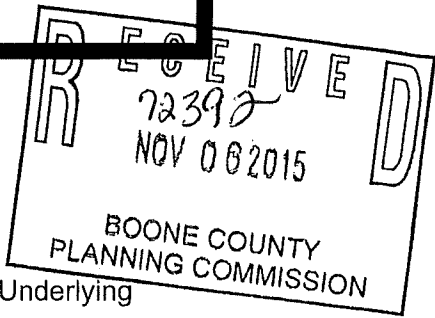


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



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

(See Boone County Zoning Regulations)  
**SECTION A** (To be completed by applicant)

1. Check One:

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

2. Name of Project Walmart Store 1510 Florence Kentucky

3. Location of Project 7625 Doering Drive Floreene Kentucky 41042

4. Total Acreage of Site c2pdhdo on legal description

5. Current Zoning \_\_\_\_\_

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) \_\_\_\_\_

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No

8. Proposed Uses (please specify each use) Install 1 dc fast charger electric vehicle charging station and 1 Level 2 charging station

9. Proposed Building Intensities (please specify) \_\_\_\_\_

10. Have you submitted a Concept Development Plan? YES

11. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance

12. Name of Applicant(s) NRG eVgo

Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_

13. Address of Applicant(s) 8301 Professional Place

Landover MD 20785  
City State Zip

14. Name of Property Owner(s) Walmart Real Estate Business Trust

Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_

15. Address of Property Owner(s) PO Box 8042

Bentonville Arkansas 72712  
City State Zip

16. Are there any existing buildings on the site? YES  
How many? \_\_\_\_\_

17. Deed Book 890 Page No. 924 Group No. \_\_\_\_\_

18. Have you had a pre-application meeting with BCPC Staff? NO

~~Was directed by Kevin Wall to complete this application.~~ (over)

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: **Mr. Kevin Wall Director of Zoning Services**

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. ORIGINAL Property Owner's Signature

*[Handwritten Signature]*  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature

*[Handwritten Signature]*  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received 11/6/15 Fee Received \$2,302.<sup>00</sup> RH 72392
2. Check what has been submitted:
  - Application  Fee  Legal Description
  - Concept Development Plan  Addresses of Adjoining Property Owners
  - No. of copies of plan received \*\*
3. Is application complete?  YES  NO
4. Staff Reviewer HIGHLIGHT
5. Committee Chairperson \_\_\_\_\_
6. Scheduled Public Hearing Date \_\_\_\_\_
7. Boone County Planning Commission Action:
  - Approved
  - Approved With Conditions *See Signed Condition Letter*
  - Denied
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](http://www.boonecountyky.org) - Web Page

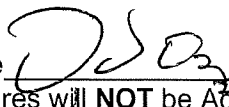
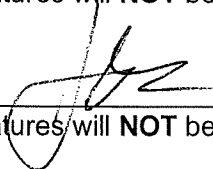
**Note:** See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

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

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

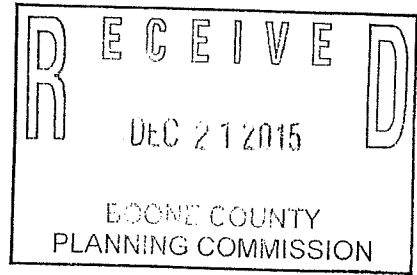
1. Name of Project Walmart 1510 Charging Station
2. Location of Project 7625 Doering Drive Floreene Kentucky 41042
3. Names of Applicant(s) NRG evgo  
Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
4. Address of Applicant(s) 8301 Professional Place  
Landover MD 20785  
City State Zip
5. Name of Property Owner(s) Walmart Real Estate Business Trust

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

**Note:**

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



# EXHIBIT

“A”

## STAFF REPORT

Request of **NRG eVgo (applicant)** for **Walmart Real Estate Business Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for an approximate 24 acre site located at 7625 Doering Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two electric vehicle charging stations.

February 3, 2016

### REQUEST

The applicant has submitted for a Change in the Approved Concept Development Plan to allow two electric vehicle charging stations within the parking lot in front of the building. No canopy or any other type structure is proposed with this request.

### PERTINENT SITE HISTORY

1997/1998 - The Boone County Planning Commission recommended approval of a Zoning Map Amendment from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD) and the Utilization of an Underlying Zone in a Planned Development for a 95 acre tract located on both sides of Houston Road, generally between KY 18 and Woodspoint Drive.

The City of Florence overturned the Planning Commission's recommendation and the applicant filed a lawsuit. A lawsuit settlement agreement between the City of Florence, applicant, and property owners was agreed to on September 8, 1998. Fuel sales (of any kind) was not an approved use through the lawsuit settlement.

4/8/2004 - Zoning Administrator determined that the proposed Walmart Supercenter could proceed through the "short" review process (major site plan, design review).

1/13/2005 - Major Site Plan approval to construct the current Walmart facility.

8/21/2015 - Zoning Administrator determined that this proposal requires a Change in the Approved Concept Development Plan as fuel sales (of any kind) was not a principally permitted or accessory use.

### SITE CHARACTERISTICS

The parking spaces that are proposed to be converted into electric vehicle charging stations are located on the eastern end of the building between the "Home & Pharmacy" and "Outdoor Living" entrances.

ADJACENT LAND USES AND ZONING

- North:       Kenton County Airport Board property zoned Airport/Houston-Donaldson Study Corridor Overlay District (A/HDO)
- East:        Across Doering Drive, commercial development within the Houston Plaza subdivision zoned Commercial Two/Planned Development/Approved Concept Development Plan/Houston-Donaldson Study Corridor Overlay District (C-2/PD/CD/HDO)
- South:       Across Doering Drive, commercial properties within the Florence Marketplace subdivision zoned Commercial Two/Planned Development/Approved Concept Development Plan/Houston-Donaldson Study Corridor Overlay District (C-2/PD/CD/HDO)
- West:        Across Vandercar Way, commercial developments within the Florence Marketplace and Merchants Square subdivisions zoned Office One/Planned Development/Approved Concept Development Plan/Houston-Donaldson Study Corridor Overlay District (O-1/PD/CD/HDO), Office Two/Planned Development/Approved Concept Development Plan/Houston-Donaldson Study Corridor Overlay District (O-2/PD/CD/HDO) & Commercial Two/Planned Development/Approved Concept Development Plan/Houston-Donaldson Study Corridor Overlay District (C-2/PD/CD/HDO).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Commercial © which is defined in the adopted Comprehensive Plan as:

- C:        "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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

- A.       Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- B.       Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).
- C.       Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- D.       The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).

- E. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).

#### RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

The property is located in Subarea One of the Study. The Study states " Based on the existing uses in the Subarea, the entire Subarea is in alignment with the Comprehensive Plan."

#### PLANNED DEVELOPMENT STANDARDS

The application needs to be evaluated in terms of the Planned Development Standards that are found in Section 1514 of the Boone County Zoning Regulations because the property is zoned Commercial Two/Planned Development (C-2/PD). 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 (see attachments).

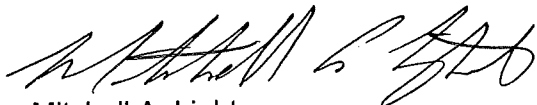
#### STAFF COMMENTS

1. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.
2. Who operates (maintains, services, etc.) these chargers?
3. How and where will this be advertised?
4. If approved, a minor site plan review will be conducted by the Boone County Planning Commission Staff.

#### CONCLUSION

The Change in Approved Concept Development Plan request needs to be evaluated by the Boone County Planning Commission as well as Florence City Council in terms of Articles 3 and 15 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area.

Respectfully Submitted,

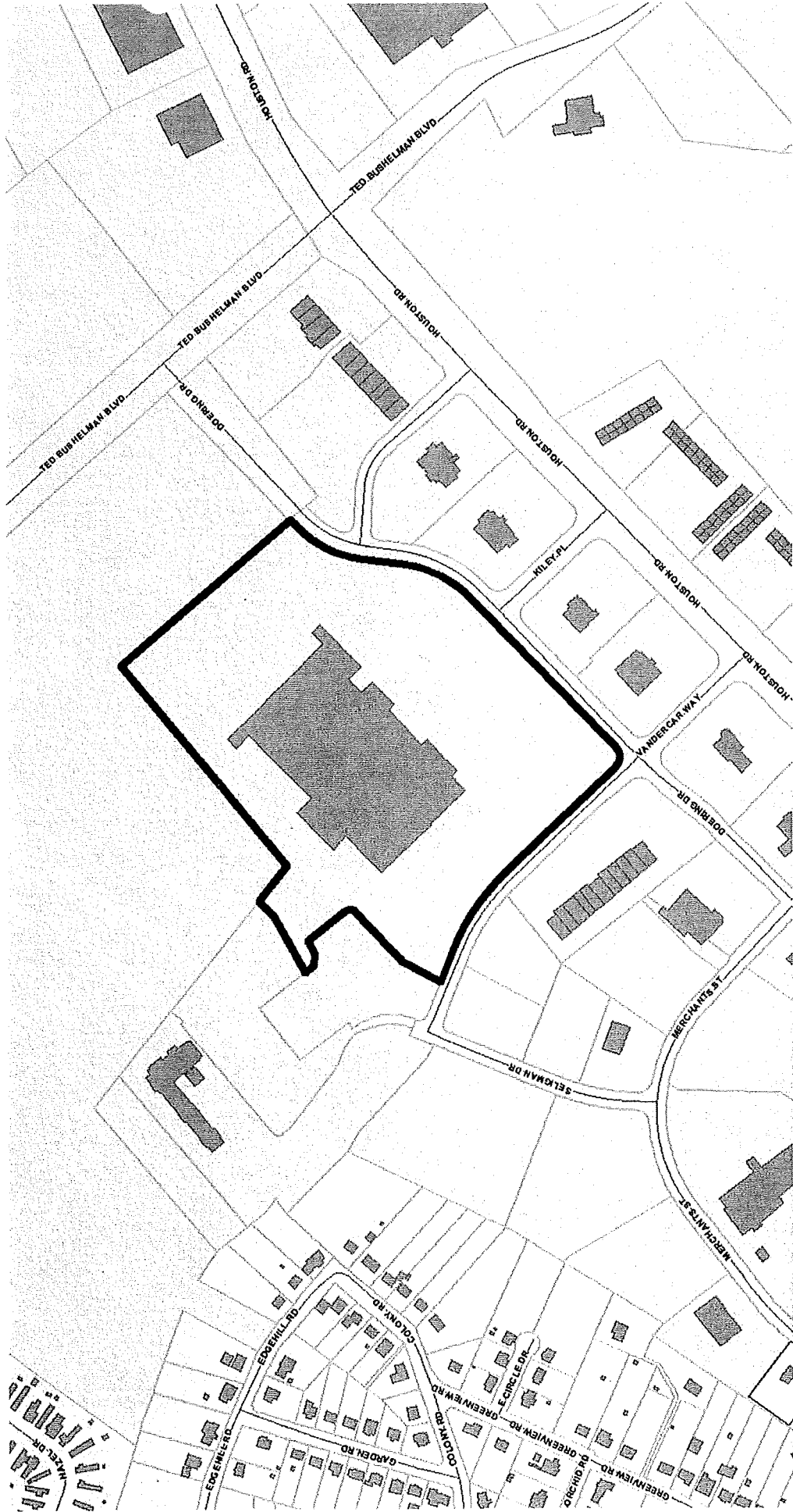


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

MAL/tlb

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2013 Aerial Photography
- Zoning Administrator Interpretation 8/21/15
- Concept Development Plan
- Houston-Donaldson Study Site Design Guidelines
- Planned Development Standards
- Application

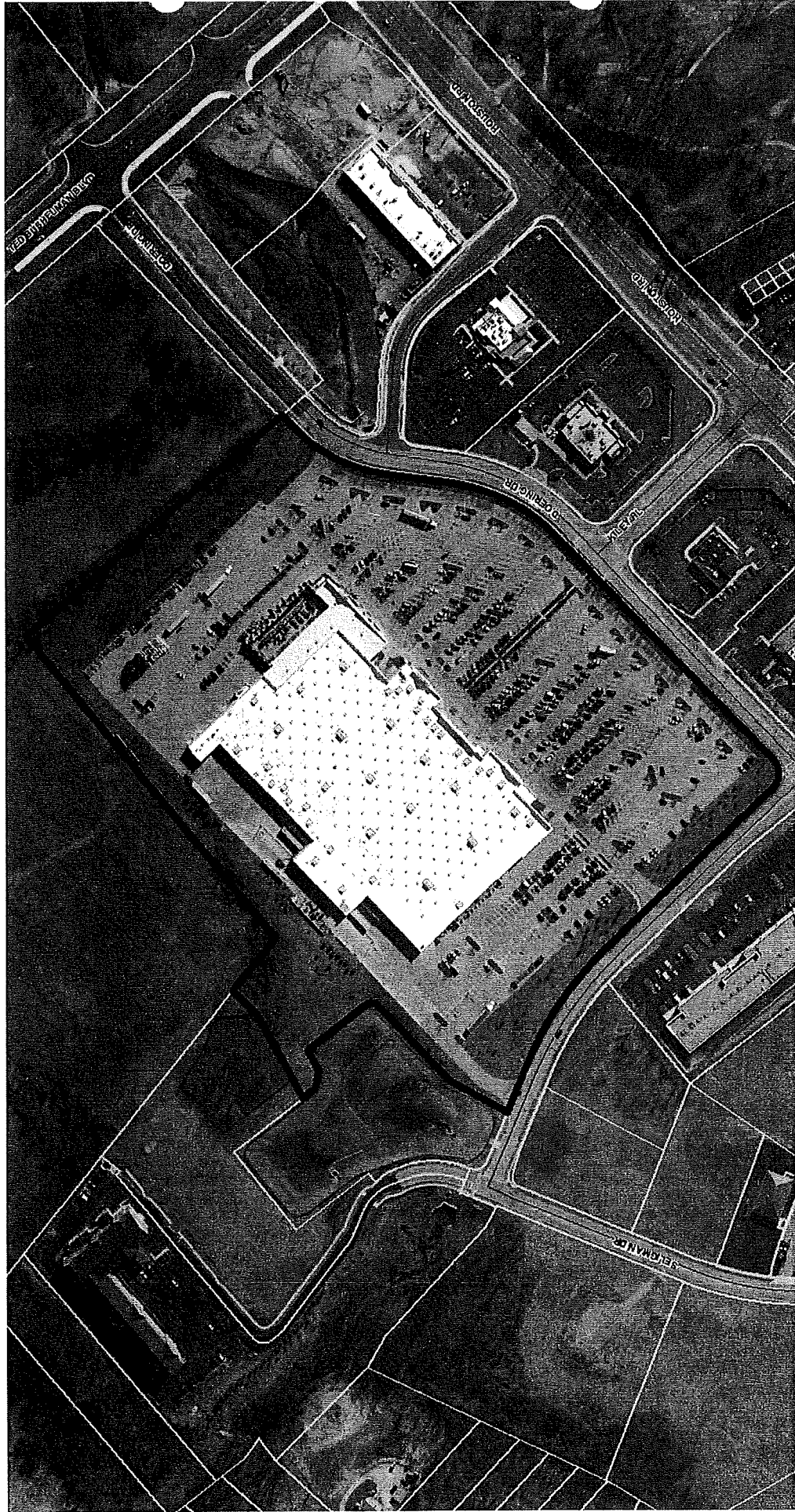


**VICINITY MAP**



**ZONING MAP**





**2013 AERIAL PHOTOGRAPHY**

## Kevin Wall

---

**From:** Kevin Wall  
**Sent:** Friday, August 21, 2015 11:04 AM  
**To:** 'Elizabeth Altobelli'  
**Cc:** Joshua Wice  
**Subject:** RE: electric vehicle charging station-WalMart, 7625 Doering Drive, Florence, Kentucky  
**Attachments:** ConceptDevelopPlan.pdf

Ms. Altobelli:

I have reviewed the concept site plan that you provided and forwarded it to the City of Florence. As we discussed, this site is part of a PUD for a 95 acre area that was approved 1998. This approval is subject to a number of conditions and stipulations, several of which pertain to permitted uses. Based on the 1998 approval, this proposal would need to be reviewed and approved through the Change in Concept Development Plan procedure (the same basic process as a zone change). It takes typically takes between four and five months to complete, and involves a public hearing and several meetings before the Planning Commission, and a final decision by the Florence City Council. We do not have any large issues or concerns with the proposal as shown on the site plan that you provided at this point, we just are not authorized to approve it through administrative channels.

The items that need to be submitted for the Change in Concept Development Plan include an application form with original signatures from the applicant and property owner, fee, list of all adjoining properties surrounding the lot of record (the entire WalMart tract; include owners of properties across adjoining streets on the list), legal description of the property, and seven copies of the plan (include a PDF version as well). Photos of comparable facilities which include the equipment should also be provided. Please call me if you have any questions.

Sincerely,

**Kevin T. Wall, AICP CDT**  
Director, Zoning Services  
Zoning Administrator  
w: 859-334-2196  
f: 859-334-2264



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

**From:** Elizabeth Altobelli [<mailto:Elizabeth.Altobelli@SAI-Comm.com>]  
**Sent:** Wednesday, August 19, 2015 2:46 PM  
**To:** Kevin Wall  
**Subject:** electric vehicle charging station- permit application requirements

Hi Kevin- Attached is the plan for your review. If you could simply summarize our brief discussion on the current zoning code and what would be necessary to apply to change the zoning code that would be helpful.

With all due respect- thank you for your time.

Sincerely,

Elizabeth Altobelli

EVCI- Project Manager  
[Elizabeth.altobelli@sai-comm.com](mailto:Elizabeth.altobelli@sai-comm.com)  
914 396 6338

***More than a half million now on roads all over the world***

*Data compiled by UC-Davis confirms that there are now nearly 600,000 electric vehicles on roads around the world, with more than 1/3 on US roads alone. The 96% increase in numbers over the last year reflects the significance of North America in driving global demand and production of electric vehicles.*

---

**From:** Elizabeth Altobelli  
**Sent:** Wednesday, August 19, 2015 2:23 PM  
**To:** 'kwall@boonecountyky.org'  
**Subject:** electric vehicle charging station- permit application requirements

Hi Kevin- Good Afternoon. I did leave a voice mail for you today. Would you be so kind to confirm what application is required to install an electric vehicle charging station at the Walmart in Florence.

Thank you very much.

Elizabeth Altobelli  
EVCI- Project Manager  
[Elizabeth.altobelli@sai-comm.com](mailto:Elizabeth.altobelli@sai-comm.com)  
914 396 6338

***More than a half million now on roads all over the world***

*Data compiled by UC-Davis confirms that there are now nearly 600,000 electric vehicles on roads around the world, with more than 1/3 on US roads alone. The 96% increase in numbers over the last year reflects the significance of North America in driving global demand and production of electric vehicles.*



ORDINANCE NO. O-18-98

AN ORDINANCE ADOPTING AND APPROVING A REZONING ON AN APPROXIMATE 95 ACRE SITE GENERALLY LOCATED ON BOTH SIDES OF HOUSTON ROAD BETWEEN KENTUCKY 18 AND WOODSPOINT DRIVE FOR THAT PORTION OF THE SITE WITHIN THE CITY OF FLORENCE, KENTUCKY, AND APPROVING THE UTILIZATION OF THE UNDERLYING ZONE IN ACCORDANCE WITH A CONCEPT DEVELOPMENT PLAN AGREED TO BY THE CITY AND THE OWNERS OF THE SITE PURSUANT TO THE SETTLEMENT OF A PENDING APPEAL IN THE BOONE CIRCUIT COURT. (DOERING, FULLER, FOLTZ, DURR AND CRIST PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution R-97-020A recommended that a request for a zone change for an approximate 95 acre site located on both sides of Houston Road, generally between Kentucky 18 and Woodspoint, being part of the complete tract as recorded in Deed Book 446, Page 301, Deed Book 136, Page 74, and Deed Book 635, Page 68, of the Boone County Clerk's records (the "Site") to Commercial Two/Planned Development (C-2/PD) from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) be approved and utilization of the underlying zone be granted, and

WHEREAS, On January 6, 1998, City Council voted to override the recommendation of the Boone County Planning Commission and deny the zone change request, and

WHEREAS, the zone change applicant and owners of the site filed an action in the Boone Circuit Court being James W. Berling, et al v. City of Florence, et al, Case No. 98-CI-00145 (the "Lawsuit") as an appeal from such denial, and

WHEREAS, settlement negotiations between the parties to that action resulted in agreement on a revised concept development plan which was acceptable to all parties, and

WHEREAS, because the revised concept development plan results in a decrease in the intensity of uses recommended by the Boone County Planning Commission and, on advice of the staff of said Commission, the City and the applicant/owner have determined that, in settlement of the lawsuit, the zone change and utilization of the underlying zone represented by the revised concept development plan can be approved without the necessity of additional Planning Commission review and recommendation, and

WHEREAS, the parties have agreed to settle the lawsuit by granting the requested zone change in accordance with the revised concept development plan and subject to the terms and conditions hereinafter set out.

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

SECTION I

That a zone change for the Site is hereby approved as shown on the concept development plan titled: "June 16, 1998, Second Amendment Concept Development Plan, Seligman/Durr/Crist/Foltz Properties, Houston Road, Florence, Kentucky" (the "Development Plan"), a copy of which is attached hereto as Exhibit "I", subject to the conditions hereinafter set out. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of that portion of the Site located within the City of Florence, Kentucky, as so approved.

## SECTION II

That utilization of the underlying zone for that portion of the Site located in the City of Florence, Kentucky, in accordance with the Development Plan is hereby approved, subject to the conditions hereinafter set out.

## SECTION III

The zone change and utilization of underlying zone are subject to all of the terms and conditions of the Committee Report of the Boone County Planning Commission dated October 15, 1997, (the "Committee Report"), a copy of which is attached hereto and incorporated herein as Exhibit "II", except as modified by the following:

A. Condition 1 is modified to provide that the development shall follow the Development Plan attached hereto as Exhibit "I".

B. Condition 1E is modified to provide that signage for the site shall be permitted in the areas designated on the Concept Development Plan and in compliance with the following criteria:

1. Building Mounted Signage shall be limited to the number and size as permitted by the Zoning Ordinance but must be internally illuminated individual channel letters, mounting raceway optional, and generally of the dimensions and criteria as depicted on Exhibits "A" through "E" to this Ordinance.

2. Project Identification Signage shall consist of a pylon sign maximum 28 feet in height and of materials and architectural details as depicted on Exhibit "F", hereto and of low wall signage not to exceed six (6) feet in height and constructed of masonry, brick or stone identifying only the development and containing only polished metal individual channel letters which may be backlighted as depicted on Exhibit "G" to this Ordinance. The developer shall construct an architectural feature at the northeast corner of Houston Road and Kentucky Highway 18 identifying the south entrance to the development. This feature shall be architecturally compatible with the other landscaping and building construction.

3. Low Ground Monument Signage is permitted one per out-lot not to exceed six (6) feet in height and seven (7) feet in width and generally as depicted on Exhibit "H" to this Ordinance.

C. Condition 2 is deleted and the following substituted:

Zoning of the entire tract shall be in accordance with the land use designations on the Development Plan. The 19.20 acre parcel designated Office/Research Park/Light Industrial and the 3.80 acre parcel designated Office shall be zoned O1/PD. The remainder of the Site shall be zoned C2/PD. The following additional uses shall be permitted in the O1/PD and C2/PD areas.

1. Real estate sub-dividing and developing services.
2. Postal services and packaging services provided the use is essential for pick-up and delivery convenience.
3. Nursery and day care centers.
4. Consumer and mercantile credit reporting, adjustment and collection services.
5. Travel arranging, transportation ticket and public event or promotional booking agencies.
6. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space.
7. Medical clinics with outpatient services.
8. Welfare and charitable services.
9. Aquariums, botanical gardens and other natural exhibitions.

10. Rehabilitation hospital facilities.
11. Micro-brewery.
12. Professional scientific and controlling instruments, photographic and optical goods, watches and clocks.
13. Electric and electronic equipment.
14. Technology and research centers including medical and hospital research establishments.
15. Educational and governmental institutions.
16. Wholesale trade of drugs, drug proprietaries and sundries.
17. Wholesale trade of electrical and electronic parts.
18. Research, development and testing services.
19. Photo finishing and other photographic laboratories.
20. Postal services and related storage, distribution and transfer activities.
21. Duplicating and photocopying services, stenographic services and other duplicating, mailing and delivering services.
22. Fire stations or fire related protective services including rescue services.
23. Warehouse and distribution center-warehouse facilities.

D. The retail commercial center located on parcel no. 22 shall not exceed 296,000 square feet under total roof and the square footage of any single user in the retail commercial center shall not be more than 150,000 square feet.

E. Not less than 22% of the total acreage of the Site shall be green space which may be interpreted throughout the other approved uses, provided that green space of 18% of the total acreage shall be contained in the privately owned areas.

F. Neither the owners of the Site nor their successors or assigns shall apply for a land use change within the area zoned O1/P1D to any commercial use for a period of 3 years from the date of final passage of this Ordinance.

#### SECTION IV

If these approvals for a zone change and utilization of the subject property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning maps, or comprehensive plan provisions as they are severable from these approvals herein and are intended to continue to have effect regardless of any invalidity regarding these particular approvals.

#### SECTION V

This Ordinance shall be effective upon final passage, publication by summary, and approval by judgment of the Boone Circuit Court in the lawsuit.

PASSED AND APPROVED ON FIRST READING THIS 8<sup>th</sup> DAY OF September, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 22<sup>nd</sup> DAY OF September, 1998.

APPROVED:

Emory M. Holt  
MAYOR

ATTEST:

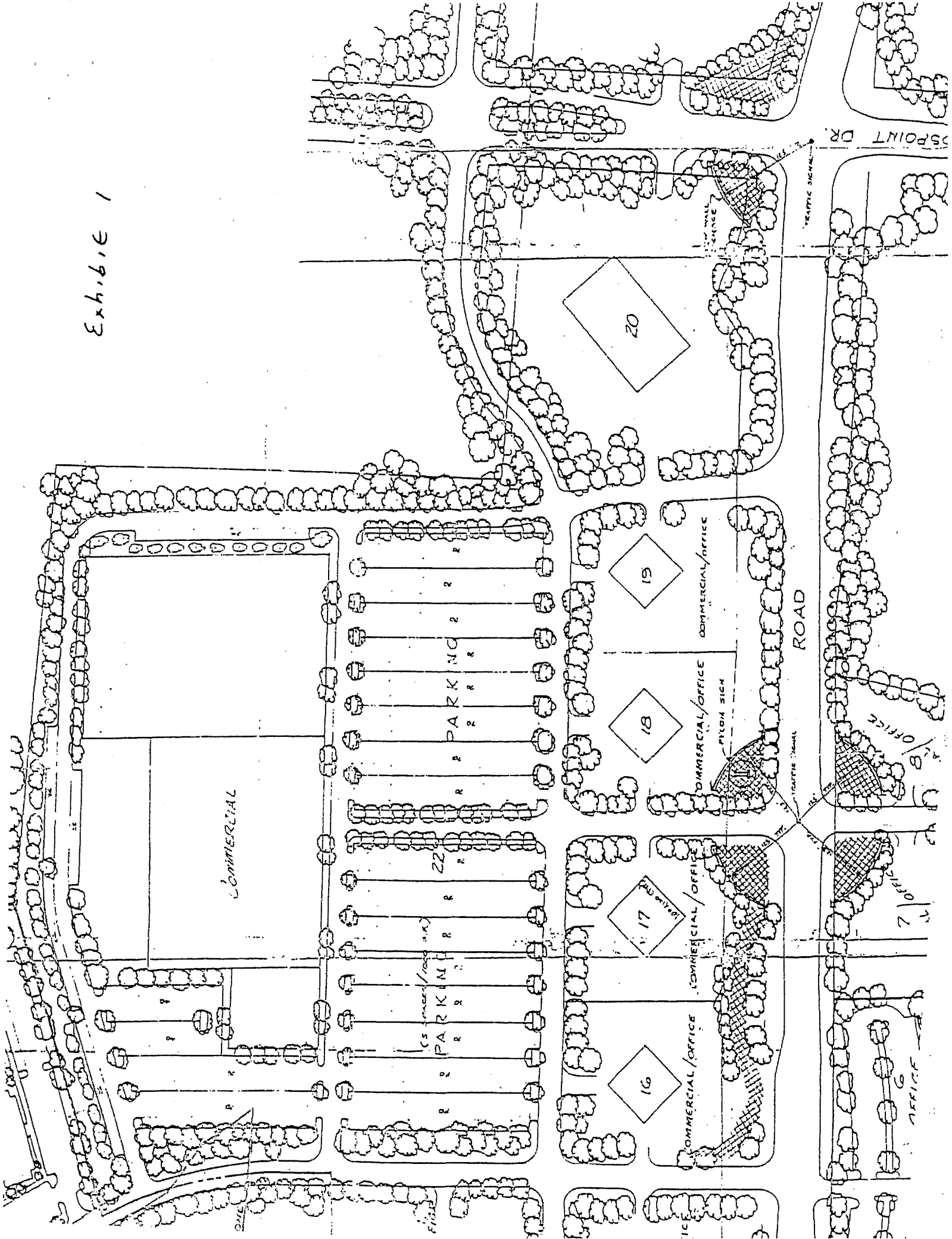
Betsy R. Conrad  
CITY CLERK

3

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-18-98 as same appears in the official records of my office. Dated this 23<sup>rd</sup> day of September, 1998.

Betsy R. Conrad  
Betsy R. Conrad, City Clerk

Exhibic 1



## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: October 15, 1997

RE: Request of James W. Berling (applicant) for Ruth Doering, Harry Fuller, Mary Ellen Foltz, R.C. Durr and Richard Crist (owner) to consider a Zoning Map Amendment and the Utilization of an Underlying Zone in a Planned Development for 95 acres located on both sides of Houston Road generally between KY 18 and Woodspoint Drive, Florence and unincorporated Boone County, Kentucky. The request is for a zone change from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD), and the Utilization of an Underlying Zone in a Commercial Two/Planned Development (C-2/PD) zone, both to allow a retail/commercial development.

## Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment and Utilization of an Underlying Zone request based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee believes that the applicant has adequately demonstrated that the restrictive site features, which include topography, geometry, and utilities, make the site unsuitable for industrial development. These site features were not foreseen in the 1995 Boone County Comprehensive Plan or the Houston Donaldson Study as possible deterrents for industrial development. As a result, the Committee has concluded that the existing Industrial One Planned Development (I-1/PD) zoning classification, which comprises a majority of the site, is not appropriate.

The applicant has demonstrated that the proposed uses within the underlying Commercial Two (C-2) zoning classification, as part of the Concept Development Plan, produce a cohesive and coordinated development of several distinct and separately-owned properties, which would otherwise be difficult to develop individually.

The Committee believes that the applicant has adequately demonstrated that the proposed Commercial Two Planned Development (C-2/IPD) zoning classification is appropriate for the 95 acre site because, the submitted Concept Development Plan along with the attached conditions meets the standards required for a Planned Development within Article 15 of the Boone County Zoning Regulations. The Concept Development Plan with these conditions provides a beneficial interior circulation pattern, a comprehensive landscaping and entry feature package, a lightly controlled and consistent architectural theme and mixture of uses, all of which are consistent with the intent of a Planned Development.

The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.

#### Conditions

1. The development shall follow the revised Concept Development Plan which was submitted by the applicant during the review process to the Zone Change Committee. These changes reflect the issues raised at the Public Hearing on July 23, 1997. In addition to the revised Concept Development Plan, the applicant has provided supplemental design standards for the architectural treatment of all buildings, signage, and landscaping. The revised Concept Development Plan and supporting information contains the following:
  - A. The architectural development guidelines, as submitted by the applicant, outline the minimum design standards for all buildings to be constructed within the development. All proposed buildings shall be reviewed by the Design Review Committee and Planning Commission to determine if the architectural development guideline design standards are being followed. Each proposed building shall receive approval from the Committee and the Planning Commission before any construction occurs. Building types include anchor retailers (Exhibit A), attached retailers (Exhibits B & C), free standing commercial properties (Exhibits D & E), and single use buildings. The guidelines include general building design, roof treatment, building facade materials, colors, exterior lighting, window treatment, and signage. In addition, buildings shall not contain exposed heating or cooling units or other engineering devices. Roof mounted equipment shall not be seen as part of any building silhouette. See Exhibits A, B, C, D, and E of the Architectural Development Guidelines.

- B. Lot 1, which is located at the northeast corner of Houston Road and Hwy 18, will contain an architectural feature and landscaping for the purpose of identifying the southern entrance into the development. The architectural element shall be no taller than 32 feet and shall only identify the development. Advertising is prohibited. See Exhibits F, I, and J of the Architectural Development Guidelines. The existing billboard sign on Lot 1 shall be permanently removed.
- C. The proposed access road behind the Foltz property on the north end of the site shall either be relocated onto the Foltz property so that it runs parallel with the property line or constructed on the airport property as shown on the Concept Development Plan. Construction of this access road shall occur concurrently with the first phase of development of either lot. A four lane divided boulevard that extends from the airport to Houston Road is indicated on the north end of the Concept Development Plan. The applicant has agreed that if either lot on the Foltz property is ready to develop before the start of construction of the airport boulevard, the applicant shall develop the portion of the boulevard that runs the length of the Foltz property from Houston Road to the airport property.
- D. A Landscaping Master Plan has been included as part of the Concept Development Plan. The Master Plan provides uniform landscaping design and treatment along Houston Road, Merchants Street, Seligman Drive, and at all existing and proposed intersections. This landscaping shall be installed during the improvement phase of the development and is independent of, and in addition to landscaping requirements for individual lots that require a Site Plan review. See Exhibits H and J of the Architectural Development Guidelines.
- E. The development will include the following signage:
- One 40' tall pylon sign, identifying the development and tenants within the commercial center, shall be located on the northwest corner of the commercial center-Houston Road signalized intersection. See Exhibit G of the Architectural Development Guidelines.
- Low profile monument signs identifying only the development shall be located at the non-signalized intersection along Houston Road. The signs shall not exceed 6 feet in height.
- Low profile wall mounted signs shall be located at the Seligman Street-Merchant Street and Merchant Street-Houston Road intersections, at the southeast corner of the proposed office building complex, and at the southeast and southwest corners of the Houston Road-Woodspoint Drive-

Airport Boulevard intersection. The low profile walls shall be constructed of masonry brick and/or stone and shall only identify the name of the development. The wall mounted signs shall contain only non-illuminated, polished metal, individual channel letters. See Exhibit J of the Architectural Development Guidelines.

Each out lot will be permitted one low profile monument sign. The signs shall not exceed 6 feet in height. All low profile monument signs shall be constructed of the same masonry material, and be of the same height, size, design.

All building mounted signs shall be individual channel letters and internally illuminated.

- F. The development shall contain a pedestrian access network as shown on the Concept Development Plan.
  - G. The development shall also contain a vertical architectural element at the southwest corner of Merchants Street and Houston Road. See Exhibit F of the Architectural Development Guidelines.
2. The Seligman property, which contains approximately 51 acres including the three major commercial users, storm water detention basin, and 5 out lots on the west side of Houston Road, will develop as commercial uses described within a Commercial Two (C-2) zoning district of the Boone County Zoning Regulations. The applicant has agreed to develop 25% of the remaining 45 acres with uses permitted within the Office One (O-1) zoning district and the following uses that may occur in Commercial One (C-1) or Commercial Two (C-2) zoning district:
- A. Real estate sub-dividing and developing services;
  - B. Postal services and packaging services provided the use is essential for pick-up and delivery convenience;
  - C. Nursery and day care centers;
  - D. Consumer and mercantile credit reporting, adjustment and collection services;
  - E. Travel arranging, transportation ticket and public event or promotional booking agencies;

- F. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space;
- G. Medical clinics with out-patient services;
- H. Welfare and charitable services;
- I. Aquariums, botanical gardens and other natural exhibitions;
- J. Arcades and other amusement centers;

Included as part of this 25% is a proposed office building complex on the east side of Houston Road, immediately across from the three major commercial users on lots 6 and 7. Eleven (11) acres constitutes as a minimum, 25% of the remaining 45 acres that shall be developed with the uses described above.

3. The out lots along Houston Road are to be developed as individual businesses or establishments. The lots, which are approximately 1.5 acres each in size, shall not be consolidated for the purpose of developing a strip center along Houston Road. Any consolidation of lots shall be for a individual business and any additional parking needs or requirements only.
4. The Planning Commission has been informed that grave sites or possibly a cemetery exists somewhere on the site between the proposed storm detention basin and the airport property. The applicant shall be responsible for performing an archeological survey as required in the Boone County Zoning Regulations, to determine the location of any grave sites or a cemetery.
5. The traffic intersections along Houston Road shall be spaced at a minimum of 600' intervals as indicated on the Concept Development Plan.
6. The intensity of the 95 acre development shall will not exceed 10,000 square feet per acre.
7. The applicant will maintain all existing trees on the property lines between the development, the municipal golf course, and the Greenview Subdivision. The applicant shall establish a 15' no disturb limit on the site to the property line with the golf course and a 25' no disturb limit on the site to the property line with the Greenview Subdivision.
8. The applicant shall provide a minimum of 22% greenspace for the development as a whole, including the detention area, in accordance with the open space provisions of the Houston Donaldson Study.

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.











1011 LINDSEY BLVD. SUITE 200  
 FLORENCE, KY 40309  
 PHONE: 502-731-1800



27 INDUSTRIAL LANE, SUITE 100  
 FLORENCE, KY 40309



advantage engineers

1011 LINDSEY BLVD. SUITE 200  
 FLORENCE, KY 40309  
 PHONE: 502-731-1800

SCHEDULE OF REVISIONS

NO.	DATE	DESCRIPTION
1	04-24-13	ISSUE FOR PERMIT
2	04-24-13	ISSUE FOR PERMIT
3	04-24-13	ISSUE FOR PERMIT
4	04-24-13	ISSUE FOR PERMIT
5	04-24-13	ISSUE FOR PERMIT
6	04-24-13	ISSUE FOR PERMIT
7	04-24-13	ISSUE FOR PERMIT
8	04-24-13	ISSUE FOR PERMIT
9	04-24-13	ISSUE FOR PERMIT
10	04-24-13	ISSUE FOR PERMIT

DESIGNED BY:	SPK
CHECKED BY:	SPK
SCALE:	NOTED
DATE:	04/24/13
PROJECT NO.:	1001121010

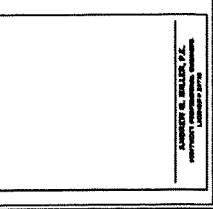
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**CONSTRUCTION  
 DETAILS**

ISSUING SUBJECT:  
**C-3**

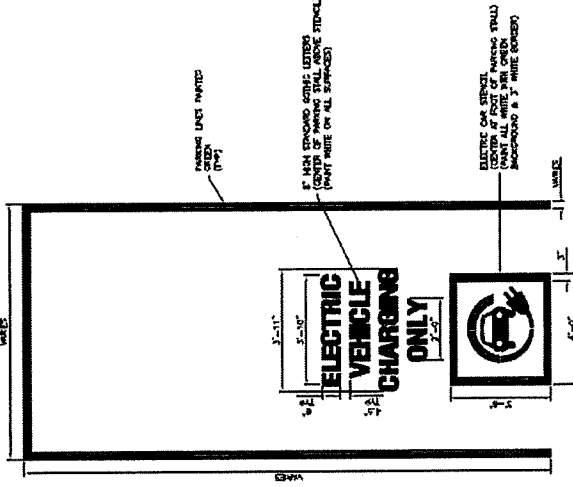
SHEET NUMBER:  
**5 OF 7**

SITE INFORMATION:  
**1610 FLORENCE, KY  
 7000 BOWLING DRIVE  
 FLORENCE, KENTUCKY 40302**

DESIGNED BY:  
**FLORENCE TOWNSHIP  
 BOONE COUNTY, KY**

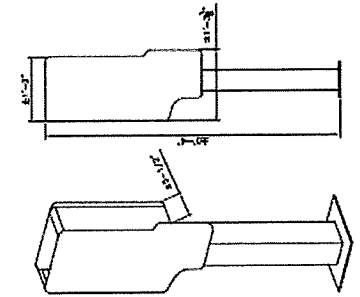


**NOTE TO GENERAL CONTRACTOR**  
 NO WORK IS TO BE PERFORMED ON THIS SITE WITHOUT REVIEW OF THE APPROVED STRUCTURAL ANALYSIS. IF ANY DISCREPANCIES ARE FOUND BETWEEN THE APPROVED ANALYSIS AND THE WORK ORDER IN FIELD, AT NO TIME WILL ANY ADDITIONAL CONSTRUCTION BE PERFORMED WITHOUT THE CONSENT OF THE ENGINEER.

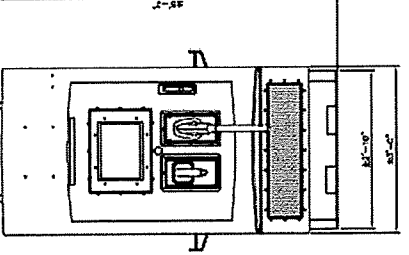


PAINT SPECIFICATIONS:  
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 GREEN COLOR WITH PINK (S-103 C-308 10-111 400-172)

**PARKING SPACE DETAIL**



**LEVEL 2 CHARGER DETAIL**



**FAST CHARGER DETAIL**







DATE OF REVISIONS

NO.	DATE	DESCRIPTION
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2		
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4		
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REVISIONS

NO.	DATE	DESCRIPTION
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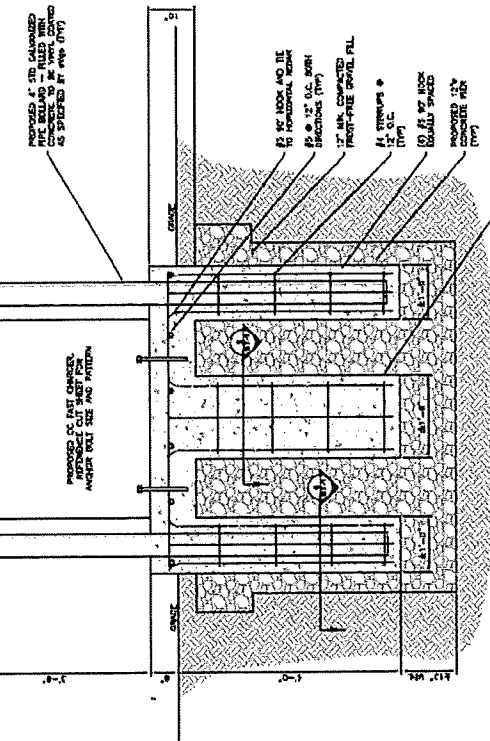
DESIGNED BY: ST-1

PROJECT NUMBER: 10F 1

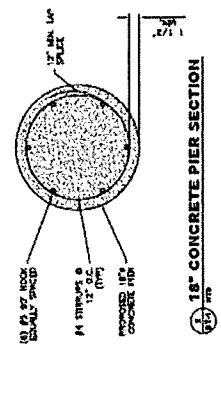
STRUCTURAL DETAILS (FIELD CHANGE)

STATE OF KENTUCKY  
MILLER  
29739  
LICENSED PROFESSIONAL ENGINEER  
EXPIRES 12/31/15

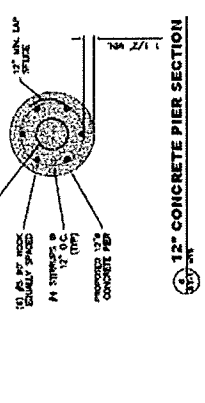
NOTE TO GENERAL CONTRACTOR  
NO WORK IS TO BE PERFORMED ON THIS SITE PRIOR TO REVIEW OF THE APPROVED CONSTRUCTION DRAWINGS. IF ANY DISCREPANCIES ARE FOUND BETWEEN THE CONSTRUCTION DRAWINGS AND THE FIELD CONDITIONS, THE ENGINEER IN CHARGE WILL ADVISE THE CONTRACTOR. THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND FOR OBTAINING THE NECESSARY CONSENTS FROM THE ADJACENT PROPERTY OWNERS. THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING THE NECESSARY CONSENTS FROM THE ADJACENT PROPERTY OWNERS.



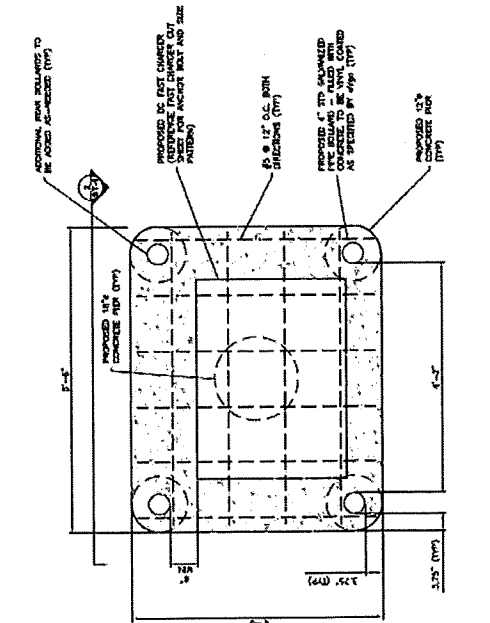
SECTION - FAST CHARGER



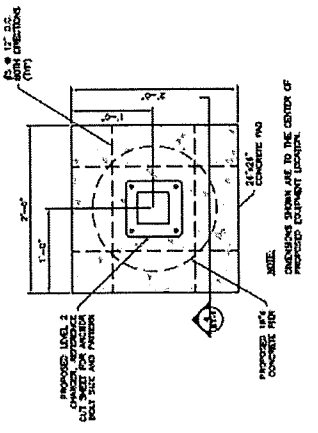
18" CONCRETE PIER SECTION



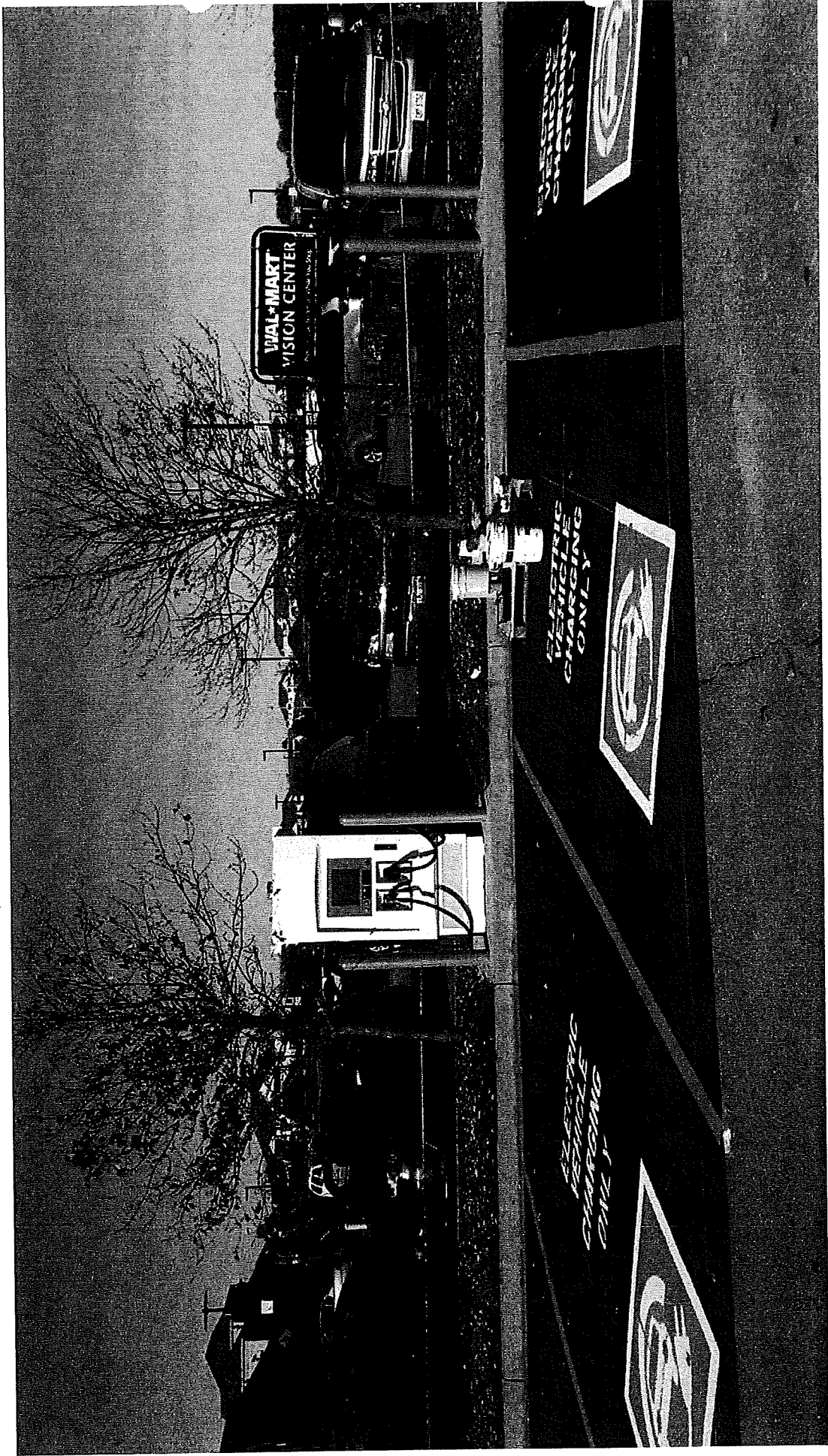
12" CONCRETE PIER SECTION



FOUNDATION PLAN - FAST CHARGER



FOUNDATION PLAN - LEVEL 2 CHARGER



**MASON, OH**

## **Chapter Five – Development Design and Signage Requirements**

This chapter outlines the Site Design and Architectural Design Review requirements which apply to all buildings and sites in the Houston – Donaldson Study Area. These requirements are primarily aesthetic in nature and are intended to create and maintain substantive, high quality developments which are adaptable over time and conducive to a regional, automobile oriented multi-use activity center in accordance with the Study's objectives. If the proposed improvements are not subject to public view from a public street or adjoining property, the Zoning Administrator may determine that the Design Review procedure is not required.

Compliance with the Site Design requirements shall be determined through the applicable Site Plan process as required by Article 30 of the Boone County Zoning Regulations. Compliance with the Architectural Design Review requirements shall be determined through the Design Review process that is described later in this chapter. The Site Plan and Design Review applications shall be submitted concurrently. Seven (7) sets of full size architectural elevations, one (1) letter or legal size set of architectural elevations and color rendering, material samples or product literature, and sufficient design details which demonstrate compliance with these requirements shall be submitted as part of the Design Review application. Architectural plans shall be stamped or sealed by a registered architect licensed by the Commonwealth of Kentucky.

For additions or exterior modifications to existing buildings, the Architectural Design Review requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design may be used. These design concepts are available at the Planning Commission office.

The requirements in this chapter supersede the normal requirements of the Boone County Zoning Regulations. When specific standards or requirements are not outlined in this document, the normal requirements of the zoning regulations shall apply. Exceptions or modifications to either the Site Design or Architectural Design Review requirements, and flexibility in development standards, may be granted by the Planning Commission through the Design Review procedure upon finding that the proposal will create an equivalent or superior solution to the requirement in question, or is necessary to better meet the recommendations, requirements, intent, goals, and objectives in the Study document as a whole, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.

### **Site Design Requirements**

- 1) Site Arrangement: Improvements shall be arranged on a site so that:
  - A. Large blank walls are not directly visible along street frontages or areas frequented by the public.
  - B. No more than 60 percent of the parking and vehicular areas for outlot type developments shall be placed in a front yard or corner side road
  - C. A minimum 20 foot wide landscaped area is provided between the right-of-way and on-site improvements. For sites with multiple street frontages, the landscape area width may be

reduced to 10 feet for secondary frontages along local or subcollector roadways. Such approval shall be granted through the Design Review process

- 2) Landscape/Green Space Area: Landscaping shall be provided in accordance with Article 36 "Landscaping" of the zoning regulations. Additionally, a minimum of 22 percent of the overall site area shall be devoted to landscaping as permanent green space. The computation of this green space ratio can include areas such as landscaped parking lot islands and peninsulas, landscape areas along street frontages and building frontages, buffer yards, water features and sculptural elements, and storm management facilities which are integrally designed as part of the landscape. Storm water management facilities that are placed in front yards or corner side yards must be designed as an integral, visual part of the site's landscape.
- 3) I-71/75 Streetscape: The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.
- 4) Pedestrian Facilities: Each development or land use within the Study Area shall provide pedestrian sidewalk connections to other developments, recreation and public or civic facilities, and public open space areas, if appropriate. These connections are in addition to sidewalk connections between the building, parking, and street normally required by Article 33 of the zoning regulations. Comprehensive pathway/sidewalk systems which logically connect destinations shall be provided in multi-lot developments. Access easements shall be of a paved surface and shall not use gravel.

Outdoor spaces with fixed seating, landscaping, and other pedestrian oriented improvements shall be provided at a main building entrance for multi-tenant and multi-building retail and office developments, and other major developments with a high volume of pedestrians such as public facilities. These outdoor spaces shall be surfaced with decorative pavers or concrete treated to appear as unit pavers. Crosswalks on public and private roadways within planned development should also have a tactile, decorative surface such as cast in place units made to look like unit pavers or concrete treated to appear as such.

- 5) Site Furniture: Site furniture includes items such as benches/seating and outdoor tables, light fixtures and masts, waste receptacles, bollards, 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.
- 6) Underground Utilities: All utility lines shall be placed underground. Existing overhead utility lines shall be placed underground when a site develops or redevelops.

### Design Review Process

Complete Design Review applications shall initially be reviewed by the Boone County Planning Commission's staff, who will then report their findings and conclusions to the appropriate committee of the Planning Commission. The Committee shall evaluate the proposal and Staff input, and then formulate a recommendation on the application to the full Boone County Planning Commission. Upon consideration of the Committee's recommendation, the full Planning Commission shall vote to approve, approve with conditions, or deny the application at a regularly scheduled Business Meeting. The Planning Commission's decision shall be based upon the requirements stated in this section, and any applicable conditions of approval from previous Zoning Map Amendment, Concept Development Plan, or Board of Adjustment applications for which compliance is to be determined through the Design Review process.

Complete Design Review applications must be received at least fourteen (14) days in advance of a Planning Commission Business Meeting in order to be considered at said meeting. Final action on Design Review applications shall occur within sixty (60) days of submission to the Planning Commission's office. An approval of a Design Review application shall be valid for two (2) years.

### Architectural Design Review Requirements

- 1) Previously Approved Design Standards: Sites which are subject to Design Review type standards, requirements or conditions from a prior zoning approval such as a Zoning Map Amendment, Concept Development Plan, or Board of Adjustment application shall be evaluated for compliance with said standards, requirements, or conditions
- 2) Relationship to Neighboring Structures: Building design shall correlate to adjoining structures, and those in the same overall center or subdivision if applicable, through the use of comparable and compatible facade composition, materials, colors, roof forms, and stylistic or thematic traits.
- 3) Architectural Style: Developments with multiple uses, owners, and/or tenants are encouraged to use architectural designs from a single recognized academic style.
- 4) Massing and Proportions: The overall three dimensional envelope of the building shall be proportionate in terms of length, width, and height. Individual components on building facades, such as windows, doors, projections, placement of design details, and changes in footprint, rooflines and forms, materials, and colors, shall also be proportionate to one another and balanced on the overall structure. Three dimensional relief may be added with the provision of projections such as covered walkways/arcades, canopies, and simple fabric awnings, and/or by providing jogs or breaks in the building footprint.

For large scale structures such as anchor style retail buildings, parking structures, and civic/institutional buildings, the amount of detailing and fenestration will need to be adjusted to match the scale and function of the building. The exterior walls of larger office/commercial buildings can be designed to appear as a collection of multiple zero lot line buildings or tenants.

- 5) Facade Composition and Detailing: 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 lower portion of the exterior wall along the foundation (or entire ground floor for multi-story

buildings) from the upper portion of the 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 or projecting eave.

Main public building 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 by changing the building materials, detailing, or color around the entrance opening.

Detailing should be used at the base, top of facades, openings, transitions, and across large wall expanses to reduce monotony and provide a finished appearance and dimension throughout. This could include: defined window sills and lintels, masonry quoins, soldier courses, herringbone or tile detailing, or medallions; recessing windows, storefront units, and/or doors within the façade to provide "punched" openings that create shadow lines and three-dimensional relief; metalwork, specialty glass, and signature light fixtures; and alternating materials, finish textures, colors, and/or size or shape of unit materials such as brick or stone on a facade. Corporate trademark features which uniquely identify one specific company shall not be used in the building design unless they meet the requirements of this chapter and can be readily removed or adapted without scarring the building for future occupants.

- 6) **Building Materials:** The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a highly textured, fluted, or unit masonry appearance. These materials shall have an integral color. Architectural grade metals such as Alucobond type products are also permitted. Glass curtain walls used in conjunction with these materials are also permitted. Other materials such as EIFS/stucco, wood or cement board siding, glass block, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas. EIFS/stucco and precast concrete wall panels with a similar light texture finish may be used as a primary building material for industrial buildings which are larger than 100,000 square feet and not located along collector or arterial roadways, and may be used on rear facades which are not subject to public view for other structures.

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 or aluminum 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.

- 7) **Building Material Colors:** 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. The color of pitched roof materials shall complement, yet contrast with

the exterior wall materials. Color schemes shall use at least two colors to highlight building features and details, create contrast, and to avoid monotony and starkness in the overall building design. A consistent color scheme shall be provided on all facades so that the appearance of a rear or service side of the building is minimized.

- 8) Roof Types and Shapes: Parapet designs which have a defined cornice line and pitched roofs are permitted. Pitched roof forms shall appear complete and symmetrical when viewed from public vantage points both on and off the subject site. Mansard or other "stage set" type designs are not permitted.

- 9) Screening, Accessory Structures, and Retaining Walls:

Mechanical Equipment Screening: 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 or mansards are not permitted. Roof mounted equipment on flat roofed buildings shall be painted to match the roof surface material if it is visible from adjoining sites or roadways that are at a higher elevation. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.

Loading/Unloading/Service Areas: Loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards. Any such area shall be enclosed with a screen wall which is at least 8 feet high and which uses the same materials, colors, and design detailing as the building which it serves. Alternatively, dense landscape hedging which will provide year round screening and that will grow to at least 8 feet high without routinely overtaking the planting space may be considered.

Trash Enclosures and Accessory Structures: Garbage storage areas and accessory structures shall be placed in the side or rear yard only, excluding corner side yards. Garbage storage areas shall be enclosed per the requirements of Section 3151 of the zoning regulations. Additionally, garbage enclosure structures and accessory structures shall be constructed with the same materials, colors, and design detailing as the principal building.

Retaining Walls: Retaining walls shall be constructed of brick, architectural grade CMU, concrete which is formed to have a unit masonry appearance, or segmental retaining wall blocks. The face material shall have a texture and integral color which correlates to the materials used for the principal building. Plain faced CMU and/or materials with a painted finish are not permitted.

#### Houston-Donaldson Special Sign Regulations

The purpose of the Special Sign Regulations is to allow the Study Area to have sufficient signage for business purposes, while avoiding clutter and maintaining the character of the Houston Road and Donaldson Highway corridors. These regulations are also referenced in Article 34 of the Boone County Zoning Regulations. Proposals that meet the Special Sign Regulations can proceed directly to the Sign Permit review process with Boone County Planning Commission Staff (see Section 3405 of the Boone County Zoning Regulations). Proposals that do not meet the Special Sign Regulations shall be reviewed

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 and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

## **SECTION 1515**

### **Procedure**

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

## **SECTION 1516**

### **Pre-Application Meeting**

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

## **SECTION 1517**

### **Concept Development Plan and Utilization of an Underlying Zone in a Planned Development**

The Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a "Utilization of an Underlying Zone Within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

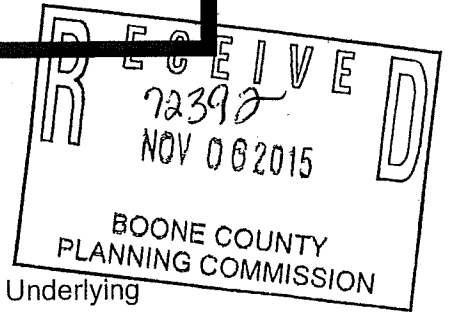
## **SECTION 1518**

### **Public Hearing by Planning Commission**

Upon receipt of an application for approval of a Concept Development Plan or a Zoning Map Amendment involving the Planned Development Overlay District, the Planning Commission shall hold at least one public

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

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

1. Check One:

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

- 2. Name of Project Walmart Store 1510 Florence Kentucky
- 3. Location of Project 7625 Doering Drive Floreene Kentucky 41042
- 4. Total Acreage of Site on legal description
- 5. Current Zoning c2pdhdo
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) \_\_\_\_\_
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
- 8. Proposed Uses (please specify each use) Install 1 dc fast charger electric vehicle charging station and 1 Level 2 charging station
- 9. Proposed Building Intensities (please specify) \_\_\_\_\_

- 10. Have you submitted a Concept Development Plan? YES
- 11. Are you also applying for:
  - Conditional Use Permit
  - Dimensional Variance
- 12. Name of Applicant(s) NRG eVgo
- Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
- 13. Address of Applicant(s) 8301 Professional Place
- Landover MD 20785
- City State Zip
- 14. Name of Property Owner(s) Walmart Real Estate Business Trust
- Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) PO Box 8042
- Bentonville Arkansas 72712
- City State Zip
- 16. Are there any existing buildings on the site? YES
- How many? \_\_\_\_\_
- 17. Deed Book 890 Page No. 924 Group No. \_\_\_\_\_
- 18. Have you had a pre-application meeting with BCPC Staff? NO

~~Was directed by Kevin Wall to complete this application.~~ (over)

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Greg Breetz, Chairman

**DATE:** March 2, 2016

**RE:** Request of **NRG eVgo (applicant)** for **Walmart Real Estate Business Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for an approximate 24 acre site located at 7625 Doering Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two electric vehicle charging stations.

**REMARKS:**

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

**FINDINGS OF FACT**

1. The Committee has concluded that the proposed Change in an Approved Concept Development Plan is in agreement with the 2010 Boone County Comprehensive Plan and the 2013 Houston-Donaldson Study due to the following reasons:
  - A. The Future Land Use Map of the 2010 Boone County Comprehensive Plan designates the site for a commercial purpose and the proposed use is commercial.
  - B. The proposed use is consistent with the original Concept Development Plan for Florence Marketplace Subdivision and with the 2013 Houston-Donaldson Study. The proposed use only involves utilizing four existing parking spaces. Its impact is limited.

The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan, Article 15 "Planned Development District" of the Boone County Zoning Regulations and the 2013 Houston-Donaldson Study. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner have signed a letter demonstrating agreement with these conditions.

**CONDITIONS**

1. No additional signage will be allowed with the exception of advertising on the electric charging units as presented at the Public Hearing.

2. Approval is for two (2) electric charging units only as identified on the submitted Concept Development Plan.
3. If approved, a Minor Site Plan will be required to be submitted by the applicant and reviewed by the Planning Commission in order to meet all zoning requirements.

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. Matt Apke  
Mr. Randy Bessler  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Greg Breetz  
Mrs. Lori Heilman  
Mr. Don McMillian  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitchell A. Light, Asst. Zoning Administrator  
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:49 P.M. and introduced the second item on the Agenda:

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff**

2. Request of **NRG eVgo (applicant)** for **Walmart Real Estate Business Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for an approximate 24 acre site located at 7625 Doering Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two electric vehicle charging stations.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The applicant has submitted an application for a Change in an Approved Concept Development Plan to allow two electric vehicle charging stations within the parking lot in front of the existing Walmart building. No canopy or any other type structure is proposed with the request. The stations will be located in existing parking spaces. Mr. Light showed an elevation of the proposed electric charging stations. It was taken from an existing site in Mason, Ohio. It looks more like a vending machine in a parking lot. Mr. Light also referred to the site history as outlined on page 1 of the Staff Report. The subject site is referred to the "lawsuit settlement area." In August, 2015, the Zoning Administrator determined that the proposal required a Change in an Approved Concept Development Plan as fuel sales (of any kind) was not a principally permitted or accessory use. The parking spaces that are proposed to be converted into electric vehicle charging stations are located on the eastern end of the building between the "Home & Pharmacy" and "Outdoor Living" entrances. Mr. Light gave an overview of the adjoining land uses and zoning as identified in the Staff Report. The site is designated for commercial use as noted in the Boone County Comprehensive Plan and the Houston-Donaldson Study. In terms of Staff Comments, a copy of the Planned Development (PD) standards set forth in Section 1514 of the Zoning Regulations are noted in the Staff Report. Concept Development Plan proposals in Planned Developments are to be principally evaluated against these standards. Other questions or comments about the request pertain to who will operate and maintain the chargers? How and where will they be advertised? If approved, a Minor Site Plan review will be conducted by the Boone County Planning Commission staff. Mr. Light showed photographs of the site and surrounding area. In conclusion, the Change in Approved Concept Development Plan needs to be evaluated by the Boone County Planning Commission as well as Florence City Council in terms of Articles 3 and 15 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area.

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

Mr. Stephen Volpenhein, Volpenhein Brothers Electric, stated that his company is the electrical contractor responsible for installing these electric chargers in the tri-state area. He explained that Elizabeth Altobelli with SAI Communications is available by phone to answer any questions.

Mr. Rolfsen asked if there was a cost for customers to use the charging stations? Ms. Altobelli replied that the customer will use a credit card. Customers will have a RF ID card that they will swipe at the station. Customers will have a plan or a subscription for the service. There is also an

incentive plan for people who are driving Nissan and BMW vehicles. It is called a "Free No Charge to Charge" plan. There is a charge for time.

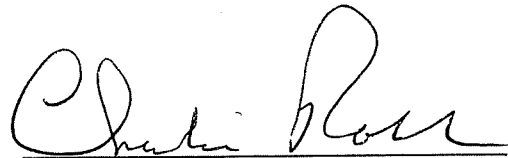
Mr. Bunger asked how frequently will vehicles be charged? Ms. Altobelli responded that consumers are still purchasing electric vehicles. The usage depends on the user. They have a fast charge and a level 2 charger. They have an ample amount of parking spaces should there be a great demand. At this point, there won't be a lot of people waiting to charge their vehicles. Two parking spaces have been allocated for both types of chargers. It will be plenty. There is a phone app that notifies the driver of when the charging has been completed.

Mrs. Heilman asked the applicant if there was any additional signage requested besides what is on the charging station? Mr. Volpenhein replied no.

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

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 17, 2016 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on March 2, 2016 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:01 P.M.**

**APPROVED:**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



**Kevin P. Costello, AICP**  
**Executive Director**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: February 17, 2016

### CHANGE IN CONCEPT DEVELOPMENT PLAN - Janet Kegley, Chairwoman, Mitch Light, Staff

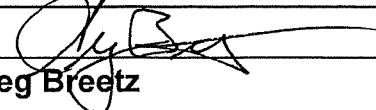
2. Request of **NRG eVgo (applicant)** for **Walmart Real Estate Business Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for an approximate 24 acre site located at 7625 Doering Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two electric vehicle charging stations.

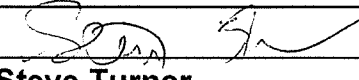
### REMARKS:

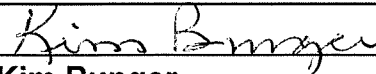
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

NRG eVgo/Walmart

February 17, 2016

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


  
**Steve Turner**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

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

**Randy Bessler (Alternate)**  
 For Project  Absent   
 Against Project  N/A

**Janet Kegley, Chairwoman**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Lisa Heilman, (Alternate)**  
 For Project  Absent   
 Against Project  N/A  
 Abstain  Deferred

  
**Kim Patton**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Mark Hicks (Alternate)**  
 For Project  Absent   
 Against Project  N/A  
 Abstain  Deferred

TOTAL: 0 DEFERRED 4 FOR PROJECT 1 ABSENT  
0 AGAINST PROJECT 0 ABSTAIN

# SUPPORTING INFORMATION



# BOONE COUNTY PLANNING COMMISSION

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

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

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

February 22, 2016

Ms. Elizabeth Altobelli  
SAI Communications  
167 Flora Blvd.  
Fairfield, CT 06824

RE: Request of **NRG eVgo (applicant)** for **Walmart Real Estate Business Trust (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone for an approximate 24 acre site located at 7625 Doering Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two electric vehicle charging stations.

Dear Ms. Altobelli:

The following represents the conditions of approval for the above referenced Change in an Approved Concept Development Plan application as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please have the property owner sign the appropriate line on the last page of this letter if you agree to the conditions. Please return this letter (original version) to the Boone County Planning Commission office by **March 1, 2016.**

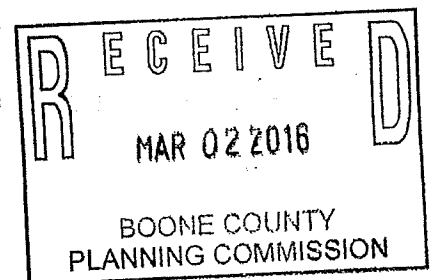
## CONDITIONS

1. No additional signage will be allowed with the exception of advertising on the electric charging units as presented at the Public Hearing.
2. Approval is for two (2) electric charging units only as identified on the submitted Concept Development Plan.
3. If approved, a Minor Site Plan will be required to be submitted by the applicant and reviewed by the Planning Commission in order to meet all zoning requirements.

Sincerely,

Kevin P. Costello, AICP  
Executive Director

KPC\tlb



Ms. Elizabeth Altobelli  
February 22, 2016  
Page 2

AGREEMENT

I, the authorized representative for Walmart Real Estate Business Trust, do hereby agree to the listed conditions of approval for the Change in an Approved Concept Development Plan application which is described on the first page of this letter.

MARK VANDERHORN 3/1/16  
Authorized Representative (Print Name) Date  
Walmart Real Estate Business Trust

[Signature] 3/1/16  
Authorized Representative (Signature) Date  
Walmart Real Estate Business Trust

P.I.D.N. # \_\_\_\_\_  
*Group 2033A*

**SPECIAL WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That **THE DOERING FAMILY LIMITED PARTNERSHIP**, a Kentucky limited partnership, **SELIGMAN-STAAAT, LLC**, a Kentucky limited liability company, and **AKA CHAD, LLC**, a Kentucky limited liability company (hereinafter collectively, the "Grantor"), all having an address of 2700 Erlanger-Crescent Springs Road, Crescent Springs, Kentucky 41017, for and in consideration of Seven Million Two Hundred Six Thousand Seven Hundred and 04/100 Dollars (\$7,206,700.04) to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY to **VH FLORENCE, LLC**, a Kentucky limited liability company, whose address is 5027 Madison Road, Suite 200, Cincinnati, Ohio 45227, (hereinafter "Grantee"), its successors and assigns, forever, the real estate more particularly described in Exhibit A, attached hereto and incorporated by reference herein, and depicted on the conveyance plat attached hereto as Exhibit B and incorporated by reference herein (the "Property").

The Property is conveyed subject to all Permitted Exceptions, as more particularly described in Exhibit C, attached hereto and incorporated by reference herein.

Together with all the PRIVILEGES and APPURTENANCES to the same belonging, to have and to hold the same to the said Grantee, its successors and assigns forever; the Grantor, its successors and assigns, hereby specially covenanting with the Grantee, its successors and assigns, that the title so conveyed is free and clear from all encumbrances by, from, through or under the said Grantor, but not otherwise, excepting the Permitted Exceptions, and that it will **WARRANT AND DEFEND** the same against all legal claims whatsoever against the lawful claims of all persons claiming by, from, through or under the Grantor herein.

The parties hereto state and certify pursuant to KRS Section 382 that the consideration reflected in this Deed is the true and correct value and full consideration paid for the Property, with further certified understanding that falsification of the statement of consideration or sale price of the Property is a Class D Felony, subject to one to five years imprisonment and fines up to Ten Thousand Dollars (\$10,000.00). The Grantee joins in the execution of this Deed solely for the purpose of certifying the consideration passing pursuant to Kentucky Revised Statute Chapter 382.

IN WITNESS WHEREOF, the Grantor and Grantee have caused their names to be hereunto subscribed this 7 day of February, 2005.

(Signatures on following page)

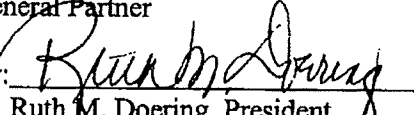
*RETURN TO: Prepared By. Strauss + Troy*

*17/2*

**GRANTOR:**

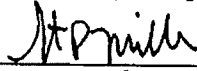
THE DOERING FAMILY LIMITED  
PARTNERSHIP, a Kentucky limited  
partnership

By: Ruth Mae, Inc., a Kentucky corporation,  
General Partner

By:   
Ruth M. Doering, President

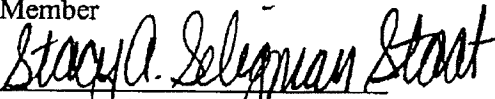
**GRANTEE:**

VH FLORENCE, LLC, a Kentucky  
limited liability company

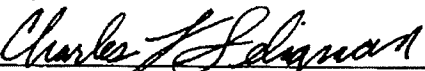
By:   
Print Name: Steven P. Miller  
Its: Managing Member

SELIGMAN-STAAT, LLC, a Kentucky  
limited liability company

By: Stacy A. Staat Revocable Trust,  
Sole Member

By:   
Stacy A. Seligman-Staat, Trustee

AKA CHAD, LLC, a Kentucky limited liability  
company

By:   
Charles L. Seligman, Sole Member

**(Acknowledgments on following page)**

STATE OF Ky )  
 )SS  
COUNTY OF Heston )

The foregoing SPECIAL WARRANTY DEED was acknowledged, subscribed and sworn to before me this 15 day of February, 2005, by Ruth M. Doering, as President of Ruth Mae, Inc., the General Partner for and on behalf of THE DOERING FAMILY LIMITED PARTNERSHIP, a Kentucky limited partnership, as her free and voluntary act and the free and the voluntary act and deed of said corporation and limited partnership.

Sandra L. Robinson

Notary Public

My commission expires:

**SANDRA L. ROBINSON**  
Notary Public, Kentucky State at Large  
My Commission Expires Sept. 29, 2007

STATE OF Ky )  
 )SS  
COUNTY OF Heston )

The foregoing SPECIAL WARRANTY DEED was acknowledged, subscribed and sworn to before me this 15 day of February, 2005, by Stacy A. Seligman-Staat, as Trustee of Stacy A. Staat Revocable Trust, the Sole Member for and on behalf of SELIGMAN-STAAAT, LLC, a Kentucky limited liability company, as her free and voluntary act and the free and the voluntary act and deed of said revocable trust and limited liability company.

Sandra L. Robinson

Notary Public

My commission expires:

**SANDRA L. ROBINSON**  
Notary Public, Kentucky State at Large  
My Commission Expires Sept. 29, 2007

STATE OF Ky )  
 )SS  
COUNTY OF Heston )

The foregoing SPECIAL WARRANTY DEED was acknowledged, subscribed and sworn to before me this 15 day of February, 2005, by Charles L. Seligman, the sole member for and on behalf of AKA CHAD, LLC, a Kentucky limited liability company, as his free and voluntary act and the free and the voluntary act and deed of said limited liability company.

Sandra L. Robinson

Notary Public

My commission expires:

**S. L. ROBINSON**  
Notary Public, Kentucky State at Large  
Commission Expires Sept. 29, 2007

(Acknowledgments continued on following page)

STATE OF KENTUCKY )  
 )SS  
COUNTY OF KENTON )

The foregoing SPECIAL WARRANTY DEED was acknowledged, subscribed and sworn to before me this 7<sup>th</sup> day of February, 2005, by Steven P. Miller, as Managing Member for and on behalf of VH FLORENCE, LLC, a Kentucky limited liability company, as his free and voluntary act and the free and the voluntary act and deed of said limited liability company.

Randy C. Patrick  
Notary Public  
My commission expires: 10/24/06

This instrument was prepared by:

Martin C. Butler

Martin C. Butler, Esq.

Attorney-at-Law

STRAUSS & TROY

Suite 1400

50 E. RiverCenter Blvd.

Covington, Kentucky 41011

(513) 621-8900

Deed - Doering to VH Florence LLC

BOONE COUNTY

D890

PG 927

EXHIBIT A

(Legal Description)

(See Attached)

**Legal Description for**  
**52.882 Acre Parcel to VH Florence LLC**  
**City of Florence, Boone County, Kentucky**  
December 14, 2004

1

Situated in the City of Florence, Boone County, Kentucky, north of Houston Road and Merchant Street and being part (52.882 acres) of an original 85.88 acre tract conveyed to the Doering Family Limited Partnership as recorded in Deed Book 778, Page 136 and all of a tract of land conveyed to Doering Family Limited Partnership as recorded in Deed Book \_\_\_\_\_ Page \_\_\_\_\_ (all references to deed books, official records, survey records and plats refer to the records of Boone County, Kentucky) and being more particularly described as follows;

*as to a 50% interest to AKA Chad, LLC in DB 784/450 as to a 25% interest.*

Beginning at a stone found at the most northerly corner of Lot 20 of the Plat of Merchants Square, Section 6 as recorded in Plat Cabinet 4, Page 368, also being the northeast corner of a 0.29 acre tract conveyed to Gordon Food Service, Inc. as recorded in Deed Book 867, Page 414 and being on a southwesterly line of said 85.88 acre Doering Family Limited Partnership tract witnessing an iron pin North 39°03'05" West, 4.97 feet and being the **Point of Beginning** of the following described tract of land;

thence along the northeasterly line of said 0.29 acre Gordon Food Service, Inc. tract and a northeasterly line of an original 13.82 acre tract conveyed to DC KY 18 Partnership as recorded in Deed Book 635, Page 272, North 39°51'37" West, 300.39 feet to a found wood post, passing a found 1/2" iron pin at a distance of 20.27 feet;

thence along the northerly and easterly lines of said 13.82 acre DC KY 18 Partnership tract for the following eight (8) courses;

1. North 51°05'30" East, 392.52 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
2. North 76°14'25" West, 103.30 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
3. South 84°15'37" West, 96.00 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
4. North 77°19'27" West, 84.50 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";
5. North 72°49'25" West, 221.00 feet, witness a found 1/2" iron pin with a cap stamped "3494", South 21°04'53" East, 1.15 feet;
6. North 61°59'24" West, 102.00 feet to a found 1/2" iron pin with a cap stamped "2339";
7. North 46°59'25" West, 286.00 feet to a found 5/8" iron pin with a cap stamped "WOOLPERT";
8. North 68°10'53" West, 70.58 feet to a found wood post at the northeast corner of Lot 69 of the Plat of Greenview 1<sup>st</sup> Addition as recorded in Plat Book 3, Page 19;

thence along the northerly lines of said Plat of Greenview 1<sup>st</sup> Addition for the following four (4) courses;

1. North 45°17'35" West, 258.29 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";

**Legal Description for  
52.882 Acre Parcel to VH Florence LLC  
City of Florence, Boone County, Kentucky  
December 14, 2004**

2

2. North 53°42'27" East, 53.30 feet to a set 5/8" iron pin with a cap stamped "CESO 3647", witnessing a found iron pin South 55°48'11" West, 5.00 feet and witness a found iron pin North 56°11'35" West, 10.00 feet;
3. North 56°23'39" West, 47.87 feet to a found 1/2" iron pin with a cap stamped "3494";
4. North 39°10'41" West, 179.58 feet to the south line of a 239.08 acre tract conveyed to Kenton County Airport Board as recorded in Deed Book 235, Page 313, witness a found iron pin South 49°55'30" West, 5.00 feet;

thence along the southern lines of said 239.08 acre Kenton County Airport Board tract the following three (3) courses;

1. South 49°55'30" East, 561.94 feet to a found wood post witness a found iron pin North 48°05'45" East, 2.00 feet and witness a found iron pin South 51°17'11" East, 5.00 feet;
2. South 51°12'42" East, 890.70 feet to a found wood post,
3. North 50°35'35" East, 753.87 feet to a found wood post, witness a found 1" bent pipe North 40°44'14" West, 0.64 feet and witness a found iron pin North 24°46'50" West, 10.00 feet;

thence continuing along a common line of said 85.88 acre tract conveyed to the Doering Family Limited Partnership tract with said 239.08 acre Kenton County Airport Board tract and a southwestern line of a 8.7751 acre tract conveyed to DC KY 18, LLC as recorded in Deed Book 758, Page 265, South 40°37'17" East, 751.63 feet to a set 5/8" iron pin with a cap stamped "CESO 3647";

thence along the southeasterly lines of said 85.88 acre tract conveyed to the Doering Family Limited Partnership tract the following three (3) courses;

1. South 26°51'14" West, 71.87 feet to a found 1/2" iron pin;
2. South 48°32'40" West, 219.53 feet to a found 1/2" iron pin with a cap stamped "3494" at the western corner of said 8.7751 acre DC KY 18, LLC tract;
3. South 41°56'08" East, 496.21 feet to a 5/8" iron pin with a cap stamped "CESO 3647" set on the northwestern right-of-way line of Houston Rd. ( KY 18), passing a found 1/2" pin with a cap stamped "3494" at a distance of 436.62 feet ;

thence along said right-of-way line South 45°45'18" West, 1206.34 feet to a 5/8" iron pin with a cap stamped "CESO 3647" set at the most easterly corner of a 1.8586 acre tract conveyed to First Security Trust Bank as recorded in Deed Book 789, Page 121;

thence along the northeasterly line of said 1.8586 acre tract North 44°13'39" West, 321.43 feet, witness a found 1/2" iron pin with cap stamped "3494", South 13°51'05" West, 0.34 feet;

thence along a new division line through said 85.88 acre Doering Family Limited Partnership tract North 44°13'39" West, 27.91 feet to a 1/2" iron pin with a cap stamped "206" found at the most easterly corner of said Lot 20 of the Plat of Merchants Square, Section 6;

thence along the northeast line of said Lot 20 of North 38°43'59" West, 300.00 feet to the **Point of Beginning**, containing 52.882 acres (2303528 square feet).

BOONE COUNTY

D890 PG 930

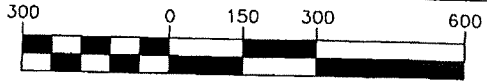


**EXHIBIT B**

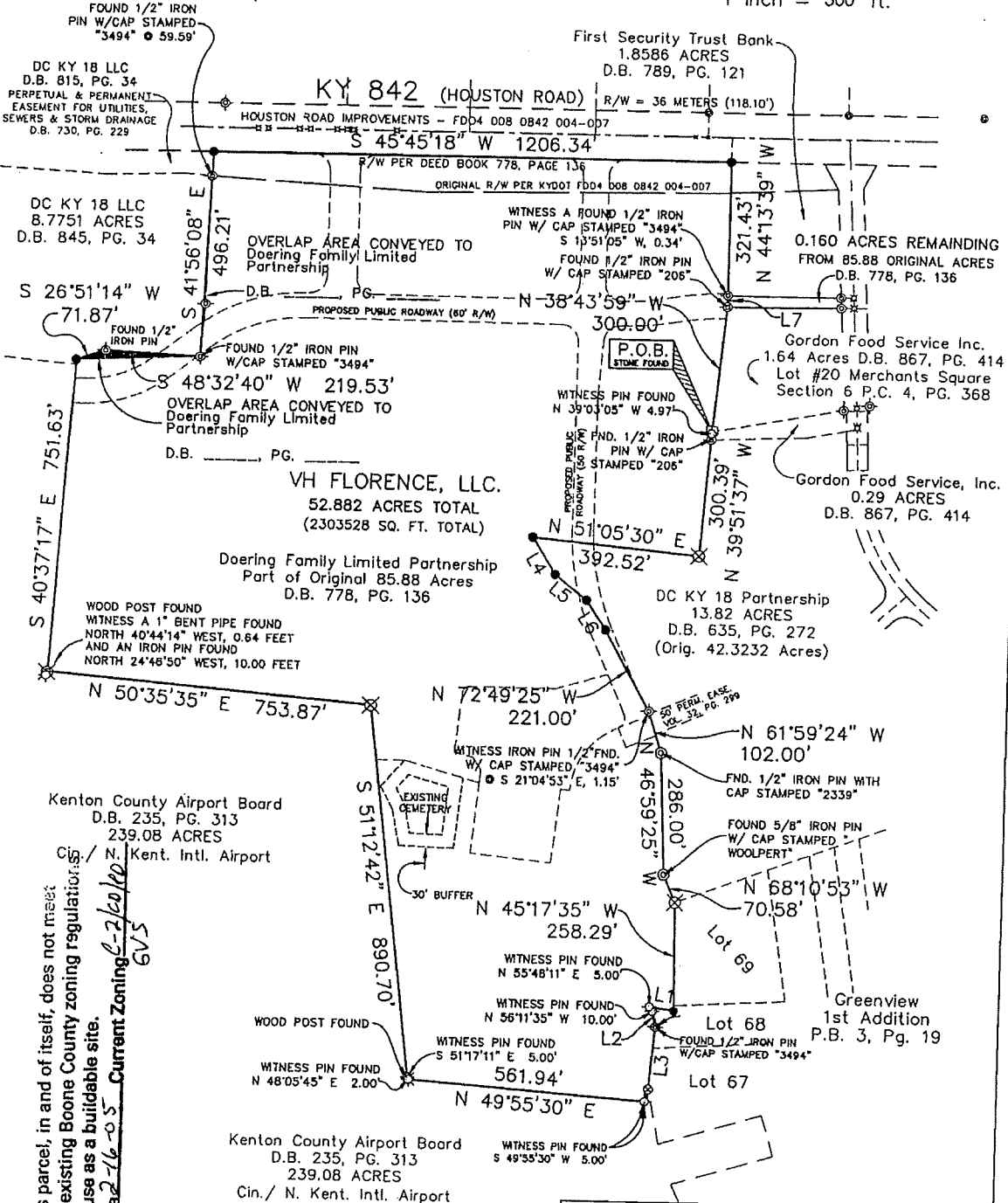
**(Conveyance Plat)**

**(See Attached)**

BASES OF BEARINGS BASED ON THE CENTERLINE OF HOUSTON ROAD AS SHOWN ON THE PLAT OF BEHRENS PARK AS RECORDED IN P.C. 4, PG. 101 OF THE PLAT RECORDS OF BOONE COUNTY, KENTUCKY.



GRAPHIC SCALE (IN FEET)  
1 inch = 300 ft.



This parcel, in and of itself, does not meet the existing Boone County zoning regulation for use as a buildable site.  
 Date 2-16-05 Current Zoning 6-2-60-10 GVS

P & Z Code No. **4354**

BOONE COUNTY  
**D890 PG 933**

LINE	BEARING	DISTANCE
L1	N 53°42'27" E	53.30'
L2	N 56°23'39" W	47.87'
L3	N 39°10'41" W	179.58'
L4	N 76°14'25" W	103.30'
L5	S 84°15'37" W	96.00'
L6	N 77°19'27" W	84.50'
L7	N 44°13'39" W	27.91'

- MONUMENT LEGEND**
- 1" IRON PIPE FOUND
  - 5/8" IRON PIPE FOUND
  - WITNESS IRON PIN FOUND
  - ⊕ 1" IRON PIN FOUND
  - ⊕ 5/8" IRON PIN FOUND
  - ⊕ 1/2" IRON PIN FOUND
  - ⊕ P.K. or MAG NAIL FOUND
  - ⊕ MAG NAIL SET
  - △ RR SPIKE FOUND
  - ▲ RR SPIKE SET
  - 5/8" IRON PIN W/ CAP STAMPED "CESO 3647" TO BE SET
  - CONCRETE MONUMENT FND.
  - CONCRETE MONUMENT SET
  - × CROSS NOTCH FOUND
  - ⊕ 1" SQUARE BAR FOUND
  - ⊕ WOOD POST FOUND

STATE OF KENTUCKY  
**DAVID R. BARNHART**  
 3647  
 LICENSED PROFESSIONAL LAND SURVEYOR

**CONVEYANCE PLAT - 52.882 ACRES**

**DOERING FAMILY LIMITED PARTNERSHIP**  
 CITY OF FLORENCE  
 BOONE COUNTY, KENTUCKY

SCALE: 1" = 300' DATE: FEBRUARY 4, 2005

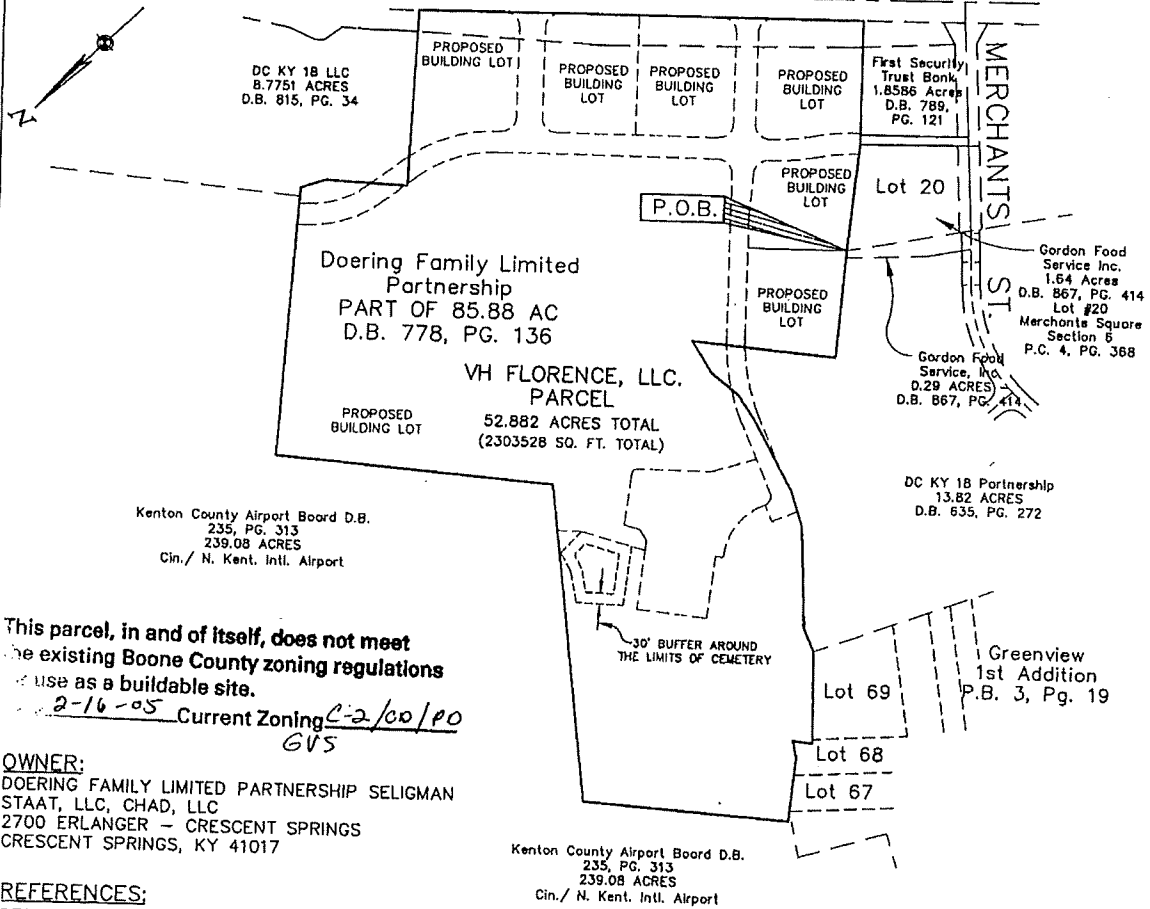
DESIGN: DRB  
 DRAWN: RP  
 CHECKED: DRB

**CESO**  
 PROFESSIONAL ENGINEERS  
 REGISTERED LAND SURVEYORS  
 1700 LYONS ROAD, DAYTON, OHIO 45458-1864  
 (937) 435-8584 FAX (937) 435-3307

JOB NO. 3231  
 SHEET NO. 1 OF 2

BASIS OF BEARINGS BASED ON THE CENTERLINE OF HOUSTON ROAD AS SHOWN ON THE PLAT OF BEHRENS PARK AS RECORDED IN P.C. 4, PG. 101 OF THE PLAT RECORDS OF BOONE COUNTY, KENTUCKY.

KY 842 (HOUSTON ROAD)



This parcel, in and of itself, does not meet the existing Boone County zoning regulations for use as a buildable site.

2-16-05 Current Zoning C-2/CO/PO  
GVS

**OWNER:**  
DOERING FAMILY LIMITED PARTNERSHIP SELIGMAN STAAT, LLC, CHAD, LLC  
2700 ERLANGER - CRESCENT SPRINGS  
CRESCENT SPRINGS, KY 41017

**REFERENCES:**

- DEEDS: D.B. 778, PG. 136 D.B. 85, PG. 441  
D.B. 635, PG. 272 D.B. 89, PG. 168  
D.B. 85, PG. 172 D.B. 125, PG. 373  
D.B. 85, PG. 377 D.B. 140, PG. 437

P & Z Code No. 4354

SURVEY: KENTON COUNTY AIRPORT BOARD BY: JAMES W. BERLING 7-6-77  
SURVEY: MARY ELLEN FOLTZ BY: JAMES W. BERLING 10-27-87  
SURVEY: SELIGMAN PROPERTY SURVEY BY: BAYER, BECKER ENGINEERS 11-4-86

- PLAT: P.C. 3, PG. 549 - MERCHANTS SQUARE  
PLAT: P.C. 3, PG. 867 - MERCHANTS SQUARE, SECTION 6  
PLAT: P.C. 4, PG. 101 - BEHRENS PARK, SECTION 1  
PLAT: P.C. 4, PG. 332 - BEHRENS PARK, SECTION 2  
PLAT: P.C. 4, PG. 398 - BEHRENS PARK, SECTION 4  
PLAT: P.C. 4, PG. 399 - BEHRENS PARK, SECTION 5

HIGHWAY PLANS: HOUSTON ROAD IMPROVEMENTS - FD04 008 0842 004-007

**BOONE COUNTY REGIONAL PLANNING COMMISSION:**  
THIS PLAT WAS APPROVED BY THE BOONE COUNTY REGIONAL PLANNING COMMISSION ON THIS 16th DAY OF February 2005

*Susan Peston*  
EXECUTIVE DIRECTOR *Tracy Chain*

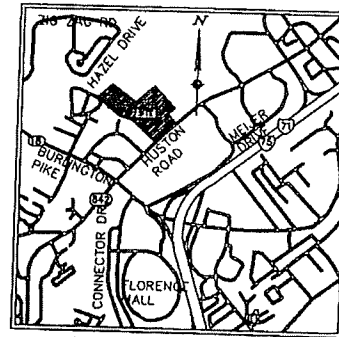
THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN TWO (2) YEARS OF PLANNING COMMISSION APPROVAL.

**CERTIFICATION:**

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with sideshots. The unadjusted precision ratio of the unadjusted traverse was 1:17000 and was adjusted. The survey as shown hereon is a Class "A" Survey and the accuracy and precision of said survey meets all the specifications of the class.

*David R. Barnhart* 02/04/05  
Date  
David R. Barnhart PLS.#3647

BOONE COUNTY  
D890 PG 934



VICINITY MAP  
NO SCALE

CONVEYANCE PLAT - 52.882 ACRES			
DOERING FAMILY LIMITED PARTNERSHIP			
CITY OF FLORENCE		BOONE COUNTY, KENTUCKY	
SCALE: 1" = 400'		DATE: FEBRUARY 4, 2005	
DESIGN	DRB		JOB NO.
DRAWN	RP		3231
CHRED	DRB		SHEET NO.
PROFESSIONAL ENGINEERS REGISTERED LAND SURVEYORS 1700 LYONS ROAD, DAYTON, OHIO 45458-1864 (937) 435-8584 FAX (937) 435-3307			2 of 2

EXHIBIT C

(Permitted Exceptions)

1. Taxes and assessments which are a lien but not yet due and payable.
2. A right-of-way and easement, 15' in width, and temporary construction easement granted to Boone County Water District by Easement dated January 22, 1988 and recorded in Easement Book 21, Page 85, Boone County Records.
3. A right-of-way and easements granted to Florence, Kentucky Water and Sewer Commission by Easement dated June 2, 1983 and recorded in Easement Book 10, Page 303, Boone County Records.
4. A right-of-way and easement, 30' in width, and temporary construction easement granted to The Union Light, Heat and Power Company by Grant dated October 4, 1963 and recorded in Miscellaneous Book 27, Page 436, Boone County Records.
5. A right-of-way and easements granted to The Union Light, Heat and Power Company by Grant of Easement dated December 9, 1991 and recorded in Easement Book 23, Page 116, Boone County Records.
6. A Certificate of Land Use Restriction as set forth in Miscellaneous Book 1000, Page 278, Boone County Records.
7. A Certificate of Land Use Restriction as set forth in Miscellaneous Book 810, Page 240, Boone County Records.
8. A Certificate of Land Use Restriction as set forth in Miscellaneous Book 1014, Page 362, Boone County Records.
9. A Certificate of Land Use Restriction as set forth in Miscellaneous Book 1014, Page 364, Boone County Records.
10. Perpetual and permanent easements reserved by Boone County, Kentucky, a Political Subdivision of the Commonwealth of Kentucky, as set forth in Deed Book 730, Page 223, Boone County Records for the purposes of erecting, constructing and maintaining utilities, sewers and storm water drainage facilities.
11. A Certificate of Land Use Restriction as set forth in Miscellaneous Book 638, Page 238, Boone County Records.
12. Easements for sanitary sewer granted to R.C. Durr and Richard D. Crist by Ruth Mae Doering a/k/a Ruth M. Seligman-Doering, a single person, individual and as trustee under the will of Charles J. Seligman, dated April 9, 1993 and recorded in Easement Book 32, Page 307.

BOONE COUNTY  
D890 Pg 935

DOCUMENT NO: 293085  
RECORDED ON: FEBRUARY 16, 2005 09:58:21AM  
TOTAL FEES: \$30.00  
TRANSFER TAX: \$7207.00  
GROUP : 2033A  
COUNTY CLERK: MARILYN K ROUSE  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: KARLA HORNBECK  
BOOK D890 PAGES 924 - 935



To whom it may concern:

Enclosed please find a certified copy of **City of Florence, Kentucky Ordinance No. O-4-16:**

ORDINANCE NO. O-4-16:

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY OVERLAY (C-2/PD/HDO) ZONE FOR AN APPROXIMATE 24 ACRE SITE LOCATED AT 7625 DOERING DRIVE, FLORENCE, KENTUCKY, TO ALLOW TWO ELECTRIC VEHICLE CHARGING STATIONS. (NRG eVgo/WALMART REAL ESTATE BUSINESS TRUST)

The First Reading of Ordinance No. O-4-16 was held on the 26<sup>th</sup> Day of April, 2016.

The Second Reading of Ordinance No. O-4-16 was held on the 10<sup>th</sup> Day of May, 2016.

Ordinance No. O-4-16 was published in the *Boone County Recorder* on the 19<sup>th</sup> Day of May, 2016 at which time the Ordinance became statutorily official.

Please contact me if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Christofield".

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-4-16 as same appears in the official records of my office.

Dated this 20<sup>th</sup> day of May, 2016.

A handwritten signature in black ink, appearing to read "Joseph A. Christofield".

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

**CITY OF FLORENCE, KENTUCKY**  
**SUMMARY OF ORDINANCE NO. 0-4-16**

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-4-16 on May 10, 2016. The title of this Ordinance is as follows:

**ORDINANCE NO. 0-4-16**

**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY OVERLAY (C-2/PD/HDO) ZONE FOR AN APPROXIMATE 24 ACRE SITE LOCATED AT 7625 DOERING DRIVE, FLORENCE, KENTUCKY, TO ALLOW TWO ELECTRIC VEHICLE CHARGING STATIONS. (NRG eVgo/WALMART REAL ESTATE BUSINESS TRUST)**

The effect of this Ordinance is to allow two electric vehicle charging stations in a Commercial Two/Planned Development/Houston-Donaldson Study Overlay (C-2/PD/HDO) zone.

The full text of Ordinance No. 0-4-16, 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. 0-4-16 and that it has been prepared by me on the 15<sup>th</sup> day of April, 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. 0-4-16

**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY OVERLAY (C-2/PD/HDO) ZONE FOR AN APPROXIMATE 24 ACRE SITE LOCATED AT 7625 DOERING DRIVE, FLORENCE, KENTUCKY, TO ALLOW TWO ELECTRIC VEHICLE CHARGING STATIONS. (NRG eVgo/WALMART REAL ESTATE BUSINESS TRUST)**

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-16-006-A recommended approval for a change in an approved concept development plan, and

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

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

**SECTION I**

That the request of NRG eVgo (Applicant) for Walmart Real Estate Business Trust (Owner), for a change in an approved concept development plan in a Commercial Two/Planned Development/Houston-Donaldson Study Overlay (C-2/PD/HDO) zone, for an approximate 24 acre site located at 7625 Doering Drive, Florence, Kentucky, to allow two electric vehicle charging stations. 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-16-006-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

**SECTION III**

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-16-006-A, marked Exhibit "A", and attached hereto.

**SECTION IV**

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

SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 26<sup>th</sup> DAY OF April, 2016.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 10<sup>th</sup> DAY OF May, 2016.

APPROVED:

Shane E. White  
MAYOR

ATTEST:

Joe C. Hoffman  
CITY CLERK

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF NRG eVgo (APPLICANT) FOR WALMART REAL ESTATE BUSINESS TRUST (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY OVERLAY (C-2/PD/HDO) ZONE FOR AN APPROXIMATE 24 ACRE SITE LOCATED AT 7625 DOERING DRIVE, FLORENCE, KENTUCKY, TO ALLOW TWO ELECTRIC VEHICLE CHARGING STATIONS.

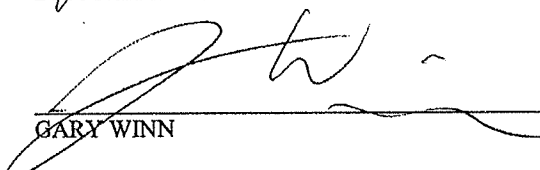
The Committee met in a special meeting on April 13, 2016, at the Florence Government Center Building to consider Resolution No. R-16-006-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

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

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

MEMBERS OF THE COMMITTEE:

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

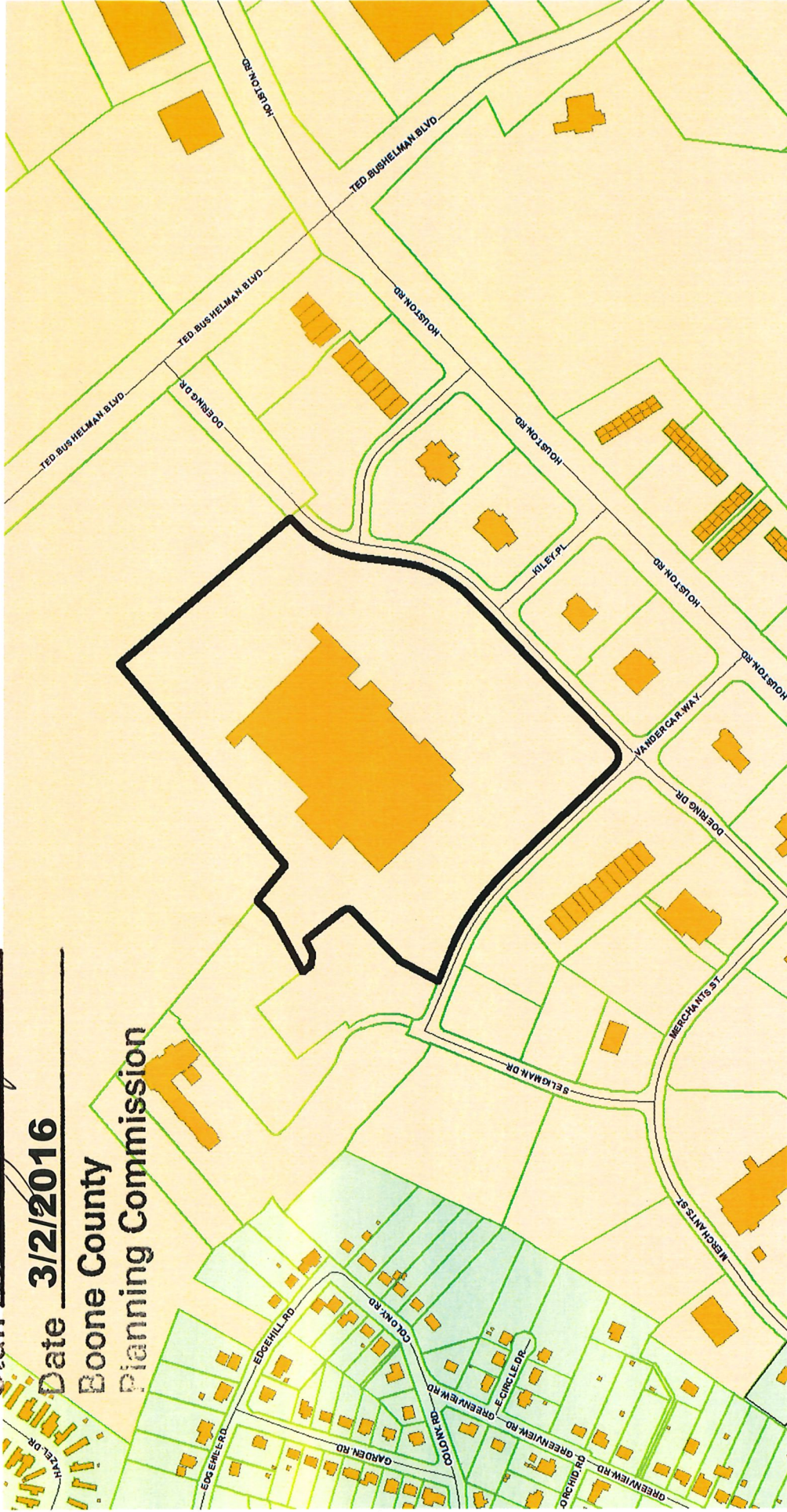
  
\_\_\_\_\_  
GARY WINN

**CHANGE IN CONCEPT DEVELOPMENT PLAN  
APPROVED**

Staff 

Date **3/2/2016**

Boone County  
Planning Commission



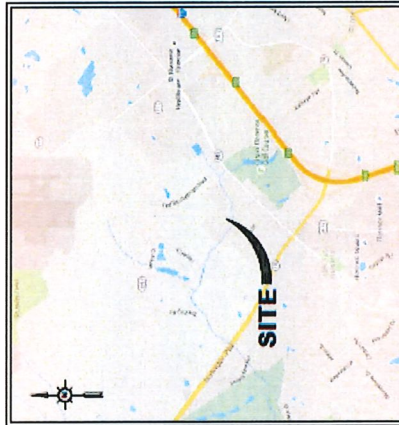
**VICINITY MAP**



27 NORTHWESTERN DRIVE  
SALEM, NEW HAMPSHIRE 03079

SAI SITE ID:  
**1510 FLORENCE, KY**

7625 DOERING DRIVE  
FLORENCE, KENTUCKY 41042



**AREA MAP**  
FLORENCE, KENTUCKY  
SCALE: 1" = 2000'-0"

**DIRECTIONS:**  
FROM CLEVELAND HOPKINS INTERNATIONAL AIRPORT: HEAD SOUTH ON KY-62 WEST.  
TURN LEFT ONTO KY-145. TURN RIGHT ONTO KY-145. TURN RIGHT ONTO DOERING  
DRIVE. THE SITE WILL BE ON THE RIGHT.

SITE INFORMATION	
SITE NAME	1510 FLORENCE, KY
SITE ADDRESS	7625 DOERING DRIVE, FLORENCE, KY 41042
SUBDIVISION	FLORENCE TOWNSHIP
LOCAL COUNTY	BOONE COUNTY, KENTUCKY
TAX MAP ID	30-10-00-00-00
SITE COORDINATES	N 30° 30' 00" E 100.00 FT W 30° 30' 00" E 100.00 FT
GROUND ELEVATION	871.1 (HARD 87)
GROUND LANDLORD NAME	WILKINSON REAL ESTATE TRUST
GROUND LANDLORD ADDRESS	20 DOERING DRIVE, FLORENCE, KY 41042
APPLICANT	WILKINSON REAL ESTATE TRUST, SUITE 200 1000 WEST MAIN STREET FLORENCE, KENTUCKY 41042 TEL: (502) 271-0800
APPLICANT CONTACT	WILLIAM COOPER TEL: (502) 271-0800
APPLICANT REPRESENTATIVE	SAI COMMUNICATIONS SALON, FLORENCE
PROJECT ENGINEER	ANDREW B. BELLER, P.E. SAI COMMUNICATIONS 7625 DOERING DRIVE FLORENCE, KY 41042 TEL: (502) 271-0800

CODE ANALYSIS	
BUILDING CODE	2015 KENTUCKY BUILDING CODE (IBC 2015)
ELECTRICAL CODE	NEC 2014
FIRE CODE	2006 NFPA 101
USE GROUP	U (UTILITIES)
CONSTRUCTION TYPE	IB

PROJECT DESCRIPTION	
1	INSTALL NEW VEHICLE CHARGING EQUIPMENT ON CONCRETE PAVEMENT WITHIN EXISTING PARKING LOT
2	INSTALL 10 NEW DISCONNECT SWITCHES
3	INSTALL 10 NEW DISCONNECT SWITCHES FROM EXISTING ELECTRICAL ROOM TO PROVIDED VEHICLE CHARGING AREA

**NOTE TO GENERAL CONTRACTOR:**  
NO WORK IS TO BE PERFORMED ON THIS SITE PRIOR TO REVIEW OF THE APPROVED CONSTRUCTION PERMITS. CONTRACTORS SHALL VERIFY THE ENGINEER'S WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PERMITS AND WITHOUT THE CONSENT OF THE ENGINEER.



SAI COMMUNICATIONS  
SALEM, NEW HAMPSHIRE 03079  
PHONE: (603) 424-0472



advantage engineers  
1000 W. MAIN STREET  
SALEM, NH 03079  
PHONE: (603) 883-8888

SCHEDULE OF REVISIONS		
NO.	DATE	DESCRIPTION OF CHANGE
1	04-23-15	ISSUE FOR REVIEW
2	05-14-15	ISSUE FOR PERMITS
3	05-14-15	ISSUE FOR PERMITS

DRAWN BY: BPH  
CHECKED BY: BPH  
SCALE: NOTED  
JOB NO: 1009-2010

DRAWING TITLE:  
**TITLE SHEET**

DRAWING SHEET:  
**T-1**

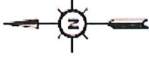
SHEET NUMBER:  
**1 OF 7**

PROJECT INFORMATION:  
**1510 FLORENCE, KY**  
**7625 DOERING DRIVE**  
**FLORENCE, KENTUCKY 41042**  
SUBDIVISION:  
**FLORENCE TOWNSHIP**  
**BOONE COUNTY, KY**

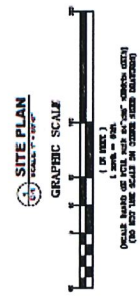
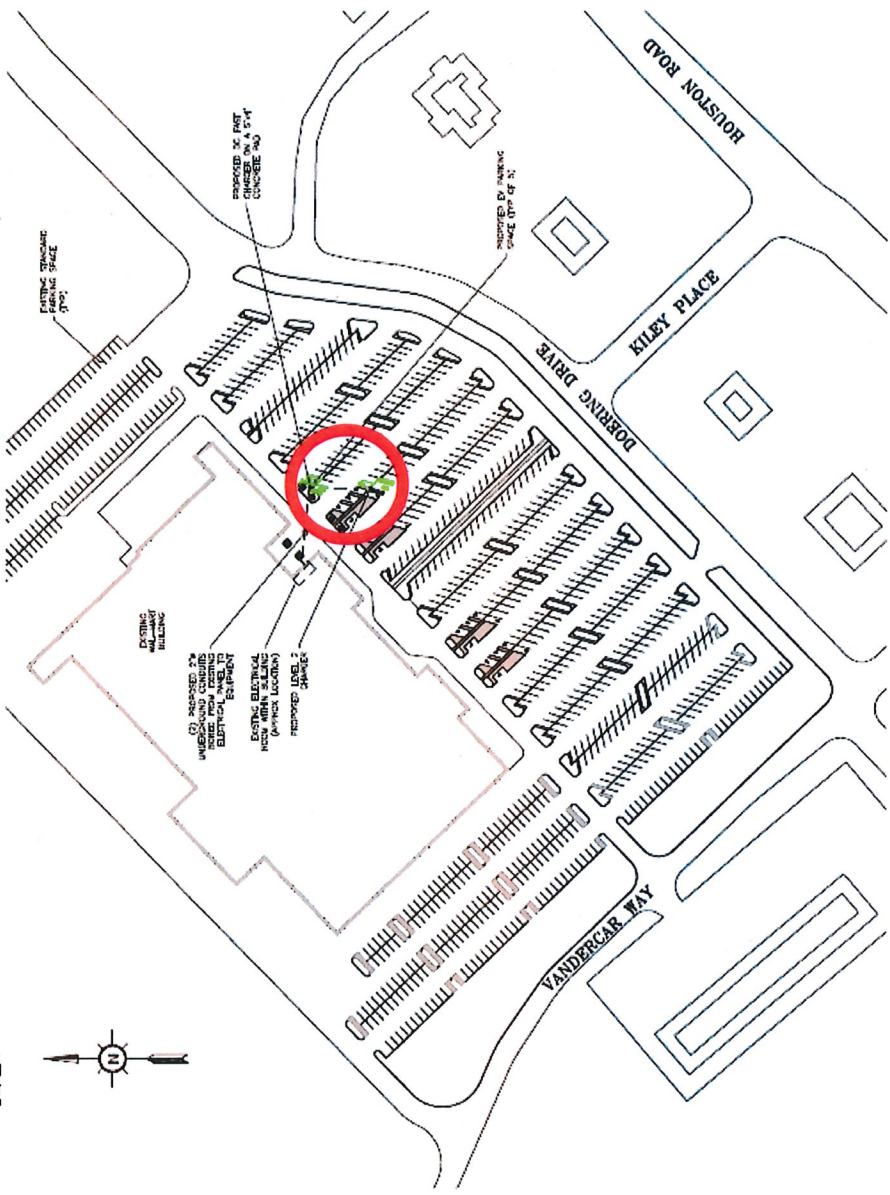
ANDREW B. BELLER, P.E.  
SAI COMMUNICATIONS  
7625 DOERING DRIVE  
FLORENCE, KY 41042



NOTE TO GENERAL CONTRACTOR:  
 NO WORK IS TO BE PERFORMED ON THIS SITE UNLESS IT IS SPECIFICALLY IDENTIFIED IN THESE CONSTRUCTION DRAWINGS. IF ANY DISCREPANCIES ARE FOUND, THE GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PERMITS AND ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COST OF THE SAME. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND ADJACENT PROPERTIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND ADJACENT PROPERTIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND ADJACENT PROPERTIES.



NOTES:  
 1. CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.  
 2. CONTRACTOR TO REPLACE EXISTING SIDEWALK PANELS, IF ANY, AFTER COMPLETION OF CURB AND GUTTER INSTALLATION.  
 3. CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.  
 4. CONTRACTOR TO REPLACE EXISTING SIDEWALK PANELS, IF ANY, AFTER COMPLETION OF CURB AND GUTTER INSTALLATION.



**GENERAL NOTES**

1. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.
2. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.
3. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.
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11. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.
12. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.
13. THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES.



SCHEDULE OF REVISIONS

NO.	DATE	DESCRIPTION
1	08-20-15	REV. REVIEW
2	08-20-15	REV. REVIEW
3	08-20-15	REV. REVIEW
4	08-20-15	REV. REVIEW
5	08-20-15	REV. REVIEW
6	08-20-15	REV. REVIEW
7	08-20-15	REV. REVIEW
8	08-20-15	REV. REVIEW
9	08-20-15	REV. REVIEW
10	08-20-15	REV. REVIEW
11	08-20-15	REV. REVIEW
12	08-20-15	REV. REVIEW
13	08-20-15	REV. REVIEW
14	08-20-15	REV. REVIEW
15	08-20-15	REV. REVIEW
16	08-20-15	REV. REVIEW
17	08-20-15	REV. REVIEW
18	08-20-15	REV. REVIEW
19	08-20-15	REV. REVIEW
20	08-20-15	REV. REVIEW
21	08-20-15	REV. REVIEW
22	08-20-15	REV. REVIEW
23	08-20-15	REV. REVIEW
24	08-20-15	REV. REVIEW
25	08-20-15	REV. REVIEW
26	08-20-15	REV. REVIEW
27	08-20-15	REV. REVIEW
28	08-20-15	REV. REVIEW
29	08-20-15	REV. REVIEW
30	08-20-15	REV. REVIEW
31	08-20-15	REV. REVIEW
32	08-20-15	REV. REVIEW
33	08-20-15	REV. REVIEW
34	08-20-15	REV. REVIEW
35	08-20-15	REV. REVIEW
36	08-20-15	REV. REVIEW
37	08-20-15	REV. REVIEW
38	08-20-15	REV. REVIEW
39	08-20-15	REV. REVIEW
40	08-20-15	REV. REVIEW
41	08-20-15	REV. REVIEW
42	08-20-15	REV. REVIEW
43	08-20-15	REV. REVIEW
44	08-20-15	REV. REVIEW
45	08-20-15	REV. REVIEW
46	08-20-15	REV. REVIEW
47	08-20-15	REV. REVIEW
48	08-20-15	REV. REVIEW
49	08-20-15	REV. REVIEW
50	08-20-15	REV. REVIEW

DESIGNED BY: BPH  
 CHECKED BY: BPH  
 SCALE: NOTED  
 JOB NO.: 100012300  
 DRAWING TITLE: SITE PLAN

DRIVING SHEETS  
**C-1**

SHEET NUMBER: 3 OF 7

CLIENT INFORMATION:  
 1810 FLORENCE, KY  
 FIVE STAR  
 7020 DORNBURG DRIVE  
 FLORENCE, KENTUCKY 41042  
 ARCHITECT:  
 FLORENCE TOWNSHIP  
 BOONE COUNTY, KY

ARCHITECT: B. SELLER, P.E.  
 100012300  
 10/15/15















**MASON, OH**