith@gmail.com

13. Address of Applicant(s) 74 CENTRE VIEW BLVD.
CRESTVIEW HILLS KENTUCKY 41017
City State Zip

14. Name of Property Owner(s) GENERAL GROWTH PROPERTIES
Phone Number 312-960-5000 Fax No. _____ E-Mail _____

15. Address of Property Owner(s) 110 NORTH UPPER WACKER,
CHICAGO IL 60606
City State Zip

16. Are there any existing buildings on the site? YES - 5th/3rd BANK TO BE DEMOLISH.
How many? ONE

17. Deed Book 7 Page No. _____ Group No. 20408

PARCEL NUMBER (over)
062-000-25-001.07

DB 884 *
PG 3
108 129
PG 140

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: December 2, 2015

RE: Request of LBS Investments as applicant and lessee of certain property owned by Florence Mall L.L.C. for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 0.76 acre site located at 7840 Mall Road, Florence, Kentucky. The request is for a restaurant with a drive-through facility.

REMARKS:

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

FINDINGS OF FACT

1. The Committee concluded that the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
 - A. The Boone County Comprehensive Plan's 2035 Future Land Use Map designates the site for commercial uses. This future land use classification is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The proposal is in general agreement with the following passage from the Business Activity Element:

Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Four studies, the Houston-Donaldson Study, the Central Florence Strategic Plan, the Main Street Study, and the Mall Road District Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area (Recommended Areas of Commercial Activity, pg. 67).
 - C. The proposal is in general agreement with the following passage from the Land Use Element:

The visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process. The Mall Road District Study recommends a new direction for Mall Road that included the potential for more entertainment uses, high rise condominium, mixed use, and residential development. This is currently being implemented as part of the Mall Road District Study (Houston-Donaldson/Mall Road Area, pg. 167).

2. The Committee determined that the project is in general compliance with the Mall Road District Study for the following reasons:

- A. The Recommended Land Use and Development Concepts for Area 2 state that further development is recommended to occur throughout this Area to increase density, increase activity levels, shorten distances between activities, and decrease the amount of open surface parking. This Area, combined with Area 8 across Mall Road, should be reinforced as the main activity center in the overall Study Area. In addition to commercial and office uses that are Principally Permitted in the underlying C-2 zone, entertainment, recreation, hospitality, and other uses which help to diversify functions and create a 24 hour environment are sought. (Area 2, pg. 2.6).
- B. The development standards state that private driveways, such as Mall Circle Road, shall be upgraded with 5' wide integral curb walks as new development or redevelopment occurs (Shared Private Development Streets/Driveways, pg. 3.2).
- C. The design requirements state that primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a unit masonry appearance. These materials shall have an integral color. Other materials such as EIFS/stucco, architectural grade metals, wood or cement board siding, glass block, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas (Building Materials, pg. 4.2).

The Committee determined that the proposal was generally consistent with the Mall Road District Study even though all the Impact Site requirements (building proximity to the intersection, building setbacks, parking lot in corner side yard) are not being met. The lot is irregularly shaped and the property owner has indicated they have no desire to relocate Mall Circle Road at this time. Approval of the project will not prevent this from occurring in the future.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the Boone County Comprehensive Plan, Planned Development Standards, and Mall Road District 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 applicant and property owner have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. Unless modified by other conditions below, the approval shall be based on the revised Concept Development Plan and building elevation drawings that were received on November 23, 2015.
2. Two (2) striped crosswalks, which are ten (10) feet wide, shall be provided on Mall Circle Road. The crosswalks shall be provided between the twenty-one (21) shared parking stalls in the Florence Mall parking lot and the sidewalks that are proposed immediately adjacent to Slim Chickens central access point. Continuous flashing crosswalk signs shall be placed next to each crosswalk and shall be operational when Slim Chickens is open for business.
3. A sidewalk connection shall be provided between Mall Road and the main building entrance on the northern facade. The sidewalk connection shall be located to the south of the menu board.
4. Split face block shall be required underneath the windows on the western building facade.
5. All rooftop mechanical equipment shall be screened from public view.
6. The outside seating area shall not be covered with plastic or other similar materials at any time.
7. The applicant can pursue enclosing the outside seating area at a later date. Any such proposal shall be evaluated by Boone County Planning Commission's Technical Design Review Committee in terms of its compliance with the Architectural Design requirements of the Mall Road District Study.
8. All proposed signage shall comply with the Mall Road Overlay Sign District.

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Ms. Lori Heilman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mr. Jim Longano
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

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. Todd K. Morgan, AICP, Senior Planner

Secretary/Treasurer Bungler called the Public Hearing to order at 8:26 P.M. and introduced the second item on the Agenda:

CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

2. Request of **Mark C. Smith (applicant)** for **General Growth Properties (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 0.76 acre site located at 7840 Mall Road, Florence, Kentucky. The request is for a restaurant with a drive-through facility.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 0.76 acre site is located on Mall Road. The site also has frontage on Mall Circle Road. It is the former Fifth Third Bank site. The applicant is requesting approval of a Concept Development Plan to allow a 3,441 square foot Slim Chickens restaurant with a drive-thru, outside seating, 43 parking spaces and a shared parking agreement with Florence Mall for 10 parking spaces. The restaurant will have 106 seats - 84 inside and 22 outside. The site is planned to have 3 access points off Mall Circle Road. Two of them are full access points and the other would be egress only for the drive-thru lane. The applicant has submitted building elevations and samples. The building will be made of brick, CMU block, EIFS and standing seam metal roofing. The applicant also submitted a signage package and it shows an 8 foot tall monument sign, directional signage and building mounted signage. Mr. Morgan showed photographs and noted the adjacent land uses and zoning of the site. The site is part of the Mall Road District Overlay. The existing bank building will be demolished. There is an existing storm water detention area on the northern end of the site. The Future Land Use Map of the Comprehensive Plan designates the site as Commercial. Mr. Morgan referred to the Business Activity Element on page 4 of the Staff Report. It encourages the reuse of commercial buildings and ongoing maintenance and rehabilitation of older business districts instead of creating new commercial districts. He also referred to various sections from the Mall Road District Study starting on pages 5 and 6. The site is located in Area #2. Additional development around the perimeter of the Area including along Mall Circle Road, Plaza Boulevard, and Mall Road, is recommended. Multi-story buildings are encouraged for this additional development, as are shared parking facilities including parking structures. For development along Mall Road, this will entail relocating the portion of Mall Circle Road that is parallel to Mall Road eastward to provide sufficient depth for new outlots. The Study also classifies the site under review as an Impact Site. The corners at the intersections of Mall Road with Mall Circle Road are "Impact Sites" per the Impact Site Map. It recommends that the building be placed immediately at the road intersection without any intervening vehicular areas; include a multiple story building to create a larger scale and to anchor the building to the intersection. In addition, the maximum front and corner side yard setback for Impact Sites should be no more than 15 feet. There are currently several driveway interconnections which function as frontage roads of sorts in the Study area. Mall Circle Road is one of these driveways. What is recommended along these areas is 5 foot wide curb sidewalks along the frontage similar to BJ's Brewhouse. There are also architectural design requirements. The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a unit masonry appearance. These materials shall have an integral color. Other materials such as EIFS/stucco, architectural grade metals, wood or cement board siding, glass block, and precast concrete may be used for trim and detailing. On page 9 of the Staff Report, for "Impact Sites" at least one main, emphasized pedestrian entrance should be placed at the corner of the intersection where the building is located in order to anchor the site to the intersection. Parapet designs which have a

defined cornice line and pitched roofs are permitted. Pitched roof forms shall be complete and symmetrical, and span the entire building. All mechanical equipment shall be screened. On page 10, loading/unloading and service areas shall be placed in the side or rear yard only. Garbage storage areas shall be placed in the side or rear yard only and the required enclosure structure shall be constructed with the same materials, colors and design detailing as the principal building. Site furniture including benches/seating and tables shall also be required.

In terms of signage, the Mall Road District Study has its own signage requirements. Monument signs that are 8 feet tall are permitted. There are several limitations for building mounted signage. Channel letters, sandblasted redwood, individual pin mounted letters are permitted. What is prohibited is board signs and other similar type signs as determined by the Zoning Administrator. A final item from the Mall Road District Study relates to transportation. It involves pushing Mall Road Circle back towards the Mall in order to increase the depth of the outlots to increase the viability of the outlots.

In terms of Staff Comments, the following Planned Development exceptions or waivers are being sought. First, the Impact Site requirements require buildings to be placed near the intersection without any intervening vehicular areas. Multi-story construction or single story buildings with high parapets are required. Once again, the maximum permitted front and corner side yard setbacks are 15 feet. The submitted plan shows the building will have a 24 foot front yard setback and an approximate 265' corner side yard setback. It would also require one main pedestrian entrance at the corner of the intersection where the building is located. Second, the Mall Road District Study requires 5 foot wide sidewalks with box curbs along shared private development streets/driveways. The sidewalks can encroach into the required landscaping buffer yards. The amount of EIFS being used at the top of the building exceeds the trim and detailing requirements. A masonry knee wall or wainscot is required around the base of the building. The window system on the north elevation (and possibly the west elevation) does not meet this requirement. The roof design is not symmetrical. It includes an 8' tall sign wall on the northern facade. The unloading of supplies will take place in the corner side yard. The dumpster enclosure is not being designed with the same detailing as the building. No outside furniture, waste receptacles, or bike racks are shown on the plan.

In regard to signage requirements, the monument sign is 8'-1 3/4" tall. The sign code permits an 8' tall monument sign. The applicant needs to confirm if the brick being used in the monument sign matches the building. The aluminum pan signs on the side of the building are not a permitted sign type. The Slim Chickens logo on the north facade is not a permitted sign type because it is not being used with channel letters. Overall, even with the Mall Road District Study requirements, the project doesn't fit well on site. The single-story building is not located in close proximity to the intersection, the proposed surface parking is located entirely in the corner side yard, and three access points are proposed. The relocation of Mall Circle Road eastwards would permit more development options and allow the project to better fit onto the project site.

In terms of building design, the norther facade contains an 8' tall and approximate 15 1/2' wide EIFS sign wall on the roof. The sign wall gives the roof an incomplete and asymmetrical appearance. It also essentially creates a prohibited roof sign and gives the Mall Road elevation the appearance of a secondary facade. The Mall Road District Study requires primary walls to be

constructed with brick, architectural grade CMU, stone, or tile. EIFS is permitted for trim and detailing. Staff would like the applicant to address if the amount of EIFS at the top of the building can be reduced and if additional masonry can be integrated into the design. The contracting red and sand colored EIFS grids at the top of the northern, southern, and eastern facades appear to be sign elements. The applicant needs to address if all roof mounted mechanical equipment will be screened from public view per the Mall Road District Study requirements. Pedestrian connectivity is important in the Mall Road District Study. The current plan lacks the perimeter sidewalk improvements that are required by the Mall Road District Study. BJ's constructed 5' curb walks along their Mall Circle Road and Plaza Boulevard frontages.

In terms of access, traffic and parking, the proposed layout includes three access points on Mall Circle Road. The shared driveway can be highly congested during peak times and the Christmas holiday season. Only two cars will be able to stack from the menu board before they interfere with surface parking stalls. The driveway connection to Olive Garden is being removed. The applicant should address what types of vehicles will make deliveries to the restaurant and what hours deliveries will occur? Finally, the monument sign is 1 3/4" taller than what it is permitted. The aluminum pan signs and Slim Chickens circle logo are not permitted sign types. Sign specifications were not provided for the menu board. Will the menu board contain the awning that is shown in the sign example photos?

Secretary/Treasurer Bunger asked if the applicant was present and wanted to proceed with his presentation?

Mr. Mark Smith, applicant, stated that he is the franchise owner for the tri-state for Slim Chickens. He introduced Barb Wells and Chris Edwards, architects for the project. Mr. Smith referred to a PowerPoint presentation. It is a new concept. It is a fast casual restaurant that sells fresh chicken. There are currently 30 stores and they plan to build 120 stores nationwide in the coming years. Mr. Smith described the menu items that the restaurant offers. Mr. Smith distributed a handout (see Exhibit A).

Ms. Barb Wells, project architect, stated that she knew that the site is an Impact Site as described in the Mall Road District Study. Unfortunately, the property is very small - 0.68 acre in size. It is almost impossible to fit the building at the corner. The site is being leased from General Growth Properties and they have no control over the Mall Circle Road. They don't have clout with General Growth to get more width to put the building at the corner. The existing Fifth Third Bank will be demolished and the new building will be located close to the Olive Garden building, which is on the widest portion of the property. The proposed building is about 3,900 square feet. Waivers are being requested to build the building 24 feet from Mall Road and 265 feet from the corner. They are proposing to build a sidewalk around the building just like BJ's. The sign base will match the main building - masonry, brick and block. The dumpster enclosure will be the same materials split faced block and brick. A drawing has been submitted. There are 43 parking spaces on-site, which is a little short, but the Mall has agreed to provide the use of 22 parking spaces and a cross access easement. A pedestrian access will be provided by installing a painted cross-hatch on the pavement. The patio will face Mall Road and should create some excitement and activity. It will be covered and have a metal rail around it between the brick columns.

Secretary/Treasurer Bunger asked if the applicant formally identified the waivers for the project? Mr. Morgan responded yes that it is mentioned in summary format in Comment #1 on pages 12 and 13 of the Staff Report. Ms. Wells responded that they can't move the ring road. Perhaps the Planning Commission has some clout with the Mall? Secretary/Treasurer Bunger asked about the location of the stacking area for the drive-thru and the outdoor seating? He expressed a concern about vehicles idling. Ms. Wells stated it was close. She requested permission to install plastic in order to enclose the outdoor seating area for winter months. Secretary/Treasurer Bunger asked if there was a design requirement for winter usage? Mr. Morgan replied that it would be viewed as a temporary structure. However, it could be permitted as part of this process as a Planned Development exception. Ms. Wells noted that they included outside seating such as benches, decorative trash cans and bike racks in their proposal.

Secretary/Treasurer Bunger asked if any of the Planning Commission Members had any questions or comments?

Mr. Turner inquired about other local store locations. Ms. Wells responded not in the area. He asked what was the typical stacking in the drive-thru and at what times? Ms. Wells responded 7-8 cars will stack up during peak times. Mr. Smith noted that the busiest time is dinner followed by lunch. Mr. Turner asked if there was more stacking before or after the menu board? Ms. Wells replied that they have two drive-thru windows - one to accept money and one to deliver food orders. Mr. Turner suggested moving the menu board close to the drive-thru window if the food delivery is fast enough. Mr. Smith answered that the food is cooked to order. It takes about 4 minutes to cook. During peak hours, they have line busters just like Chick-fil-a. They take orders and money before you get to a window. It occurs before the menu board. They rarely have stacking problems beyond the normal amount. Secretary/Treasurer Bunger stated that Chick-fil-a has full circle stacking amount around their building. Mr. Smith replied that unfortunately they don't have the same size lot as Chick-fil-a. Mr. Costello stated that the Board doesn't want back ups on ring road or Mall Circle Road. Mr. Smith stated that one option would be to stack them through the other entrance. Signage could be installed to direct traffic.

Mr. Patton asked where the Planning Commission is in terms of incentivising or penalizing the Mall for moving the ring road back? Mr. Morgan replied that the penalty is the applicant must go through the Public Hearing process versus meeting the Study's requirement and having an Administrative Review. Mr. Patton stated that if the waivers aren't approved, then the project is dead. If the road is moved back, the site would be better to develop and it would open more sites for development. It could be more financially viable and be consistent with what is going on across the street. Approving the project "as is" will bury the chance for the road to be moved or built. If not, it makes sense to have more stacking along Mall Road. It is an awkward site and the applicant has done its best given the site. Secretary/Treasurer Bunger asked if there was a discussion about this road relocation issue with General Growth Properties? Ms. Wells replied no. Mr. Patton asked if someone from General Growth could attend the Committee Meeting? Mr. Costello replied that he would contact Greg Comte, General Manager, of Florence Mall.

Ms. Lori Heilman asked the applicant to be prepared to discuss the waivers in detail at the Committee Meeting. She noted that BJ's was held to the standards of the Mall Road District Study. The applicant should be more flexible in not requesting all of the waivers and stick to the

requirements of the Study.

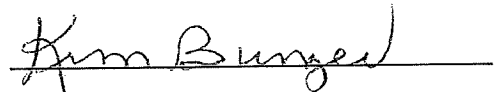
Mr. Ford asked if the restaurant was a front counter order facility or if it had waiters? Mr. Smith responded that the customer orders at the counter and they bring the food to the customer. Mr. Ford inquired about dropping the drive-thru facility? Mr. Smith replied no since 50% of their sales are from the drive-thru. Mr. Smith also noted that boxed trucks will deliver food in the morning before the store or Mall opens. The trucks would park in the parking lot. They would not block the ring road. He also pointed out the location of the trash dumpster.

At this time, Secretary/Treasurer Bunger asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Cynthia Bucco, Eagle Realty Group, a real estate affiliate for the Western-South Financial Group, stated that her company owns an out parcel located at the southeast corner of Mall Road and Plaza Boulevard. It is about 3 parcels south of the subject site. She stated that her company is opposed to the request. The project does not fit on the site. Given the numerous issues with the proposal, it is inappropriate to approve the waivers and would prefer to see development be consistent with the guidelines. Mr. Costello asked about the status of their outlot? Ms. Bucco stated that the site is subject to some restrictive covenants that expire in early 2018. It is almost impossible to sell the site now. Secretary/Treasurer Bunger asked if Slim Chickens approached Eagle Realty about their site? Ms. Bucco stated not to her knowledge.

There being no further questions or comments, Secretary/Treasurer Bunger announced that the Committee Meeting for this item will be on November 18, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 2, 2015 at 7:00 P.M. Secretary/Treasurer Bunger closed the Public Hearing at 9:04 P.M.

APPROVED:



Kim Bunger
Secretary/Treasurer

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit A - Slim Chickens PowerPoint Slides (handout)

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: November 23, 2015

CONCEPT DEVELOPMENT PLAN - Kim Patton, Chairman, Todd Morgan, Staff

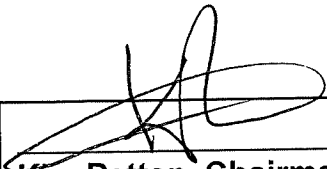
2. Request of Mark C. Smith (applicant) for General Growth Properties (owner) for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 0.76 acre site located at 7840 Mall Road, Florence, Kentucky. The request is for a restaurant with a drive-through facility.

REMARKS:

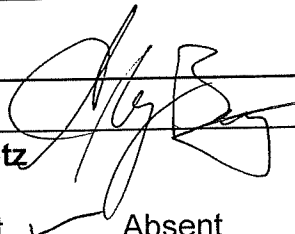
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Randy Bessler

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___


Kim Patton, Chairman

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___


Greg Breetz

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Charlie Reynolds (Alternate)

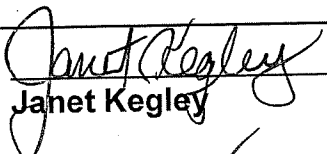
For Project ___ Absent ___
Against Project ___

Kim Bunger

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: November 18, 2015

CONCEPT DEVELOPMENT PLAN - Kim Patton, Chairman, Todd Morgan, Staff


2. Request of Mark C. Smith (applicant) for General Growth Properties (owner) for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 0.76 acre site located at 7840 Mall Road, Florence, Kentucky. The request is for a restaurant with a drive-through facility.

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.

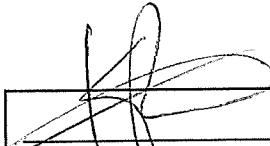
Smith/General Growth

November 18, 2015



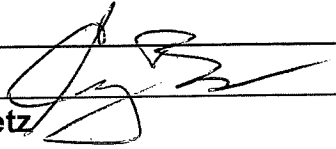
Randy Bessler

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred



Kim Patton, Chairman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred



Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Charlie Reynolds (Alternate)

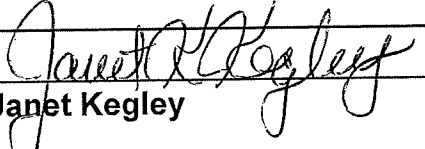
For Project ___ Absent ___
 Against Project ___

Kim Bunger

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: 4 DEFERRED ___ FOR PROJECT ___ ABSENT ___
 ___ AGAINST PROJECT ___ ABSTAIN ___

SUPPORTING INFORMATION

PIDN #
Group: 2040B
966

SPECIAL WARRANTY DEED

Know all men by these presents: That the Grantor, THE WESTERN AND SOUTHERN LIFE INSURANCE COMPANY, whose mailing address is 400 Broadway, Cincinnati, Ohio 45202, for and in consideration of \$97,000,000.00 to it paid by the Grantee herein, the receipt of which is acknowledged, does hereby bargain, sell and convey unto Florence Mall L.L.C., (the Grantee) whose mailing address is 110 N. Wacker Drive, Chicago, Illinois 60606, all of its right, title interest or claim in and to the following real estate:

SEE EXHIBIT "A" ATTACHED HERETO AND
MADE A PART HEREOF FOR LEGAL DESCRIPTION

FAIR CASH VALUE: \$97,000,000.00

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging, TO HAVE AND TO HOLD the same to the aforementioned Grantee, **with Covenants of Special Warranty.**

Executed this 19th day of December, 2002 by:

**The Western and Southern Life
Insurance Company.**

By: Mario San Marco
Mario San Marco, Vice President

By: [Signature] (A)
D. J. Wuebbeling, Sr. Vice President

STATE OF OHIO, COUNTY OF HAMILTON, SS:

The foregoing instrument was acknowledged before me, a notary public, this 19th day of December, 2002, by Mario San Marco and D. J. Wuebbeling, Vice President and Sr. Vice President respectively, of The Western and Southern Life Insurance Company, Grantor herein.

David C. McChesney
Notary Public

David C. McChesney
Notary Public, State of Ohio
My Commission Expires November 3, 2005



Shuffen Fletcher
3500 Red Bank Rd
Cincinnati, Ohio 45227

RETURN TO

Prior Deed
Reference: Deed BK 292, Page 186

Prepared By:
Sean C. Balnes
Sean C. Balnes
3500 Red Bank Rd.
Cincinnati, OH 45227

GROUP 2040

DECLARATION OF LEASE

KNOW ALL MEN BY THESE PRESENTS:

That HOMART DEVELOPMENT CO., a Delaware Corporation (hereinafter referred to as Lessor) and BOONE STATE BANK, a Kentucky Corporation (hereinafter referred to as Lessee) do hereby certify unto whom it may concern that under date of June 2, 1976, the said Lessor and Lessee made and entered into a certain Lease covering the following described property:

Exhibit "A" attached hereto and made a part hereof.

The term of said Lease shall commence on the 19TH day of JULY, 1977, and shall continue for a term of twenty-five (25) years unless sooner terminated in accordance with the provisions in said Lease; that said Lease itself contains the entire contract of leasing and otherwise between the parties, including the amount of rent, times when said rent shall be paid and other provisions and covenants as govern and regulate the relationship of landlord and tenant between the parties; and all parties are hereby put on notice of the existance of such Lease and are referred to the said Lease itself for itself for its terms and conditions.

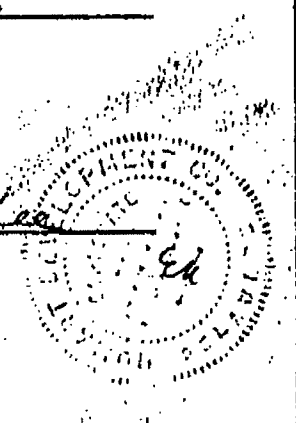
IN WITNESS WHEREOF, the Declaration of Lease has been duly executed this 2nd day of June, 1976.

BOONE STATE BANK

By R. C. Durr
R. C. DURR, PRESIDENT

HOMART DEVELOPMENT CO.

By W. C. P. [Signature]



Ret. James Waltermann

1

COMMONWEALTH OF KENTUCKY)
COUNTY OF KENTON) SS:

The foregoing instrument was acknowledged before me, a Notary Public, this 27 day of July, 1976, by R. C. DURR, President of Boone State Bank, on behalf of the Corporation.

John S. Brooking
NOTARY PUBLIC

My Commission Expires:

1/11/77

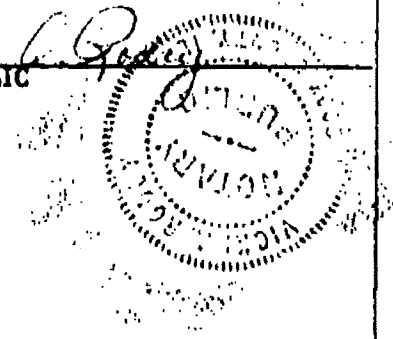
STATE OF Ollissia
COUNTY OF Coal

The foregoing instrument was acknowledged before me, a Notary Public, this 9th day of June, 1976, by W. J. Puckie Vice President of Homart Development Co., on behalf of the Corporation.

Victor A. Puckie
NOTARY PUBLIC

My Commission Expires:

11/25/78



John S. Brooking
This instrument prepared
by JOHN R. S. BROOKING
Attorney at Law
421 Garrard Street
Covington, Kentucky 41012

EXHIBIT "A"

Situated in the State of Kentucky, County of Boone, in the City of Florence, described as follows:

Beginning in the easterly right-of-way line of Florence Mall Road at a point which is 75.00 feet right of centerline Station 53 + 44.88 of said road, said place of beginning is southwardly a distance of 3737.53 feet (as measured along the centerline of Florence Mall Road) and North 63°-28'-04" East a distance of 75.00 feet from the intersection of the centerline of Florence Mall Road and the centerline of Kentucky State Route #18, as now improved,

thence along the easterly line of Florence Mall Road South 26°-31'-56" East a distance of 161.13 feet;

thence North 63°-28'-04" East a distance of 154.10 feet;

thence northwestwardly on a curve deflecting to the north with a radius of 728.92 feet a distance of 171.56 feet (chord of said curve bears North 46°-15'-02" West a distance of 171.16 feet);

thence South 63°-28'-04" West a distance of 96.36 feet to the place of beginning.

Containing 0.4500 acres.

Subject to easements and restrictions of record.

FIRST AMENDMENT TO LEASE

THIS AMENDMENT made and entered into on this 14th day of October, 1977, by and between HOMART DEVELOPMENT CO., a Delaware corporation (hereinafter referred to as "Landlord"), and BOONE STATE BANK, a Kentucky corporation (hereinafter referred to as "Tenant").

W I T N E S S E I H :

WHEREAS, Landlord and Tenant entered into that certain ground lease (hereinafter referred to as "Lease") dated June 2, 1976, demising and leasing to Tenant a tract of land described in Exhibit A therein and containing 0.4500 acres; and

WHEREAS, Landlord and Tenant had agreed to modify and amend the description of the tract of land conveyed to Tenant pursuant to the Lease; and

WHEREAS, Landlord and Tenant desire to amend the Lease to reflect the revised description of the demised premises as if originally incorporated in said Lease;

NOW, THEREFORE, in consideration of the mutual covenants herein contained and the sum of One Dollar (\$1.00) to each of the undersigned parties paid by the other, and for other good and valuable consideration, the receipt and sufficiency whereof are hereby mutually acknowledged, it is hereby mutually agreed that:

I

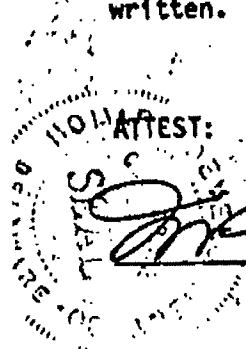
Effective June 2, 1976, the words and figures ".45 acres" as they appear in Paragraph I (a) of the Lease shall be and hereby are deleted, and the words and figures "0.5422 acres" shall be and hereby are substituted in lieu thereof.

II

Effective June 2, 1976, Exhibit A to the Lease is deleted in its entirety, and Exhibit A attached hereto and made a part hereof is substituted in lieu thereof.

The above described Lease, as herein modified and supplemented,
is in all other respects fully ratified and confirmed.

IN WITNESS WHEREOF, the parties hereto have hereunto set their
hands by their duly authorized officers the day and year first above
written.



ATTEST:

[Handwritten signature]

ATTEST:

[Handwritten signature]

HOMART DEVELOPMENT CO.

By *[Handwritten signature]*



BOONE STATE BANK

By *[Handwritten signature]*

EXHIBIT A

LOUIS W. GRAF & ASSOCIATES

Civil Engineers & Surveyors

537 LINTON STREET ★ CINCINNATI, OHIO 45219 ★ PHONE 221-0880

June 28, 1976

PARCEL B - 1 (0.5422 ACRES).

FLORENCE MALL.

FLORENCE, KENTUCKY.

Situated in the State of Kentucky, County of Boone, in the City of Florence, described as follows:

Beginning in the easterly right-of-way line of Florence Mall Road at a point which is 75.00 feet right of centerline Station 53 + 44.88 of said road, said place of beginning is southwardly a distance of 3737.53 feet (as measured along the centerline of Florence Mall Road) and North 63°-28'-04" East a distance of 75.00 feet from the intersection of the centerline of Florence Mall Road and the centerline of Kentucky State Route # 16, as now improved,

thence along the easterly line of Florence Mall Road South 26°-31'-56" East a distance of 186.13 feet;

thence North 63°-28'-04" East a distance of 167.15 feet;

thence North 54°-51'-55" West, a distance of 4.38 feet;

thence northwestwardly on a curve deflecting to the north with a radius of 728.92 feet a distance of 195.38 feet (chord of said curve bears North 47°-11'-12" West a distance of 104.79 feet);

thence South 63°-28'-04" West a distance of 96.36 feet to the place of beginning.

CONTAINING 0.5422 Acres.

SUBJECT to easements and restrictions of record.

RECEIVED
JUN 28 1976
HIXSON INCORPORATED

STATE OF KENTUCKY,)

: SCT.

COUNTY OF BOONE,)

I, JERRY W. ROUSE, CLERK OF THE COUNTY COURT IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WAS, ON THE 10 DAY OF Dec, 1981, AT 4:04 P. M. LODGED IN MY OFFICE FOR RECORD, WHEREUPON THE SAME, THE FOREGOING, AND THIS CERTIFICATE HAVE BEEN DULY RECORDED IN MY OFFICE.

19 81

GIVEN UNDER MY HAND, THIS THE 10 DAY OF Dec

JERRY W. ROUSE, CLERK

Jerry W. Rouse, DC



To whom it may concern:

Enclosed please find a certified copy of City of Florence, Kentucky **Ordinance No. O-2-16:**

ORDINANCE NO. O-2-16:

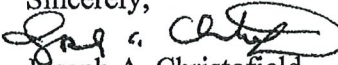
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 0.76 ACRE SITE LOCATED AT 7840 MALL ROAD, FLORENCE, KENTUCKY, TO ALLOW A RESTAURANT WITH A DRIVE-THROUGH FACILITY. (LBS INVESTMENTS/FLORENCE MALL, LLC)

The First Reading of Ordinance No. O-2-16 was held on the 26th Day of January, 2016.

The Second Reading of Ordinance No. O-2-16 was held on the 9th Day of February, 2016.

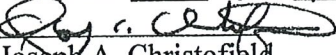
Ordinance No. O-2-16 was published in the *Boone County Recorder* on the 18th Day of February, 2016 at which time the Ordinance became statutorily official.

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-2-16 as same appears in the official records of my office.

Dated this 18th day of February, 2016.


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. 0-2-16

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-2-16 on February 9, 2016. The title of this Ordinance is as follows:

ORDINANCE NO. 0-2-16

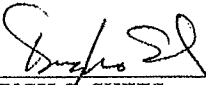
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 0.76 ACRE SITE LOCATED AT 7840 MALL ROAD, FLORENCE, KENTUCKY, TO ALLOW A RESTAURANT WITH A DRIVE-THROUGH FACILITY. (LBS INVESTMENTS/FLORENCE MALL, LLC)

The effect of this Ordinance is to allow a restaurant with a drive-through facility in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 0.76 acre site located at 7840 Mall Road.

The full text of Ordinance No. 0-2-16, 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. 0-2-16 and that it has been prepared by me on the 22nd day of January, 2016, 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) 371-9872

ORDINANCE NO. C-2-16

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 0.76 ACRE SITE LOCATED AT 7840 MALL ROAD, FLORENCE, KENTUCKY, TO ALLOW A RESTAURANT WITH A DRIVE-THROUGH FACILITY. (LBS INVESTMENTS/FLORENCE MALL, 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-15-018-A recommended approval, subject to an additional condition, 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 LBS Investments (Applicant) for Florence Mall, LLC (Owner) for a change in an approved concept development plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone, for a 0.76 acre site located at 7840 Mall Road, Florence, Kentucky, shall be and is hereby approved, subject to the agreed condition for this site, this change in concept development plan being to allow a restaurant with a drive-through facility. 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-15-018-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

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

SECTION IV

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-15-018-A, marked Exhibit "A", and attached hereto.

SECTION V

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 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 26th DAY OF January, 2016.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 9th DAY OF February, 2016.

APPROVED:

David E. Whalen
MAYOR

ATTEST:

[Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF LBS INVESTMENTS (APPLICANT) FOR FLORENCE MALL, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 0.76 ACRE SITE LOCATED AT 7840 MALL ROAD, FLORENCE, KENTUCKY, TO ALLOW A RESTAURANT WITH A DRIVE-THROUGH FACILITY.

The Committee met in a regular meeting on January 12, 2016, at the Florence Government Center Building to consider Resolution No. R-15-018-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

Further, the Committee determined, and the applicant has agreed, that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission, subject to the additional condition which is attached hereto and incorporated herein.

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, subject to the additional condition attached hereto and incorporated herein.

MEMBERS OF THE COMMITTEE:


DR. JULIE METZGER AUBUCHON

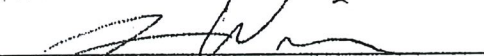

GARY WINN

EXHIBIT "1"

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: **AGREED ADDITIONAL CONDITION - REQUEST OF LBS INVESTMENTS AS APPLICANT AND LESSEE OF CERTAIN PROPERTY OWNED BY FLORENCE MALL, LLC, FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR AN APPROXIMATE 0.76 ACRE TRACT LOCATED AT 7840 MALL ROAD, FLORENCE, KENTUCKY.**

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

Condition #8 from the Boone County Planning Commission Zone Change/Concept Plan Committee report of December 2, 2015, shall be amended as follows: "**All existing signage on the site shall be removed. Any new signage shall comply with the Mall Road overlay sign regulations.** ~~All proposed signage shall comply with the Mall Road Overlay Sign District.~~"

Agreed to this 11th day of January, 2016.

APPLICANT:


SIGNATURE

BUILDING FOOTPRINT INFO:
 PARKING: 2,968 SF
 BUILDING: 4,495 SF
 GRAND TOTAL: 3,958 SF

SEATING INFO AS DESIGNED:
 DINING ROOM SEATS = 64
 PATIO SEATING = 422
 SEATING CAPACITY = 106

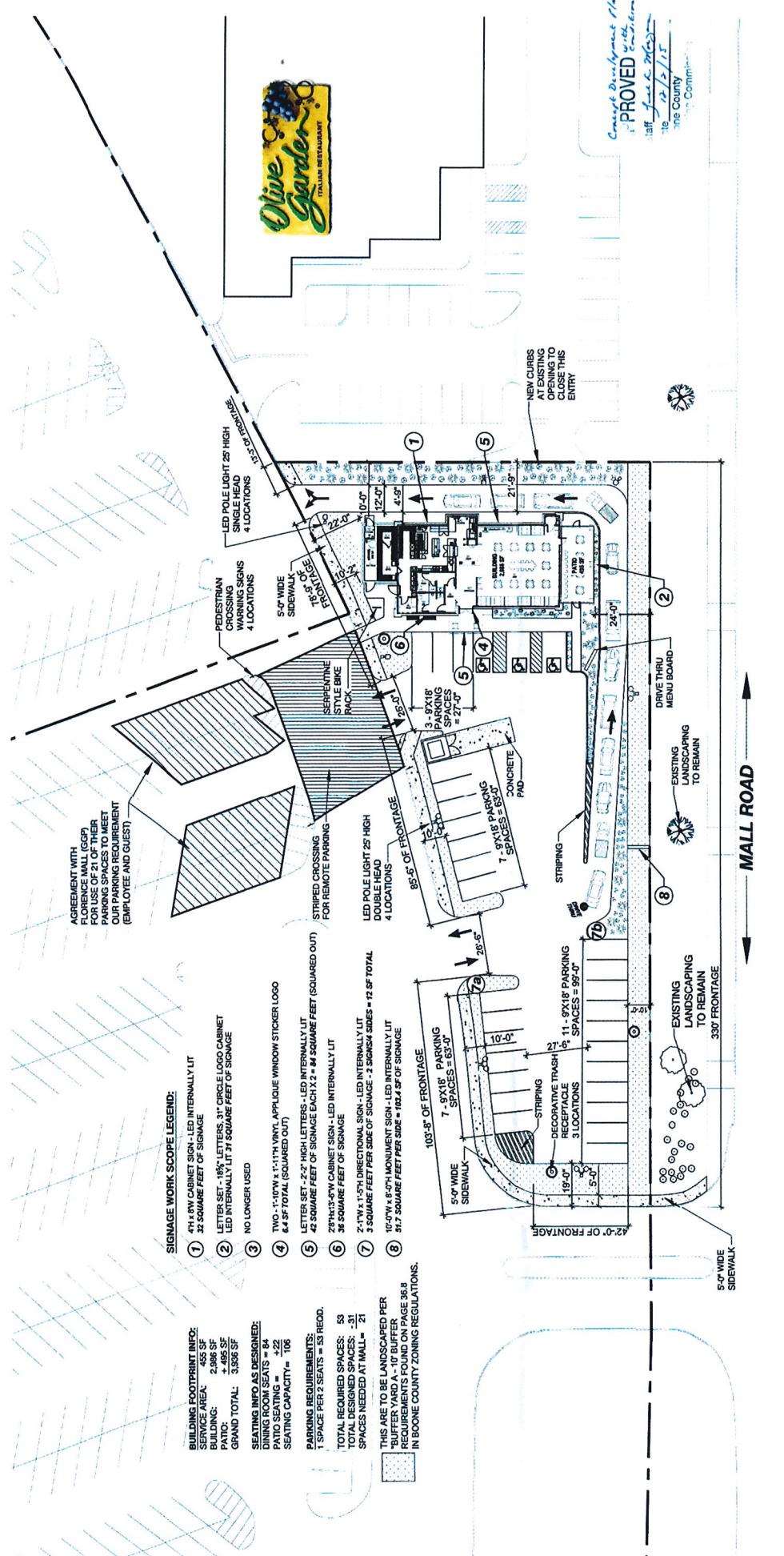
PARKING REQUIREMENTS:
 1 SPACE PER 2 SEATS = 53 RECD.

TOTAL REQUIRED SPACES: 53
TOTAL DESIGNED SPACES: 31
SPACES NEEDED AT WALL = 21

THIS IS TO BE LANDSCAPED PER
BUFFER AREA 1-10' BUFFER
REQUIREMENTS FOUND ON PAGE 36.8
IN BOONE COUNTY ZONING REGULATIONS.

SIGNAGE WORK SCOPE LEGEND:

- ① 61" x 14" CABINET SIGN - LED INTERNALLY LIT
32 SQUARE FEET OF SIGNAGE
- ② LETTER SET - 16" LETTERS, 31" CIRCLE LOGO CABINET
LED INTERNALLY LIT 71 SQUARE FEET OF SIGNAGE
- ③ NO LONGER USED
- ④ TWO - 11" x 10" x 1.1" VINTL APPLIQUE WINDOW STICKER LOGO
6.4 SF TOTAL (SQUARED OUT)
- ⑤ LETTER SET - 2.5" HIGH LETTERS - LED INTERNALLY LIT
42 SQUARE FEET OF SIGNAGE EACH X 2 = 84 SQUARE FEET (SQUARED OUT)
- ⑥ 28" x 14.5" CABINET SIGN - LED INTERNALLY LIT
38 SQUARE FEET OF SIGNAGE
- ⑦ 2 - 1" x 1.5" DIRECTIONAL SIGN - LED INTERNALLY LIT
3 SQUARE FEET PER SIDE OF SIGNAGE - 1 SIGNAGE JOB = 12 SF TOTAL
- ⑧ 10" x 7" x 6" MONUMENT SIGN - LED INTERNALLY LIT
31.7 SQUARE FEET PER SIDE = 103.4 SF OF SIGNAGE



Concept Development Plan
PROVED
 Staff: *James L. McLean*
 10/12/15
 BOONE COUNTY
 Planning Commission

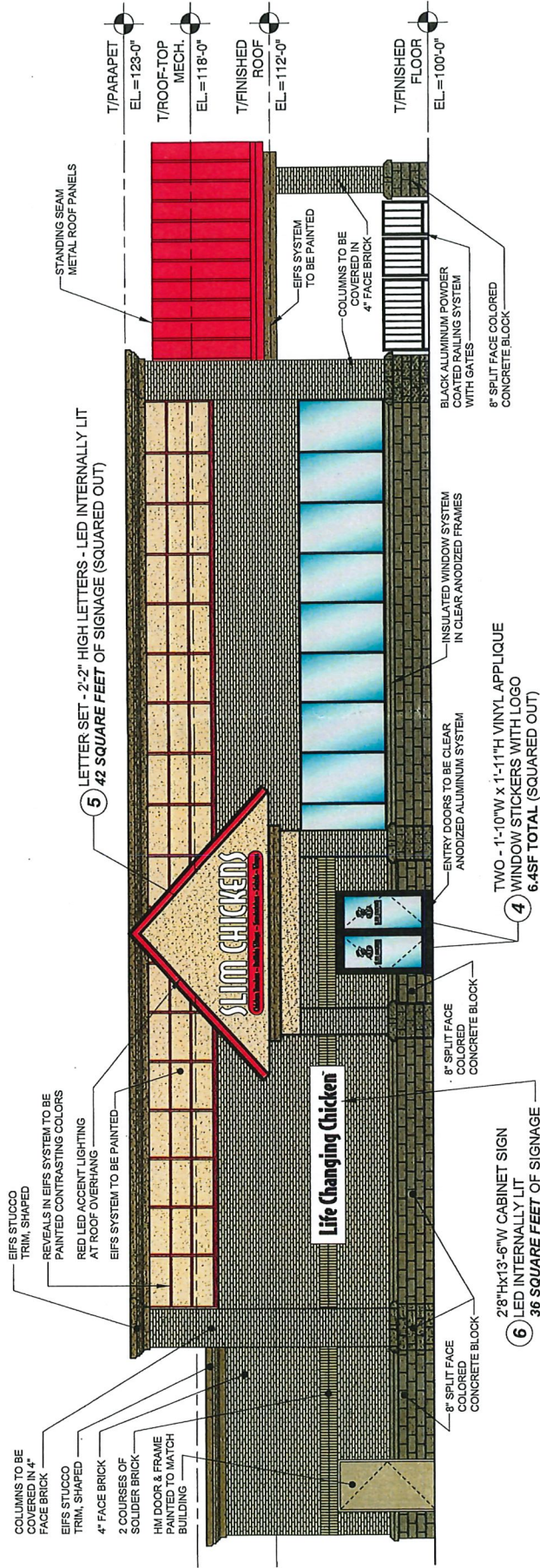


SLIM CHICKENS - PROPOSED SITE PLAN

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 1 of 5 Issue Date: November 23, 2015

BARBARA S. WELLS
 LBS INVESTMENTS, LLC.
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD., SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859) 331-3900 OFFICE
 (859) 331-6040 FAX





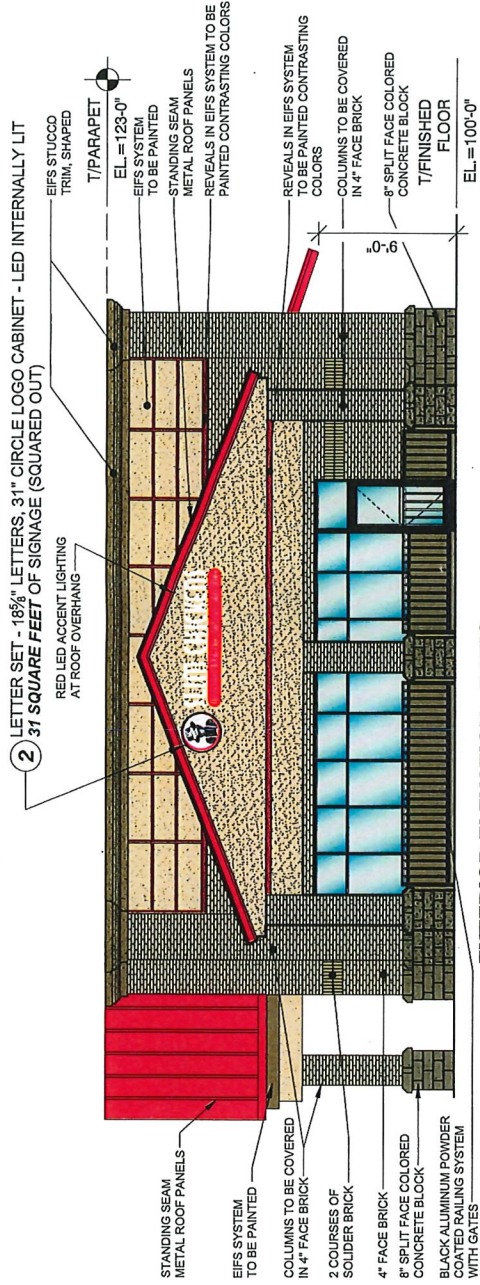
EXTERIOR ELEVATION - MAIN ENTRY

RECEIVED
 NOV 23 2015
 BOONE COUNTY
 PLANNING COMMISSION

SLIM CHICKENS - EXTERIOR RENDERINGS - Revised

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 2 of 5 Issue Date: November 23, 2015

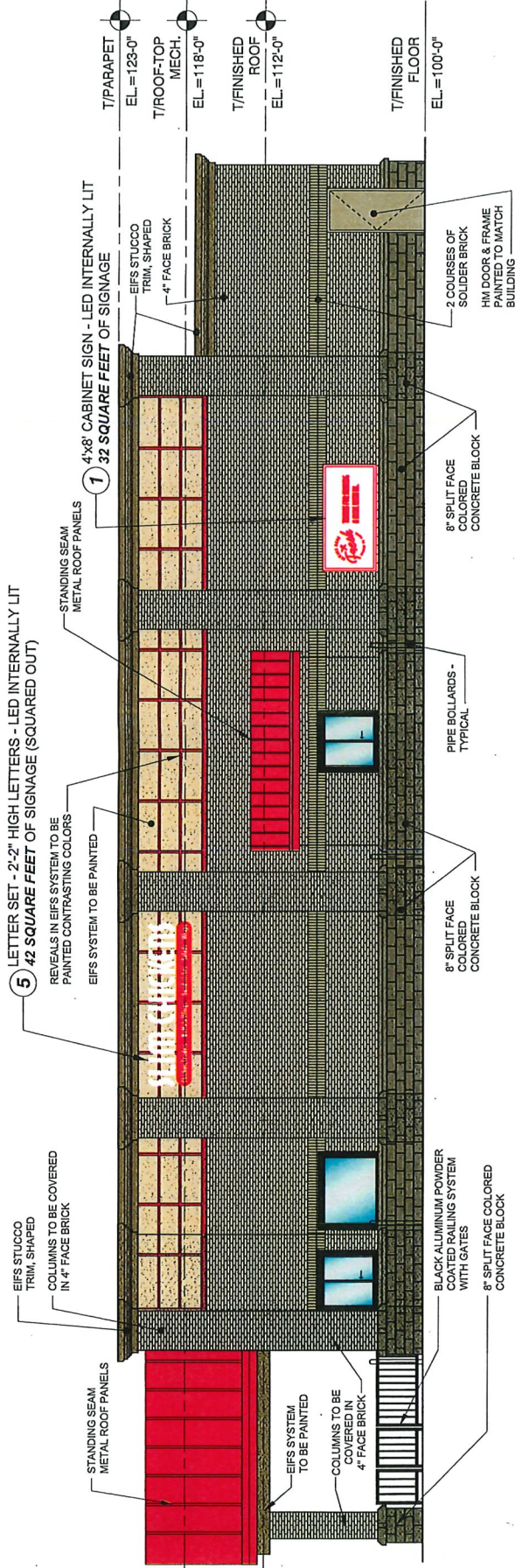
BARBARA S. WELLS
 LBS INVESTMENTS, LLC.
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD., SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859) 331-3900 OFFICE
 (859) 331-6040 FAX



EXTERIOR ELEVATION - PATIO

SLIM CHICKENS - EXTERIOR RENDERINGS - Revised

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 3 of 5 Issue Date: November 23, 2015



EXTERIOR ELEVATION - DRIVE THRU

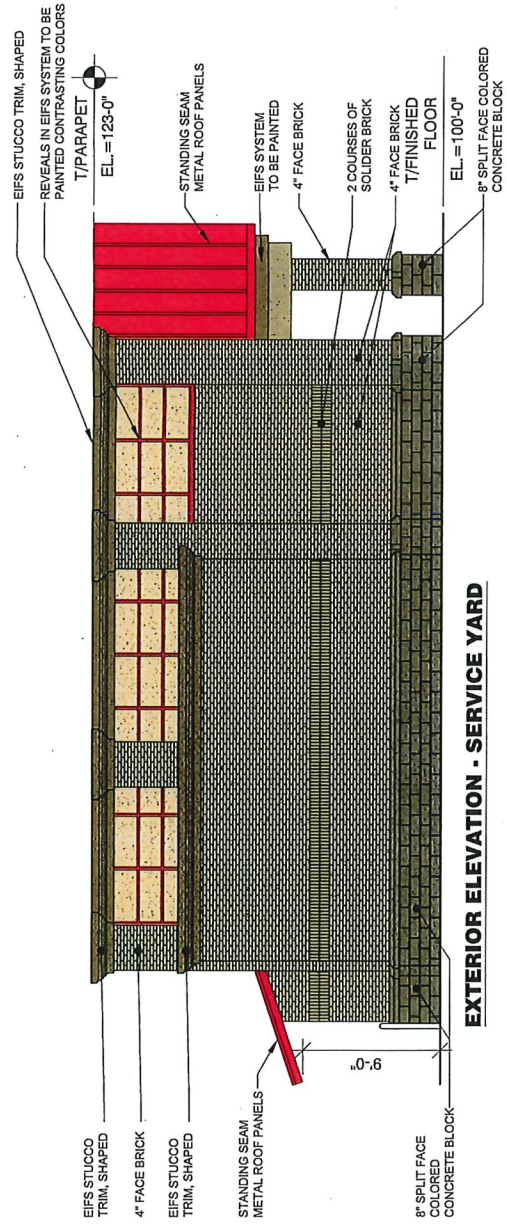
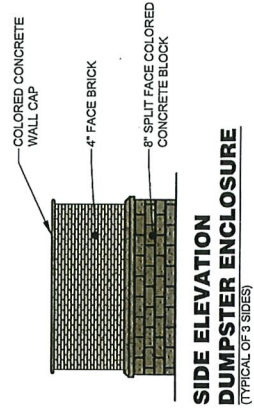
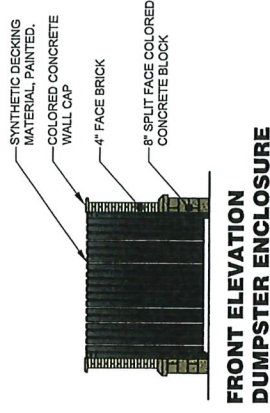
SLIM CHICKENS - EXTERIOR RENDERINGS - Revised

Proposed Location: 7840 Mall Road, Florence, KY 41042

Sheet 4 of 5

Issue Date: November 23, 2015

BARBARA S. WELLS
 LBS INVESTMENTS, LLC
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD, SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859) 931-3900 OFFICE
 (859) 931-6040 FAX



SLIM CHICKENS - EXTERIOR RENDERINGS - Revised

Proposed Location: 7840 Mall Road, Florence, KY 41042 Sheet 5 of 5 Issue Date: November 23, 2015

BARBARA S. WELLS
 LBS INVESTMENTS, LLC
 VICE PRESIDENT OF ARCHITECTURE
 741 CENTRE VIEW BLVD, SUITE 100
 CRESTVIEW HILLS, KY 41017
 (859) 331-3900 OFFICE
 (859) 331-6040 FAX