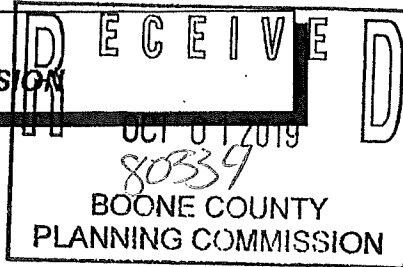


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

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

1. Check One:
 - Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
 - Change In an Approved Concept Development Plan
 - Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (As stated in the Union Town Plan)
 - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
 - Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
 - Zoning Administrator Review (As stated in the Mall Road District Study)
2. Name of Project Mobility Works
3. Location of Project 5 Spiral Drive, Florence, Kentucky
4. Total Acreage of Site 2.8 Acres
5. Current Zoning "L-1" / "PD" / "CD" / "HDO"
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) ~~1986~~ 1986
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston Donaldson Study
8. Proposed Uses (please specify each use) Modifications to, sales and service of vehicles for the mobility challenged.
9. Proposed Building Intensities (please specify) Mobility Works would be located in 8,393 square feet.
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:
 - No Conditional Use Permit
 - No Dimensional Variance
12. Name of Applicant(s) Anne F. McBride, FAICP
- Phone Number 513-561-6232 Fax No. 513-561-1615 E-Mail amcbride@mcbridedale.com
13. Address of Applicant(s) 5721 Dragon Way

<u>Cincinnati</u>	<u>Ohio</u>	<u>45227</u>
City	State	Zip
14. Name of Property Owner(s) Spiral Drive, LLC
- Phone Number _____ Fax No. _____ E-Mail _____
15. Address of Property Owner(s) 4430 Carver Woods Drive, Suite 100

<u>Cincinnati</u>	<u>Ohio</u>	<u>45242</u>
City	State	Zip
16. Are there any existing buildings on the site? Yes
How many? One
17. Deed Book 1100 Page No. 333 Group No. 20338
18. Have you had a pre-application meeting with BCPC Staff? _____
19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1

(over)

new address
 11129 Kenwood Road
 Blue Ash, OH 45242

EXHIBIT

“A”

STAFF REPORT

Request of **Anne F. McBride, FAICP (applicant)** for **Spiral Drive, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development/Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow modifications, sales, and service of vehicles and equipment for the mobility challenged.

November 6, 2019

REQUEST

The applicant has submitted a Change in Concept Development Plan application so Mobility Works can occupy an approximate 8,400 square foot tenant space at 5 Spiral Drive, Florence, Kentucky.

The applicant's cover letter states that "Mobility Works is a company that provides accessible transportation to those that are mobility challenged. This involves the sale, accessorizing and servicing of wheelchair accessible vehicles along with the sale of durable medical equipment. Mobility Works will also continue to service accessibility equipment on those vehicles for customers as needed. All of the work done on vehicles and equipment is performed within the enclosed building. Mobility Works does not do any structural work to the vehicles, but rather adds equipment as required by their clients. A second ramp and overhead door on the west building elevation (service area) would be added to facilitate access to the service area."

PERTINENT SITE HISTORY

The subject site was zoned Industrial One/Planned Development in 1986 and a Concept Development plan was approved which allowed "office/research" uses to be developed on the property. One of the conditions of approval states that the principally permitted, accessory, and conditional uses of the I-1 zone shall be permitted with some exclusions (see attached 9/3/86 Committee Report). One of the uses that was excluded from the approval was automobile leasing. Automotive sales and automotive repair were not principally permitted or conditional uses in the 1986 zoning code.

SITE CHARACTERISTICS

The 2.8 acre site is located at the northwest corner of the Thoroughbred Boulevard/Spiral Drive intersection and contains a multi-tenant office/flex building, 96 parking spaces, and a shared truck court with the adjoining building. Access to the building is provided from a shared driveway on Spiral Drive. The property contains a berm and mature deciduous trees near the Thoroughbred Boulevard/Spiral Drive intersection and a shared monument sign near the access point.

ADJACENT LAND USES AND ZONING

North: Applied Industrial Technologies (I-1/PD/HDO)

South: Spiral Drive, Beckfield College (I-1/PD/HDO), and Sam's Club (C-2/PD/HDO)

East: Thoroughbred Blvd., and Multi-Tenant Building with Dick's Sporting Goods (C-2/PD/HDO)

West: Multi-Tenant Office/Warehouses (I-1/PD/HDO)

RELATIONSHIP TO COMPREHENSIVE PLAN

The following Goals and Objectives relate to the request:

- A. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Objective 4).
- B. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics, Goal A, Objective 4).
- C. Land use planning should recognize and protect natural systems (streams, wetlands, forests, etc.) essential to safety, health, economic stability, and overall quality of life (Environment, Goal A).
- D. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy, Goal A, Objective 2)..
- E. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
- F. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy, Goal B, Objective 5).
- G. The local transportation system in Boone County shall be maintained and improved to enhance the overall safety and level of service (Transportation, Goal B).
- H. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, Goal B, Objective 6).

The Boone County Comprehensive Plan's 2040 Land Use Plan designates the site for Industrial (I) uses. This future land use classification is defined as a "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses" (pg. 98).

The Land Use Element provides the following Future Land Use Development Guidelines that relates 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

soften the visual impacts of the development from adjoining properties and roadways... (Landscaping, pg. 96).

The Land Use Element makes the following statements regarding the general area:

- A. "A substantial portion of this section is located within the 2013 Houston-Donaldson Study area and has excellent development and/or redevelopment opportunity due to its high visibility from and easy access to I-75. Existing parcels should be developed/redeveloped to be aesthetically harmonious with existing surrounding land uses and cleaned up environmentally as much as is needed for new development" (Florence Commercial Area, pp. 125-126).

PLANNED DEVELOPMENT STANDARDS

The Concept Development Plan needs to be evaluated against the Planned Development Standards that are found in Section 1514 of the zoning regulations (see attachments). A proposed Concept Development Plan shall fulfill the criteria outlined in this section "unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal".

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

The land use recommendations chapter of the study shows the subject site is located with subarea four of the Houston-Donaldson Study (pg. 33).

The study states that future land use efforts in subarea four be focused on redevelopment and that, if and when such development occurs, that it should aesthetically fit in with surrounding uses.

The following recommendations are included for subarea 4:

- Future development and/or redevelopment in Subarea Four should be of commercial or office type land uses and not of light industrial or residential uses, except for the light industrial area on Spiral Drive.
- Existing office and retail structures on Meijer Drive be either completed or occupied.
- That redevelopment in Subarea Four aesthetically fit in with the existing land uses.

The Houston-Donaldson Study's Goals and Objectives are not intended to replace Goals and Objectives of the 2010 Boone County Comprehensive Plan but to enhance them as they apply to the Study Area (Subarea Goals and Objectives, pg. 41).

The following subarea 4 Goals and Objectives are included in the Study (pg. 44):

Goal A: Maintain the successful business climate of the Subarea.

Objectives:

1. Continue to consistently apply the Design Standards for future development and/or redevelopment.

2. Continue to support the Commercial and Office uses and zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map.

Goal B: Enhance the non-motorized system in the South Entrance Subarea.

Objectives:

1. Disconnects in the sidewalk network within the Subarea should be filled in.
2. Redevelopments in the Subarea should incorporate new internal sidewalks that connect to the Subarea's sidewalk system.

Goal C: Protect the integrity of the Gunpowder Creek Watershed.

Objectives:

1. Use future development and/or redevelopment of properties in the Subarea for opportunities to apply efforts to improve quality and quantity of stormwater runoff.

STAFF COMMENTS

1. Staff concluded that the proposed use is a combination of automotive sales and automotive repair. The Change in Approved Concept Development Plan approval in 1986 allowed industrial uses on the site and the 1986 zoning regulations did not allow automotive sales or automotive repair as a principally permitted use or conditional use in the I-1 zone. It's important to note that the most comparable use in the 1986 code, automobile leasing, was specifically prohibited on site by the conditions of approval (see attachments).

2. The 2012/2013 Boone County Zoning Regulations allow the following uses in the I-1 zone:

Principally Permitted Use - "Auto repair facilities".

Conditional Use - "Retail sales or leasing of new and used motor vehicles".

The conditional use will not be required if the use is approved as part of a planned development.

3. Staff sent out an email to the applicant on 10/7/19, which contained six questions. The applicant's responses and supplemental plans are attached to the Staff Report.

4. Staff would like the applicant, Planning Commission, and City of Florence to evaluate the following Planned Development Standards:

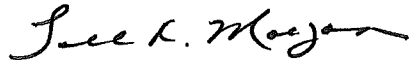
Pedestrian Orientation: There are no public sidewalks adjoining the site. Public sidewalks exist on the other side of Spiral Drive and will be extended as part of the Sam's Club fuel center project. Should any additional sidewalks or sidewalk connections be required as part of this project?

Landscaping: There is a substantial gap in the Thoroughbred Drive street frontage buffer. Staff recommends that additional trees be added in the northern part of this buffer.

CONCLUSION

The request needs to be evaluated by Boone County Planning Commission and City of Florence in terms Articles 3, 15, and 17 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area. The Future Land Use map will not need to be amended if the application is approved.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

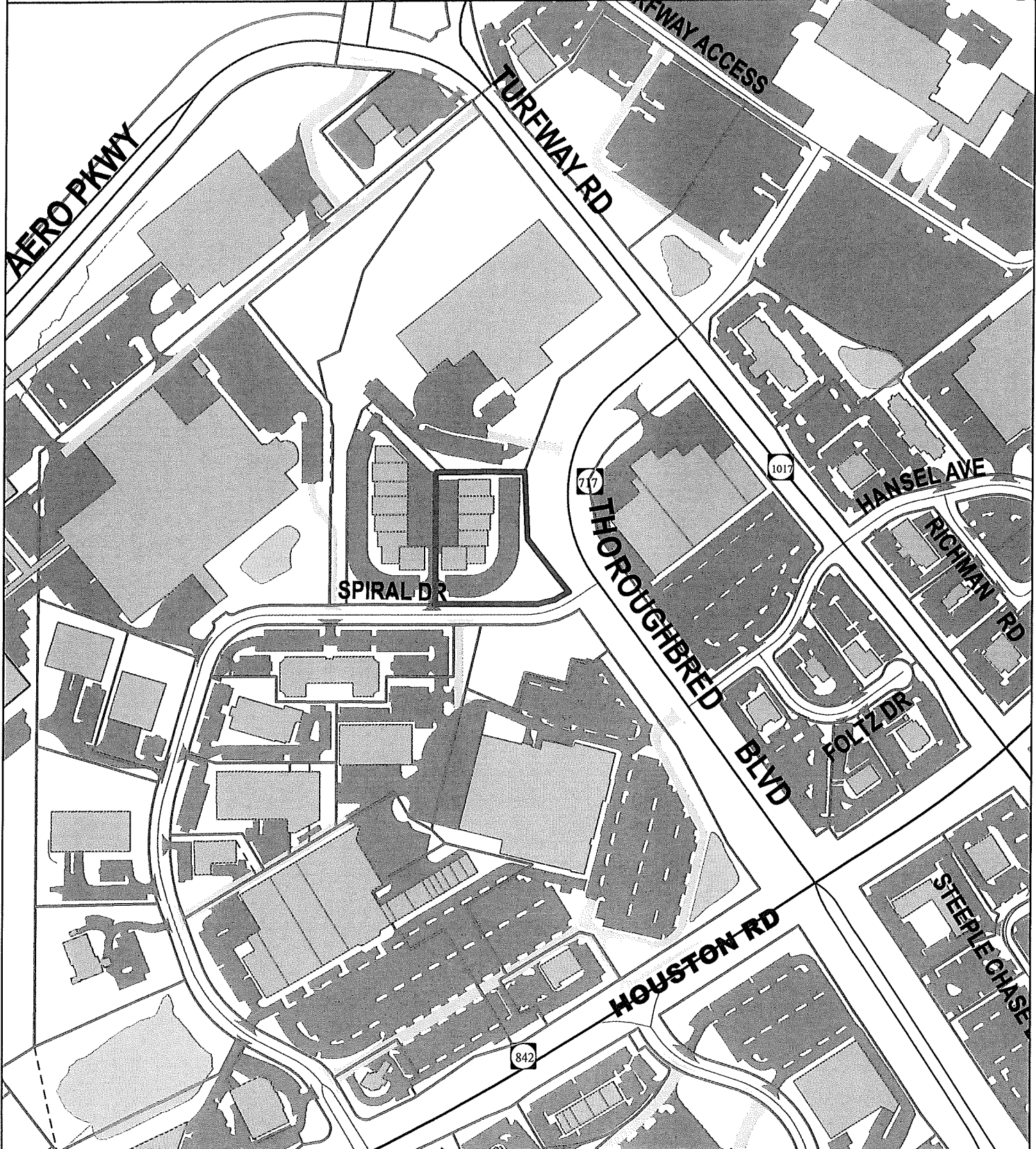
TKM/ss

Attachments:

- *Site Vicinity Map
- *10/1/19 Letter From Applicant Outlining Request
- *10/1/19 Concept Development Plan From Applicant Defining Lease Space
- *10/7/19 Email From Staff to Applicant
- *10/17/19 Letter and Supplemental Information Provided by Applicant
- *2016 Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Planned Development Standards
- *1986 Concept Plan and Committee Report
- *Application

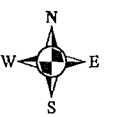
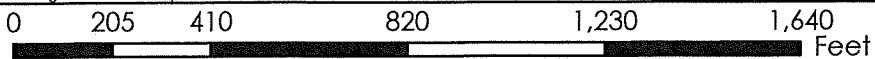
SITE VICINITY MAP

www.boonecountygis.com



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

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

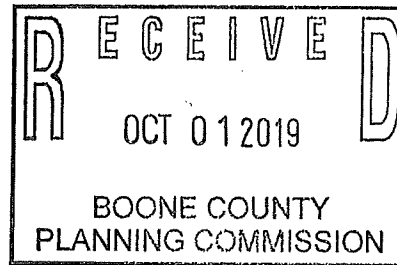


Boone County GIS - Putting Northern Kentucky on the Map

McBride DALE
C L A R I O N

October 1, 2019

Mr. Todd Morgan, AICP
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P. O. Box 958
Burlington, KY 41005



Via Hand Delivered

RE: Mobility Works
5 Spiral Drive, Florence, KY

Dear Mr. Morgan:

As we have discussed, Mobility Works would like to locate in 8,493 square feet of existing building area at 5 Spiral Drive in Florence. Mobility Works is a company that provides accessible transportation to those that are mobility challenged. This involves the sale, accessorizing and servicing of wheelchair accessible vehicles along with the sale of durable medical equipment. Mobility Works will also continue to service accessibility equipment on those vehicles for customers as needed. All of the work done on vehicles and equipment is performed within the enclosed building. Mobility Works does not do any structural work to the vehicles, but rather adds equipment as required by their clients. A second ramp and overhead door on the west building elevation (service area) would be added to facilitate access to the service area.

The property was zoned "I-1"/"PD"/"CD"/"HDO" in the 1980's. The existing "I-1" District would allow Mobility Works as a Permitted and Conditional Use; however, the existing "PD" is tied to the list of permitted uses in the 1985 "I-1" District which was in place at the time of the zone map amendment. We are requesting a modification to the approved Concept Development Plan 1985 list of permitted uses to include the following as a Principle Permitted Use within the "PD":

"Modifications to, sales and service of vehicles and equipment for the mobility challenged".

The inclusion of this language would allow for Mobility Works to locate at 5 Spiral Drive as a permitted use.

Planning • Zoning • Development Services

To initiate this request, I am enclosing the following information:

- 1) Change in Concept Development Plan Application;
- 2) Aerial Plans indicating the location of 5 Spiral Drive and the proposed location of Mobility Works; and
- 3) Application Fee of \$2,338.00.

It is my understanding that the Planning Commission will accept this application at their October 2, 2019 meeting and hold a public hearing on November 6, 2019. Please let me know if you have any questions or need additional information.

Sincerely,



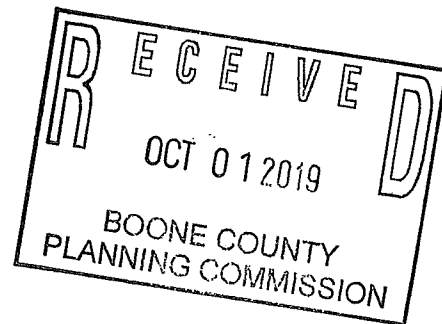
Anne F. McBride, FAICP

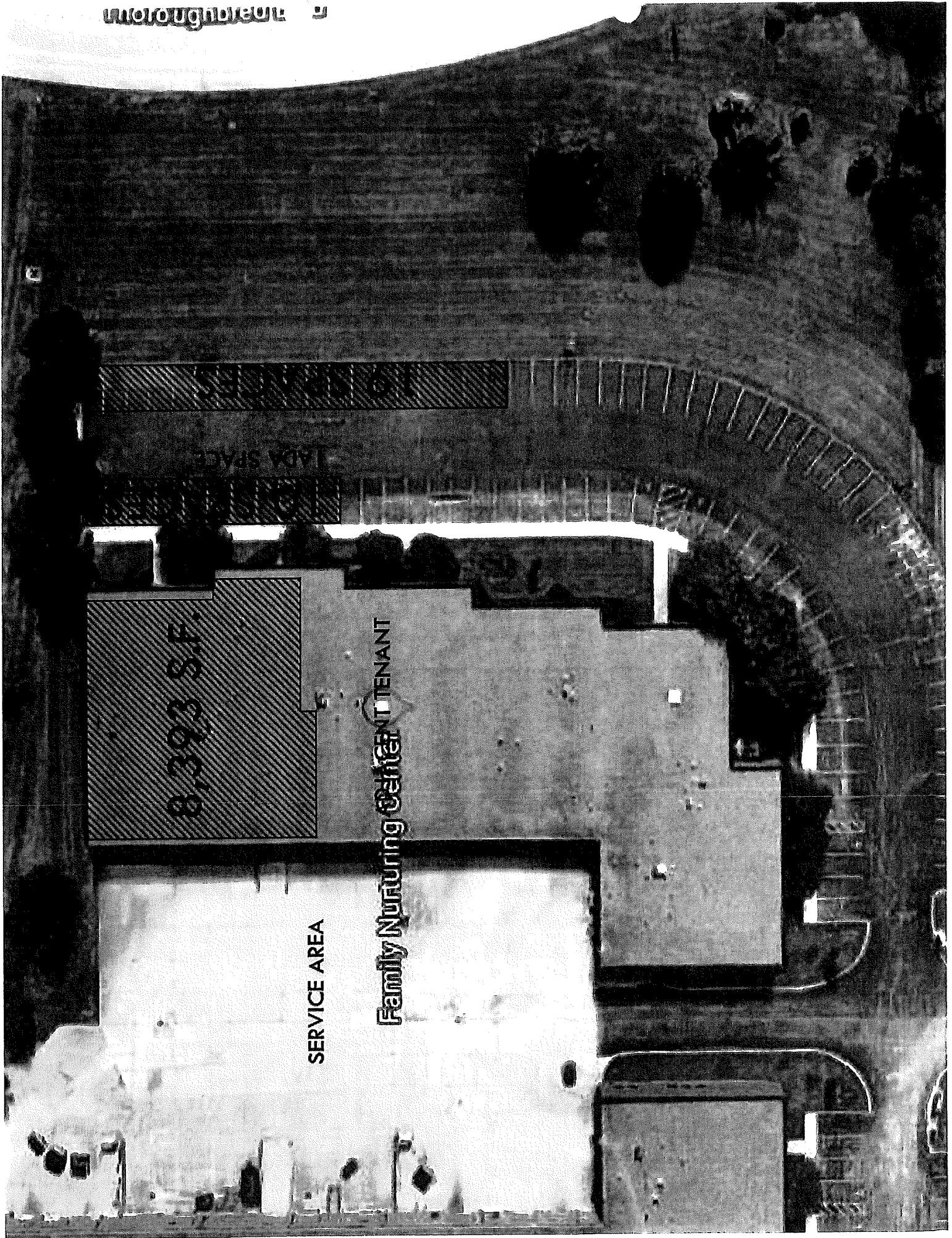
AFM/ss

Enclosures

cc: Mobility Works

MDC #4229





8,393 S.F.

SERVICE AREA

Family Nurturing Center TENANT

LADA SPACE

Todd Morgan

From: Todd Morgan
Sent: Monday, October 07, 2019 4:18 PM
To: 'Anne McBride'
Subject: RE: Mobility Works

Anne,

I would like you or Mobility Works to provide me with the following information:

1. A rough floor plan showing how Mobility Works will use the tenant space.
2. A parking analysis for Mobility Works (see Section 3325 of the Boone County Zoning Regulations).
3. A list of the other tenants in the building so I can pull their Tenant Finish Permits and analyze their parking requirements.
4. The plans you provided show that Mobility Works would be allocated 29 parking spaces in the parking lot.
 - A. Is this employee, inventory, and repair parking?
 - B. Will any additional parking take place in the service area or inside the building? If so, please explain.
5. Does Mobility Works have any other locations? If so:
 - A. Where are these locations and what is the square footage of the building or tenant space?
 - B. How much parking does Mobility Works have at these locations?
 - C. How many vehicles are typically on site that are for sale or waiting to be repaired?
6. Other than the ramp and overhead door mentioned on the west façade, are any exterior improvements proposed to the tenant space? If so, what are they?

I currently don't know when the January Business Meeting will be. A final decision will not be made until our 12/4/19 Business Meeting. However, it's looking like this application could move faster because the City of Florence has asked us to have a 2nd Business Meeting each month until the end of the year. This 2nd Business Meeting will be used to approve meeting minutes and speed up Zone Change and Concept Plan applications. If all goes well, the final Planning Commission vote on this application could be on 12/4/19 and the meeting minutes would be approved on 12/18/19. The City would get our recommendation on 12/19/19 if this is the case.

Call or email me if you have any questions.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

From: Anne McBride [<mailto:annemcbride@mcbriedale.com>]
Sent: Monday, October 07, 2019 2:24 PM
To: Todd Morgan
Subject: Mobility Works

Todd:

Just wanted to make sure you got everything you needed for the Mobility Works application. Let me know if you need anything else.

Do you know when the Planning Commission is going to meet in January since the 1st is a Wednesday?



October 17, 2019

Mr. Todd Morgan, AICP
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P. O. Box 958
Burlington, KY 41005

Via Email

RE: Mobility Works
5 Spiral Drive, Florence, KY

Dear Todd:

In response to your questions of October 7, 2019, I wanted to provide the following additional information:

- 1) A preliminary floor plan for Mobility Works at the 5 Spiral Drive location is attached.
- 2) Pursuant to Section 3325 of the Zoning Code, the following parking would be required for Mobility Works:

Service Area:	6 Bays	2 spaces/bay	12 spaces
Offices:	2,960 SF	1 space/250 GFA	12 spaces
Showroom:	1,691 SF	1 space/300 GFA	6 spaces
Total Required:			30 spaces

- 3) Based on Section 3325 of the Zoning Code, other tenants in the building at 5 Spiral Drive have the following parking requirements:

Family Nurturing Center: 8,031 SF Office Use
1 space/250 GFA 32 spaces required

Discount Tire: 10,388 SF Office/Warehouse
8,310 SF Office Use
2,078 SF Warehouse Use
Office: 1 space/250 GFA 33 spaces required
Warehouse: 1 space/employee on largest shift 1 space required
Total: 34 spaces

Planning • Zoning • Development Services

Other Tenants: Parking required: 66 spaces

Total parking required: 96 spaces

Total parking on site: 96 spaces

- 4) Mobility Works has 85 locations across the country. Each Mobility Works location is designed to make accessibility easily available to their clients. To better serve their clients, they are in the process of combining the two existing Cincinnati area locations into a new regional location in Sharonville. The 15,000 square foot regional facility will be located on Mulhauser Road near I-275. The site will have 65 parking spaces which allows for inventory storage that will serve the proposed Florence location. The Florence facility is designed to be a satellite location to serve Northern Kentucky. There would be two vehicles in the showroom and could be six to seven vehicles in the service area. Mobility Works would anticipate six to eight employees at this location.

- 5) In addition to installing a ramp to serve an existing overhead door on the west facade, Mobility Works would be modifying their entrance on the east facade to better serve their customers. A photo of a typical entrance is attached from the new Orlando location which is under construction.

Please let me know if you have any additional questions.

Sincerely,



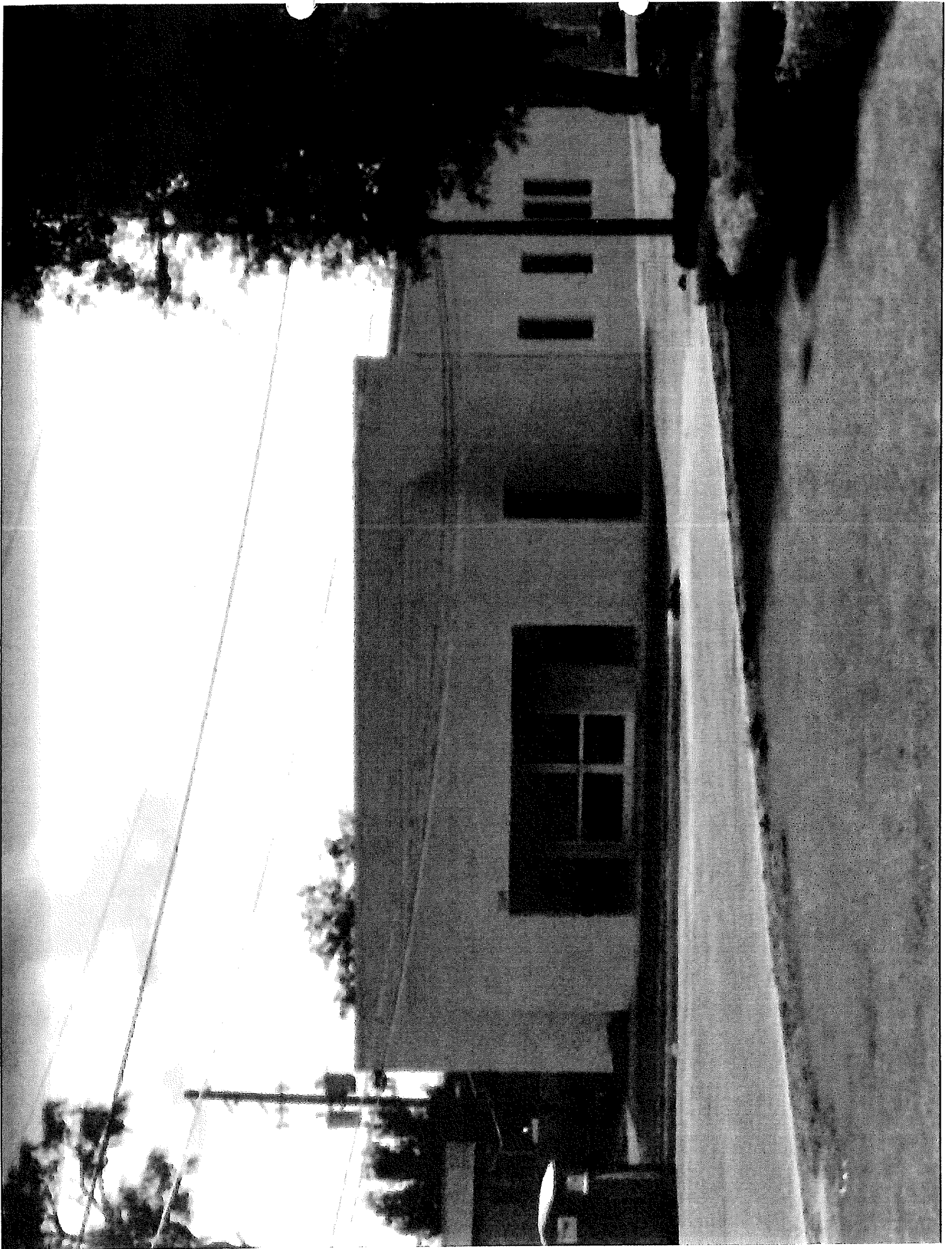
Anne F. McBride, FAICP

AFM/ss

Attachments

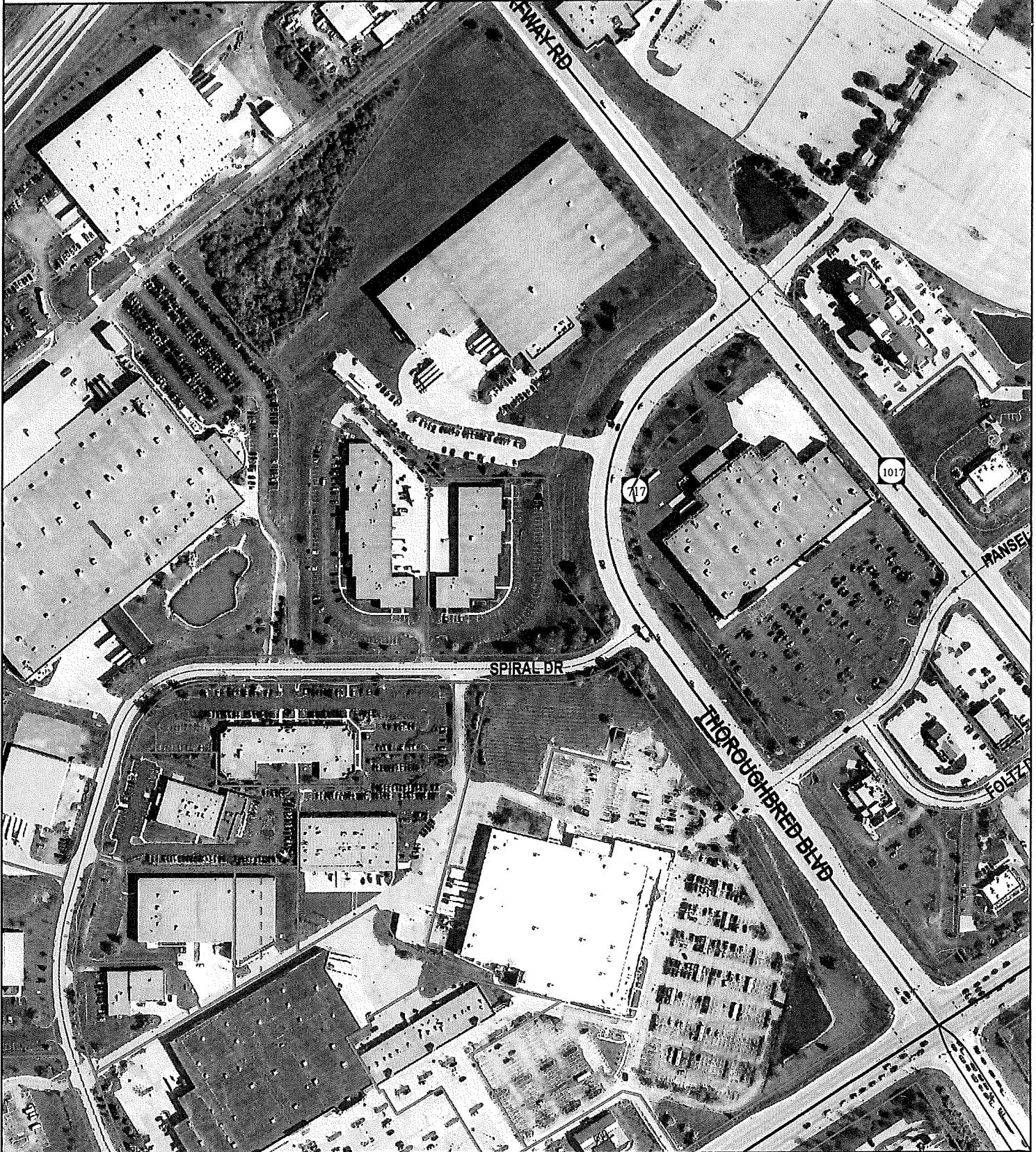
cc: Mobility Works

MDC #4299



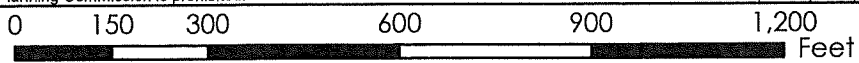
2016 AERIAL MAP

www.boonecountygis.com



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

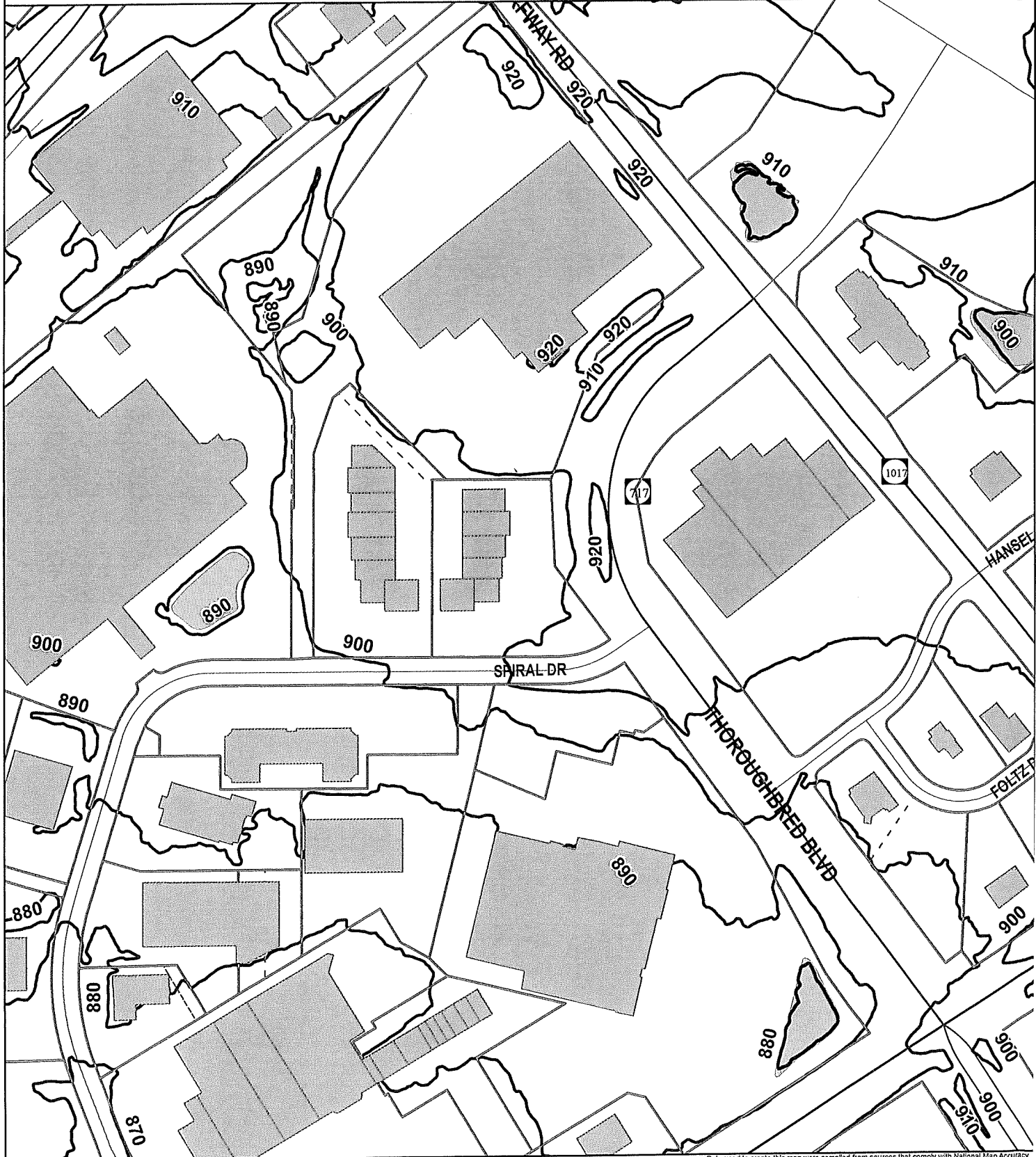
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

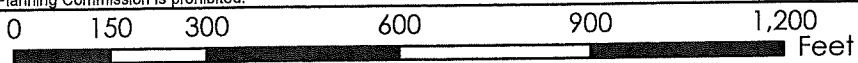
TOPOGRAPHICAL MAP

www.boonecountygis.com

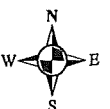


Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 300 feet



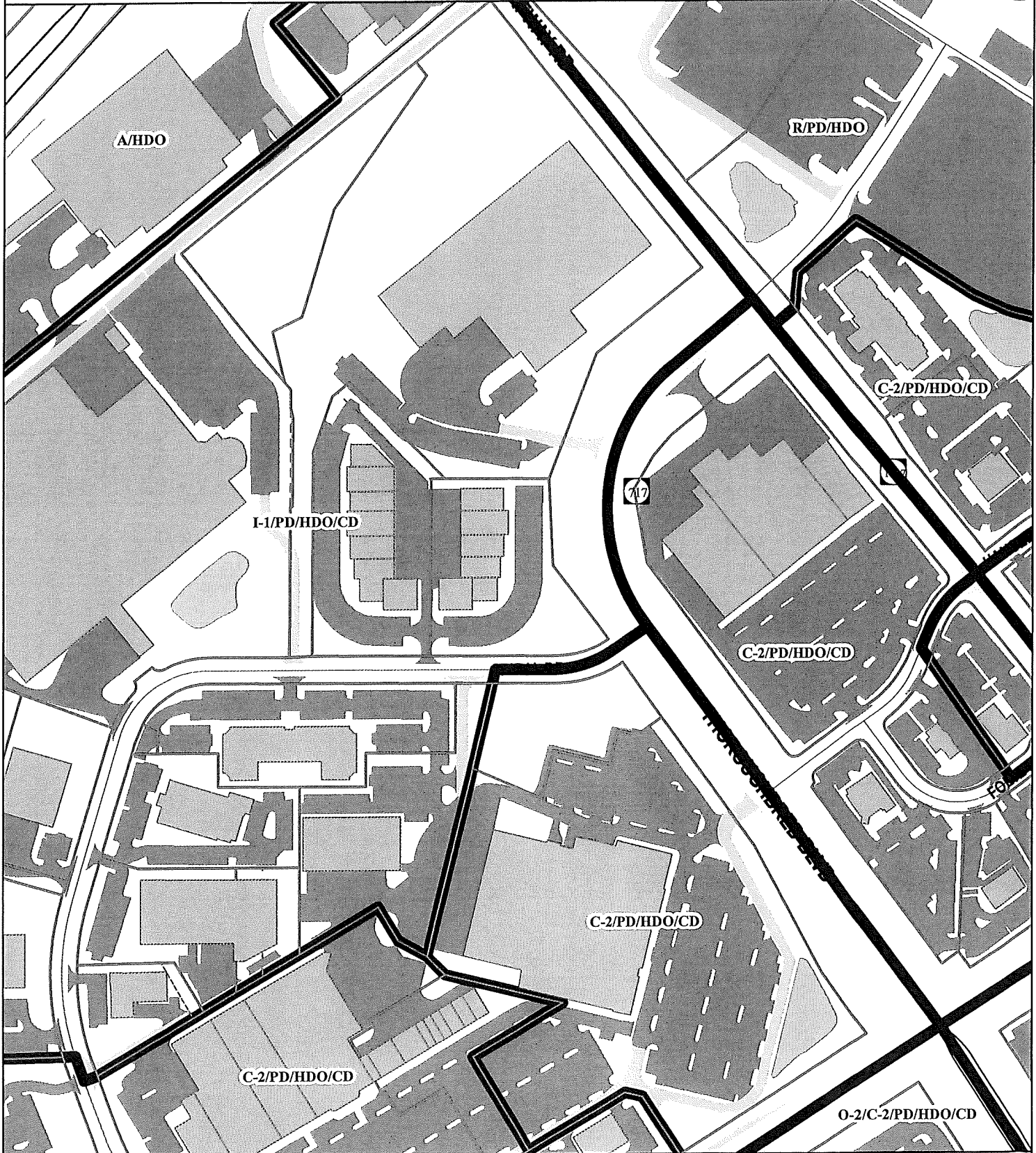
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File: C:\arcgis\BooneMap (10).mxd

ZONING MA

www.boonecountygis.com



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

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



Map Created: 07/01/2013

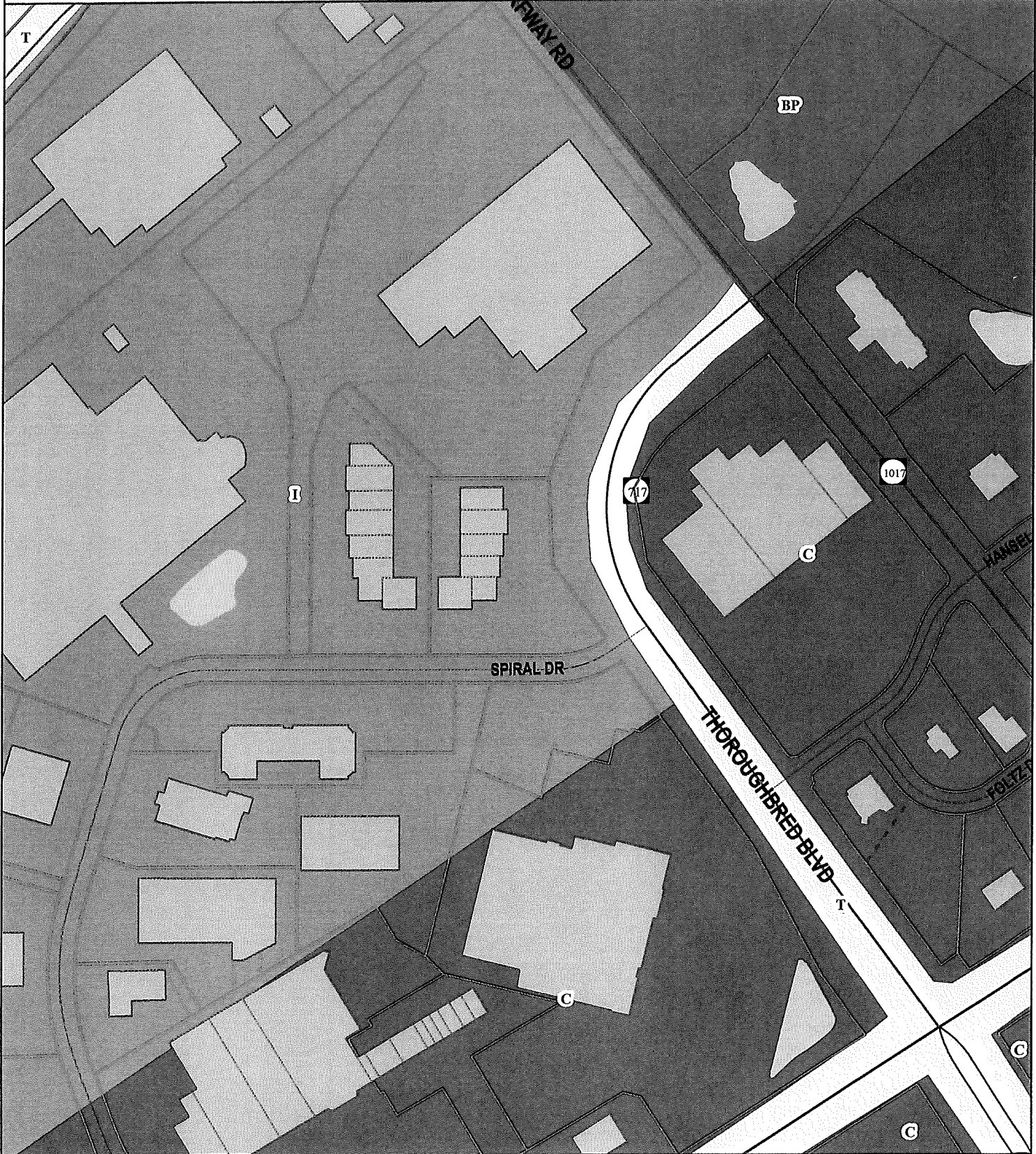
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: BooneMap (file).mxd

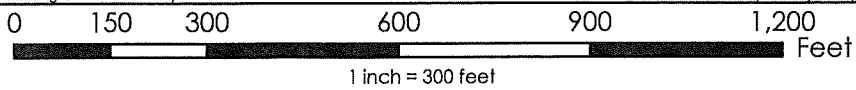
2040 FUTURE LAND USE MAP

www.boonecountygis.com



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

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



Boone County GIS - Putting Northern Kentucky on the Map



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

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

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

SECTION 1515

Procedure

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

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

SECTION 1516

Pre-Application Meeting

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

SECTION 1517

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

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

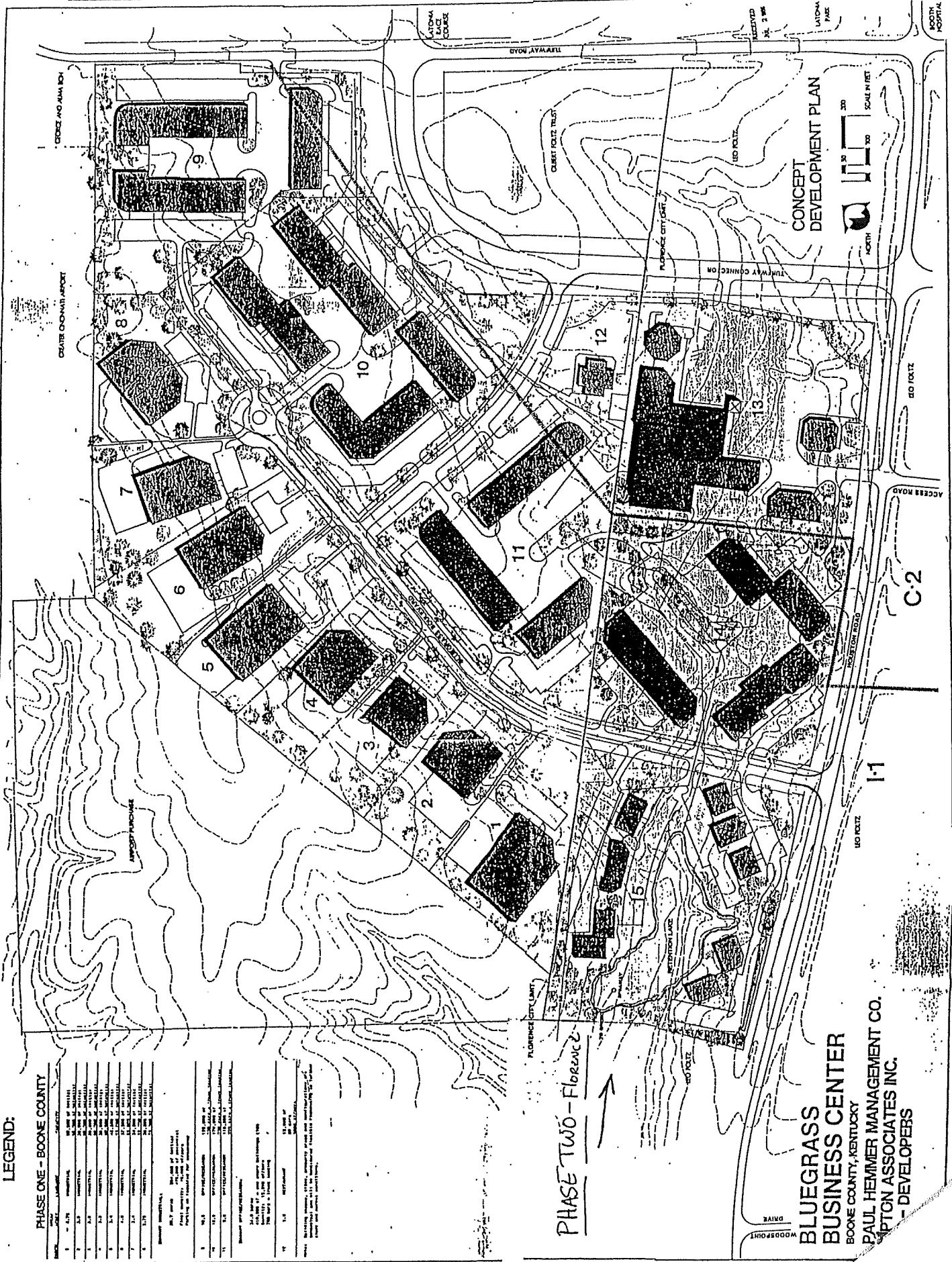
SECTION 1518

Public Hearing by Planning Commission

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

1986 Concept Plan

BLUEGRASS BUSINESS CENTER



LEGEND:

PHASE ONE - BOONE COUNTY	
1	CONCRETE DRIVEWAY
2	ASPHALT DRIVEWAY
3	GRAVEL DRIVEWAY
4	GRAVEL DRIVEWAY
5	GRAVEL DRIVEWAY
6	GRAVEL DRIVEWAY
7	GRAVEL DRIVEWAY
8	GRAVEL DRIVEWAY
9	GRAVEL DRIVEWAY
10	GRAVEL DRIVEWAY
11	GRAVEL DRIVEWAY
12	GRAVEL DRIVEWAY
13	GRAVEL DRIVEWAY
14	GRAVEL DRIVEWAY
15	GRAVEL DRIVEWAY
16	GRAVEL DRIVEWAY
17	GRAVEL DRIVEWAY
18	GRAVEL DRIVEWAY
19	GRAVEL DRIVEWAY
20	GRAVEL DRIVEWAY
21	GRAVEL DRIVEWAY
22	GRAVEL DRIVEWAY
23	GRAVEL DRIVEWAY
24	GRAVEL DRIVEWAY
25	GRAVEL DRIVEWAY
26	GRAVEL DRIVEWAY
27	GRAVEL DRIVEWAY
28	GRAVEL DRIVEWAY
29	GRAVEL DRIVEWAY
30	GRAVEL DRIVEWAY
31	GRAVEL DRIVEWAY
32	GRAVEL DRIVEWAY
33	GRAVEL DRIVEWAY
34	GRAVEL DRIVEWAY
35	GRAVEL DRIVEWAY
36	GRAVEL DRIVEWAY
37	GRAVEL DRIVEWAY
38	GRAVEL DRIVEWAY
39	GRAVEL DRIVEWAY
40	GRAVEL DRIVEWAY
41	GRAVEL DRIVEWAY
42	GRAVEL DRIVEWAY
43	GRAVEL DRIVEWAY
44	GRAVEL DRIVEWAY
45	GRAVEL DRIVEWAY
46	GRAVEL DRIVEWAY
47	GRAVEL DRIVEWAY
48	GRAVEL DRIVEWAY
49	GRAVEL DRIVEWAY
50	GRAVEL DRIVEWAY
51	GRAVEL DRIVEWAY
52	GRAVEL DRIVEWAY
53	GRAVEL DRIVEWAY
54	GRAVEL DRIVEWAY
55	GRAVEL DRIVEWAY
56	GRAVEL DRIVEWAY
57	GRAVEL DRIVEWAY
58	GRAVEL DRIVEWAY
59	GRAVEL DRIVEWAY
60	GRAVEL DRIVEWAY
61	GRAVEL DRIVEWAY
62	GRAVEL DRIVEWAY
63	GRAVEL DRIVEWAY
64	GRAVEL DRIVEWAY
65	GRAVEL DRIVEWAY
66	GRAVEL DRIVEWAY
67	GRAVEL DRIVEWAY
68	GRAVEL DRIVEWAY
69	GRAVEL DRIVEWAY
70	GRAVEL DRIVEWAY
71	GRAVEL DRIVEWAY
72	GRAVEL DRIVEWAY
73	GRAVEL DRIVEWAY
74	GRAVEL DRIVEWAY
75	GRAVEL DRIVEWAY
76	GRAVEL DRIVEWAY
77	GRAVEL DRIVEWAY
78	GRAVEL DRIVEWAY
79	GRAVEL DRIVEWAY
80	GRAVEL DRIVEWAY
81	GRAVEL DRIVEWAY
82	GRAVEL DRIVEWAY
83	GRAVEL DRIVEWAY
84	GRAVEL DRIVEWAY
85	GRAVEL DRIVEWAY
86	GRAVEL DRIVEWAY
87	GRAVEL DRIVEWAY
88	GRAVEL DRIVEWAY
89	GRAVEL DRIVEWAY
90	GRAVEL DRIVEWAY
91	GRAVEL DRIVEWAY
92	GRAVEL DRIVEWAY
93	GRAVEL DRIVEWAY
94	GRAVEL DRIVEWAY
95	GRAVEL DRIVEWAY
96	GRAVEL DRIVEWAY
97	GRAVEL DRIVEWAY
98	GRAVEL DRIVEWAY
99	GRAVEL DRIVEWAY
100	GRAVEL DRIVEWAY

PHASE TWO - FLORENCE

BLUEGRASS BUSINESS CENTER
 BOONE COUNTY, KENTUCKY
 PAUL HEMMER MANAGEMENT CO.
 HUTTON ASSOCIATES INC.
 - DEVELOPERS

BLUEGRASS BUSINESS CENTER
 PAUL HEMMER MANAGEMENT CO. DEVELOPERS

GBD

CONCEPT DEVELOPMENT PLAN



C-2

1-1

WOODSPOINT DRIVE

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

100 FEET

COMMITTEE REPORT

TO: BOONE COUNTY PLANNING COMMISSION

FROM: RECTOR JONES, CHAIRMAN

DATE: September 3, 1986

RE: Request of GBBN (agent) for Tipton Associates and Paul Hemmer Management (owner by option) for the utilization of an underlying zone in Planned Development. The 69.57 acre site is located on the west side of Turfway Road and north of Houston Road, Boone County, Kentucky. The site is currently zoned Industrial One/Planned Development Overlay (I-1/PD) and Commercial Two/Planned Development Overlay (C-2/PD).

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the following conditions.

FINDINGS OF FACT

1. In general, the submitted Concept Development Plan is in agreement with the Land Use Study: I-75/Turfway Road Interchange and the first nine elements of the 1986 Boone County Comprehensive Plan. References to both studies are made in the Staff Report and on page 4-9 of the Turfway Study and on page T-9 in the 1986 Comprehensive Plan. However, both studies also raise potential problems in the I-75/Turfway Road Interchange area with regard to existing transportation routes and utilities (e.g. water and sanitary sewer). The Committee is concerned about the future impact of other development projects in the area. By itself, this project, as well as other approved projects in the area, appears to have no significant impact, but when combined with others, it may result in overdevelopment given the existing limitation of roads and utilities in the area. The Committee strongly feels that staged development in this project and in general for the I-75/Turfway Road Interchange area, is the key to a well-planned development. Utility and transportation improvements will have to be made in the future to accommodate this project and future growth.
2. The multiple uses or the mixing of industrial, office research and commercial uses demonstrates an innovative approach to create a distinct business or working environment. Because of the high levels of noise projected as a result of the proposed 10,000 foot north-south airport runway, the above uses are appropriate and compatible to

the adjacent airport facility.

3. The Concept Development Plan does in fact demonstrate a committment to provide an extraordinary amount of open space and buffer area, which is normally not seen in typical industrial parks.

CONDITIONS

The Committee recommends approval of the submitted Concept Development Plan subject ot the following conditions:

1. The applicant shall be limited to the following intensities:

<u>Area/Acres</u>	<u>Land Use</u>	<u>Square Footage</u>
30.7	Industrial	475,000 sq. ft. (Total)
34.0	Office/Research	410,000 sq. ft. (Total)
1.8	(1) Sit down restaurant	12,000 sq. ft. (Total)
<u>Overall Total:</u>		897,000 sq. ft.

The applicant shall develop the industrial section of the project within Lots 1-8, the office/research in Lots 9-11, and the sit-down restaurant in Lot 12. The lot sizes shall be flexible in the industrial section of the proeject. No more than 10 or less than 6 lots are to be made on the 30.7 acre tract. The approval of the Concept Development Plan shall not be construed to endorse a precise location or mixture of uses, configuration of parcels, arrangement of physical design, engineering feasibility of other particulars.

2. The applicant will need to enter into discussion with the appropriate water and sewer commission in order to determine current capacity levels and actual demand for the site. Before approval of any subsequent reviews, an agreement in principle for providing water and sewer services must be made between the applicant and appropriate water and sewer commission.
3. In regard to the Industrial One, I-1 uses, the applicant shall be limited to the manufacture distribution and assembly of the principally permitted, accessory and conditional uses except for the following which will not be permitted.

Principally Permitted

- a) Textile mill products except primary manufacture of dyes, fibers, felts, rubber goods;
- b) Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
- c) Laundering, dry cleaning, and dyeing services including rugs, linen supply, and industrial laundry services;
- d) Agricultural contract sorting, grading and packaging services of fruits and vegetables;
- e) Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
- f) Automobile leasing.

Accessory

- g) Railroad right-of-way including switching and marshalling trackage and freight terminals;
- h) Marine freight terminals;

Conditional

- i) a) the storage of explosives or fireworks, gas, or petroleum; b) bag cleaning; c) blast furnaces, cupolas, rolling mills, coke ovens, forging, foundring, refining or smelting; d) creosote treatment; e) distillation of bones, coal or wood; f) enameling, japanning or lacquering; g) radium or radioactive elements; h) crushing or other reduction or waterproofing;;
 - j) Poultry and small game dressing and packaging; and
 - k) Gasoline service stations.
4. Outside storage of equipment and materials within the site will be subject to appropriate screening as approved by the Zoning Administrator and through Site Plan Review.
 5. Shared access shall be provided from the proposed Bluegrass Business Center to the adjacent property to the south. The main entrances to the site could then be provided from Houston Road and from the Turfway Connector.
 6. Because of the significant vegetation and natural topography of the site, extra precautions should be taken in designing an adequate storm water detention/retention system for the site especially if the applicant does not acquire the property to the south of Phase II.

7. The applicant shall be limited to three access points as indicated on the Concept Development Plan unless access is provided by the adjacent property owner to the south. No access will be provided to the Airport property to the west.
8. If at any time, there is a significant amount of truck traffic as a result of this project, the applicant shall be required to explore the possibility of designating a truck route to help alleviate any future problems of mixing industrial truck traffic with intense automobile traffic resulting from commercial and office uses.
9. The applicant shall be required to develop protective covenants or deed restrictions, and to establish an Architectural Review Board in order to coordinate the use of building materials and architectural design. This action will enhance compatibility and harmony within the business park.
10. The applicant shall be responsible to follow the following schedule or stages of development:

Stage 1 Grading, road construction, utility construction, Office/Research and Industrial 1st year.

Stage 2 Office/Research, Restaurant 2nd year.

Stage 3 Industrial 2nd-3rd year.
11. Signage to the site be low level and in harmony with the variety of land uses. Small scale building mounted signage and/or directional signage should be encouraged and not individual free standing signs.
12. A coordinated effort should be made to combine driveway aisles and parking lots, where appropriate to create larger buffer and landscaped areas. There also may be the need to expand the main entrances to the site in order to allow better turning movement in and out of the proposed Bluegrass Business Center.

The above two items will be analyzed at Site Plan Review, Preliminary Development Plan Review and at Improvement Plan Review.
13. The applicant shall be required to have sufficient screening and landscaping of the site in order to meet the objectives of the Planned Development. Preservation of existing trees and natural wooded areas where possible should occur.

14. Any change in the Concept Development Plan shall be brought to the attention of the Technical Committee. If the change is deemed significant or major, a new application and public hearing shall be required.

CONCLUSION

This Concept Development Plan indicates a variety of land uses, which are compatible given the accessibility to the Turfway Road Interchange and the expansion of the Greater Cincinnati International Airport. If approved, the Plan will add a new feature to Boone County with a combination of an industrial, office/research center.

Rector Jones, Chairman

Donald Davis

Larry Barnett

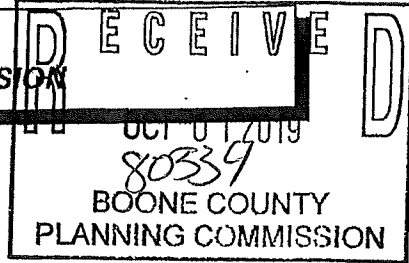
Fred Burch

William Viox

Melvin Delong

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

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

2. Name of Project Mobility Works
3. Location of Project 5 Spiral Drive, Florence, Kentucky
4. Total Acreage of Site 2.8 Acres
5. Current Zoning "L-1" / "PD" / "CD" / "HDO"
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1980's
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston Donaldson Study
8. Proposed Uses (please specify each use) Modifications to sales and service of vehicles for the mobility challenged.
9. Proposed Building Intensities (please specify) Mobility Works would be located in 8,393 square feet.
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:
- Conditional Use Permit
 - Dimensional Variance
12. Name of Applicant(s) Anne F. McBride, FAICP
- Phone Number 513-561-6232 Fax No. 513-561-1615 E-Mail amcbride@mcbridedale.com
13. Address of Applicant(s) 5721 Dragon Way
- | | | |
|-------------------|-------------|--------------|
| <u>Cincinnati</u> | <u>Ohio</u> | <u>45227</u> |
| City | State | Zip |
14. Name of Property Owner(s) Spiral Drive, LLC
- Phone Number _____ Fax No. _____ E-Mail _____
15. Address of Property Owner(s) 4430 Carver Woods Drive, Suite 100
- | | | |
|-------------------|-------------|--------------|
| <u>Cincinnati</u> | <u>Ohio</u> | <u>45242</u> |
| City | State | Zip |
16. Are there any existing buildings on the site? Yes
- How many? One
17. Deed Book 1100 Page No. 333 Group No. _____
18. Have you had a pre-application meeting with BCPG Staff? _____
19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Brad Shipe, Chairman

DATE: January 8, 2020

RE: Request of **Anne F. McBride, FAICP (applicant)** for **Spiral Drive, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development/Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow modifications, sales, and service of vehicles and equipment for the mobility challenged.

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 the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
 - A. The 2040 Future Land Use Map designates the site for Industrial (I) uses. This future land use classification is defined as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses (pg. 164).

The Committee concluded that the proposed use is a mix of automobile sales and service/repair. The Industrial One (I-1) zoning district principally permits auto repair facilities and the retail sales of new and used motor vehicles is permitted with a Conditional Use Permit. The Conditional Use Permit is not required since the property is located in a Planned Development Overlay (PD) zone.
 - B. The Land Use Element contains the following passage:
 - A substantial portion of this section is located within the 2013 Houston-Donaldson Study area and has excellent development and/or redevelopment opportunity due to its high visibility from and easy access to I-75. Existing parcels should be developed/redeveloped to be aesthetically harmonious with existing surrounding land uses and cleaned up environmentally as much as is needed for new development (Florence Commercial Area, pp. 125-126).
 - C. The proposal is in agreement with the following Goals and Objectives:
 - Boone County Businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
 - Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, Goal B, Objective 6).

2. The Committee has concluded the request is in agreement with the Houston-Donaldson Study for the following reasons:
 - A. The proposal is in agreement with the following recommendations and Goals and Objectives:
 - Future development and/or redevelopment in Subarea Four should be of commercial or office type land uses and not of light industrial or residential uses, except for the light industrial area on Spiral Drive (Subarea 4 Recommendation, pg. 33).
 - Maintain the successful business climate of the Subarea (Goal A, pg. 44).
 - Disconnects in the sidewalk network within the Subarea should be filled in (Goal B. Objective, pg. 44).
3. The proposal is in compliance with the following Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations:
 - A. Mixed Use Development and Pedestrian Orientation - The property owner has agreed to a condition which will provide a sidewalk connection between the building and Spiral Drive.
 - B. Landscaping - The property owner has agreed to a condition which will enhance the Thoroughbred Boulevard street frontage buffer.
4. The Committee has concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the conditions.

CONDITIONS

1. Vehicle inventory that is for sale can be stored inside the subject tenant space, the front parking lot, or dock area behind the building. No more than fifteen (15) such vehicles shall be located in the front parking lot at any given time.
2. A minimum of seven (7) parking spaces shall be striped off in the rear dock area adjoining the subject tenant space.
3. A sidewalk connection shall be provided between the existing building sidewalks and the Spiral Drive right-of-way.
4. The required trees from Buffer Yard A shall be installed in the approximate 170 linear foot gap in the Thoroughbred Boulevard street frontage buffer. This landscaping can be installed in the Thoroughbred Boulevard right-of-way if Kentucky Transportation Cabinet grants an Encroachment Permit.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Brad Shipe, Chairman

DATE: December 18, 2019

CHANGE IN CONCEPT DEVELOPMENT PLAN - Brad Shipe, Todd Morgan, Staff

1. Request of **Anne F. McBride, FAICP (applicant)** for **Spiral Drive, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development/Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow modifications, sales, and service of vehicles and equipment for the mobility challenged.

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.

Kim Bunger
Kim Bunger

For Project Absent
Against Project
Abstain Deferred

Mark Hicks (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

Rick Lunnemann
Rick Lunnemann

For Project Absent
Against Project
Abstain Deferred

Steve Turner (Alternate)

For Project Absent
Against Project
Abstain Deferred

Kim Patton

For Project Absent
Against Project
Abstain Deferred

Randy Bessler (Alternate)

For Project Absent
Against Project
Abstain Deferred

Brad Shipe
Brad Shipe (Chairman)

For Project Absent
Against Project
Abstain Deferred

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Rick Lunnemann
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the third item on the Agenda at 8:15 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

3. Request of **Anne F. McBride, FAICP (applicant)** for **Spiral Drive, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development/Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow modifications, sales, and service of vehicles and equipment for the mobility challenged.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is an existing multi-tenant building. The request is a Change in Concept Development Plan to allow Mobility Works to occupy an 8,400 square foot tenant space. Mobility Works is a company that provides accessible transportation to those who are mobility challenged. The use involves the sale, accessorizing and servicing of wheel chair accessible vehicles along with the sale of durable medical equipment. The reason for the request is that in 1986 when the original Concept Development Plan was approved, auto repair and sales were not a principally permitted or conditional use in the I-1 zoning district. The closest use to the proposed use was auto leasing and this was prohibited in the original approval. The proposed improvements would include adding a door to the front facade and a new ramp to the back of the building. Mr. Morgan showed photographs of the site and adjoining properties. The Future Land Use Map designates the site for Industrial (I) use. References to the Comprehensive Plan and the Houston-Donaldson Study are made in the Staff Report. The text of the Houston-Donaldson Study identifies the area to be light industrial.

In regard to Staff Comments, Mr. Morgan noted that in the current I-1 zoning district, auto repair is a principally permitted use. The proposed use is not entirely automotive repair. There is a component of auto repair with the proposed use. Also, the retail sales and leasing of new and used motor vehicles are a conditional use in an I-1 zoning district. Since the existing zoning is I-1/PD, the proposed use follows the PD requirements instead of the Board of Adjustment Conditional Use Permit process. The Staff posed six questions to the applicant and the applicant's response to the questions are attached to the Staff Report. Staff would like the applicant to address pedestrian orientation. There are no sidewalks along the applicant's frontage. Should there be a sidewalk connection even if it is only to their access point? Second, should landscaping be extended along Thoroughbred Boulevard?

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Ms. McBride, representing Mobility Works, stated that the purpose of Mobility Works is to provide transportation options to those with mobility issues. Clients who are mobility challenged will come to Mobility Works looking for vehicles that will allow them the freedom to go to work, take kids to school or visit a doctor. The company assesses a customer and then matches the individual with a vehicle. The vehicles are then customized at the proposed location to meet the customer's specific needs. Minor adaptive improvements to the vehicle are done on-site. Mobility Works continues to work with the client to modify and maintain the vehicle's equipment overtime. Mobility Works has another site in Sharonville in the Micro Center. It is about double in size of the Florence location. It is a combination of stores in Evendale and Springdale. The Sharonville site will provide the inventory for the Florence site should it be approved. Currently, clients have to go to their Springdale or Evendale locations. The other option is their Louisville

location. There is nothing in the Northern Kentucky area that would be able to provide this type of service to residents. The building is considered flex-space. It is like a warehouse and it has roll up doors. The space in question has been vacant for over 2 years. The only modification to the building is a second ramp in the rear and installing ADA compliant doors to enter the building. The applicant submitted an interior floor plan which included a showroom with 2 vehicles to accommodate mobility clients. There will be a customer lounge, offices and a service area. The service area can accommodate 6-7 vehicles. Vehicles can be customized on-site with such features as hand controls or transfer seats. The vehicles come in with the lift, doors, etc. The accessories are added at the proposed facility. Ms. McBride submitted brochures and photographs of the company's products, services and building (see Exhibit A). Vehicles are picked up inside the building in order to show the user how to use the vehicle's features. All the training is conducted indoors in a climate control environment. It is also safer. There will be 6-8 employees at the proposed location. Hours will be Monday through Friday 8:00 a.m. to 5:00 p.m. They will be open on Saturday from 9:00 a.m. to 1:00 p.m. The uses are rather unique as they are not identified in any zoning code. The existing I-1 zoning district identifies the use a principally permitted use and a conditional use. The 1985 code that is tied to the site has certain restrictions. That code allows for truck stops and freight terminals that is not compatible. Ms. McBride is requesting a Change in Approved Concept Development Plan to allow the modifications of vehicles and equipment for the mobility challenged population. She stated that the City of Florence doesn't have any objections to it.

Chairman Rolfsen asked if he bought a van at Honda, can it be completely modified or does your client supply the van? Ms. McBride replied that the vans come from Honda, Toyota, Dodge, etc. They come in already modified with lifts, etc. If special equipment is needed, Mobility Works would install it at the proposed Florence location. Maintenance to the vehicle and equipment would also be done at the facility. Mr. Greg Hopkins, Mobility Works, stated that his company has been in business since 1997. They are the largest company in this type of business in the country. In the last 20-30 years, the vehicles have changed from cargo vans to mini-vans. This can be done by lowering the floor by 14 inches. Rear or side ramps can be added. They have customers that have unique needs. They install hand controls and joysticks. They also train drivers. Mr. Hopkins referred to the brochure for this type of technology.

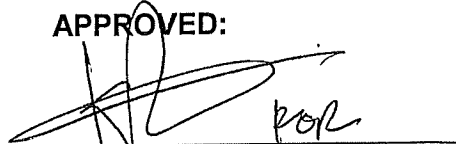
Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Shipe asked if there was welding done on site? Mr. Hopkins responded that there is some minor welding. Chairman Rolfsen inquired on whether there would be a lot of vehicles available on the lot? Mr. Hopkins replied that there would be 2 vehicles inside the building. Vehicles will be stored outside. New vehicles can be as much as \$100,000. Used vehicles can cost \$30,000. They are mostly mini-vans with some SUVs. The inventory can range from 25 - 30 vehicles. They intend to use the truck dock area and the Spiral Drive frontage areas for vehicle storage. They expect to grow to 10-15 employees. Currently, they have 85 stores and expect to be at 100 stores soon.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee

Meeting for this item will be on November 20, 2019 at 5:00 P.M. in the Fiscal Courtroom.
This item will be on the Agenda for the Business Meeting on December 4, 2019 at 7:00 P.M.
Chairman Rolfsen closed the Public Hearing at 8:39 P.M.

APPROVED:

A handwritten signature in black ink, appearing to be 'C. Rolfsen', written over a horizontal line.

Charlie Rolfsen
Chairman

Attest:

A handwritten signature in black ink, appearing to be 'Kevin P. Costello', written over a horizontal line.

Kevin P. Costello, AICP
Executive Director

Exhibit A - Brochures and Photographs of Mobility Works

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

December 19, 2019

Ms. Anne F. McBride, FAICP
McBride Dale Clarion
5721 Dragon Way
Cincinnati, OH 45227

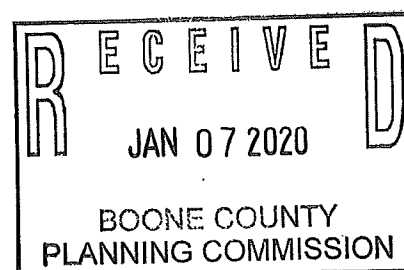
RE: Request of **Anne F. McBride, FAICP (applicant)** for **Spiral Drive, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development/Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow modifications, sales, and service of vehicles and equipment for the mobility challenged.

Dear Ms. McBride:

The following represents the conditions of approval for the above referenced Change in Concept Development Plan application as agreed to by you and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please have the property owner sign the last page of this letter if they are agreement with the conditions. Please return this letter to the Boone County Planning Commission office by January 7, 2020.

CONDITIONS

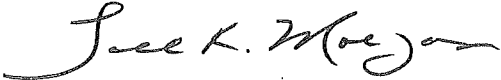
1. Vehicle inventory that is for sale can be stored inside the subject tenant space, the front parking lot, or dock area behind the building. No more than fifteen (15) such vehicles shall be located in the front parking lot at any given time.
2. A minimum of seven (7) parking spaces shall be striped off in the rear dock area adjoining the subject tenant space.
3. A sidewalk connection shall be provided between the existing building sidewalks and the Spiral Drive right-of-way.



Ms. Anne F. McBride, FAICP
December 19, 2019
Page 2

4. The required trees from Buffer Yard A shall be installed in the approximate 170 linear foot gap in the Thoroughbred Boulevard street frontage buffer. This landscaping can be installed in the Thoroughbred Boulevard right-of-way if Kentucky Transportation Cabinet grants an Encroachment Permit.

Sincerely,




Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM:ss

AGREEMENT

I, Jared Wendling, do hereby agree to the listed conditions of approval for the Change in Concept Development Plan application, which is referenced on the first page of this letter.



Mr. Jared Wendling, Partner
Spiral Drive, LLC

1/6/20

Date

RETURN TO:

After Recording, Return To:

Central Land Title Agency Co.
3074 Madison Road
Cincinnati, Ohio 45209

~~After Recording Return to:~~

~~Barron Peck Bennie & Schlemmer Co., LPA
3074 Madison Road
Cincinnati, Ohio 45209
Attn: Jonathan C. Bennie~~

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That BIG BOX PROPERTY OWNER F-1, LLC, a Delaware limited liability company ("Grantor"), whose mailing address is: 101 West Elm Street, Suite 600, Conshohocken, PA 19428, for and in consideration of the sum of THREE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,500,000.00) and other good and valuable consideration paid by SPIRAL DRIVE, LLC, an Ohio limited liability company ("Grantee"), whose mailing address is 4430 Carver Woods Drive, Suite 100 Cincinnati, Ohio 45242, the receipt of which is acknowledged, does bargain, sell and convey to Grantee, the following described Real Estate, in the County of Boone and Commonwealth of Kentucky, to-wit:

See Exhibit A attached hereto and made a part hereof (the "Property").

Present Street Address: 5 Spiral Drive and 11 Spiral Drive, Florence, Kentucky 41042

Tax Mailing Address: 101 West Elm Street, Suite 600, Conshohocken, PA 19428

TO HAVE AND TO HOLD the above described premises together with all easements and appurtenances thereunto belonging unto the GRANTEE, its successors and assigns, forever.

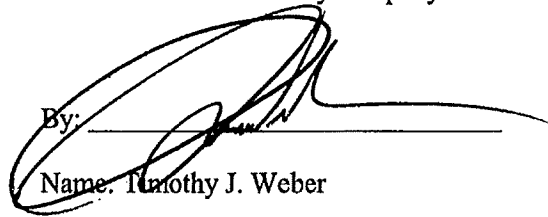
This conveyance is made subject to the matters set forth on Exhibit B attached hereto (the "Permitted Title Exceptions") without expanding the limited warranty of title contained herein.

GRANTOR does hereby covenant with GRANTEE to WARRANT AND DEFEND SPECIALLY title to the Property against the lawful claims and demands of all persons claiming by, through and under GRANTOR, except as to the Permitted Title Exceptions.

The property conveyed by this deed is a portion of the same property that was conveyed to Grantor per D.B. 1064, Page 898, in the Office of the Clerk of Boone County, Kentucky.

IN WITNESS WHEREOF, Grantor has executed this instrument as of the day and year first above written.

**BIG BOX PROPERTY OWNER F-1, LLC, a
Delaware limited liability company**

By: 

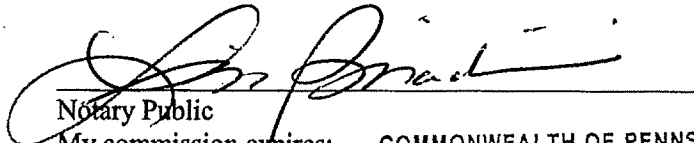
Name: Timothy J. Weber

Title: Authorized Signatory

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

On this 16 day of November, 2017, before me, the undersigned notary public, personally appeared **TIMOTHY J. WEBER**, the authorized signatory of **BIG BOX PROPERTY OWNER F-1, LLC**, a Delaware limited liability company, proved to me through satisfactory evidence of identification which was ~~Timothy J. Weber~~ Timothy J. Weber the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public

My commission expires:

11.25.18

{[NOTARIAL SEAL]}

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

Lisa Blanchini, Notary Public

Plymouth Twp., Montgomery County

My Commission Expires Nov. 25, 2018

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

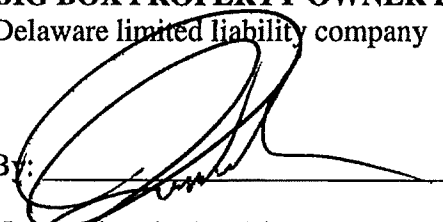
CERTIFICATION OF CONSIDERATION

Grantor and Grantee both certify, under oath, that the consideration of \$3,500,000.00 is the true, correct and full consideration paid for the property herein conveyed.

Sworn this 21st day of November, 2017.

GRANTOR:

BIG BOX PROPERTY OWNER F-1, LLC, a Delaware limited liability company

By: 

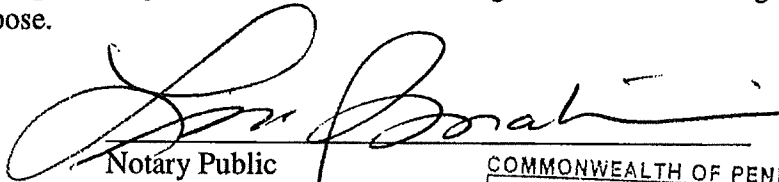
Name: Timothy J. Weber

Title: Authorized Signatory

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

On this 16th day of November, 2017, before me, the undersigned notary public, personally appeared **TIMOTHY J. WEBER**, the authorized signatory of **BIG BOX PROPERTY OWNER F-1, LLC**, a Delaware limited liability company, proved to me through satisfactory evidence of identification which was personally known, to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public
My commission expires:

11-25-18

{[NOTARIAL SEAL]}

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Lisa Bianchini, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires Nov. 25, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

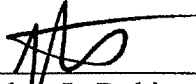
Boone County
D1100 PG 335

CERTIFICATE OF CONSIDERATION

Sworn to this 20th day of November, 2017.


GRANTEE:

Spiral Drive LLC,
An Ohio limited liability company

By: 
Name: Stephen L. Robison
Title: Manager

STATE OF OHIO
COUNTY OF Hamilton

The foregoing certification was subscribed, sworn to and acknowledged before me this 20th day of November, 2017 by Stephen L. Robison, the Manager of Spiral Drive LLC, an Ohio limited liability company, Grantee.


Notary Public



Michelle L. Kay
Notary Public, State of Ohio
My Commission Expires 10-13-2019

Prepared By:

 (signature)

Eddie M. Thiele, Esq.

Barack Ferrazzano Kirschbaum & Nagelberg LLP

200 West Madison Street, Suite 3900

Chicago, Illinois 60606

EXHIBIT A
LEGAL DESCRIPTION

Group 1814; Tax Parcel #061.00-11-011.01 + 061.00-11-011.02

Being all of Lot 11-A as shown on plat of Turfway Business Park, Phase 1 recorded as Plat Cabinet 1B Slide 48 in the office of the Clerk of Boone County, Kentucky;

Being all of Lot 11-B as shown on plat of Turfway Business Park, Phase 1 recorded in Plat Cabinet 1B Slide 48 and all of Lot 9 as shown on plat of Turfway Business Park, Phase E recorded as Plat Cabinet 1A Slide 196 in the office of the Clerk of Boone County, Kentucky;

Common Address: 5 Spiral Drive, Florence, Kentucky
11 Spiral Drive, Florence, Kentucky

EXHIBIT B
PERMITTED TITLE EXCEPTIONS

1. Taxes and assessments for the year 2018 and subsequent years, not yet due and payable.
2. This Commitment for Title Insurance is issued in contemplation of the issuance of a policy, or policies, of title insurance and Central Land Title Agency Co. or First American Title Insurance Company shall have no obligation outside the terms of this commitment. Specifically, any title search or examination conducted by Central Land Title Agency Co. as a basis for issuing this commitment shall be for the benefit of Central Land Title Agency Co. and First American Title Insurance Company only, and does not insure to the benefit of any other party, including any seller, purchaser or lender. In the event any proposed insured under this commitment fails to acquire, or elects not to acquire, a final policy prior to the expiration date of the Commitment, said proposed insured shall have no cause of action or recourse against Central Land Title Agency Co. or First American Title Insurance Company and in no event shall any proposed insured have any claim or cause of action against Central Land Title Agency Co. or First American Title Insurance Company based on the title search or examination. By accepting the within commitment, the proposed insured, along with any other parties to the contemplated transaction, consents to and agrees with the foregoing.
3. City Taxes for 2017 in the amount of \$5,092.20 are paid according to the City office. City Taxes for 2018 and subsequent tax periods are a lien on the subject property but are not yet due and payable, (tax Parcel No. 061.00-11-011.01).
4. County Taxes for 2017 in the amount of \$19,636.85 are due on or before December 31, 2017 according to the County Sheriff. County Taxes for 2018 and subsequent tax periods are a lien on the subject property but are not yet due and payable, (tax Parcel No. 061.00-11-011.01).
5. City Taxes for 2017 in the amount of \$5,559.60 are paid according to the City office. City Taxes for 2018 and subsequent tax periods are a lien on the subject property but are not yet due and payable, (tax Parcel No. 061.00-11-011.02).
6. County Taxes for 2017 in the amount of \$21,439.26 are due on or before December 31, 2017 according to the County Sheriff. County Taxes for 2018 and subsequent tax periods are a lien on the subject property but are not yet due and payable, (tax Parcel No. 061.00-11-011.02).
7. Agreements with the Kenton County Airport as set forth in MC Book 200, Page 82 and 90 of the Boone County, Kentucky Records.
8. Rights of tenants, as tenants only, under unrecorded leases, without any rights or options to purchase.
9. Grant of Easement to The Union Light, Heat and Power Company recorded in Easement Book 20, Page 64, of the Boone County, Kentucky Records, 10-foot underground electric easement and shown on the Survey of James Aunspaugh, PLS, Blew & Associates, Drawing No. 15-1111.DWG, dated October 16, 2015 and last revised December 11, 2015.
10. Conditions, stipulations, restrictions, building lines and easements, together with incidental rights, as provided for on plat of Turfway Business Park, Phase 1 recorded in Plat Cabinet 1B Slide 48 and plat of Turfway Business Park, Phase E recorded as Plat Cabinet 1A Slide 196, of the Boone County, Kentucky Records, including 25-foot access easements, 20-foot water main easement, 20-foot storm sewer easements, and 15-foot utility easement all shown on said survey.
11. The matters contained in Declaration of Easements and Covenants recorded in Easement Book 23, Page 81 of the Boone County, Kentucky Records, said records, which, among other things,

contains or provides for the establishment of easements and private charges or assessments, and covenants, conditions and restrictions.

12. Subject to a grant of easement in favor of The Union Light, Heat and Power Company as set forth in Easement Book 23, Page 214 of the Boone County, Kentucky Records.
13. Terms, provisions and conditions relating to the easement described as Parcel 3 and contained in the instrument creating such easement.
14. Rights of the adjoining owners to the concurrent use of the easement described as Parcel 3.
15. Subject to a Reciprocal Easement Agreement and Declaration of Covenants and Restrictions as set forth in Official Record Book 22, Page 311 of the Boone County, Kentucky Records.
16. Subject to an Amendment to Reciprocal Easement Agreement and Declaration of Covenants and Restrictions as set forth in Book 267, Page 1 of the Boone County, Kentucky Records.

**Boone County
D1100 PG 340**

DOCUMENT NO: 740707
RECORDED ON: DECEMBER 04, 2017 09:58:45AM
TOTAL FEES: \$32.00
TRANSFER TAX: \$3500.00
GROUP : 1814
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: S. MUIRHEAD
BOOK 01100 PAGES 333 - 340

ORDINANCE NO. O-3-20

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN A CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE / PLANNED DEVELOPMENT / HOUSTON DONALDSON STUDY CORRIDOR OVERLAY (I-1/PD/HDO) ZONE FOR AN APPROXIMATE 2.8 ACRE SITE LOCATED AT 5 SPIRAL DRIVE, FLORENCE KENTUCKY, TO ALLOW MODIFICATIONS, SALES, AND SERVICE OF VEHICLES AND EQUIPMENT FOR THE MOBILITY CHALLENGED. (MOBILITY WORKS)

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-20-002-A recommended approval for a change in a concept development plan, and

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

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

SECTION I

That the request of Anne F. McBride, FAICP (Applicant) for Spiral Drive, LLC (Owner), for a change in a concept development plan in an Industrial One/Planned Development /Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone, for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky, to allow modifications, sales and service of vehicles and equipment for the mobility challenged, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the concept development plan for this subject property.

SECTION II

The approval of this change to the concept development plan is granted subject to the terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-20-002-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

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

SECTION IV

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-20-002-A, marked Exhibit "A", and attached hereto.

SECTION V

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

SECTION VI

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 11 DAY OF February, 2020.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 25 DAY OF February, 2020.

APPROVED:

Diane E. Whalen
MAYOR

ATTEST:

Nancy Zebman
CITY CLERK



Subject Property

TURFWAY RD

THOROUGHRED BLVD

SPIRAL DR

7400

1336

1336

7575

4949

7639

15

16

22

24

26

27

23

21

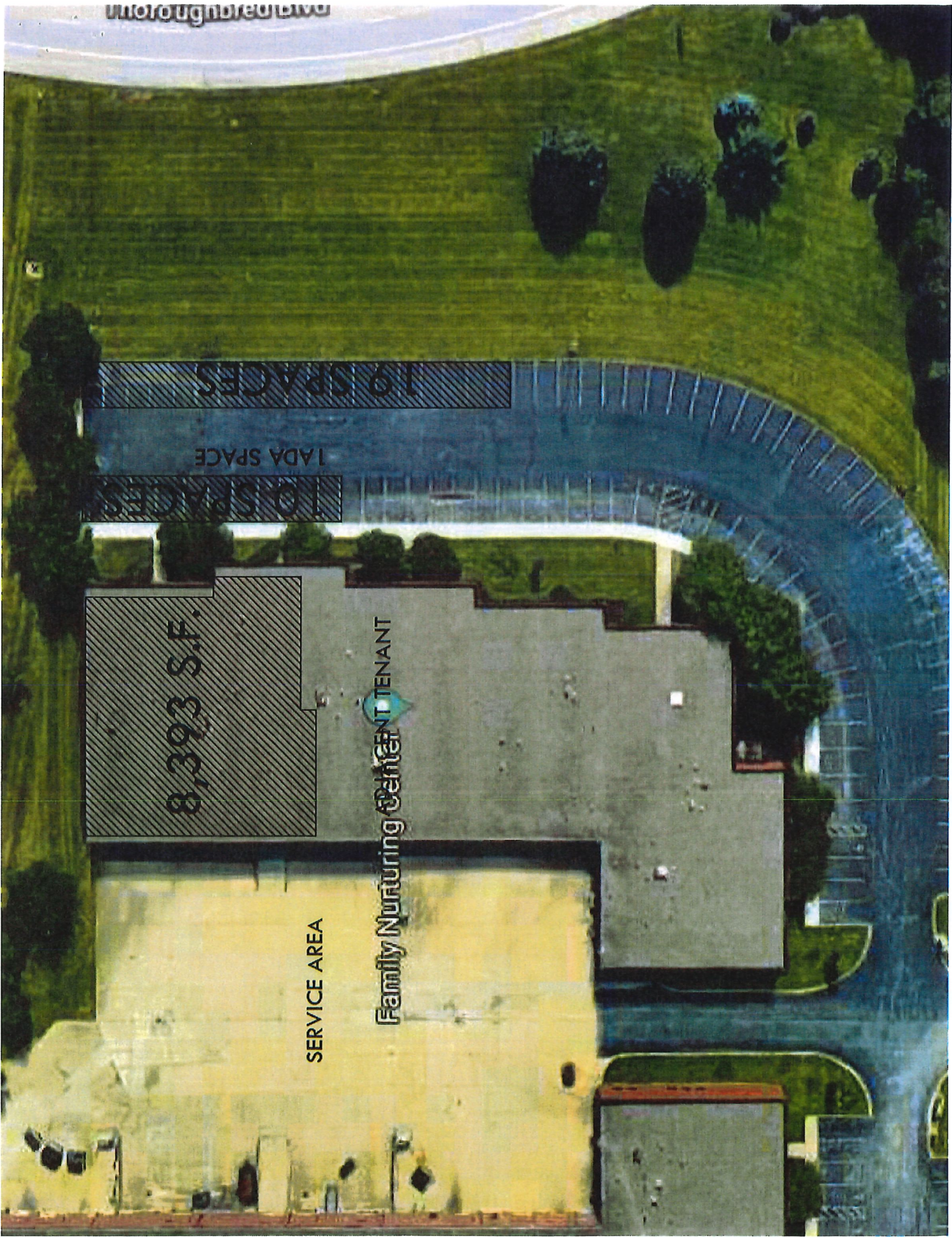
31

7649

40

4000

1800



10 SPACES

10 SPACES

8,393 S.F.

SERVICE AREA

Family Nurturing Center TENNANT

1 ADA SPACE



Mobility Works would modify main Entrance