

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

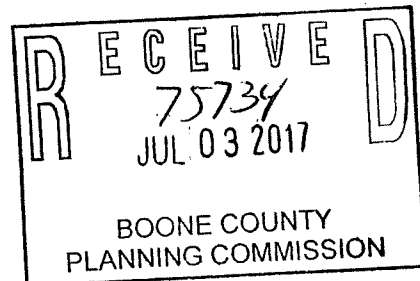
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Holiday Inn Express + Suites
2. Location of Project South east Corner of Vandercar Way + Seligman Dr
3. Total Acreage of Site 2.15 AC +/-
4. Current Zoning of Site O-1/PD/CD/HDO
5. Proposed Zoning (Classification being requested) O-2/PD/CD/HDO
6. Proposed Uses (please specify each use)
Hotel/Motel Use
7. Names of Applicant(s) Devesh Patel
Phone No. 859-838-1258 Fax No. 1-800-768-4555 E-Mail devesh@onestopping.com
8. Address of Applicant(s) 7821 Commerce Drive Ste 411
Florence KY 41042
City State Zip
9. Name of Property Owner(s) BBL Development, LLC
Phone No. 859-640-4814 Fax No. _____ E-Mail scottlykouski@gmail.com
10. Address of Property Owner(s) 11520 Sutherland Dr.
Walton KY 41094
City State Zip
11. Proposed Building Intensities (please specify) 56,000 S.F. 4 story Hotel
2.15 ACRE Parcel = 20,046.5 S.F. Per ACRE
12. Are there any existing buildings on the site? No
How many? N/A
13. Deed Book 957 # Page No. 783 + 780 Group No. 2033A
14. Are you also applying for:
N/A Conditional Use Permit
N/A Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within 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
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



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 Holiday Inn Express + Suites
2. Location of Project South east Corner of Vander car Way + Seligman Dr.
3. Names of Applicant(s) Devesh Patel
Phone No. 859-838-1258 Fax No. 1-800-968-9555 E-Mail devesh@onestopparth.com
4. Address of Applicant(s) 7821 Commerce Drive Ste 411
Florence KY 41092
City State Zip
5. Name of Property Owner(s) BBL Development, LLC

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on Sept 7th 2017.

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

* ORIGINAL Applicant's Signature Devesh Patel
(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 **Devesh Patel (applicant)** for **BBL Development, LLC (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

August 2, 2017

REQUEST

The applicant has submitted an application to change the zoning of an approximate 2.15 acre site from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/PD/HDO). The submitted Concept Development Plan shows a four-story hotel (Holiday Inn Express and Suites), with 93 guest rooms on the site. The hotel is approximately 56,000 square feet in area and the proposed building intensity is 26,047 square feet of building per acre of land. Access to the site is proposed from a curb cut on Vandercar Way and a curb cut on Seligman Drive. A total of 107 parking stalls are shown in the parking lot.

The submitted building elevations show that building will be 45'-4" tall the top of the highest roof parapets. The primary building materials are brick and stone. The building is shown with an attached porte cochere and an outdoor patio that is enclosed by a decorative fence.

PERTINENT SITE HISTORY

In 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 approved Concept Plan showed the subject property (lot 27) would be developed with office/commercial uses (see attachment).

The City of Florence overturned the Planning Commission's recommendation and the applicant filed an lawsuit. A lawsuit settlement agreement between the City of Florence, applicant, and property owners was agreed to on September 8, 1998 (see attachments).

SITE CHARACTERISTICS

The approximate 2.15 acre site is located at the southeast corner of the Vandercar Way/Seligman Drive intersection and is comprised of lots 21 of 22 of Merchants Square Subdivision. The overall site has 425 feet of frontage on Vandercar Way and 248 feet of frontage on Seligman Drive. The property is currently undeveloped and contains some mature deciduous vegetation in the southeast corner of the site. Boone County GIS shows that the topography of the site falls from 864 feet above sea level at the southeast property corner to 844 feet above sea level on Vandercar Way/Seligman Drive intersection. Water and sanitary sewer mains and public sidewalks exist on Vandercar Way.

ADJACENT LAND USES AND ZONING

North: Vandercar Way, Homewood Suites (O-2/PD//HDO), City of Florence Detention Basin (O-1/PD/HDO), Wal-Mart (C-2/PD/HDO)

South: Bear Paddle Swim Club and Comfort Suites (O-2/PD/HDO)

East: Multi-Tenant Building (C-2/PD/HDO and O-1/PD/HDO)

West: Seligman Drive and Dominion Senior Living - Currently Under Construction (C-2/PD/HDO)

RELATIONSHIP TO COMPREHENSIVE PLAN

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

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

- A. "Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development."
- B. "Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts."

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

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

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

- B. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pg. 163).
- C. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pp. 163 and 164).
- D. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," pg. 164).

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

- A. Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and

tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Four studies, the Houston-Donaldson Study, the Central Florence Strategic Plan, the Main Street Study, and the Mall Road District Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Elizabeth-Florence Hospital. The Main Street area will experience a rebirth as a result of an expanded population in the area and public improvements. Existing business districts need to be supported through market analysis and realistic recommendations. Overall the commercial economy of Boone County has become more diversified (Recommended Areas of Commercial Activity, pg. 67).

The following Goals and Objectives relate to the proposal:

- A. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- B. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial, and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective)
- C. 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, Commercial Objective).
- D. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access (Business Activity, Commercial Objective).
- E. Land use planning should protect natural systems (streams, wetlands, forests, etc.) essential to safety, health, economic stability, and overall quality of life (Environment, Goal).
- F. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- G. Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways and roadway lanes (Transportation, Objective).
- H. 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 1 of the Study. The Study recommendations include:

- Future development and/or redevelopment in this subarea should be of commercial or office type land uses and not of light industrial or residential uses.

- Support services on Merchants Drive, such as automobile service related development, offices, or short/long term senior residential facilities.
- New development in this area should be aesthetically harmonious with existing surrounding land uses so as to fit into the built landscape.

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 proposed to be zoned Office Two/Planned Development (O-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. The zone change is being requested because the O-2 zone allows a maximum building intensity of 30,000 square feet of building per acre of land ($2.15 \times 30,000 = 64,500$ square feet), while the C-2 zone allows a maximum building intensity of 15,000 square feet of building per acre of land ($2.15 \times 15,000 = 32,250$ square feet). The proposed hotel is approximately 56,000 square feet in area and 45'-4" tall.
2. Hotels are listed as conditional uses in the Office Two (O-2) zone. However, the conditional use permit is not required when hotels are approved as part of a Planned Development (PD).
3. Staff would like the applicant or applicants team to address the following:
 - A. Does the hotel have any conference rooms that can be rented out by guests that are not staying at the hotel? If so, additional parking would be required.
 - B. Has the Kenton County Airport Board or Kentucky Airport Zoning Commission been contacted regarding the proposed building height?
4. Similar zone change requests have been approved in the Merchants Square Subdivision.
 - A. In 2011, the City of Florence approved a Zoning Map Amendment application from O-1/PD to O-2/PD the 8.95 acre site at 1090 Vandercar Way (Homewood Suites). The approval allowed the existing Homewood Suites to be located on a 5.38 acre tract and two development options for the remaining 3.57 acres.

Option 1 allowed O-2 uses (1 or 2 buildings) to develop on the property at the maximum intensity of the O-1 zone (16,000 square feet of building permitted per acre of land). Option 2 allowed a hotel to develop on site at maximum intensity of the O-2 zone (30,000 square feet of building per acre of land). A condition of approval limits the height of the hotel so it cannot be any taller than Homewood Suites. To date, neither development option has been constructed.
 - B. In 2016, the City of Florence approved a Zoning Map Amendment from C-2/PD/HDO to O-2/PD/HDO to allow a four-story hotel (Comfort Suites) to develop on lot 12 of Merchants Square Subdivision. The approved building intensity was approximately 28,582 square feet of building per square foot of land ($56,180/1.9656$).
5. Staff has the following comments regarding the Planned Development (PD) Standards:

- A. Architecture: The design of the building needs to be analyzed against the architectural guidelines found in the lawsuit settlement agreement and the site design standards found in the Houston-Donaldson Study.

Staff would like the applicant to address the following so it's clear if any architectural design waivers are being sought:

1. Provide a material sample board.
2. Explain if the dumpster enclosure will match the building?
3. Explain if any mechanical equipment be visible on the roof?
4. Define the fencing materials around the patio.

- B. Signage: The applicant has informed Staff that they will comply with the lawsuit settlement agreement and the Houston-Donaldson Study Special Sign Regulations. One 6' tall and 7' wide monument sign is permitted on the lot. Final approval of all signs would take place through the Technical Design Review and Sign Permit application processes.

- C. 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.

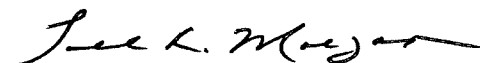
Sidewalks will be required along both street frontages and a sidewalk connection is shown between the front of the building and Vandercar Way.

6. Staff sent an agency memo to the City of Florence, Florence Fire Department, and Kenton County Airport Board asking if they had any comments regarding the proposal. Staff received an email from Florence Fire Department indicating they had no comments at this time.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms Articles 3 and 15 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

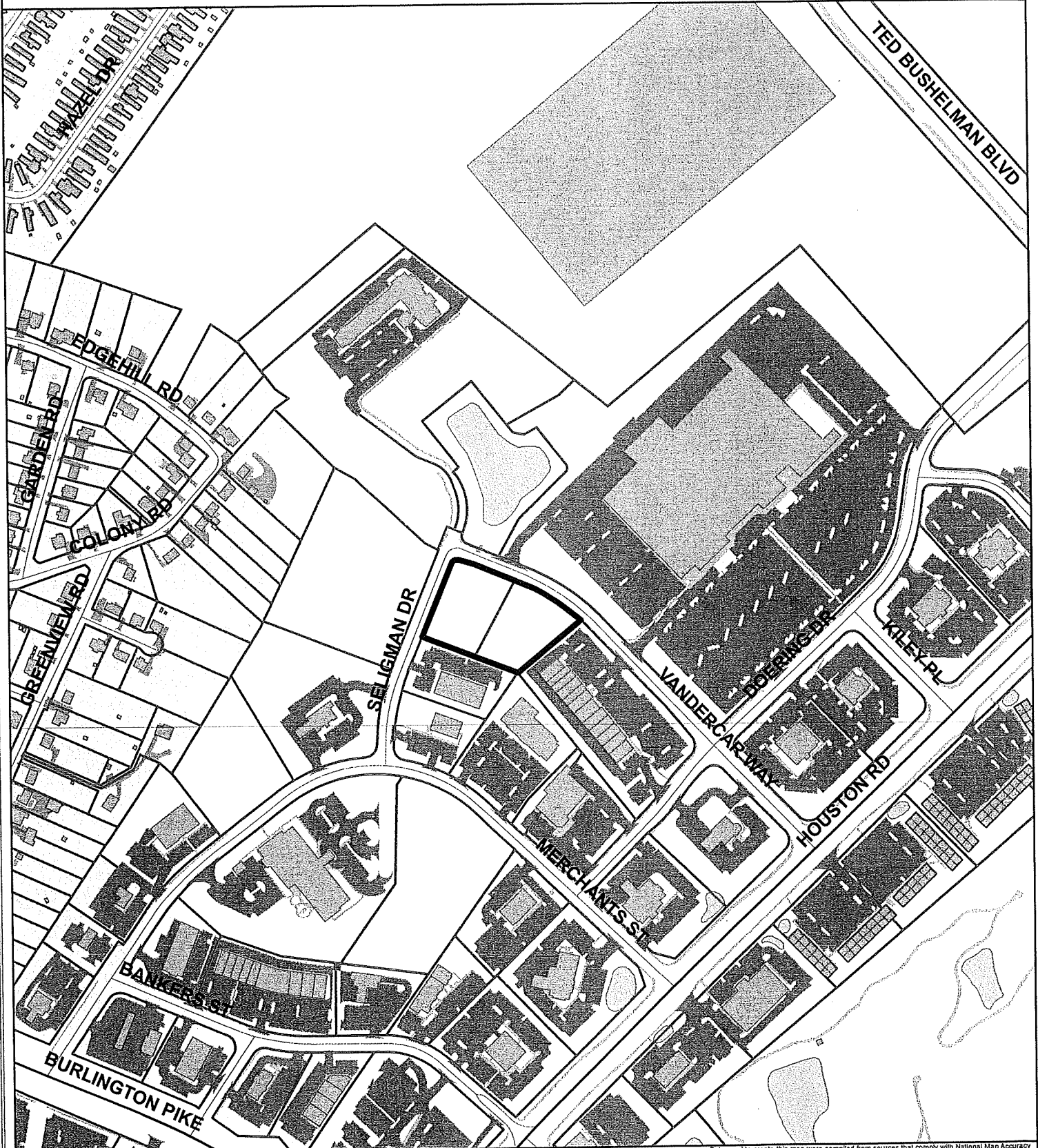
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Attachments:

- *Site Vicinity Map
- *Concept Development Plans
- *Letter From Applicant Explaining the Need for the Hotel
- *1998 Lawsuit Settlement Agreement (Ordinance O-18-98)
- *Zoning Map
- *2035 Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *Planned Development Standards
- *E-Mail From Fire Marshal Vogelpohl
- *Application

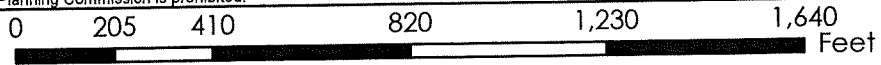
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 400 feet



Map Created: 07/01/2013

Boone County GIS - Putting Northern Kentucky on the Map



Map File: BooneMap.aprx
ArcMap Document: BooneMap (lta).mxd

Hello,

My family and I have been a local resident of Florence, KY since 1996 when my family first built the Best Western Inn Florence on Commerce Drive. We were initially drawn to this area for the potential we saw over 20 years ago. We have seen Florence grow tremendously from then until now and our hotel has gone up in revenue each and every year since we opened. Florence, KY has much more potential today with the numerous corporate companies that exist here and the news ones that are moving to the NKY area, particularly Amazon investing 1.5 billion within the next several years, Southwest Airlines offering new services at CVG airport, and the Ark Encounter drawing in millions of visitors yearly.

We are proposing a Holiday Inn Express & Suites, a limited service hotel that will have an indoor pool and a meeting room. The hotel we have proposed will be located on 1045 Vandercar Way Florence, KY 41042. We feel that this is the best location because it is a centralized location to the airport, restaurants, shopping, and entertainment.

Below is a STR report that shows that the market is in the upward trend:

Occupancy (%)								
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total Month
Mar - 16	47.9	81.4	92.4	90.6	82.0	80.9	80.1	80.2
Apr - 16	56.7	82.8	92.0	91.4	82.7	92.1	90.8	84.6
May - 16	65.3	82.0	89.2	94.6	92.0	89.6	90.5	85.5
Jun - 16	72.7	97.7	99.2	94.8	91.8	89.7	91.4	91.2
Jul - 16	79.1	90.6	98.7	99.7	99.0	95.9	95.5	93.7
Aug - 16	76.0	96.7	98.7	97.0	94.0	95.0	98.3	94.0
Sep - 16	70.9	84.3	94.2	96.9	90.8	87.6	90.1	87.9
Oct - 16	75.7	93.8	98.2	97.8	95.8	94.4	92.0	92.0
Nov - 16	58.2	80.5	84.2	84.1	82.9	83.4	81.1	79.5
Dec - 16	45.7	68.6	73.6	73.2	63.1	56.6	54.5	61.8
Jan - 17	42.7	68.3	74.1	70.9	65.0	56.9	53.1	61.6
Feb - 17	44.6	72.6	83.2	82.9	76.4	69.4	69.4	71.2
Total Year	61.6	83.4	89.6	89.7	84.4	82.7	82.3	82.0

ADR								
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total Month
Mar - 16	91.43	105.79	109.95	107.90	99.63	96.02	97.98	102.55
Apr - 16	94.26	105.48	113.02	110.46	102.71	97.24	100.30	103.50
May - 16	91.96	104.83	113.20	112.97	105.92	100.01	101.77	104.90
Jun - 16	101.09	115.25	118.47	113.47	106.66	104.99	106.85	110.00
Jul - 16	106.91	119.69	127.77	133.50	134.63	138.66	141.03	129.62
Aug - 16	102.96	120.39	124.69	123.39	115.48	112.25	111.42	116.90
Sep - 16	104.86	114.92	124.14	123.67	116.54	111.21	113.89	115.96
Oct - 16	103.46	118.03	122.83	120.16	117.76	110.41	111.22	114.91
Nov - 16	103.42	111.51	115.07	115.38	110.58	104.88	106.82	110.34
Dec - 16	100.61	110.69	111.13	110.55	103.87	97.66	100.01	105.21
Jan - 17	98.93	113.83	117.95	116.72	109.04	96.81	94.55	108.57
Feb - 17	100.12	112.35	117.59	116.17	109.25	101.61	101.23	109.25
Total Year	100.55	113.16	118.10	117.19	111.33	107.44	108.94	111.53

RevPAR								
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total Month
Mar - 16	43.76	86.10	101.56	97.75	81.69	77.66	78.46	82.23
Apr - 16	53.49	87.33	103.97	100.91	84.99	89.55	91.11	87.54
May - 16	60.08	85.91	101.01	106.81	97.42	89.60	92.11	89.64
Jun - 16	73.47	112.60	117.54	107.59	97.90	94.19	97.69	100.31
Jul - 16	84.57	108.41	126.07	133.14	133.31	133.00	134.65	121.44
Aug - 16	78.20	116.42	123.09	119.72	108.60	106.58	109.51	109.93
Sep - 16	74.39	96.89	116.94	119.87	105.84	97.41	102.63	101.97
Oct - 16	78.36	110.73	120.64	117.47	112.86	104.26	102.32	105.74
Nov - 16	60.18	89.81	96.85	97.06	91.68	87.49	86.62	87.76
Dec - 16	45.96	75.93	81.76	80.96	65.59	55.25	54.53	65.01
Jan - 17	42.19	77.75	87.38	82.70	70.92	55.06	50.22	66.84
Feb - 17	44.62	81.57	97.85	96.31	83.49	70.50	70.24	77.80
Total Year	61.97	94.40	105.82	105.06	94.00	88.80	89.67	91.43

Three Year Occupancy (%)								
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total Year
Mar 14 - Feb 15	56.1	81.9	90.8	91.1	84.7	81.7	81.6	81.1
Mar 15 - Feb 16	60.8	84.5	91.7	90.8	84.1	82.4	83.6	82.5
Mar 16 - Feb 17	61.6	83.4	89.6	89.7	84.4	82.7	82.3	82.0
Total 3 Yr	59.5	83.3	90.7	90.5	84.4	82.3	82.5	81.9

Three Year ADR								
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total Year
Mar 14 - Feb 15	88.24	97.93	102.19	103.00	95.66	92.09	91.91	96.41
Mar 15 - Feb 16	93.71	106.59	111.78	110.11	102.48	97.46	97.65	103.41
Mar 16 - Feb 17	100.55	113.16	118.10	117.19	111.33	107.44	108.94	111.53
Total 3 Yr	94.35	105.95	110.70	110.06	103.15	99.02	99.47	103.81

Three Year RevPAR								
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total Year
Mar 14 - Feb 15	49.52	80.20	92.76	93.88	81.06	75.20	75.04	78.23
Mar 15 - Feb 16	56.95	90.09	102.45	100.03	86.21	80.34	81.59	85.31
Mar 16 - Feb 17	61.97	94.40	105.82	105.06	94.00	88.80	89.67	91.43
Total 3 Yr	56.15	88.24	100.38	99.66	87.09	81.45	82.05	84.99

Our studies and analysis reflect a profitable operation to the developer and the city of Florence. Our project will create over 25 full time jobs, 10 part time jobs and generating several thousands in tax revenue. With over 40 years of hospitality experience and our proven track record, superior service, and management with our 20 current hotels, we see this hotel as nothing but a success for Florence.

Please let me know if you have any questions regarding this proposition.

Thank you,

ORDINANCE NO. 0-18-98

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/Cris/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. Blueprinting and photocopying services, stenographic services and other duplicating, milling 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 integrated 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/PD to any commercial use for a period of 5 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 map, 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 9th DAY OF September, 1998.

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

APPROVED:

Evelyn M. Kelt
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 23rd day of September, 1998.

Betsy R. Conrad
Betsy R. Conrad, City Clerk

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/PD) 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 tightly 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.

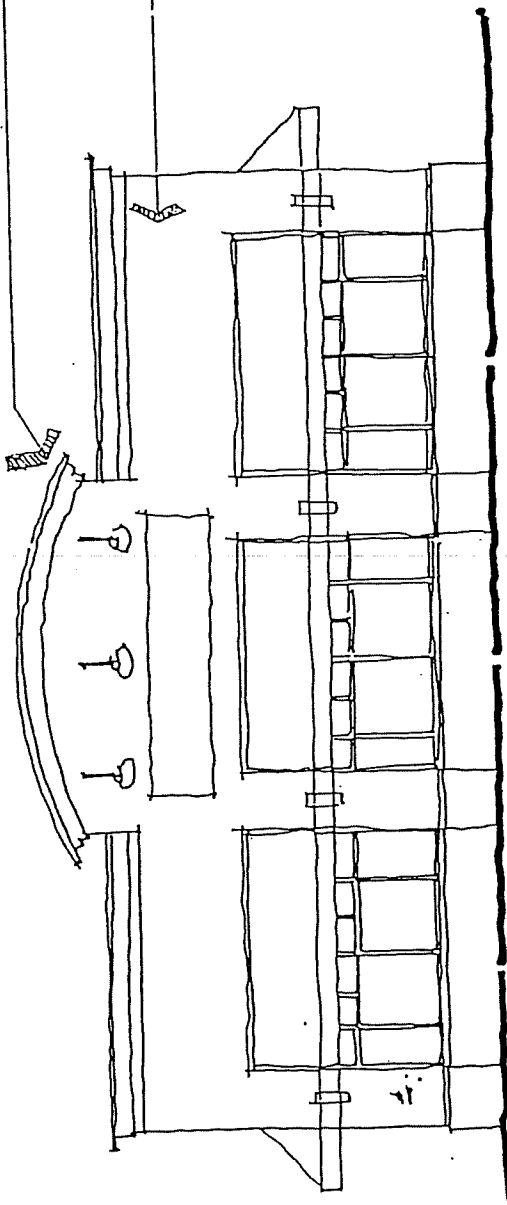
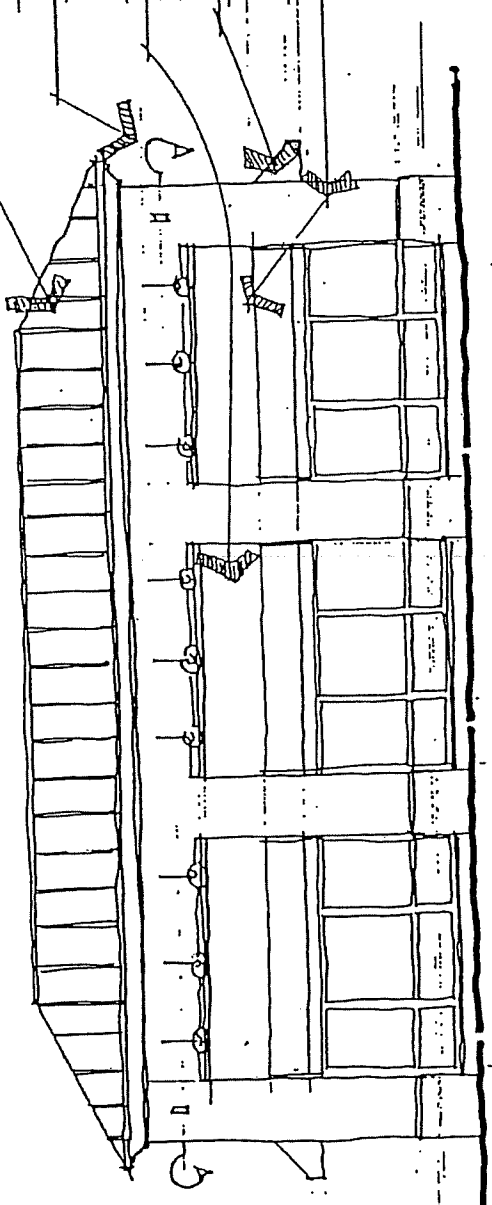
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

STANDING SEAM METAL
 ROOF CONSISTANT W/ FLAZA
 LIGHTING CONSISTANT W/ BLDG.
 MOUNTED SIGNAGE & IMAGE,
 ACCENT LIGHTING,
 SIGNAGE MUST BE INDIVIDUAL
 CHANNEL LETTERS, INTERNAULT
 ILLUMINATED
 BLDG. MTD, FABRIC CANOPY
 MUST BE OF PRESCRIBED
 COLOR

FULL HGT. FACE BRICK
 VENEER W/ EIFS ACCENT

SIMPLY SHAPED PARAPET.

4' MASONRY VENEER
 FULL HEIGHT ON OUTLOT
 BUILDINGS



The Florence Marketplace

Architectural Development Guidelines NTS



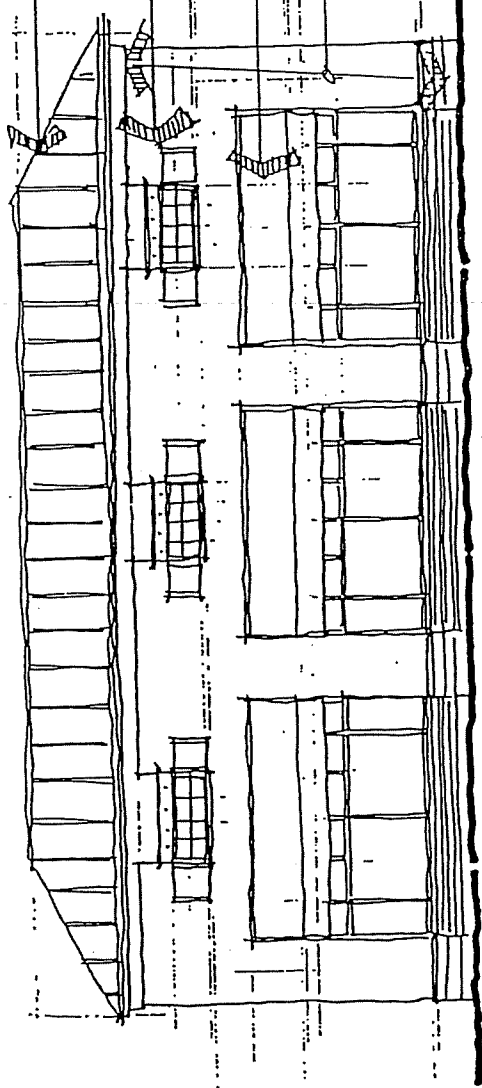
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STANDING SEAM METAL ROOF
CONSISTANT W/ DEV. COLOR PALETTE.

CLERESTORY ON SECOND FLOOR.

48" HIGH SIGNAGE BAND - INDIVIDUAL
ILLUMINATED CHANNEL LETTERS

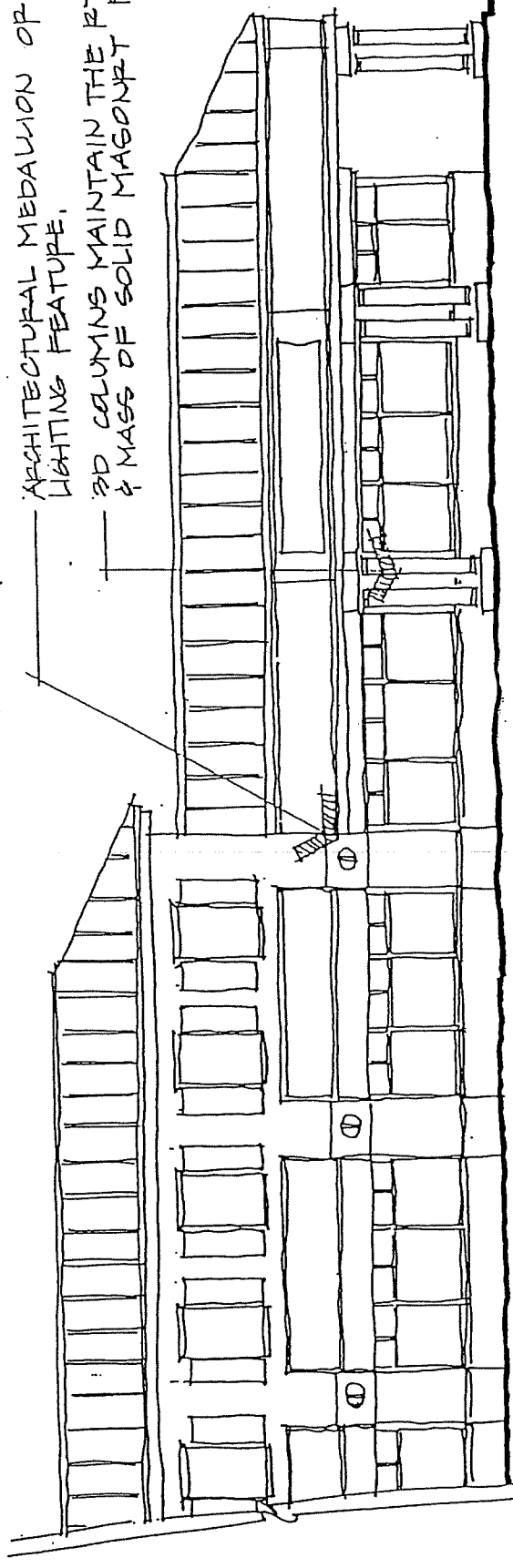
FULL HEIGHT MASONRY VENEER



ARCHITECTURAL MEDALLION OF
LIGHTING FEATURE.

3D COLUMNS MAINTAIN THE RHYTHM
& MASS OF SOLID MASONRY PIERS

48" CLR.

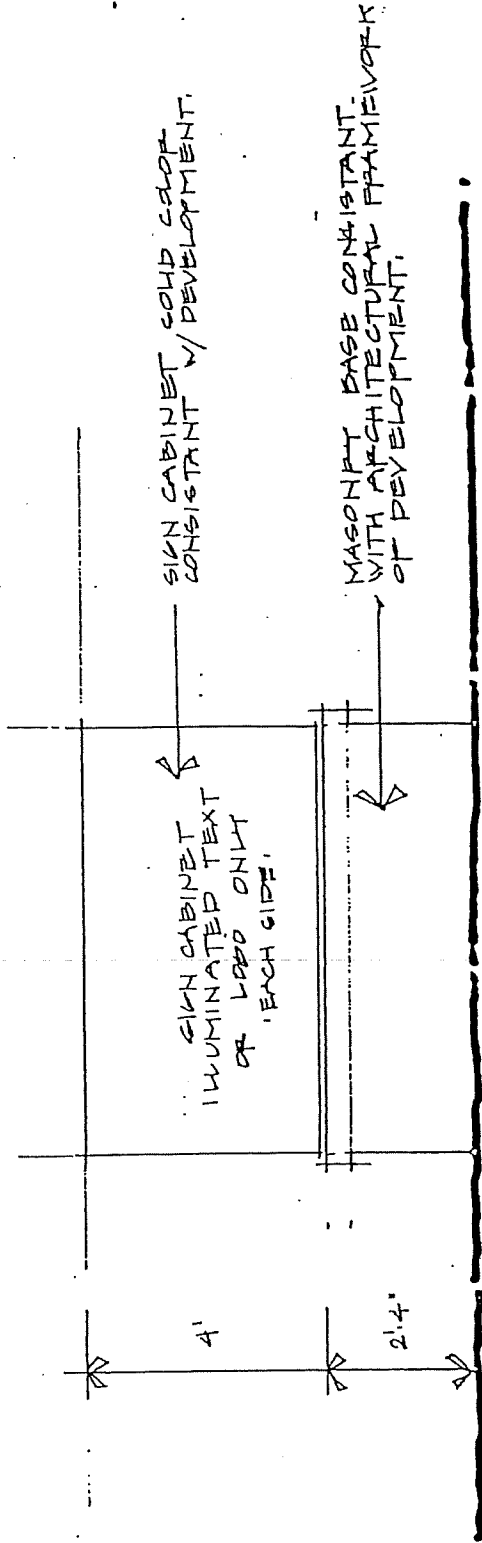


The Florence Marketplace

Architectural Development Guidelines NTS



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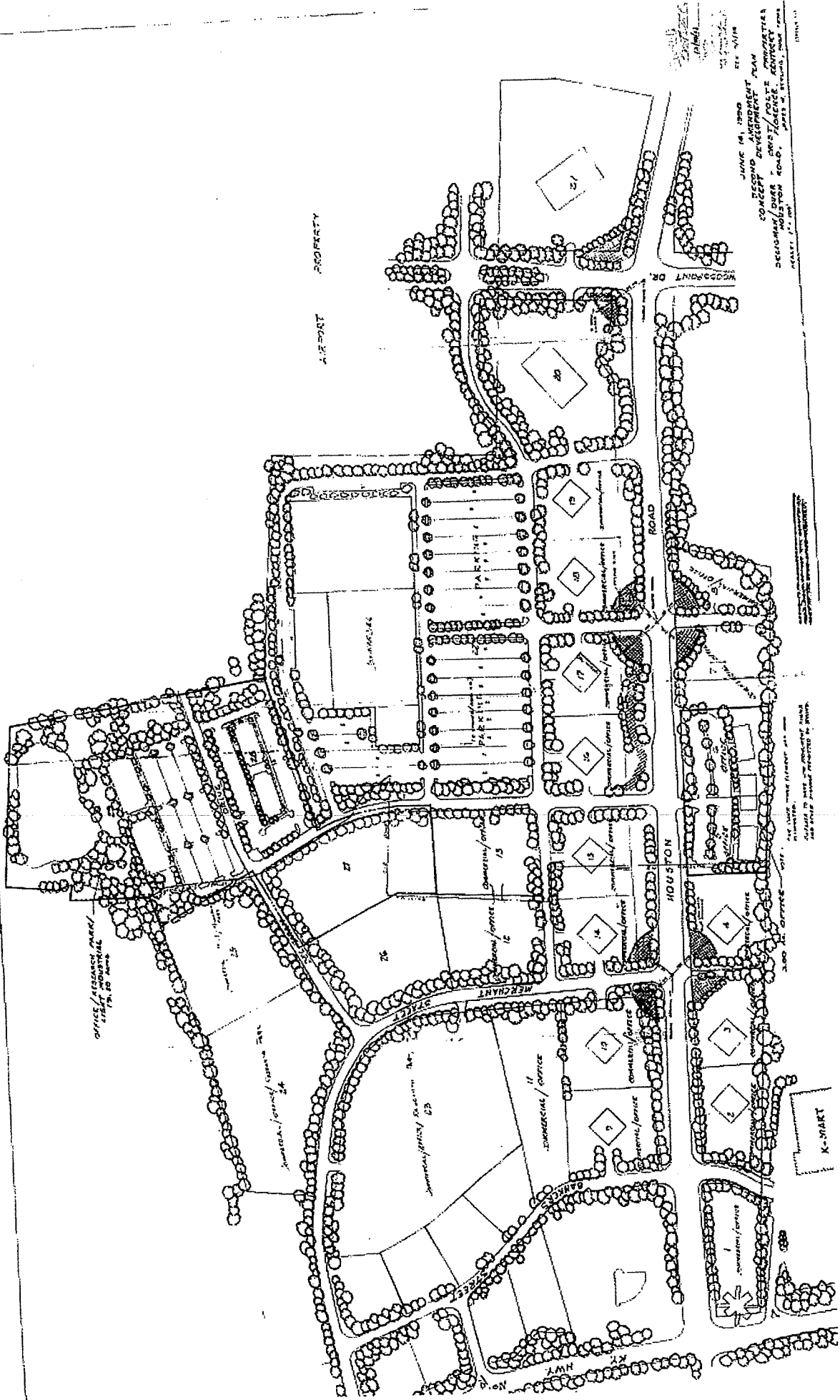
LOW MONUMENT SIGN.

The Florence Marketplace

Architectural Development Guidelines NTS



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JUNE 14, 1990
 SECOND AMENDMENT PLAN
 CONCEPT DEVELOPMENT PLAN
 SECURITIES/DEVELOPMENT - WEST/COCKE PROPERTY
 HOUSTON ROAD, HOUSTON, TEXAS
 SCALE: 1/4" = 1'-0"

THE ABOVE SHOWN PLAN IS SUBJECT TO ALL APPLICABLE ORDINANCES AND RULES AND REGULATIONS OF THE CITY OF HOUSTON, TEXAS.

K-MART

AIRPORT PROPERTY

WOODPOINT DR.

HOUSTON ROAD

MEZCLANT

AMH

OFFICE/COMMERCIAL/WAREHOUSE 24

commercial/warehouse 23

commercial/office 11

commercial/office 9

commercial/office 10

commercial/office 12

commercial/office 13

commercial/office 14

commercial/office 15

commercial/office 16

commercial/office 17

commercial/office 18

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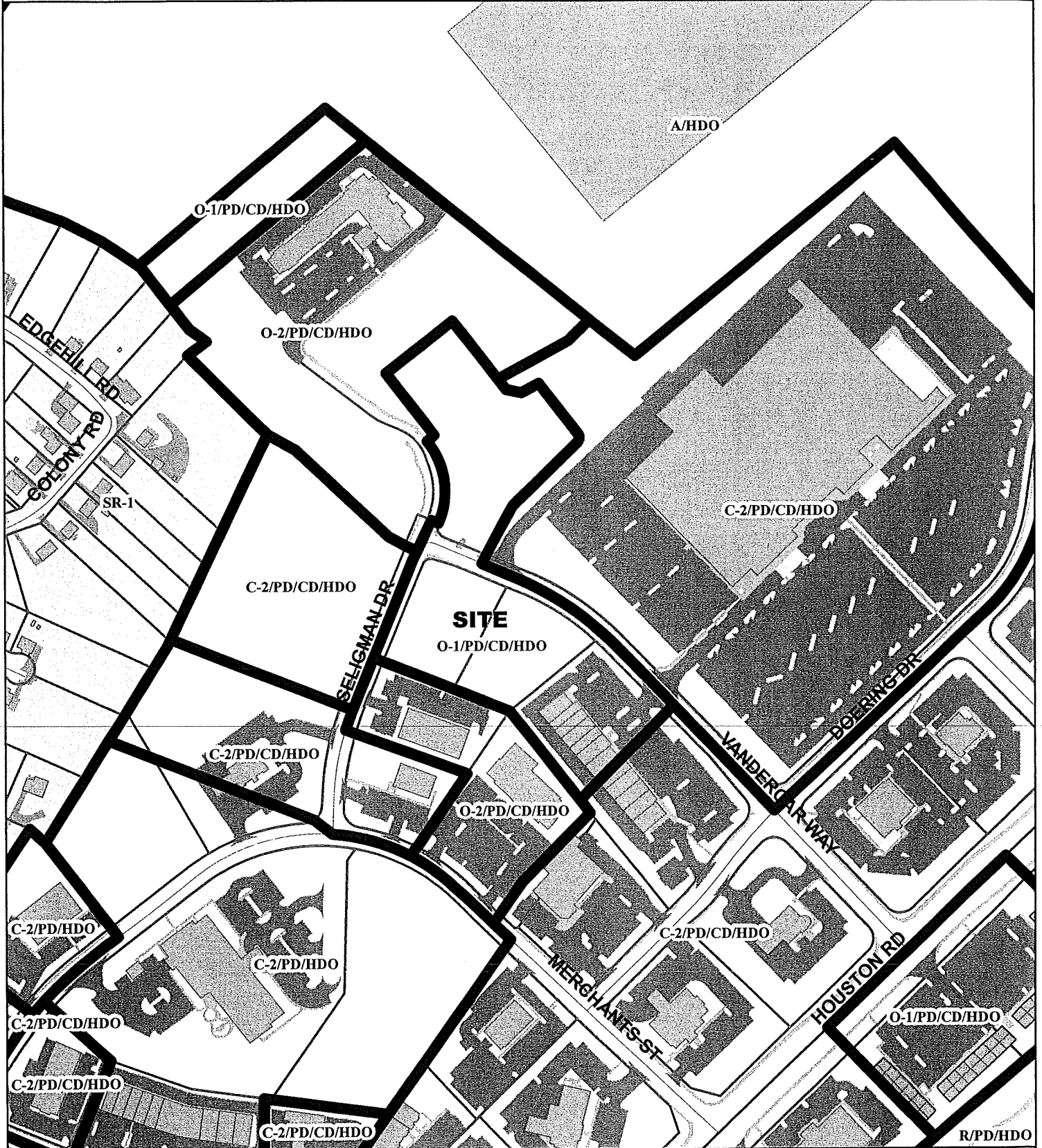
commercial/office 98

commercial/office 99

commercial/office 100

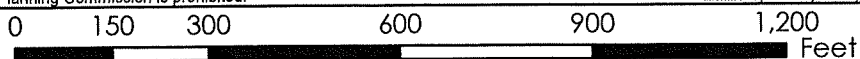
ZONING MAP

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1 inch = 300 feet

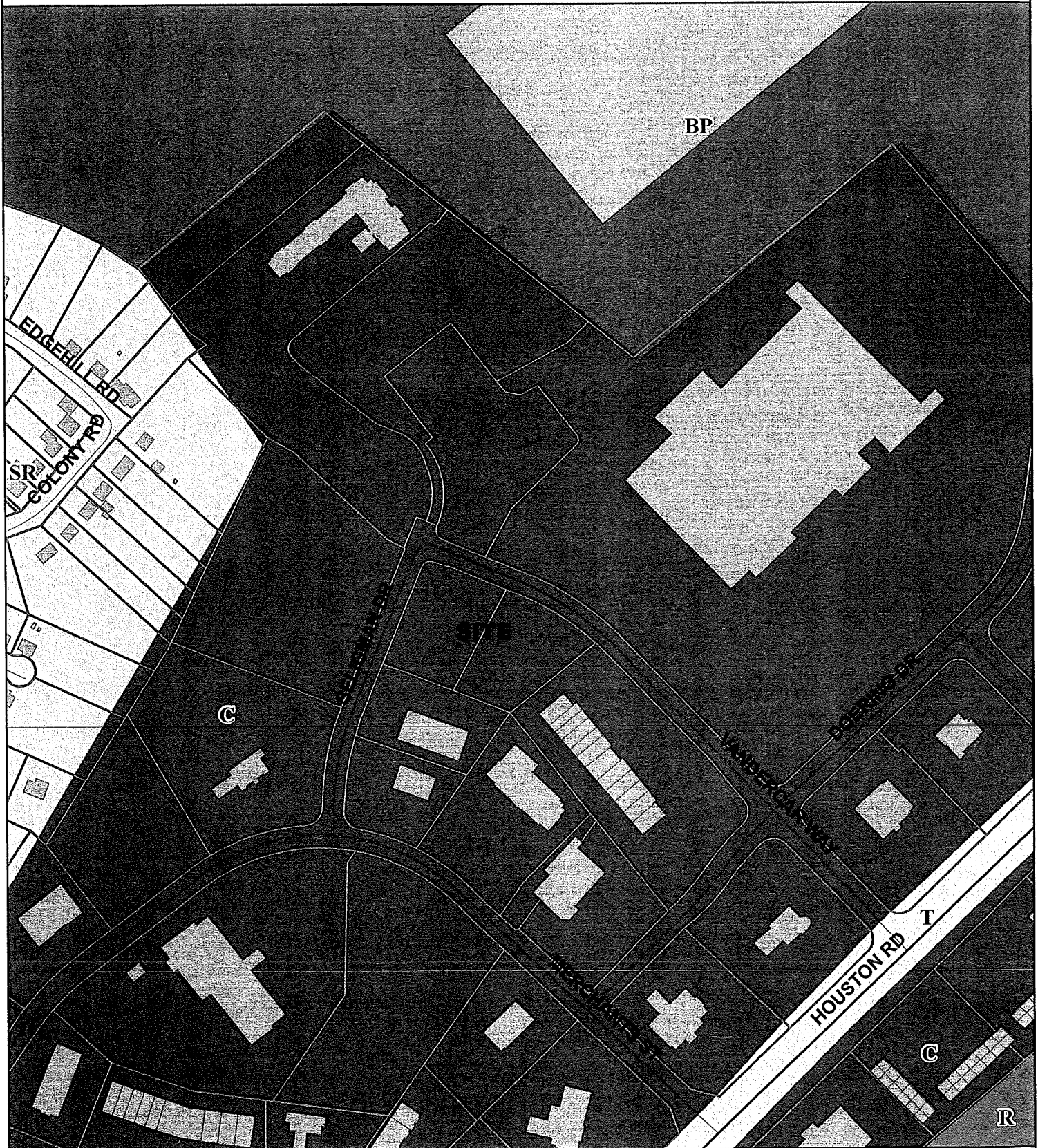


Boone County GIS - Putting Northern Kentucky on the Map



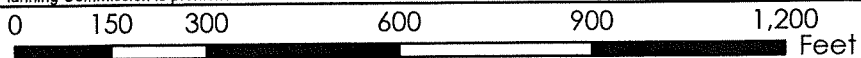
2035 FUTURE LAND USE MAP

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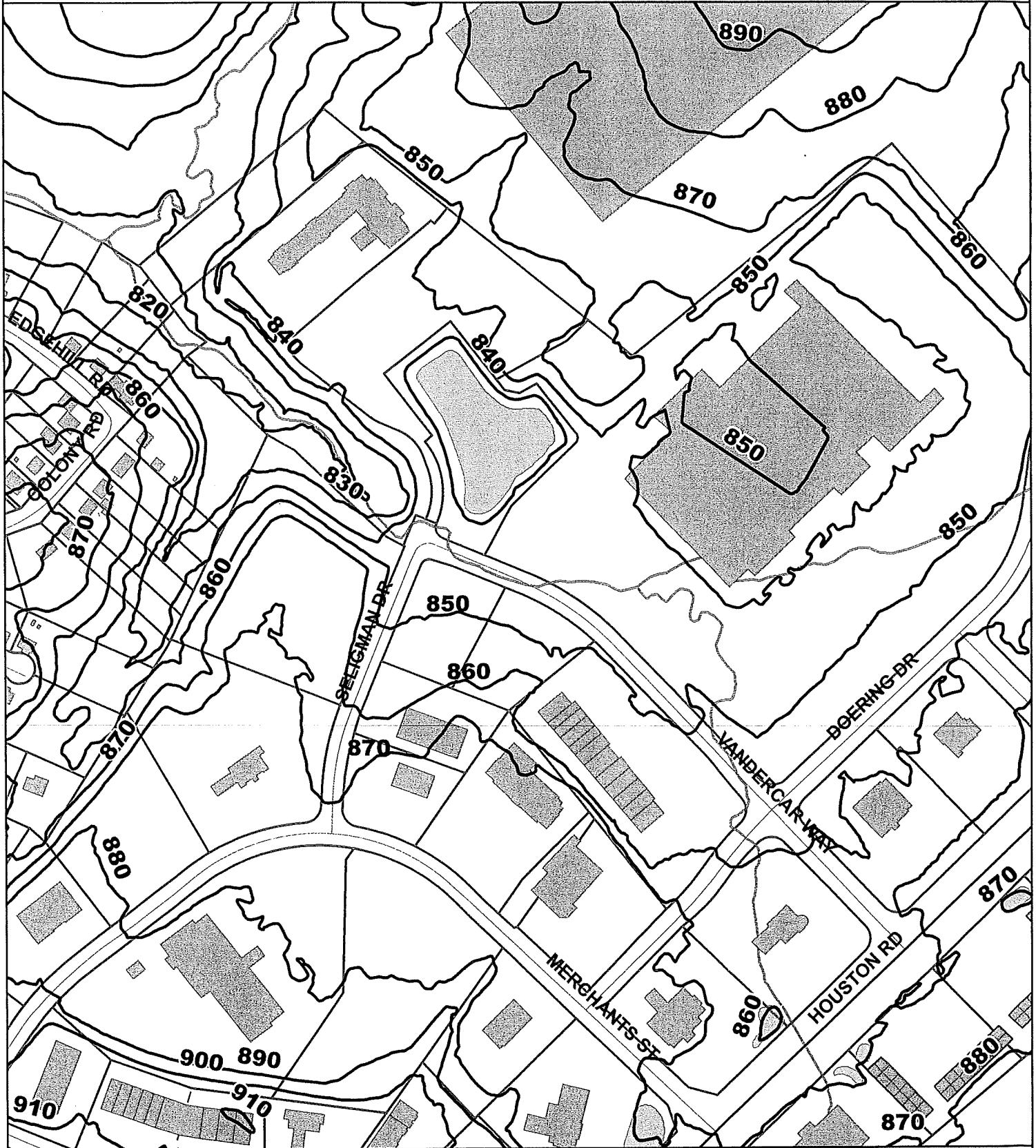


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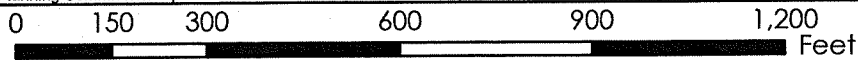
TOPOGRAPHICAL MAP

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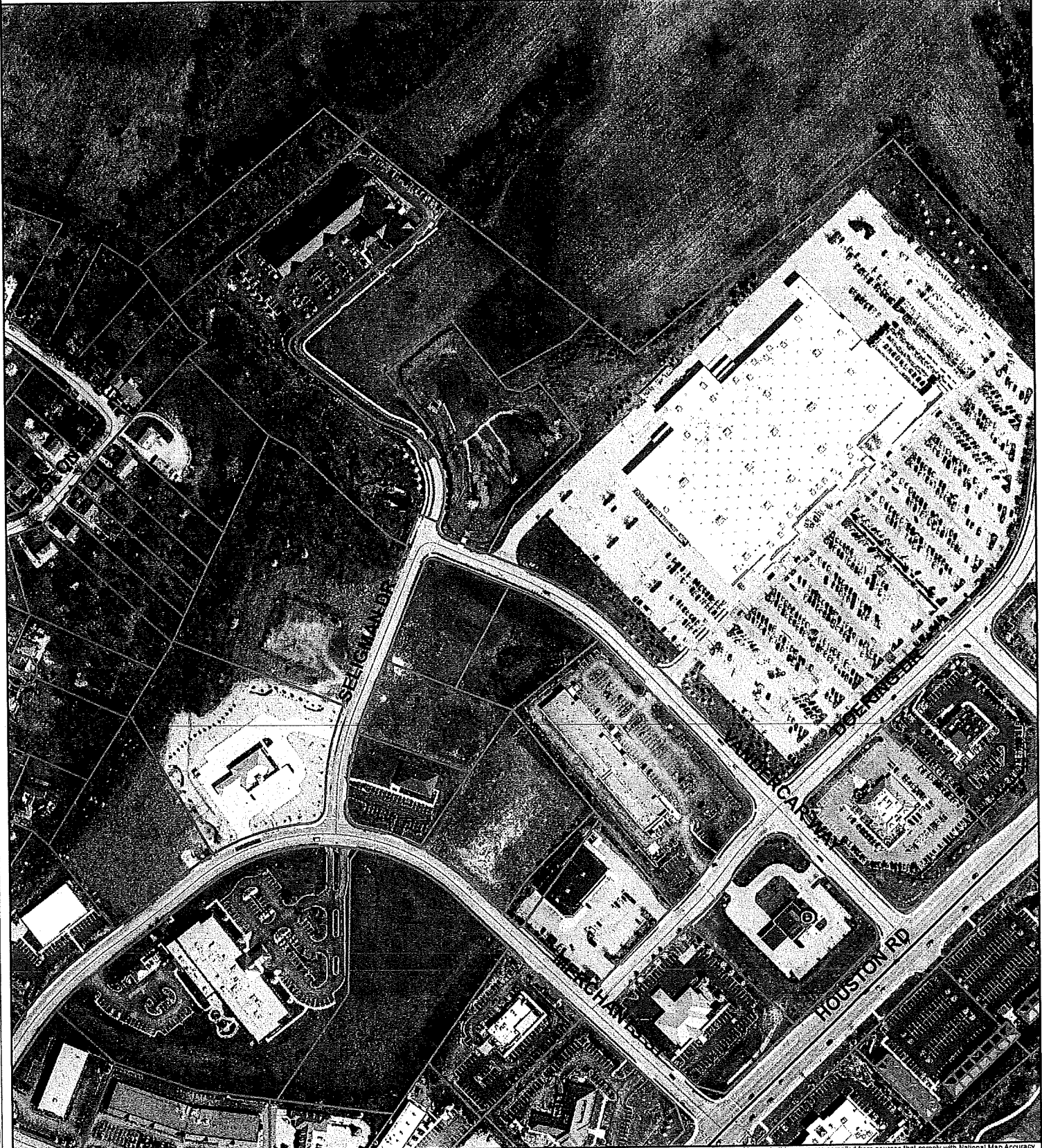
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Boone County GIS - Putting Northern Kentucky on the Map

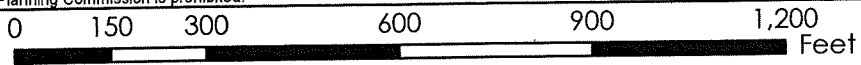
2016 AERIAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map

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Map Frame & Printout Scale: 3:15 1:100
ArcMap Document: BooneMap (file).mxd

that is consistent and compatible with existing or planned infrastructure;

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

SECTION 1510

Provisions Governing Planned Developments

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

SECTION 1511

Permitted Uses

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

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

SECTION 1512

Intensity

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

SECTION 1513

Minimum Size

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

SECTION 1514

Planned Development Criteria

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

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

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

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence 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 dominant. 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

Todd Morgan

From: Kevin Vogelpohl <Kevin.Vogelpohl@Florence-KY.gov>
Sent: Tuesday, July 11, 2017 8:39 AM
To: Todd Morgan
Subject: RE: Zoning Map Amendment Application to Allow a Holiday Inn Express & Suites

Todd,

In reviewing the concept plan, I have no comments at this time. My comments will be reserved for the site plan and building plans. If you need anything else, please let me know.

Thank you,

Kevin R. Vogelpohl

Battalion Chief/Fire Marshal

Florence Fire/EMS

1152 Weaver Rd

Florence, KY 41042

kevin.vogelpohl@florence-ky.gov

O: (859) 647-5660 F: (859)647-5670



From: Todd Morgan [<mailto:TMorgan@boonecountky.org>]
Sent: Friday, July 07, 2017 10:30 AM
To: Joshua Hunt; Tom Gagnon; Kevin Vogelpohl; 'bschempf@cvgairport.com'
Subject: Zoning Map Amendment Application to Allow a Holiday Inn Express & Suites

RE: Request of Devesh Patel (applicant) for BBL Development, LLC (owner) for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

I have attached copies of the Concept Development Plans for the above referenced application. The plans show a four-story hotel (Holiday Inn Express and Suites) with 107 parking stalls is being proposed on the subject site. The hotel is approximately 56,000 square feet in area and is 45'-4" tall at the top of the parapet. The public hearing for this application is scheduled for August 2, 2017.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

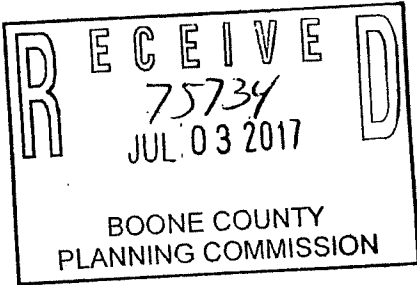
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Holiday Inn Express + Suites
2. Location of Project South east Corner of Vanderkar Way + Seligman Dr
3. Total Acreage of Site 2.15 AC +/-
4. Current Zoning of Site O-1/PP/LD/HDO
5. Proposed Zoning (Classification being requested) O-2/PP/LD/HDO
6. Proposed Uses (please specify each use)
Hotel/Motel Use
7. Names of Applicant(s) Devesh Patel
Phone No. 859-838-1258 Fax No. 1-800-988-4555 E-Mail devesh@onestopping.com
8. Address of Applicant(s) 7821 Commerce Drive Ste 911
Florence KY 41042
City State Zip
9. Name of Property Owner(s) BBL Development, LLC
Phone No. Fax No. E-Mail
10. Address of Property Owner(s) 11520 Sutherland Dr.
Walton KY 41099
City State Zip
11. Proposed Building Intensities (please specify) 56,000 S.F. 4 story Hotel
2.15 ACRE Parcel = 26,046.5 S.F. Per ACRE
12. Are there any existing buildings on the site? No
How many? N/A
13. Deed Book 957 # Page No. 783 + 780 Group No. 2033A
14. Are you also applying for:
N/A Conditional Use Permit
N/A Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within 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
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: September 6, 2017

RE: Request of **Devesh Patel (applicant)** for **BBL Development, LLC (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

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 request is in agreement with the Boone County Comprehensive Plan for the following reasons:

- A. The "2035 Future Land Use Plan" designates the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The request is basically limited to allowing a hotel at a higher building intensity than is currently permitted.

- B. The request is in agreement with the following passage from the Land Use Element:

Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. The Study recommended an employment district to include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development (Houston-Donaldson/Mall Road Area, pg. 167).

2. The Houston-Donaldson Study recommendations for subarea 1 include:
 - Future development and/or redevelopment in this subarea should be of commercial or office type land uses and not of light industrial or residential uses.
 - New development in this area should be aesthetically harmonious with existing surrounding land uses so as to fit into the built landscape.

The Committee has concluded the proposal fulfills these recommendations.

3. The request is in conformance with the Planned Development (PD) Standards found in Section 1514 of the Boone County Zoning Regulations.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the Boone County Comprehensive Plan and Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant and property owner have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The approval is based on the submitted Concept Development Plans.
2. The hotel conference room shall only be used by current occupants of the hotel. It shall not be rented out by persons that are not staying at the hotel.
3. The sides and rear of the dumpster enclosure shall be constructed with brick which matches the building. The dumpster gates shall be solid and comply with Section 3151 of the Boone County Zoning Regulations.
4. The patio shall be enclosed with a brick wall which matches the building.
5. The following lighting conditions shall apply to the development:
 - A. All light poles and their accompanying fixtures shall be limited to 25 feet in height. All illumination from these fixtures shall be directed downwards and inwards towards the subject site.
 - B. The parking lot shall not be illuminated by wallpacks that are mounted to the building.

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 Concept Development Plan Committee vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 16, 2017

ZONING MAP AMENDMENT - Kim Bunger, Chairman, Todd Morgan, Staff

2. Request of **Devesh Patel (applicant)** for **BBL Development, LLC (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

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.

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

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

Kim Bunger
Kim Bunger, Chairman
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

Randy Bessler (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Janet Kegley
Janet Kegley
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Lori Heilman (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

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

Mark Hicks (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Rick Lunnemann (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

TOTAL: ____ DEFERRED 3 FOR PROJECT ____ ABSENT
0 AGAINST PROJECT ____ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Rick Lunnemann
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 7:50 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT -Todd Morgan, Staff

2. Request of **Devesh Patel (applicant)** for **BBL Development, LLC (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The applicant is requesting the zone change because the current zoning does not allow a hotel, but the proposed zoning does allow a hotel at 30,000 square feet/acre of land. The proposed use is a four story Holiday Inn Express and Suites hotel with 93 guest rooms. It is 56,000 square feet in area with a building intensity of 26,047 square feet of building per acre of land. A total of 107 parking spaces are planned for the site. Two curb cuts access the site. The proposed building faces Vandercar Way and the applicant has submitted building elevations with building materials. The building is all brick and stone. Mr. Morgan showed photos of the site and the building elevations. He reminded the Board that the site in question is part of the lawsuit settlement area where there are specific design requirements. Two other hotels (Homewood Suites and Comfort Suites) in the area have gone through a similar process. The Future Land Use Map designates the site as Commercial (C). The Staff Report refers to sections of the Houston-Donaldson Study and Boone County Comprehensive Plan.

In terms of Staff Comments, the zone change is being requested because the O-2 zone allows a maximum building intensity of 30,000 square feet of building per acre of land (2.15 x 30,000 = 64,500 square feet). The proposed hotel is approximately 56,000 square feet in area and 45'-4" tall. Typically, hotels are listed as conditional uses in the Office Two (O-2) zone. However, the Conditional Use Permit is not required when hotels are approved as part of a Planned Development (PD). Staff would like the applicant to address the following: Does the hotel have any conference rooms that can be rented out by guests that are not staying at the hotel? If so, additional parking would be required. Has the Kenton County Airport Board or Kentucky Airport Zoning Commission been contacted regarding the proposed building height? Similar zone change requests have been approved in Merchants Square Subdivision. In 2011, the City of Florence approved a Zoning Map Amendment application from O-1/PD to O-2/PD for the 8.95 acre site at 1090 Vandercar Way. The approval allowed the existing Homewood Suites to be located on a 5.38 acre tract and two development options for the remaining 3.57 acres. Option 1 allowed O-2 uses (1 or 2 buildings) to develop on the property at the maximum intensity of the O-1 zone (16,000 square feet of building permitted per acre of land). Option 2 allowed a hotel to develop on site at maximum intensity of the O-2 zone (30,000 square feet of building per acre of land). A condition of approval limits the height of the hotel so it cannot be any taller than Homewood Suites. To date, neither development option has been constructed.

In 2016, the City of Florence approved a Zoning Map Amendment from C-2/PD/HDO to O-2/PD/HDO to allow a four-story hotel (Comfort Suites) to develop on lot 12 of Merchants Square Subdivision. The approved building intensity was approximately 28,582 square feet of building per square foot of land (56,180/1.9656).

Staff has the following comments regarding the Planned Development (PD) Standards:

Architecture: The design of the building needs to be analyzed against the architectural guidelines found in the lawsuit settlement agreement and the site design standards found in the Houston-Donaldson Study.

Staff would like the applicant to address the following so it's clear if any architectural design waivers are being sought:

1. Provide a material sample board.
2. Explain if the dumpster enclosure will match the building?
3. Explain if any mechanical equipment be visible on the roof?
4. Define the fencing materials around the patio.

Signage: The applicant has informed Staff that they will comply with the lawsuit settlement agreement and the Houston-Donaldson Study Special Sign Regulations. One 6' tall and 7' wide monument sign is permitted on the lot. Final approval of all signs would take place through the Technical/Design Review and Sign Permit application processes.

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.

Sidewalks will be required along both street frontages and a sidewalk connection is shown between the front of the building and Vandercar Way.

Lastly, Staff sent an agency memo to the City of Florence, Florence Fire Department, and Kenton County Airport Board asking if they had any comments regarding the proposal. Staff received an email from Florence Fire Department indicating they had no comments at this time.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to make a presentation? Mr. Daves Patel, applicant, submitted a sample board of building materials and colors. Mr. Patel stated that the patio and building will be all brick. The dumpster will match the red brick of the building. Mechanical equipment will be screened. Mr. Daniel Whitley, Arnold Consulting Engineers, stated that a parapet will be installed on the roof to screen the roof equipment. They did contact the Kentucky Airport Zoning Commission and did not see any concerns but they will have to file with the FAA.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if any Board Members had any comments or questions? Mr. Patton inquired if the request is a PD, is the applicant capping the building intensity at 56,000 square feet? If for some reason the applicant does not build it and someone else wants to build it at 60,000 square feet, would they have to come back

before the Planning Commission? Mr. Morgan replied the changes would have to be analyzed first by Staff because such an approval would include height, building intensity and architecture. It may or may not have to come back to the full Planning Commission.

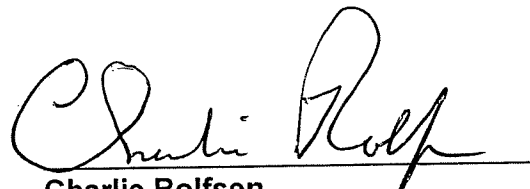
Mr. Bunger asked about the applicant's other hotel operations in the area? Mr. Patel responded that they have 25 hotels and 7 under construction. They have 3 hotels in Louisiana, 2 in Nashville and 3 in Kentucky. Chairman Rolfsen inquired about the average occupancy rate? Mr. Patel replied that he did a comparison of hotels that he would compete with when the hotel opens. They built the Best Western in Florence in 1996 and the market is moving towards the mid-80s percent occupancy. It is due to business growth like Amazon, Southwest Airlines and the Ark project. It is a high end hotel. It is a limited service hotel. There are no kitchens in the rooms.

Mr. Patton asked the Staff if the occupancy rates are accurate. Mr. Costello responded yes as Mr. Eric Summe with the NKY Visitors and Convention Bureau recently presented some data to the Staff. Florence area hotels are benefitting from the Ark project simply because of the limitation of attractions, services and hotels in Grant County. The high occupancy rate in Boone County is due to industrial business growth in Boone County and the Ark project. This also includes increased airline traffic. Florence is in the middle between the Ark project and downtown Cincinnati.


Mr. Lunnemann inquired about the amenities provided at the hotel? Mr. Patel replied that the hotel will have an indoor pool, a meeting room, free wi-fi, patio area and free breakfast.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 16, 2017 at 5:00 P.M. in this room or the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:07 P.M.

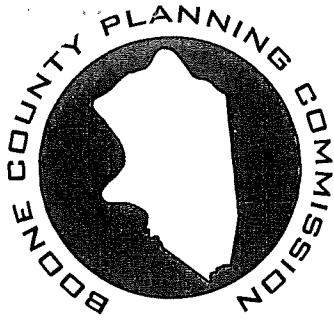
APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

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

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

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

August 25, 2017

Mr. Devesh Patel
7821 Commerce Drive
Florence, KY 41042

RE: Request of **Devesh Patel (applicant)** for **BBL Development, LLC (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

Dear Mr. Patel,

The following represents the conditions of approval for the above referenced application. You and the property owner need to sign the appropriate lines on the last page of this letter if you are in agreement with the conditions. Please return this letter to the Boone County Planning Commission by September 1, 2017.

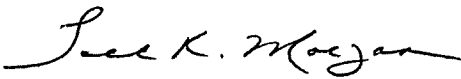
CONDITIONS

1. The approval is based on the submitted Concept Development Plans.
2. The hotel conference room shall only be used by current occupants of the hotel. It shall not be rented out by persons that are not staying at the hotel.
3. The sides and rear of the dumpster enclosure shall be constructed with brick which matches the building. The dumpster gates shall be solid and comply with Section 3151 of the Boone County Zoning Regulations.
4. The patio shall be enclosed with a brick wall which matches the building.
5. The following lighting conditions shall apply to the development:

Mr. Devesh Patel
August 25, 2017
Page 2

- A. All light poles and their accompanying fixtures shall be limited to 25 feet in height. All illumination from these fixtures shall be directed downwards and inwards towards the subject site.
- B. The parking lot shall not be illuminated by wallpacks that are mounted to the building.

Sincerely,

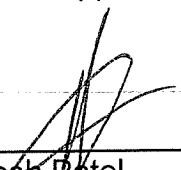


Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\ss

AGREEMENT

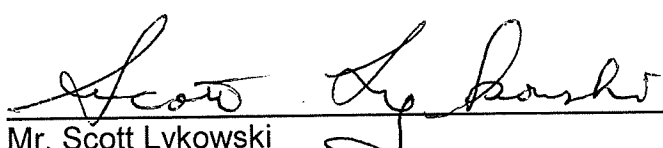
I, Devesh Patel, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is described on the first page of this letter.



Mr. Devesh Patel
Applicant

8/28/17
Date

I, Scott Lykowski, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is described on the first page of this letter.



Mr. Scott Lykowski
BBL Development, LLC

8/28/17
Date

ORDINANCE NO. O-15-17

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM OFFICE ONE/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (O-1/PD/HDO) TO OFFICE TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (O-2/PD/HDO) FOR AN APPROXIMATE 2.15 ACRE TRACT GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE VANDERCAR WAY/SELIGMAN DRIVE INTERSECTION, FLORENCE, KENTUCKY, TO ALLOW CONSTRUCTION OF A HOTEL. (DEVESH PATEL/BBL DEVELOPMENT, LLC)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-17-019-A recommended approval for a zoning map amendment, 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 Devesh Patel (Applicant) for BBL Development, LLC (Owner), for a zoning map amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/PD/HDO) for an approximate 2.15 acre tract generally located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky, shall be and is hereby approved.

The real estate which is subject to this request is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the zoning map amendment for this subject property.

SECTION II

The approval of this zoning map amendment 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 "B" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-17-019-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-17-019-A, marked Exhibit "B", and attached hereto.

SECTION IV

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

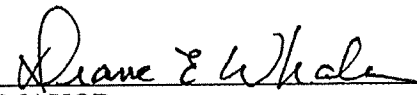
SECTION V

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

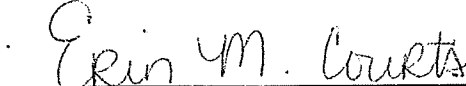
PASSED AND APPROVED ON FIRST READING THIS 24th DAY OF October, 2017.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 14th DAY OF November, 2017.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

City of Boone County, KY



GPS NOTE
 THE SURVEY BENCHMARK DATA BASED ON GPS DATA COLLECTED BY AGENCIES BOTH FEDERAL AND STATE. THE SURVEY OF THE DATA COLLECTED FOR THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING AND MAPPING ACT OF 2002. THE SURVEY DATA WAS COLLECTED IN STATIC MODE WITH A LEAST SQUARES ADJUSTMENT. THE SURVEY DATA HAS BEEN CHECKED THROUGH STATE, FEDERAL AND OTHER AGENCIES.

FLOODPLAIN INFORMATION
 THE PROPERTY SHOWN HEREON DOES NOT LIE IN A FLOODPLAIN AS SHOWN ON THE FLOODPLAIN INSURANCE RATE MAP FOR BOONE COUNTY, KENTUCKY DATED AND EFFECTIVE DATE OF JUNE 1, 2007.

APPROVED
 Staff: *[Signature]*
 Date: 9/16/17
 Boone County
 Planning Commission

LEGEND

- BENCHMARK
- IRON PIN FOUND
- IRON PIN
- CONCRETE FOUND
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEAN OUT
- ANCHOR
- UTILITY POLE
- SIGNAL POLE
- ELECTRIC METER
- ELECTRIC METER
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- TELEPHONE PEDESTAL
- STORM SEWER MANHOLE
- DROP BOX INLET
- DROP BOX INLET
- GUTTER OUTLET
- ROAD SIGN
- TRAIL
- MAIL BOX
- LAMP POLE
- BUILDING SET BACK LINE
- PUBLIC UTILITY ASSESSMENT
- FIVE FINISHED FLOOR ELEVATION
- PROPERTY LINE
- SETBACK LINE
- LOT LINE TO BE ABANDONED
- EASEMENTS
- CONDUIT
- OVERHEAD ELECTRIC
- OVERHEAD UTILITY
- BURIED TELEPHONE
- SANITARY SEWER LINE
- WATER LINE
- STORM SEWER LINE
- FENCE LINE
- DRAINAGE EMB.

HOLIDAY INN EXPRESS & SUITES
VANDERCAR WAY
FLORENCE, KY 41042

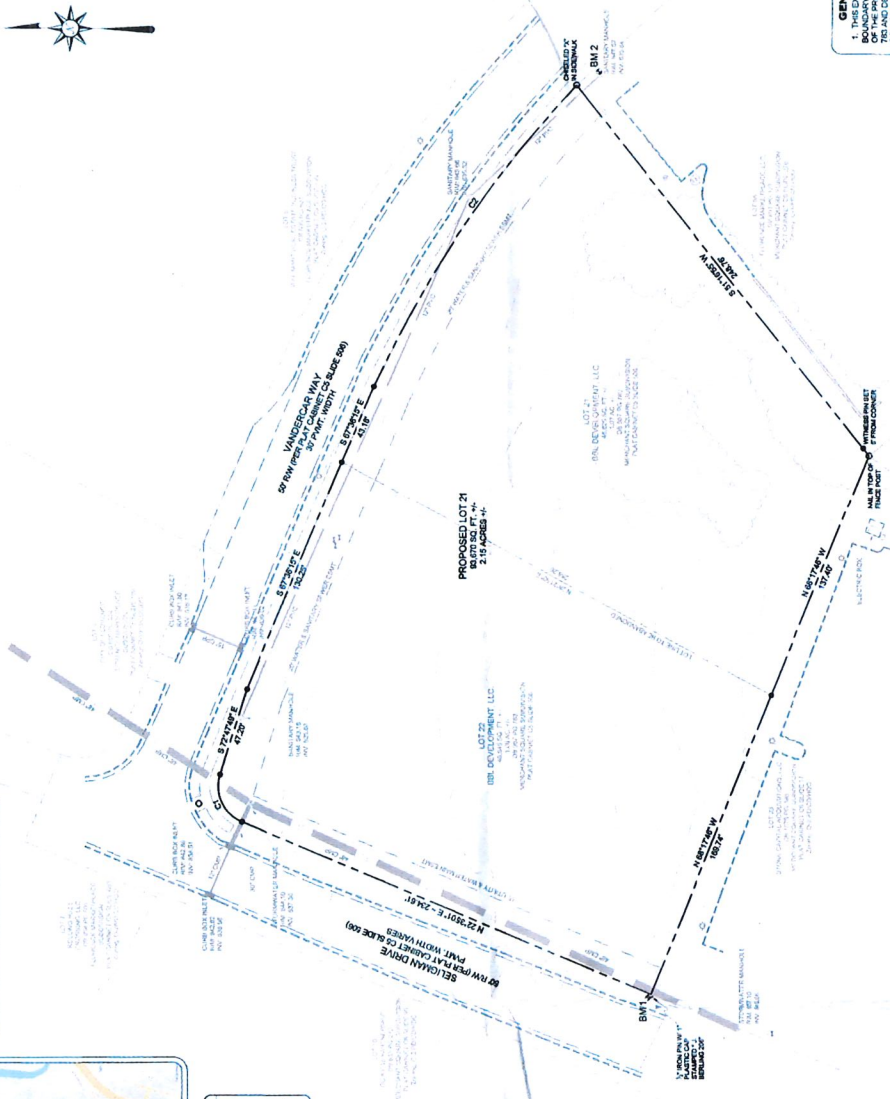


JOB NUMBER: 17-0020007
 DATE: 06/20/17
 SCALE: 1" = 30'
 DRAWN: J. MOORE
 CHECKED: B. HESTER
 FILE DATE: 7/27/17
 FILED BY: J. MOORE

C1
 EXISTING TOPOGRAPHY

GENERAL NOTES

- THIS DRAWING IS A TOPOGRAPHIC SURVEY ONLY, AND IS NOT TO BE USED AS A BASIS FOR ANY OTHER SURVEY OR AS A BASIS FOR ANY OTHER PURPOSES. THE LOCATION OF THE PROPERTY DEPICTED ON THIS SURVEY IS BASED ON THE IDEED BOOK 107 PAGE 100 OF BOONE COUNTY CLERK.
- THE LOCATION OF ALL UTILITIES SHOWN HEREON ARE BASED ON THE FIELD LOCATION OF FOUND VISIBLE STRUCTURES OR AS PLACED OR MARKED BY THE SURVEYOR. UNDEGROUND UTILITIES SHOWN HEREON ARE BASED ON RECORDS AND ARE NOT LIMITED TO THE ACTUAL LOCATION OF SAID UTILITIES.
- THIS TOPOGRAPHIC SURVEY IS SUBJECT TO ANY AND ALL FACTS THAT MAY BE DISCOVERED BY FULL AND ACCURATE TITLE SEARCH.
- THIS SURVEY IS SUBJECT TO ANY AND ALL LEGAL CLAIMS AND RIGHTS OF THIRD PARTIES AND UNRECORDED, INCLUDING BUT NOT LIMITED TO THOSE SHOWN HEREON.
- THE DATUM FOR THIS SURVEY IS GEOID NORTH AS ESTABLISHED BY KENTUCKY STATE PLANE COORDINATES NORTH ZONE 10N. THE VERTICAL DATUM FOR THIS SURVEY IS THIS IS TO BE OBTAINED FOR STATIC GPS OBSERVATION.



PARCEL OWNER	ADDRESS AND SOURCE OF TITLE
LOT 22	MR. DEVELOPMENT, LLC 11111 VANDERCAR WAY FLORENCE, KY 41048 PLAT C-1000-17-0020007
LOT 21	MR. DEVELOPMENT, LLC 11111 VANDERCAR WAY FLORENCE, KY 41048 PLAT C-1000-17-0020007

CURVE	INFLUENCE	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	180.00'	180.00'	180.00'	27.29°	90°
C2	180.00'	180.00'	180.00'	27.29°	90°

BENCHMARK DATA:

- BENCHMARK 1: IRON PIN WITH PLASTIC CAP STAMPED 17-0020007-1000. LOCATED IN THE WESTERN CORNER OF THE SUBJECT PROPERTY. ELEVATION: 415.30.
- BENCHMARK 2: IRON PIN WITH PLASTIC CAP STAMPED 17-0020007-1001. LOCATED IN THE NORTH EAST CORNER OF THE SUBJECT PROPERTY. ELEVATION: 415.30.



