

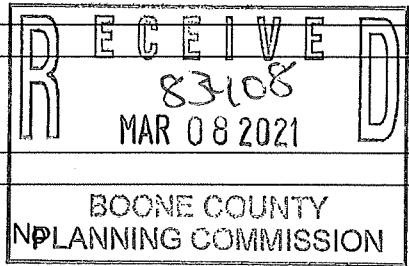
**CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION**

**Seven (7) copies of submitted drawings are required**

**An application consists of all fees paid in full, submitted drawings, and a completed application form**

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

1. Type of review (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: Menards Retail Store
3. Location of Project: 5000 Apex Lane, Florence, KY 41042
4. Total Acreage of Project: 17.157 Acres
5. Current Zoning of Property: C-2 / PD / MR
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):  
June 3, 2019
  
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: Mall Road Dist. Study
8. Proposed Use(s) (specify each use):  
No change, Menards Retail Store  
SEE NARRATIVE
  
9. Proposed Building Intensities (specify for each building):  
N/A
  
10. Have you submitted a Concept Development Plan:  Yes  No
11. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
12. Current Owner: Menard, Inc.



Address: 5101 Menard Drive

Eau Claire WI 54703  
City State Zip Code

Phone Number: 715-876-2177 Fax Number: \_\_\_\_\_

Email: nbrenner@menard-inc.com

13. Applicant: Nick Brenner, Real Estate Representative, Menard, Inc.

Address: 5101 Menard Drive,

Eau Claire                      Wisconsin                      54703  
 City                                      State                                      Zip Code

Phone Number: 715-876-2177                      Fax Number: \_\_\_\_\_

Email: nbrenner@menard-inc.com

14. Are there any existing buildings on the site:  Yes                       No  
 If yes, indicate how many: \_\_\_\_\_<sup>2</sup>

15. 1043                      254                      2040B  
 Deed Book                      Page Number                      Group Number

16. Have you had a pre-application meeting with the BCPC staff:                       Yes                       No

17. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input type="checkbox"/> Boone County Public Works Department   | <input type="checkbox"/> Local School District                        |
| <input type="checkbox"/> Boone County Water District  | <input type="checkbox"/> Northern Kentucky Health Department          |
| <input type="checkbox"/> Cincinnati Bell  | <input type="checkbox"/> Owen Cooperative Electric, Inc.              |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1                    |
| <input type="checkbox"/> Duke Energy  | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department  | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input type="checkbox"/> Kentucky Transportation Cabinet  |   |

18. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone                       Florence                       Walton                       Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:  
 In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on July 1, 2021

**ORIGINAL Property Owner's Signature:** Nick Brenner                      Nick Brenner  
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)                      Real Estate Rep. Menard, Inc.

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

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 3-8-21 Fee Received: \$2,659.<sup>14</sup> Receipt #: 83408
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
- Completed Application
  - Concept Development Plan
  - Legal Description
  - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_
5. Staff Reviewer: TODD MORGAN
6. Committee Chairperson: RICK LUNNEMANN
7. Scheduled Public Hearing Date: 5/5/21
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: 9/1/21

- Approved
- Approved with Conditions
- Denial
- Other

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

# EXHIBIT

“A”

## STAFF REPORT

Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design.

May 5, 2021

### PERTINENT SITE HISTORY

- A. In 2014, a Concept Development Plan application was approved allowing Menards to:
- Construct an accessory storage building;
  - Have an outdoor sales area in the corner side yard;
  - Have alternative building materials on the storage building;
  - Modify the Vehicular Use Area (VUA) landscaping requirements;
  - Use a 14' tall wood privacy fence as an outdoor sales area enclosure, trash area enclosure, and screen wall.
  - Have additional building mounted signage on the front façade of the primary building.
- B. On June 3, 2019 Boone County Planning Commission approved a revised Major Site Plan for Menards. The plan showed a 162,500 square foot building, a 9,652 square foot covered garden center, a 42,700 square foot accessory warehouse building, and 405 parking stalls. Building elevations were approved with the Site Plan and complied with the Concept Development Plan approval.
- C. Sign Permits have been approved allowing the following building mounted signage:
- 1/24/19 – 528.13 square foot "Menards" sign on the front building elevation.
  - 1/29/19 – 46.67 square foot "Menards Dedicated to Service and Quality" sign on the front elevation.
  - 1/29/19 – 8.5 square foot "Out" sign on the front elevation.
  - 1/29/19 – 30.20 square foot "Garden Center" sign on the front elevation.
  - 6/3/19 – 22.41 square foot "Lumber Yard Entrance" sign on the front of the yard gate canopy.
  - 6/3/19 – A 1.3 square foot "IN" sign on the front of the yard gate canopy.
  - 6/3/19 – A 47.26 square foot "Thank You For Shopping Menards OUT" sign on the rear of the yard gate canopy.
- D. On March 31, 2020, the City of Florence sent Menards a letter making them aware that there were six deficiencies related to their Site Plan and building mounted signage.

### REQUEST

The request is for a Change in an Approved Concept Development Plan to allow Menards to make changes to the approved building design and allow exterior building mounted signage:

- A. Proposed Changes to the Building Design

- Rear Building Elevation – Allow the orange metal accent panels that were added to the order pickup canopy to remain.
- Left (North) Building Elevation – Allow an approximate 54 linear foot portion of the façade that was finished with treated lumber to remain. This area contains racking.
- Front of Gate Canopy – Allow orange accent panels.

B. Signage

- Front Elevation – A framed “We Sell Concrete Blocks!!” banner has been added to the front of the building. Menard's would like to keep this framed banner as a permanent sign. Banners are not typically permitted as a permanent sign.
- Rear Elevation - Order Pickup Signage. Menards would like to keep this signage permanently.

APPLICABLE REGULATIONS

- A. Section 314 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Sections 301-310. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.
- B. Section 1517 of the Boone County Zoning Regulations states that 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.
- C. Section 1514 of the Boone County Zoning Regulations contains the following Planned Development criteria that relate to the request:
- Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements.
  - 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.

- D. The Mall Road District Study contains the following architectural design requirements that relate to the application:

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

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

Exterior Wall Colors: Exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing.

Facade Composition: Facades shall be designed to have a defined base, mid section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the wainscot or knee wall (or entire ground floor for multi-story buildings) from the upper portion of the exterior wall. Additionally for multi-story buildings, a change in the fenestration pattern between the ground floor and the upper floors can be employed. The top or cap effect should be created through the provision of a three dimensional detail(s) which breaks or jogs the wall plane from the roof such as a defined cornice, brackets, corbels, projecting eave, exposed rafter tails, et al.

Tangible masonry detailing shall be provided such as defined window sills and lintels, quoins, soldier courses, herringbone or tile detailing, or medallions. Windows and storefront units shall be recessed within their openings ("punched" openings) to create shadow lines and three-dimensional relief. Windows/openings other than storefront type units shall have a vertical height to width orientation. Transoms and main/public entrances which are recessed behind the exterior facade are preferred. For office/commercial buildings, broad storefronts which allow direct visibility into the building interior shall be provided for building frontages along public sidewalks, streets, and private access drives which function as "streets." Facade projections, such as simple fabric awnings and roof awnings/canopies at street level, and shingle/blade style projecting signs, are encouraged

for building frontages along public sidewalks, streets, and private access drives which function as “streets.” Firmly structured awnings with an “inflated” or plastic appearance shall not be used.

For large scale structures such as anchor style retail buildings, parking structures, and civic/institutional buildings, the amount of detailing and fenestration will need to be adjusted to match the scale and function of the building. The exterior walls of larger office/commercial buildings can be designed to appear as a collection of multiple zero lot line buildings or tenants. No exterior wall for large scale structures should exceed 150 feet in length without being interrupted by a minimum 5 foot horizontal change or jog in the footprint.

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

Trash Enclosures: Garbage storage areas shall be placed in the side or rear yard only, excluding corner side yards and along access drives which function as “streets” including shared private development streets/driveways. Garbage storage areas shall be enclosed per the requirements of Section 3151 of the zoning regulations. Additionally, the required enclosure structure shall be constructed with the same materials, colors, and design detailing as the principal building.

- E. The Mall Road Overlay Sign District allows Menards to have building mounted signage on each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall more than three (3) elevations of building mounted signage be permitted. The square footage allotted for any one elevation may be divided into three (3) separate sign areas.

#### Standards

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

### SITE CHARACTERISTICS

- A. The 17.157 acre site is located at the southeast corner of the Heights Boulevard/Apex Lane intersection.
- B. The property contains a 162,500 square foot building, a 9,652 square foot covered garden center, a 39,568 square foot accessory warehouse, a yard gate canopy on the south side of the building, outside sales and storage areas, and 405 parking spaces.
- C. Topography of the site falls from 880 MSL along Heights Boulevards to 861.31 MSL in the center of the front parking lot to 840 MSL along the south property line.
- D. The site is located within the 60 Day/Night Noise Levels of the Greater Cincinnati/Northern Kentucky International Airport.

### ADJACENT LAND USES AND ZONES

North: Heights Blvd., Crossroads Church, and Costco (C-2/PD/MR)

South: Menards Detention Parcel (C-2/PD/MR)

East: Dave & Buster's (C-2/PD/MR)

West: Apex Lane, Tank Park and Ride, Outback Steakhouse, and Chick-Fil-A (C-2/PD/MR)

### RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial uses. This designation is described as “Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

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).

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

C. The following is an excerpt from Our Boone County – Plan 2040:

The Mall Road area was recommended (through the 2002 Mall Road Corridor Study) to become a new urbanism corridor. The current planning effort for the area, the Mall Road District Study, calls for a dense, well designed urban style of development that should occur over time. Residential development may be a part of this urban area, but should be located to minimize noise impacts from the interstate and airport. The entire area of Steinberg Drive, Rosetta Drive, Connector Drive, and the I-75 Mall Road ramps should be planned in detail to provide mixed use development that includes a good road connection and traffic circulation between the Pleasant Valley Road corridor and I-75. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's transit hub on Mall Rd.

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

Attention must be given to the changing nature of retail and how it relates to the future of Florence Mall and other retail centers and stores. On-line retail continues to increase and the effect it is having on suburban malls, big box retailers, and other national retail chains cannot be ignored. Consideration must be given to how these stores may be able to reinvent themselves and continue as retail-based destinations that focus on experience-based shopping.

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

STAFF COMMENTS

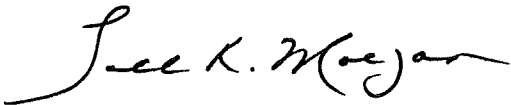
A. Staff would like the applicant to address the following:

- Why was part of the left (north) building façade changed from metal to treated lumber?
- Staff has permitted seven building mounted signs on the front façade of the building and the gate canopy (see Site History). There are many other signs and banners that have been mounted to the two buildings that have not been permitted (see Staff PowerPoint). The applicant needs to provide locations, dimensions, graphics, and construction materials for all these signs if Menards want to seek them permanently. Signs that do not meet the Mall Road Overlay Sign District guidelines (number of signs on a façade, construction materials, etc.) would need to be approved as part of the Change in Approved Concept Development Plan application.

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 3 of the Boone County Zoning Regulations, Section 1514 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

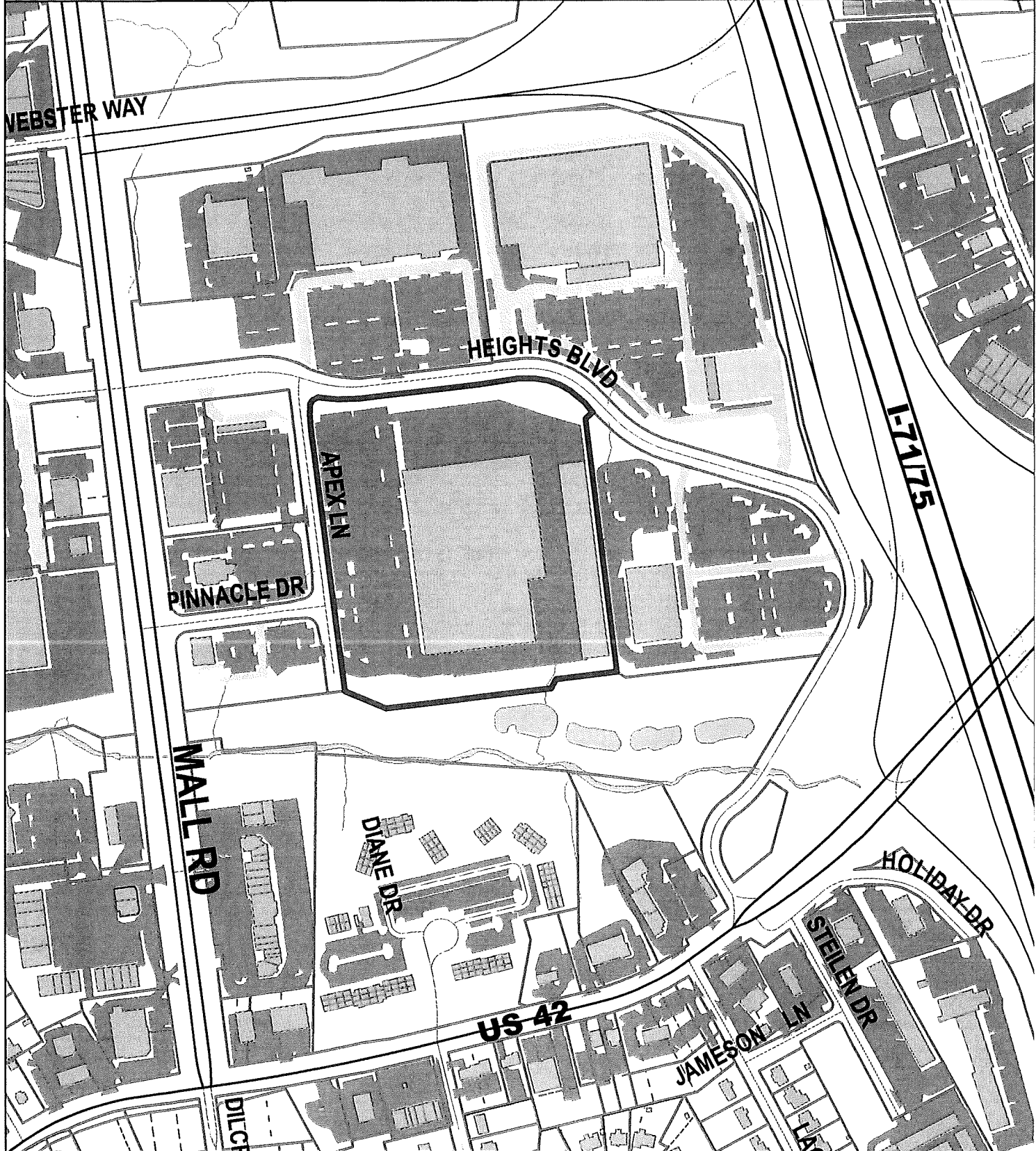
TKM/ss

### Attachments:

- \*Site Vicinity Map
- \*2014 Approved Concept Plans
- \*2014 Conditions of Approval
- \*2019 Revised Major Site Plan
- \*3/31/20 Letter from City of Florence to Menards
- \*Applicant's Narrative
- \*Proposed Building Elevations
- \*2020 Aerial Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application

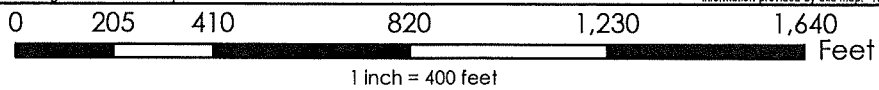
# SITE VICINITY MAP

www.boonecountygis.com



Copyright 2020 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**

Map Created: xx/xx/2020

Map File: 12.mxd by 2020/08/28 11:11  
ArcMap Document: \*.mxd

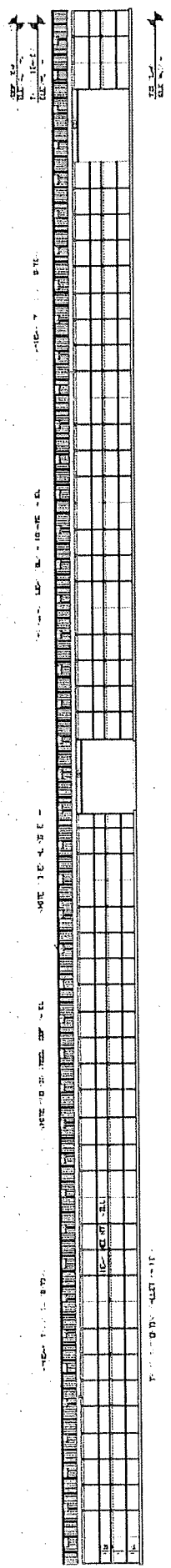




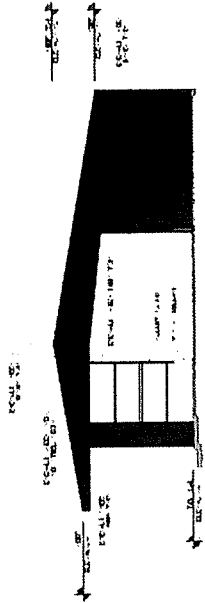


SECTION - E

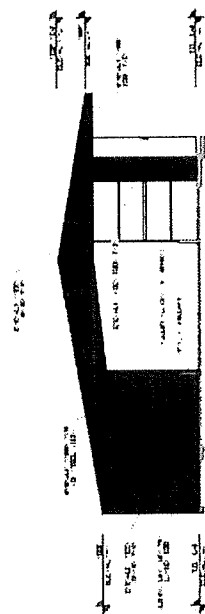
SECTION - E



SECTION - E



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

**MENARDS**

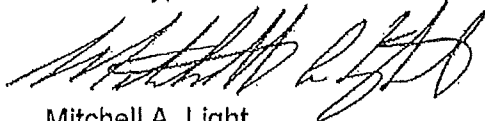
10000 W. WYOMING ST.  
MIDLAND, TX 79701  
940.682.2222

REVISED 5/20/2014

CONDITIONS

1. The Property Owner agrees to provide a double staggered row of 8' high evergreens at installation (minimum of 3 varieties), 20' on center, in the area between the privacy fence and Heights Blvd to the north in addition to the street frontage landscape requirements.
2. The Property Owner agrees to provide a continuous row of 8' high evergreens at installation (minimum of 3 varieties), 20' on center, along the east property line behind the accessory storage building.
3. The Property Owner agrees to provide a single row of 6' high evergreens at installation (minimum of 3 varieties), 30' on center, along the southern fence row.
4. The Property Owner agrees to stain (with "Clove Brown" stain) and maintain the wood fence as depicted on the revised elevation drawings dated 5/20/2014. (attached).

Sincerely,



Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/tlb

EXHIBIT "A"

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE

IN RE: AGREED ADDITIONAL CONDITION – REQUEST OF ANCHOR PROPERTIES, INC. (APPLICANT) FOR MALL ROAD KY, LLC (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 21.26 ACRE SITE LOCATED ON THE SOUTH SIDE OF HEIGHTS BOULEVARD, TO THE EAST OF THE TANK PARK AND RIDE FACILITY AT 831 HEIGHTS BOULEVARD, FLORENCE, KENTUCKY. THE REQUEST IS FOR A CONCEPT DEVELOPMENT PLAN TO ALLOW AN ACCESSORY STORAGE BUILDING AND OUTDOOR SALES AREA TO BE PLACED IN A CORNER SIDE YARD, AND TO ALLOW MODIFICATIONS TO THE STORAGE BUILDING MATERIAL, OUTDOOR SALES AREA ENCLOSURE, AND VEHICULAR USE AREA LANDSCAPING REQUIREMENTS, IN CONJUNCTION WITH THE CONSTRUCTION OF AN APPROXIMATE 162,500 SQ. FT. HOME IMPROVEMENT STORE.

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

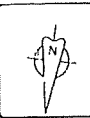
Condition #4 from the Boone County Planning Commission Zone Change/Concept Plan Committee report of June 4, 2014, shall be amended as follows:

The Property Owner agrees to stain (with "Clove Brown" stain, or a comparable color should "Clove Brown" not be available, subject to approval by the City of Florence) and maintain the wood fence as depicted on the revised elevation drawings dated 5/20/2014 (attached).

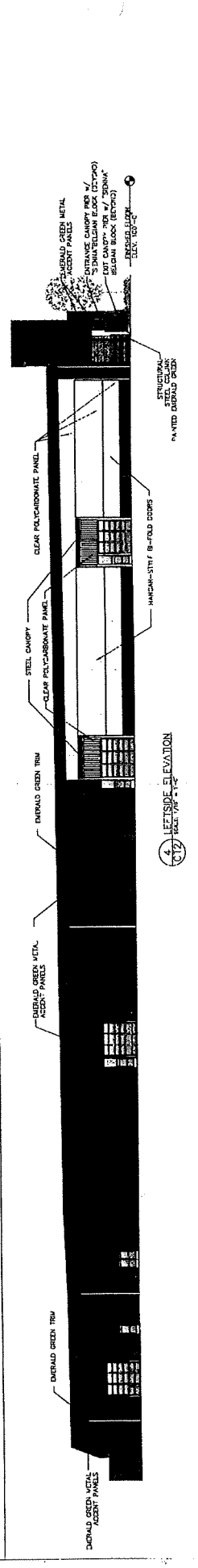
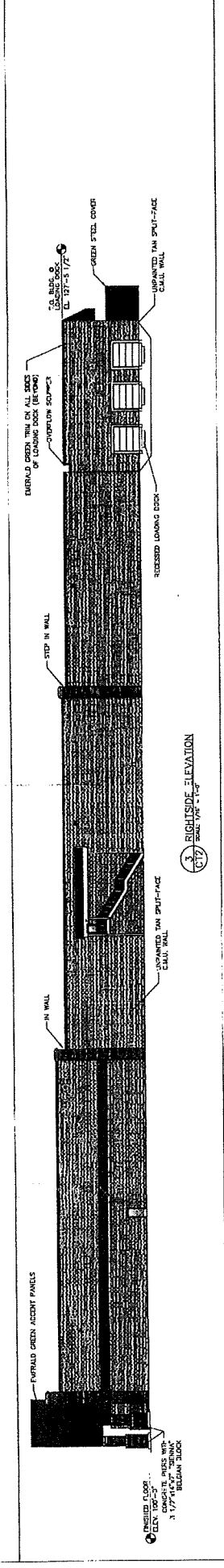
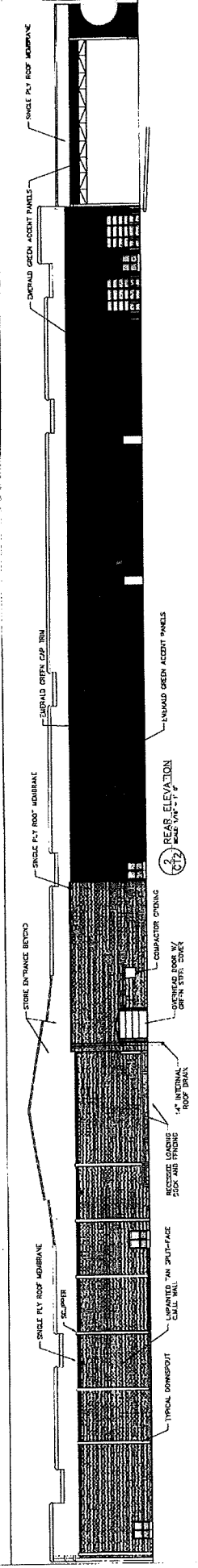
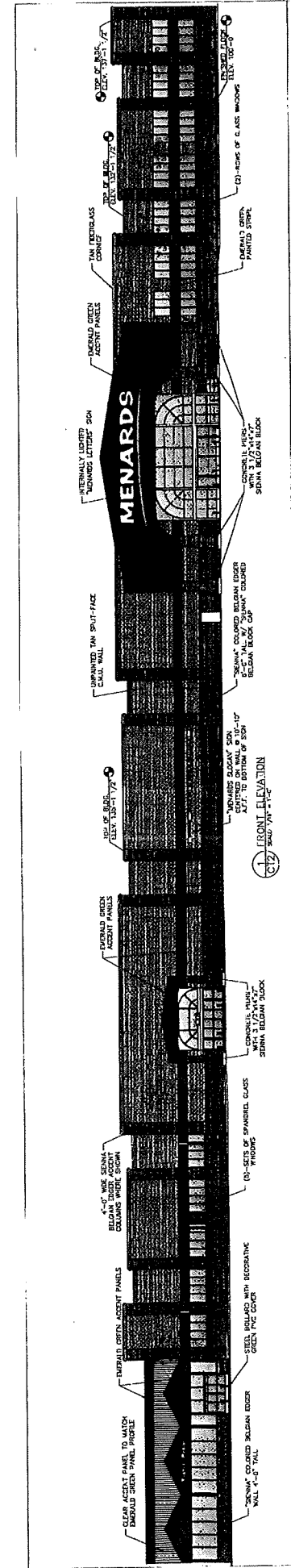
Agreed to this 23<sup>RD</sup> day of June, 2014.

APPLICANT:

  
\_\_\_\_\_  
SIGNATURE



NO.	DESCRIPTION	DATE
1	PRELIMINARY	11/15/18
2	REVISED	12/10/18
3	REVISED	1/10/19
4	REVISED	2/10/19
5	REVISED	3/10/19
6	REVISED	4/10/19
7	REVISED	5/10/19
8	REVISED	6/10/19
9	REVISED	7/10/19
10	REVISED	8/10/19
11	REVISED	9/10/19
12	REVISED	10/10/19
13	REVISED	11/10/19
14	REVISED	12/10/19
15	REVISED	1/10/20
16	REVISED	2/10/20
17	REVISED	3/10/20
18	REVISED	4/10/20
19	REVISED	5/10/20
20	REVISED	6/10/20
21	REVISED	7/10/20
22	REVISED	8/10/20
23	REVISED	9/10/20
24	REVISED	10/10/20
25	REVISED	11/10/20
26	REVISED	12/10/20
27	REVISED	1/10/21
28	REVISED	2/10/21
29	REVISED	3/10/21
30	REVISED	4/10/21
31	REVISED	5/10/21
32	REVISED	6/10/21
33	REVISED	7/10/21
34	REVISED	8/10/21
35	REVISED	9/10/21
36	REVISED	10/10/21
37	REVISED	11/10/21
38	REVISED	12/10/21
39	REVISED	1/10/22
40	REVISED	2/10/22
41	REVISED	3/10/22
42	REVISED	4/10/22
43	REVISED	5/10/22
44	REVISED	6/10/22
45	REVISED	7/10/22
46	REVISED	8/10/22
47	REVISED	9/10/22
48	REVISED	10/10/22
49	REVISED	11/10/22
50	REVISED	12/10/22
51	REVISED	1/10/23
52	REVISED	2/10/23
53	REVISED	3/10/23
54	REVISED	4/10/23
55	REVISED	5/10/23
56	REVISED	6/10/23
57	REVISED	7/10/23
58	REVISED	8/10/23
59	REVISED	9/10/23
60	REVISED	10/10/23
61	REVISED	11/10/23
62	REVISED	12/10/23
63	REVISED	1/10/24
64	REVISED	2/10/24
65	REVISED	3/10/24
66	REVISED	4/10/24
67	REVISED	5/10/24
68	REVISED	6/10/24
69	REVISED	7/10/24
70	REVISED	8/10/24
71	REVISED	9/10/24
72	REVISED	10/10/24
73	REVISED	11/10/24
74	REVISED	12/10/24
75	REVISED	1/10/25
76	REVISED	2/10/25
77	REVISED	3/10/25
78	REVISED	4/10/25
79	REVISED	5/10/25
80	REVISED	6/10/25
81	REVISED	7/10/25
82	REVISED	8/10/25
83	REVISED	9/10/25
84	REVISED	10/10/25
85	REVISED	11/10/25
86	REVISED	12/10/25
87	REVISED	1/10/26
88	REVISED	2/10/26
89	REVISED	3/10/26
90	REVISED	4/10/26
91	REVISED	5/10/26
92	REVISED	6/10/26
93	REVISED	7/10/26
94	REVISED	8/10/26
95	REVISED	9/10/26
96	REVISED	10/10/26
97	REVISED	11/10/26
98	REVISED	12/10/26
99	REVISED	1/10/27
100	REVISED	2/10/27
101	REVISED	3/10/27
102	REVISED	4/10/27
103	REVISED	5/10/27
104	REVISED	6/10/27
105	REVISED	7/10/27
106	REVISED	8/10/27
107	REVISED	9/10/27
108	REVISED	10/10/27
109	REVISED	11/10/27
110	REVISED	12/10/27
111	REVISED	1/10/28
112	REVISED	2/10/28
113	REVISED	3/10/28
114	REVISED	4/10/28
115	REVISED	5/10/28
116	REVISED	6/10/28
117	REVISED	7/10/28
118	REVISED	8/10/28
119	REVISED	9/10/28
120	REVISED	10/10/28
121	REVISED	11/10/28
122	REVISED	12/10/28
123	REVISED	1/10/29
124	REVISED	2/10/29
125	REVISED	3/10/29
126	REVISED	4/10/29
127	REVISED	5/10/29
128	REVISED	6/10/29
129	REVISED	7/10/29
130	REVISED	8/10/29
131	REVISED	9/10/29
132	REVISED	10/10/29
133	REVISED	11/10/29
134	REVISED	12/10/29
135	REVISED	1/10/30
136	REVISED	2/10/30
137	REVISED	3/10/30
138	REVISED	4/10/30
139	REVISED	5/10/30
140	REVISED	6/10/30
141	REVISED	7/10/30
142	REVISED	8/10/30
143	REVISED	9/10/30
144	REVISED	10/10/30
145	REVISED	11/10/30
146	REVISED	12/10/30
147	REVISED	1/10/31
148	REVISED	2/10/31
149	REVISED	3/10/31
150	REVISED	4/10/31
151	REVISED	5/10/31
152	REVISED	6/10/31
153	REVISED	7/10/31
154	REVISED	8/10/31
155	REVISED	9/10/31
156	REVISED	10/10/31
157	REVISED	11/10/31
158	REVISED	12/10/31
159	REVISED	1/10/32
160	REVISED	2/10/32
161	REVISED	3/10/32
162	REVISED	4/10/32
163	REVISED	5/10/32
164	REVISED	6/10/32
165	REVISED	7/10/32
166	REVISED	8/10/32
167	REVISED	9/10/32
168	REVISED	10/10/32
169	REVISED	11/10/32
170	REVISED	12/10/32
171	REVISED	1/10/33
172	REVISED	2/10/33
173	REVISED	3/10/33
174	REVISED	4/10/33
175	REVISED	5/10/33
176	REVISED	6/10/33
177	REVISED	7/10/33
178	REVISED	8/10/33
179	REVISED	9/10/33
180	REVISED	10/10/33
181	REVISED	11/10/33
182	REVISED	12/10/33
183	REVISED	1/10/34
184	REVISED	2/10/34
185	REVISED	3/10/34
186	REVISED	4/10/34
187	REVISED	5/10/34
188	REVISED	6/10/34
189	REVISED	7/10/34
190	REVISED	8/10/34
191	REVISED	9/10/34
192	REVISED	10/10/34
193	REVISED	11/10/34
194	REVISED	12/10/34
195	REVISED	1/10/35
196	REVISED	2/10/35
197	REVISED	3/10/35
198	REVISED	4/10/35
199	REVISED	5/10/35
200	REVISED	6/10/35
201	REVISED	7/10/35
202	REVISED	8/10/35
203	REVISED	9/10/35
204	REVISED	10/10/35
205	REVISED	11/10/35
206	REVISED	12/10/35
207	REVISED	1/10/36
208	REVISED	2/10/36
209	REVISED	3/10/36
210	REVISED	4/10/36
211	REVISED	5/10/36
212	REVISED	6/10/36
213	REVISED	7/10/36
214	REVISED	8/10/36
215	REVISED	9/10/36
216	REVISED	10/10/36
217	REVISED	11/10/36
218	REVISED	12/10/36
219	REVISED	1/10/37
220	REVISED	2/10/37
221	REVISED	3/10/37
222	REVISED	4/10/37
223	REVISED	5/10/37
224	REVISED	6/10/37
225	REVISED	7/10/37
226	REVISED	8/10/37
227	REVISED	9/10/37
228	REVISED	10/10/37
229	REVISED	11/10/37
230	REVISED	12/10/37
231	REVISED	1/10/38
232	REVISED	2/10/38
233	REVISED	3/10/38
234	REVISED	4/10/38
235	REVISED	5/10/38
236	REVISED	6/10/38
237	REVISED	7/10/38
238	REVISED	8/10/38
239	REVISED	9/10/38
240	REVISED	10/10/38
241	REVISED	11/10/38
242	REVISED	12/10/38
243	REVISED	1/10/39
244	REVISED	2/10/39
245	REVISED	3/10/39
246	REVISED	4/10/39
247	REVISED	5/10/39
248	REVISED	6/10/39
249	REVISED	7/10/39
250	REVISED	8/10/39
251	REVISED	9/10/39
252	REVISED	10/10/39
253	REVISED	11/10/39
254	REVISED	12/10/39
255	REVISED	1/10/40
256	REVISED	2/10/40
257	REVISED	3/10/40
258	REVISED	4/10/40
259	REVISED	5/10/40
260	REVISED	6/10/40
261	REVISED	7/10/40
262	REVISED	8/10/40
263	REVISED	9/10/40
264	REVISED	10/10/40
265	REVISED	11/10/40
266	REVISED	12/10/40
267	REVISED	1/10/41
268	REVISED	2/10/41
269	REVISED	3/10/41
270	REVISED	4/10/41
271	REVISED	5/10/41
272	REVISED	6/10/41
273	REVISED	7/10/41
274	REVISED	8/10/41
275	REVISED	9/10/41
276	REVISED	10/10/41
277	REVISED	11/10/41
278	REVISED	12/10/41
279	REVISED	1/10/42
280	REVISED	2/10/42
281	REVISED	3/10/42
282	REVISED	4/10/42
283	REVISED	5/10/42
284	REVISED	6/10/42
285	REVISED	7/10/42
286	REVISED	8/10/42
287	REVISED	9/10/42
288	REVISED	10/10/42
289	REVISED	11/10/42
290	REVISED	12/10/42
291	REVISED	1/10/43
292	REVISED	2/10/43
293	REVISED	3/10/43
294	REVISED	4/10/43
295	REVISED	5/10/43
296	REVISED	6/10/43
297	REVISED	7/10/43
298	REVISED	8/10/43
299	REVISED	9/10/43
300	REVISED	10/10/43
301	REVISED	11/10/43
302	REVISED	12/10/43
303	REVISED	1/10/44
304	REVISED	2/10/44
305	REVISED	3/10/44
306	REVISED	4/10/44
307	REVISED	5/10/44
308	REVISED	6/10/44
309	REVISED	7/10/44
310	REVISED	8/10/44
311	REVISED	9/10/44
312	REVISED	10/10/44
313	REVISED	11/10/44
314	REVISED	12/10/44
315	REVISED	1/10/45
316	REVISED	2/10/45
317	REVISED	3/10/45
318	REVISED	4/10/45
319	REVISED	5/10/45
320	REVISED	6/10/45
321	REVISED	7/10/45
322	REVISED	8/10/45
323	REVISED	9/10/45
324	REVISED	10/10/45
325	REVISED	11/10/45
326	REVISED	12/10/45
327	REVISED	1/10/46
328	REVISED	2/10/46
329	REVISED	3/10/46
330	REVISED	4/10/46
331	REVISED	5/10/46
332	REVISED	



**MENARDS**  
 Florence, Kentucky  
 Proposed Building Elevations  
 May 02, 2019  
 Scale: 1/16" = 1'-0"

6/3/19 Revised Major Site Plan



**PUBLIC SERVICES DEPARTMENT**

---

March 31, 2020

Menard Inc.  
5101 Menard Drive, Ste 1900  
Eau Claire, WI 54703

RE: Post Site Plan Review for Menards, 5000 Apex Lane

Dear Sir or Madam:

Recently, in accordance with Article 30, Section 3006, of the Boone County Zoning Regulations I conducted a post development site inspection for the above referenced location. The regulations state that all requirements of an approved plan must be completed within six months of the Certificate of Occupancy being issued by the Boone County Building Department. My inspection revealed the following deficiencies:

- (1) Parking lot not completed per approved plan
- (2) Landscaping not installed per approved plan
- (3) Lighting not installed per approved plan
- (4) Rear, right side & left side elevations not installed per approved
- (5) Signage installed without approved sign permit
- (6) Bike rack design not installed per approved plan

Therefore, as per the approved site plan, you are required to correct the above-mentioned deficiencies. All work is to be completed per approved plan or submit a new site plan approved for any changes. Changes must meet applicable requirements in order to be approved, and myself contacted for a final inspection thirty (30) days after receipt of this letter. You may contact me with any questions, concerns, or to arrange an inspection date at (859) 647-5416.

Thank you in advance for your cooperation and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Brian DeCarlo". The signature is written in a cursive, flowing style.

Brian DeCarlo  
Code Enforcement Officer

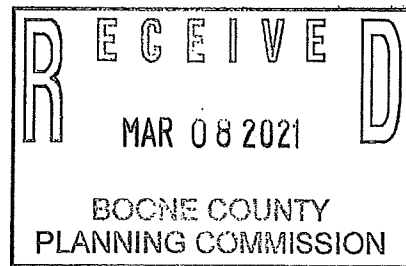
Cc: Menards, 5000 Apex Lane

**Menards Narrative:**

Menard, Inc. ("Menards") is hereby requesting a Change in an Approved Concept Development Plan as it relates to the store located at 5000 Apex Lane, Florence, KY 41042. This request is to revise the Concept Development Plan applicable to this location ("Concept Plan") to reflect as-built conditions.

The first requested change is to allow two signs that were not contemplated at the time of the Concept Plan. The first is a "We Sell Concrete Blocks" sign on the front façade and the second is an Orange Order Pickup sign located on the rear façade within the fenced in area as shown on the updated Building Elevations enclosed herein. The second requested change is to allow wood backing under a limited section of overhang on the left elevation. The updated Building Elevations showing this area is enclosed.

Both of these items are now standard elements of a prototypical Menards store. Menards is hereby requesting that the Concept Plan be changed to include these new items into it.





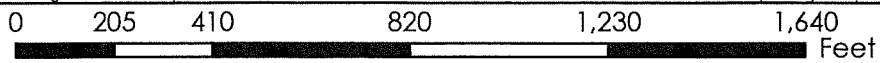
# 2020 AERIAL MAP

www.boonecountygis.com



Copyright 2020 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.



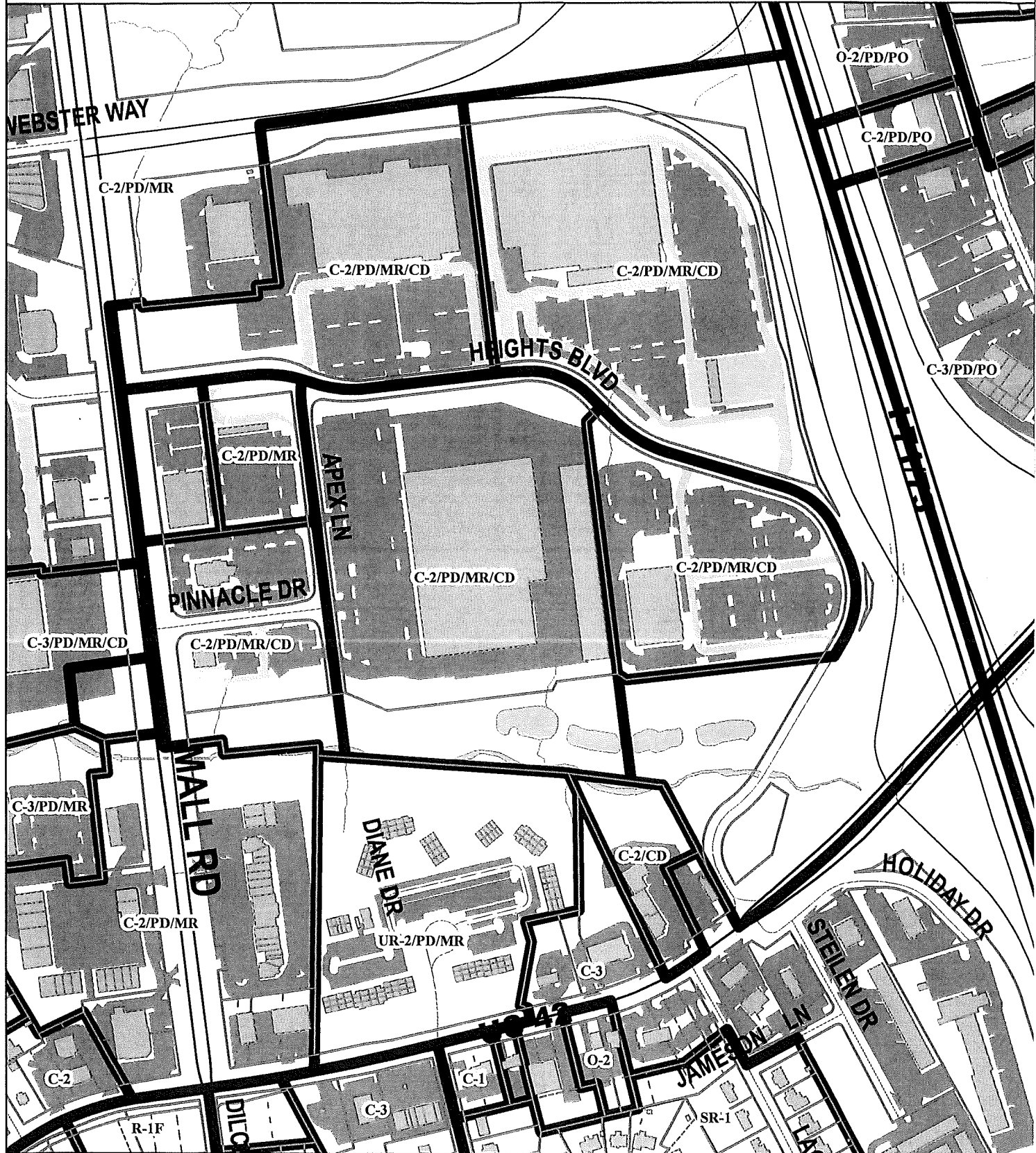
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

ArchMap Document: \*.mxd

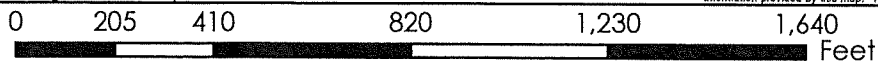
# ZONING MAP

www.boonecountygis.com



Copyright 2020 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 attends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 400 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 09/02/2020

Boone County GIS  
ArcMap Document: \*.mxd

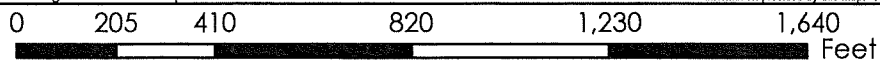
# 204 FUTURE LAND USE MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 400 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

Boone County GIS  
ArcMap Document: \*.mxd

**CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION**

**Seven (7) copies of submitted drawings are required**

**An application consists of all fees paid in full, submitted drawings, and a completed application form**

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

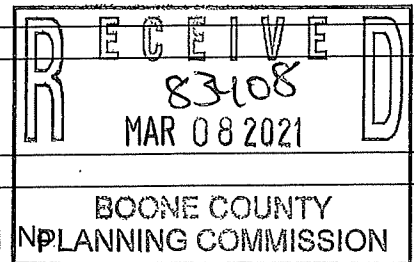
1. Type of review (check one):
- Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
  - Change in an Approved Concept Development Plan
  - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
  - Long Range Planning Committee Review (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: Menards Retail Store
3. Location of Project: 5000 Apex Lane, Florence, KY 41042
4. Total Acreage of Project: 17.157 Acres
5. Current Zoning of Property: C-2 / PD / MR
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):  
June 3, 2019

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: Mall Road Dist. Study

8. Proposed Use(s) (specify each use):  
No change, Menards Retail Store  
SEE NARRATIVE

9. Proposed Building Intensities (specify for each building):  
N/A



10. Have you submitted a Concept Development Plan:  Yes  No
11. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
12. Current Owner: Menard, Inc.

Address: 5101 Menard Drive  
Eau Claire WI 54703  
City State Zip Code

Phone Number: 715-876-2177 Fax Number: \_\_\_\_\_

Email: nbrenner@menard-inc.com

13. Applicant: Nick Brenner, Real Estate Representative, Menard, Inc.

Address: 5101 Menard Drive,

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#1

**TO:** Boone County Planning Commission

**FROM:** Rick Lunnemann, Chairman

**DATE:** September 1, 2021

**RE:** Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design.

### 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 Change in Approved Concept Development Plan request is in agreement with Our Boone County Plan 2040 for the following reasons:
  - A. The 2040 Future Land Use Plan designates the site for Commercial uses. This future land use designation is defined "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
  - B. The proposal is in agreement with the following Objectives:
    - "Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community" (Overall Goal A, Objective 4).
    - "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).
    - "Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking" (Economy Goal B, Objective 3).
  - C. The proposal is in agreement with the following passage from the land use element:

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Nick Brenner/Menard, Inc.

September 1, 2021

Page 2

“Attention must be given to the changing nature of retail and how it relates to the future of Florence Mall and other retail centers and stores. On-line retail continues to increase and the effect it is having on suburban malls, big box retailers, and other national retail chains cannot be ignored. Consideration must be given to how these stores may be able to reinvent themselves and continue as retail-based destinations that focus on experience-based shopping.

The visual appearance of commercial areas in general and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process. The Mall Road District Study recommends a new direction for Mall Road that included the potential for more entertainment uses, high rise condominium, mixed use, and residential development. This is currently being implemented as part of the Mall Road District Study” (Florence Commercial Area, pg. 126).

2. The proposal is in agreement with the following Planned Development Standard found in Section 1514 of the Boone County Zoning Regulations:
  - A. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements.
  - B. 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.

The Committee concluded the proposed Change in Concept Development Plan is in agreement with the passages above based on the following:

- A. The proposed changes to the buildings (Menards store and lumber warehouse) are acceptable with the agreed conditions. The treated wood lumber areas that were added to the north façades of these buildings are being painted green to match the green metal siding.
  - B. Menards has a 162,500 square foot building, 9,652 square foot covered garden center, and a 42,700 square foot accessory warehouse building with unique signage needs to direct customers and delivery traffic. The amount of building mounted signage, parking lot signage, and directional signage has been greatly reduced to be aesthetically pleasing and properly guide traffic.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County Plan 2040 and Article 3 “Amendment” of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Nick Brenner/Menard, Inc.

September 1, 2021

Page 3

foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS:

1. The building elevations and signage on site shall comply with:
  - A. The revised building elevations and sign details that were received by Boone County Planning Commission Staff on 8/17/21 and 8/24/21.
  - B. The PowerPoint slides that were presented by Boone County Planning Commission Staff at the August 18, 2021 Zone Change Committee meeting.
2. Sign Permits shall only be required for those signs that are visible from the front parking lot or being mounted to the gate canopy.

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: Rick Lunnemann, Chairman

DATE: May 19, 2021

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Todd Morgan, Staff**

2. Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design

REMARKS:

We, the Committee Members were present via live video teleconference 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**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred

\_\_\_\_\_  
**Corrin Gulick**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred

\_\_\_\_\_  
**Janet Kegley**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred

\_\_\_\_\_  
**Randy Bessler (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Rick Lunnemann (Chairman)**  
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

\_\_\_\_\_  
**Recorded by Todd K. Morgan,  
Senior Planner**

**TOTAL:**      5   DEFERRED    \_\_\_\_ FOR PROJECT    \_\_\_\_ ABSENT  
                  \_\_\_\_ AGAINST PROJECT    \_\_\_\_ ABSTAIN

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: June 2, 2021

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Todd Morgan, Staff**

1. Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design

REMARKS:

We, the Committee Members were present via live video teleconference 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**  
For Project \_\_\_\_ Absent   
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Corrin Gulick**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred

\_\_\_\_\_  
**Janet Kegley**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred

\_\_\_\_\_  
**Randy Bessler (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Rick Lunnemann (Chairman)**  
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

\_\_\_\_\_  
**Recorded by Todd K. Morgan,  
Senior Planner**

**TOTAL:**      4   DEFERRED    \_\_\_\_ FOR PROJECT   1   ABSENT  
                  \_\_\_\_ AGAINST PROJECT    \_\_\_\_ ABSTAIN

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: August 18, 2021

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Todd Morgan, Staff**

1. Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design

REMARKS:

We, the Committee Members were present via live video teleconference 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**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Corrin Gulick**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

*Janet Kegley*  
\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Randy Bessler (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

*Rick Lunnemann*  
\_\_\_\_\_  
**Rick Lunnemann (Chairman)**  
For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

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

\_\_\_\_\_  
**Recorded by Todd K. Morgan,  
Senior Planner**

**TOTAL:**    \_\_\_\_ DEFERRED 3 FOR PROJECT \_\_\_\_ ABSENT  
                  \_\_\_\_ AGAINST PROJECT \_\_\_\_ ABSTAIN

**COMMISSION MEMBERS PRESENT:**

Ms. Olivia Amlung  
Mr. Kim Bunger, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Steve Turner, Temporary Presiding Officer

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:58 p.m.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff**

2. Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. Menards is located off Mall Road. The site is 17.157 acres in area. In regard to site history, a Concept Development Plan was approved in 2014 with several exceptions outlined on Page 1 of the Staff Report. He showed the approved building elevations. In 2019, Menards submitted a revised Site Plan. On March 31, 2020, the City of Florence sent Menards a letter making them aware there were 6 deficiencies related to their Site Plan and building mounted signage. The request is for a Change in an Approved Concept Development plan to allow Menards to make changes to the approved building design and allow exterior building mounted signage. The proposed changes to the building design include allowing orange metal accent panels that were added to the "Order Pickup" canopy, allowing an approximate 54 linear foot portion of the façade to be finished with treated lumber and racking, and finally, allow orange accent panels at the front of the gate canopy. Mr. Morgan showed photographs of the site and building. He noted that 7 sign permits have been issued to allow building signs. He showed which signs were issued permits and others not. He showed a framed "We Sell Concrete Blocks" banner. Menards would like to keep this as a permanent sign and an "Order Pick-Up" sign. He also showed more photos of signs that didn't receive permits. Mr. Morgan reviewed the requirements for building mounted signs in the Mall Road District area. Permitted signs should be channel letter signs and not cabinet signs or banners. Some of the signs could be called directionals or name plates. In addition, most of the cart corrals have banners.

Mr. Morgan referred to his Staff Comments on Pages 6 & 7. Staff would like the applicant to address the following:

- Why was part of the left (north) building façade changed from metal to treated lumber?
- The applicant should do an inventory of all of the signs to determine which signs should be kept permanently. A discussion should also occur at the Committee level to determine which ones should stay or be removed.

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

Mr. Nick Brenner, applicant, stated that he has been working with Staff for a couple of months to get the application organized. The green steel panel is an insert and the treated wood was added at the last moment. This store was the first one caught. They are trying to make it right with this request. He wasn't familiar with what was originally submitted in terms of signage. He stated he would go back to make sure it is consistent with the prior approval. There are standard signs for all of the stores. A lot of them are directional signs. They help to direct people because there is a lot going on at each store and yard. Over the years, they have found these signs to be helpful in making the customer's shopping experience as efficient as possible. The "Order/Pick-Up" sign is new as it has to deal with online ordering. It is not intended to be inconsistent. They want to make it consistent. Chairman Rolfsen noted that he didn't care about Menards stores in other areas. The store is located in Boone County. He isn't surprised that City Staff found the violations. It is a unique Menards due to where the building is located. We will get Menards into compliance.

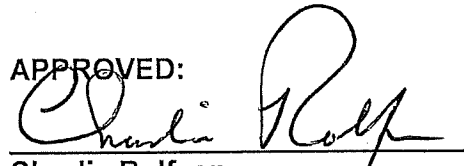
At this time Chairman Rolfsen asked if the Board Members had any questions or comments?

Mr. Lunnemann asked the applicant to identify all the banner style signs on the site and discuss how to eliminate the extra advertising on the site? Mr. Brenner agreed.

Mr. Patton inquired about the process of obtaining temporary (sales) signs? Mr. Morgan replied that any business is allowed 5 Temporary Advertising Display permits in each calendar year. Each one is valid for 2 weeks. Menards can apply for them. It was not part of the application. Perhaps Menards is not familiar with this type of permit.


Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 19, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on June 2, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:13 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**COMMISSION MEMBERS PRESENT:**

Ms. Olivia Amlung  
Mr. Kim Bunger, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Steve Turner, Temporary Presiding Officer

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:58 p.m.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff**

2. Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. Menards is located off Mall Road. The site is 17.157 acres in area. In regard to site history, a Concept Development Plan was approved in 2014 with several exceptions outlined on Page 1 of the Staff Report. He showed the approved building elevations. In 2019, Menards submitted a revised Site Plan. On March 31, 2020, the City of Florence sent Menards a letter making them aware there were 6 deficiencies related to their Site Plan and building mounted signage. The request is for a Change in an Approved Concept Development plan to allow Menards to make changes to the approved building design and allow exterior building mounted signage. The proposed changes to the building design include allowing orange metal accent panels that were added to the "Order Pickup" canopy, allowing an approximate 54 linear foot portion of the façade to be finished with treated lumber and racking, and finally, allow orange accent panels at the front of the gate canopy. Mr. Morgan showed photographs of the site and building. He noted that 7 sign permits have been issued to allow building signs. He showed which signs were issued permits and others not. He showed a framed "We Sell Concrete Blocks" banner. Menards would like to keep this as a permanent sign and an "Order Pick-Up" sign. He also showed more photos of signs that didn't receive permits. Mr. Morgan reviewed the requirements for building mounted signs in the Mall Road District area. Permitted signs should be channel letter signs and not cabinet signs or banners. Some of the signs could be called directionals or name plates. In addition, most of the cart corrals have banners.

Mr. Morgan referred to his Staff Comments on Pages 6 & 7. Staff would like the applicant to address the following:

- Why was part of the left (north) building façade changed from metal to treated lumber?
- The applicant should do an inventory of all of the signs to determine which signs should be kept permanently. A discussion should also occur at the Committee level to determine which ones should stay or be removed.

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

Mr. Nick Brenner, applicant, stated that he has been working with Staff for a couple of months to get the application organized. The green steel panel is an insert and the treated wood was added at the last moment. This store was the first one caught. They are trying to make it right with this request. He wasn't familiar with what was originally submitted in terms of signage. He stated he would go back to make sure it is consistent with the prior approval. There are standard signs for all of the stores. A lot of them are directional signs. They help to direct people because there is a lot going on at each store and yard. Over the years, they have found these signs to be helpful in making the customer's shopping experience as efficient as possible. The "Order/Pick-Up" sign is new as it has to deal with online ordering. It is not intended to be inconsistent. They want to make it consistent. Chairman Rolfsen noted that he didn't care about Menards stores in other areas. The store is located in Boone County. He isn't surprised that City Staff found the violations. It is a unique Menards due to where the building is located. We will get Menards into compliance.

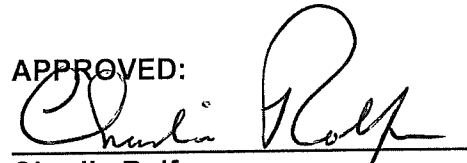
At this time Chairman Rolfsen asked if the Board Members had any questions or comments?

Mr. Lunnemann asked the applicant to identify all the banner style signs on the site and discuss how to eliminate the extra advertising on the site? Mr. Brenner agreed.

Mr. Patton inquired about the process of obtaining temporary (sales) signs? Mr. Morgan replied that any business is allowed 5 Temporary Advertising Display permits in each calendar year. Each one is valid for 2 weeks. Menards can apply for them. It was not part of the application. Perhaps Menards is not familiar with this type of permit.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 19, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on June 2, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:13 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
SEPTEMBER 1, 2021  
7:00 P.M.**

---

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's September 1, 2021 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mr. Kim Patton, Vice Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner, Temporary Presiding Officer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, Senior Planner  
Mr. Michael Schwartz, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the August 18, 2021 Business Meeting and Public Hearing. Chairman Rolfsen asked if there were any other comments or corrections?

**Mr. Harper moved to approve the Minutes as presented. Mrs. Goetting seconded the motion and it carried unanimously.**

**BILLS:**

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between August 5, 2021 and September 1, 2021.

**EXPENSES:**

Accounting Fees	\$ 7,473.21
Attorney Fees	4,200.00
Consultant/Professional Svcs Fees	1,345.00
Filing Fees (CLURS)	1,000.00
GIS Operations	35,975.00
Legal Ads/Recruitment	74.54
Miscellaneous Expense	113.45
Office & Board Meeting Supplies	1,303.64
Office Equipment / Expense	20,203.70
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	<u>697.87</u>

**TOTAL: \$ 73,391.41**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 7,106.34
Health/Dental/Life/LTD	12,655.49
Retirement – BCPC Portion	23,397.46
Salaries – Staff Expenses	96,767.62
Salaries – BCPC & BOA	<u>1,780.00</u>

**TOTAL: \$141,706.91**

**GRAND TOTAL: \$215,098.32**

**Mr. McMillian moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Szurlinski seconded the motion and it carried unanimously.**

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Todd Morgan, Staff**

1. Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). He noted the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Lunnemann, and Mr. Patton voting in favor of the request.

Mr. Morgan showed some PowerPoint slides that reflected the proposed conditions of approval. First, the lumber finish would be painted green to match. Green paint is not required on the lumber warehouse building. He showed photographs of signage to remain and to be removed. The front banner would go away and the 2 signs on the front of the building would stay. He identified other signs that would remain and be removed on the gate canopy. Some signs would be resized. Some signs would be lowered. The banner for the steel shelter would be removed. The cart corral sign would stay.

At this time, Chairman Rolfsen asked if the applicant was present and or anyone else who was interested in speaking? Mr. Nick Brenner real estate representative for Menard's stated that Menard's agrees with the conditions. He is available to answer any questions.

**Mr. Lunnemann moved to approve the Change in Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Kegley seconded the motion.**

Chairman Rolfsen asked when will all the work or changes be done? Is there a deadline? Mr. Morgan replied that the signage package issue is currently before the Florence Code Enforcement Board. The matter is on hold until final action is taken by the Planning Commission and the City of Florence.

**Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mrs. Kegley. The motion passed unanimously.**

**TECHNICAL/DESIGN REVIEW – Steve Harper, Chairwoman, Todd Morgan, Staff**

2. The Blind Squirrel Restaurant – 8537 US 42

Staff Member, Todd Morgan, referred to a Power Point presentation. The proposal is to make some exterior improvements to Blind Squirrel tenant space in Gunpowder Centre (being renamed the Blind Squirrel Centre). The business will be located at the end of strip center and is closest to the CVS store. He showed drawings of the 2004 approved Design Review drawings. There was a condition requiring Design Review. He also showed the 2016 Concept

Development Plan that included parking in the rear to accommodate the restaurant. The applicant wants to replace the fiberglass columns with masonry columns. Part of the building will be painted Universal Khaki or Urban Bronze. It will be part of the trim area and fiber cement board. The proposed use is a restaurant/sports bar with live music. Mr. Morgan noted that the Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request as submitted.

**Chairman Rolfsen asked if there was a motion to act on the request? Mr. Harper moved to approve the request based upon the Technical/Design Review Committee recommendation as presented. Mrs. Goetting seconded the motion and it passed unanimously.**

**TECHNICAL/DESIGN REVIEW – Steve Harper, Chairwoman, Todd Morgan, Staff**

**2. TownePlace Suites by Marriott – 7488 Turfway Road**

Staff Member, Todd Morgan, referred to a Power Point presentation. The applicant is requesting approval to install a building mounted sign on the southeast side of the hotel that is under construction. One sign has already been approved on the front façade (195 square feet). The applicant is requesting an additional 195 square foot sign. Normally, 142 square feet is allowed dye to the length of the side of the building. They are asking for an exception of 53 additional square feet. The Technical/Design Review Committee met prior to the Business Meeting and voted (3-0) unanimously to approve the request as submitted.

**Chairman Rolfsen asked if there was a motion to act on the request? Mr. Harper moved to approve the request based upon the Technical/Design Review Committee recommendation as presented. Mrs. Steele seconded the motion and it passed unanimously.**

**Long Range/Comp Plan – Bob Schwenke, Chairman, Michael Schwartz, Staff**

**4. Harmony Subdivision, Phase E – Concerto Court**

Staff Member, Michael Schwartz, read the Committee Report, which recommended that the project go through the short review process (see Committee Report). He noted the Committee voted unanimously to approve the request with Mr. Schwenke, Mrs. Kegley and Mr. Szurlinski voting in favor of the request. The site is located at the corner of U.S. 42 and Brilliance Avenue. The revised Concept Plan shows 48 townhomes and carriage style condominiums. The project is in general conformance with the overall Harmony Plan. The Committee approved the proposal subject to 2 conditions. The first condition is that all public streets will need to be 24 feet in width and any perpendicular parking that is adjacent to a public street shall not be in a public right-of-way.

Mr. Costello noted that Harmony Subdivision was the first residential subdivision in the Union Town Plan area. The proposal is the final phase of the subdivision and the development was successful even during the 2008-2010 recession. It is a different design that promoted the Union Town Plan. He congratulated the Drees Company.

Mrs. Kegley moved to recommend the short review process as presented by Mr. Schwartz. Mr. Szurlinski seconded the motion and it passed unanimously.

**NEW BUSINESS:**

**ZONING MAP AMENDMENT – Michael Schwartz, Staff**

5. Request of **Stephany Sheekey (applicant)** for **Amerco Real Estate Company (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Commercial Services/Planned Development (C-3/PD) for a 9.55 acre site located at 10915 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow self-storage, warehousing, truck and trailer share, retail, and flea market uses, and to allow additional signage and modifications to landscape requirements.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Tom Chaney, Staff**

6. Request of **Viox & Viox (applicant)** for **Villas of Fowler's Creek LLC (owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential Two/Union Town Overlay (SR-2/UTO) zone for a 17.743 acre site located at 9172 Royal Oak Lane, Union, Kentucky (Villas of Fowler's Creek Condominiums). The request is for a Change in an Approved Concept Development Plan to allow a right turn, exit only gate at the Royal Oak Lane/Old Union Road intersection.

**ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT – Todd Morgan, Staff**

7. Request of **Jihad Hillany; Vision Engineering, LLC (applicant)** for **City of Florence (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 196.5 acre site located at 7500 Turfway Road, Florence, Kentucky. The request is for amendments to a Special Sign District in a Recreation/Planned Development/Houston Donaldson Study Corridor Overlay (R/PD/HDO) zone to allow alternative signage.

Mr. Lunnemann moved to schedule the Public Hearing for Items #5, #6 and #7 on October 6, 2021 at 7:30 p.m. Mr. Harper seconded the motion and it passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin P. Costello, AICP, stated that the Planning Commission FY 2020-2021 Budget Audit has been completed and each member will get a copy of it shortly. He also announced the retirement of Kevin Wall effective October 1, 2021. His last day in office will be September 13, 2021. Mr. Costello thanked Mr. Wall for his exceptional service to the Planning Commission and to Boone County. Ironically, Kevin handled the Harmony project when it started and will now be completed. Mr. Wall was one of Mr. Costello's first hires when he became Executive Director. He worked on a lot of high profile projects and knew the regulations very well. We will miss him and hope to officially say goodbye to him at the end of the month.

**COMMITTEE REPORTS:**

**AIRPORT:** Mr. Bessler  
No Report

**ADMINISTRATIVE/PERSONNEL:** Mr. Lunnemann  
No Report

**ENFORCEMENT:** Mr. Bungler  
No Report

**LONG RANGE PLANNING/COMPREHENSIVE PLAN:** Mr. Schwenke  
No Report

**TECHNICAL/DESIGN REVIEW:** Mrs. Heilman  
No Report

**EXECUTIVE:** Chairman Rolfsen  
No Report

**CHAIRMAN:** Chairman Rolfsen  
No Report

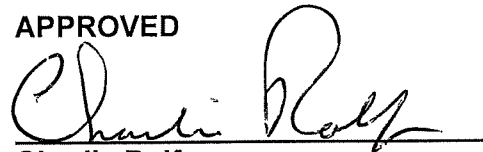
**OKI:** Mr. Patton  
No Report

**OTHER:**

Chairman Rolfsen congratulated Mr. McMillian for celebrating his 70<sup>th</sup> wedding anniversary. Also, he welcomed back to the Planning Commission, Mr. Kenny Vaught representing the City of Florence. He will be serving the remaining term of Mrs. Lori Heilman.

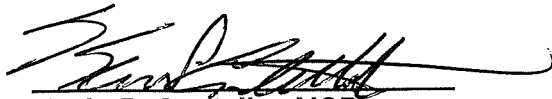
There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Kegley seconded the motion and it passed unanimously. The meeting was adjourned at 7:31 P.M.**

APPROVED



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

# SUPPORTING INFORMATION



## BOONE COUNTY PLANNING COMMISSION

[www.boonecountky.org/pc](http://www.boonecountky.org/pc)  
[www.boonecountkygis.com](http://www.boonecountkygis.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@boonecountky.org](mailto:plancom@boonecountky.org)

August 26, 2021

Menard Inc.  
c/o - Mr. Nick Brenner, Real Estate Representative  
501 Menard Drive  
Eau Claire, WI 54703

RE: Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design.

Dear Mr. Brenner,

The following represents the recommended condition of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their August 18, 2021 meeting. Please sign the space provided at the end of this letter if you are in agreement with the conditions. Please return the original signed letter to the Planning Commission office by September 1, 2021.

### CONDITIONS

1. The building elevations and signage on site shall comply with:
  - A. The revised building elevations and sign details that were received by Boone County Planning Commission Staff on 8/17/21 and 8/24/21.
  - B. The PowerPoint slides that were presented by Boone County Planning Commission Staff at the August 18, 2021 Zone Change Committee meeting.
2. Sign Permits shall only be required for those signs that are visible from the front parking lot or being mounted to the gate canopy.

Sincerely,

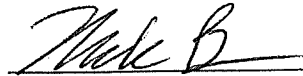
Todd K. Morgan, AICP  
Senior Planner

TKM/ss

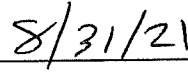
Menard Inc.  
August 26, 2021  
Page 2

AGREEMENT

I, Nick Brenner, hereby agree to the conditions of approval for the above referenced Change in Approved Concept Development Plan application.



\_\_\_\_\_  
Mr. Nick Brenner  
Real Estate Representative, Menard Inc.



\_\_\_\_\_  
Date

GENERAL WARRANTY DEED

② KNOW ALL MEN BY THESE PRESENTS:

This deed of conveyance made and entered into on September 27<sup>th</sup>, 2014, by and between JOSEPH CLINTON BERKSHIRE, a married man ("Grantor"), whose mailing address is 7414 U.S. 42 Florence, KY 41042, and MALL ROAD KY, LLC, an Ohio limited liability company ("Grantee"), whose mailing address is 128 East Second Street, Covington, Kentucky 41011, which is also the in-care-of address to which the property tax bill for 2014 may be sent.

WITNESSETH:

For a valuable consideration, being the sum of \$10,000,000.00 paid to Grantor by Grantee, the receipt of which is hereby acknowledged, the Grantor hereby sells and conveys unto the Grantee, in fee simple, and with covenants of general warranty, the real property situated in the County of Boone, in the Commonwealth of Kentucky, and being more particularly described in Exhibit A attached hereto and made a part hereof (the "Property").

Being the same property conveyed to Grantor by instrument as set forth in Deed Book 149, Page 120, of the Boone, County, Kentucky, Clerk's Office.

Grantor further covenants that it is lawfully seized of the estate hereby conveyed and that the Property is free of all liens and encumbrances except state, county, and school taxes assessed and payable in 2014 and all taxes thereafter which the Grantee assumes and agrees to pay.

Provided however, the above described property is conveyed subject to all valid and existing conditions, restrictions, covenants, easements and reservations as may be found in the record chain of title.

The Grantor and Sue Kate Berkshire, the wife of Grantor, who hereby releases all her dower interests in the Property, have executed this instrument as of the day first above written.

Joseph Clinton Berkshire  
JOSEPH CLINTON BERKSHIRE

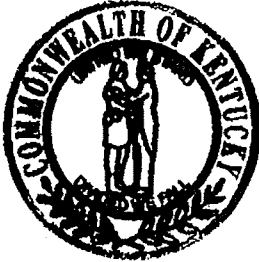
Sue Kate Berkshire  
SUE KATE BERKSHIRE

Pg. 3  
RETURN TO:

Boone County  
D1043 PG 254

COMMONWEALTH OF KENTUCKY, COUNTY OF Boone ~~Kenton~~, SS:

The foregoing instrument was acknowledged before me on this 29 day of September, 2014, by Joseph Clinton Berkshire and Sue Kate Berkshire.



SARA J. BROCKMAN  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
May 30, 2017  
Notary ID# 490335

Sara J. Brockman  
Notary Public

CONSIDERATION CERTIFICATE

Grantor and Grantee, being duly sworn, certify that the consideration stated in the foregoing deed is the full consideration paid for the transfer of the Property.

GRANTOR:

Joseph Clinton Berkshire  
JOSEPH CLINTON BERKSHIRE  
Sue Kate Berkshire  
Sue Kate Berkshire  
GRANTEE:

MALL ROAD KY, LLC  
an Ohio limited liability company

By: Anchor Mall Road, KY, LLC,  
a Kentucky limited liability company  
Its: Manager

By: Anchor Properties, Inc.,  
an Ohio corporation  
Its: Manager

By: Bryan S. Blade  
Print: BRYAN S. BLADE  
Its: SECRETARY

Boone County  
D1043 PG 255

COMMONWEALTH OF KENTUCKY, COUNTY OF Boone ~~Herndon~~, SS:

The foregoing Consideration Certificate was sworn to and acknowledged before me on this 29 day of September, 2014, by Joseph Clinton Berkshire, and Sue Kate Berkshire.

Sara J. Brockman  
Notary Public



SARA J. BROCKMAN  
Notary Public, Kentucky  
State At Large  
My Commission Expires:  
May 30, 2017  
Notary ID# 490335

COMMONWEALTH OF KENTUCKY, COUNTY OF Herndon, SS:

The foregoing Consideration Certificate was sworn to and acknowledged before me on this 29 day of September, 2014, by Bryan S. Blade, the Secretary, of Anchor Properties, Inc., an Ohio corporation and the manager of Anchor Mall Road, KY, LLC, a Kentucky limited liability company and the manager of Mall Road KY, LLC, an Ohio limited liability company, on behalf of the limited liability companies and corporation.

Sara J. Brockman  
Notary Public

RETURN TO:

This instrument was prepared by:

Andrew D. Graf, Esq.  
Andrew D. Graf, Esq.  
Griffin Fletcher & Herndon LLP  
3500 Red Bank Road  
Cincinnati, Ohio 45227  
(513) 421-1313



SARA J. BROCKMAN  
Notary Public, Kentucky  
State At Large  
My Commission Expires:  
May 30, 2017  
Notary ID# 490335

Boone County  
D1043 PG 256

EXHIBIT A

Situated in the Commonwealth of Kentucky, County of Boone, and,

Being all of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Florence Heights Subdivision, Section 1, and Resubdivision of the Heights Subdivision, Parcel C, as shown on Plat cab 5 of the Boone County Clerk's records at Burlington, Kentucky.

Group No. 5267

Slide 749

Boone County

D1043 PG 257

{00080946-1}

DOCUMENT NO: 662346  
RECORDED ON: SEPTEMBER 30, 2014 02:32:10P  
TOTAL FEES: 120.00  
TRANSFER TAX: \$10000.00  
GROUP : 5267  
COUNTY CLERK: KENNY BROWN  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: NICHELLE E  
BOOK D1043 PAGES 254 - 257

**CITY OF FLORENCE, KENTUCKY  
READING SUMMARY**

**ORDINANCE O-20-21**


**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 17.157 ACRE SITE LOCATED AT 5000 APEX LANE, FLORENCE, KENTUCKY, TO ALLOW ADDITIONAL BUILDING MOUNTED SIGNAGE AND MODIFICATIONS TO THE BULDING DESIGN. (MENARD, INC.)**

The effect of this Ordinance is to allow additional building mounted signage and modifications to the building design in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone.

The full text of Ordinance O-20-21, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

**CERTIFICATION**

I hereby certify that the foregoing is a summary of the contents of Ordinance O-20-21 and that it has been prepared by me on the 2<sup>nd</sup> day of November, 2021, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.

  
\_\_\_\_\_  
HUGH O. SKEES  
SKEES, WILSON & NIENABER, PLLC  
7699 Ewing Blvd., P.O. Box 756  
Florence, KY 41022-0756  
Phone: (859) 371-7407  
Fax: (859) 371-9872

**CITY OF FLORENCE, KENTUCKY  
ORDINANCE O-20-21**

**AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR) ZONE FOR A 17.157 ACRE SITE LOCATED AT 5000 APEX LANE, FLORENCE, KENTUCKY, TO ALLOW ADDITIONAL BUILDING MOUNTED SIGNAGE AND MODIFICATIONS TO THE BUILDING DESIGN. (MENARD, INC.)**

**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-21-022-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 Nick Brenner, Real Estate Representative, Menard, Inc. (Applicant) for Menard, Inc. (Owner) for a change in a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overly (C-2/PD-MR) Zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky, 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-21-022-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

### SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-21-022-A, marked Exhibit "A", and attached hereto.

### SECTION IV

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 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 2nd DAY OF November, 2021.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11th DAY OF November, 2021.

APPROVED:

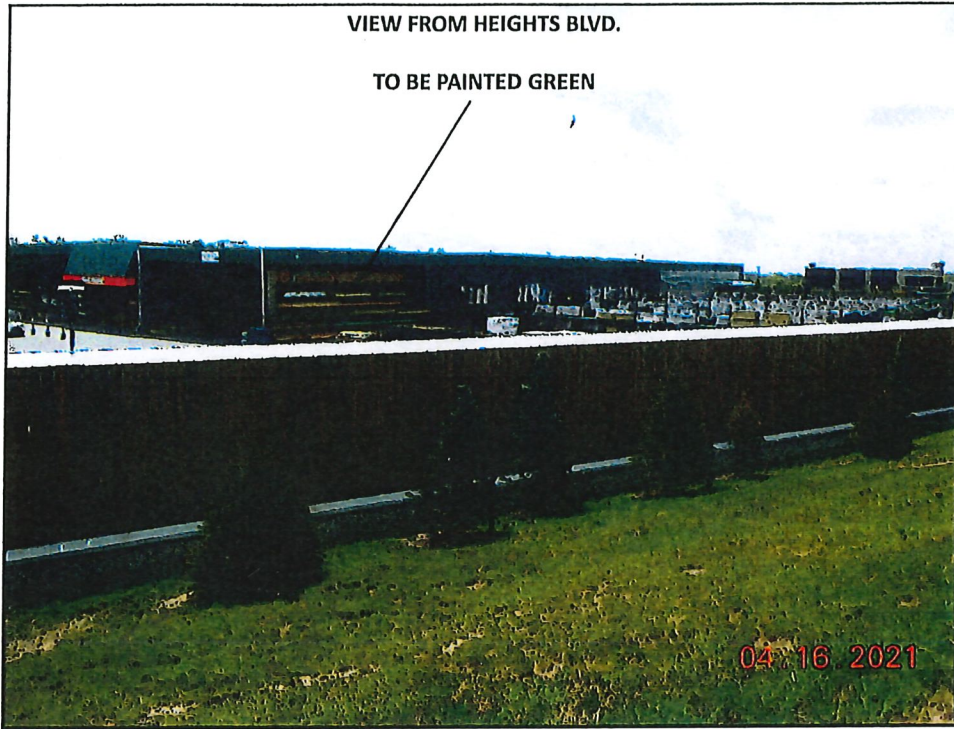
  
Diane E. Whalen, Mayor

ATTEST:

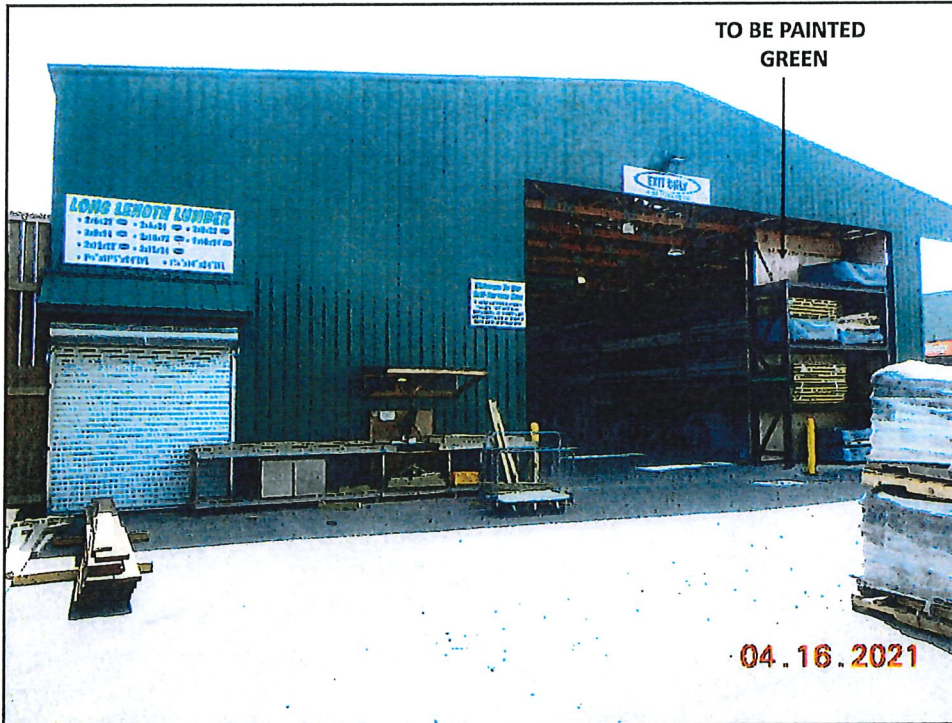
  
Melissa Kramer, City Clerk

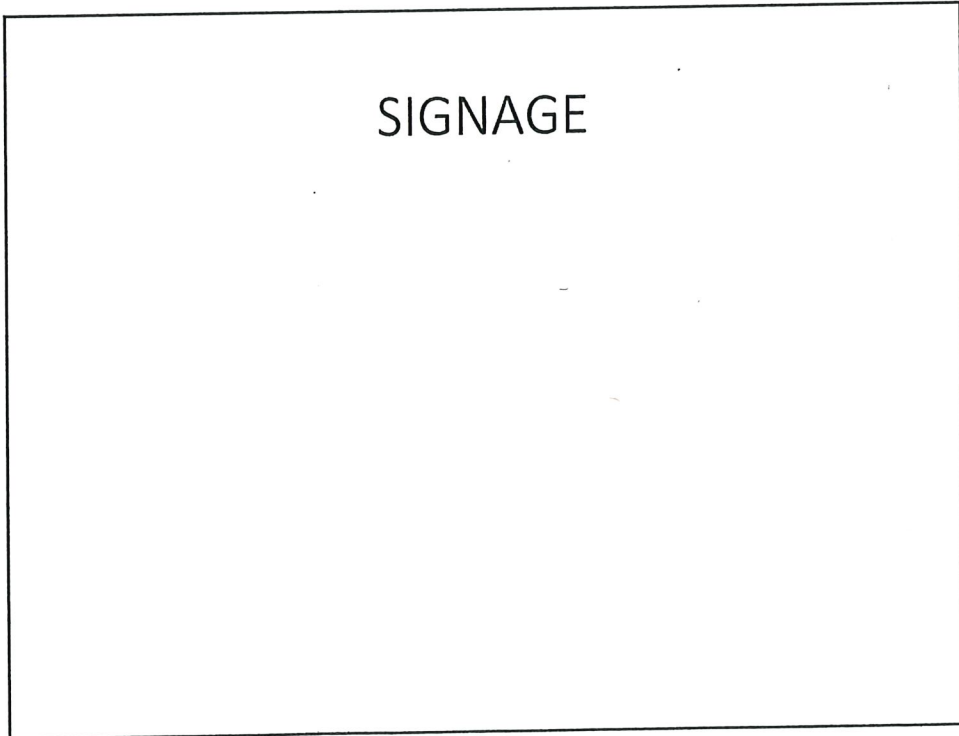
VIEW FROM HEIGHTS BLVD.

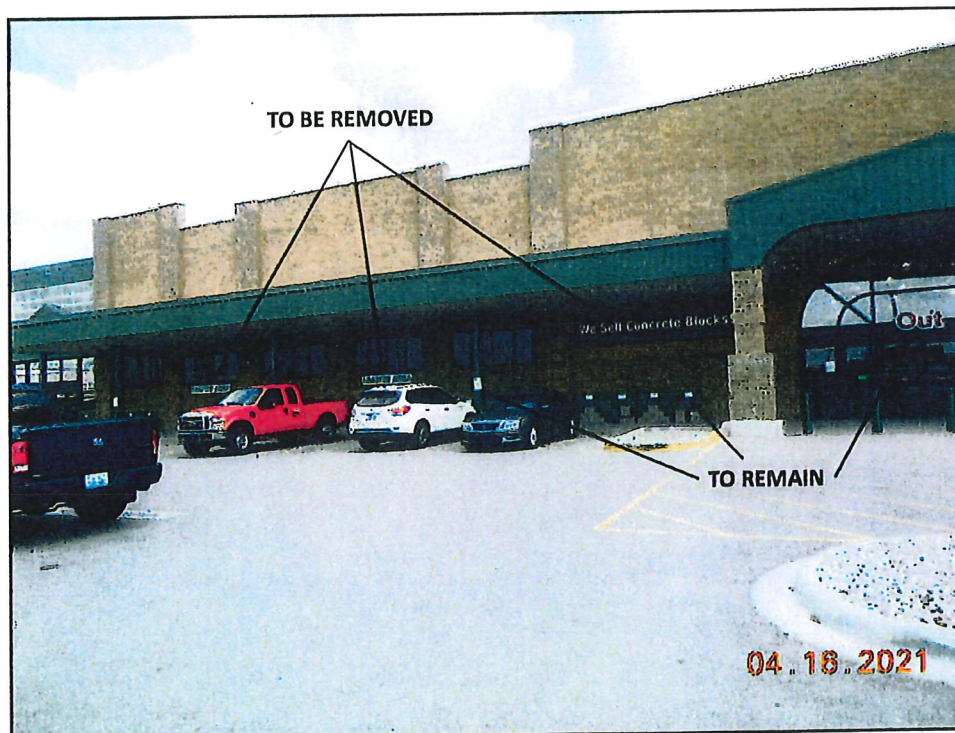
TO BE PAINTED GREEN



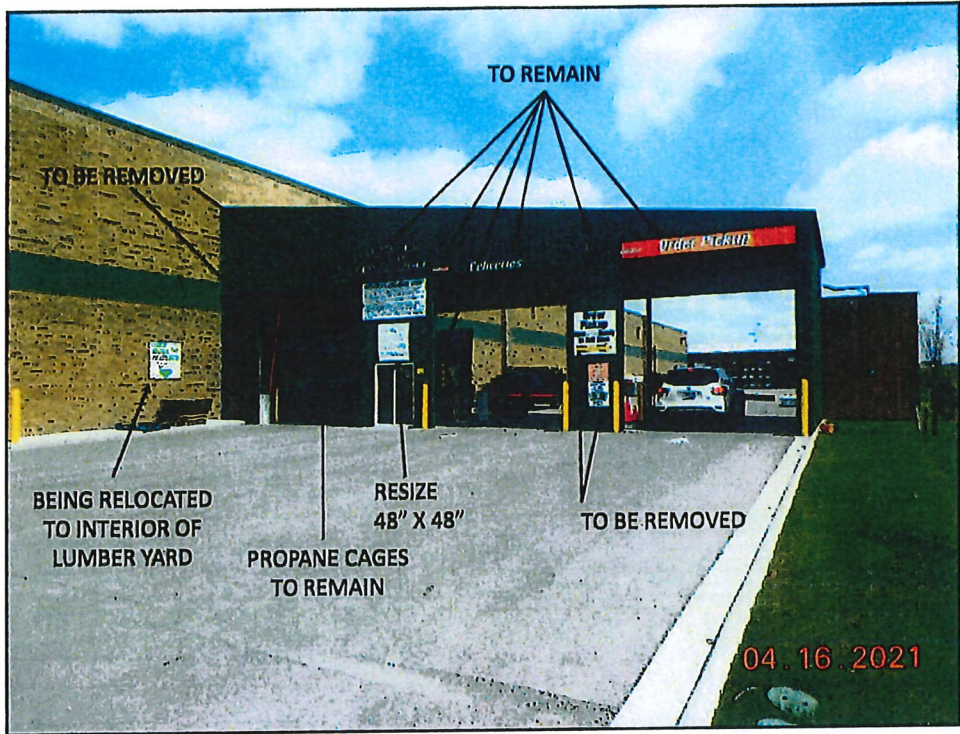
TO BE PAINTED GREEN

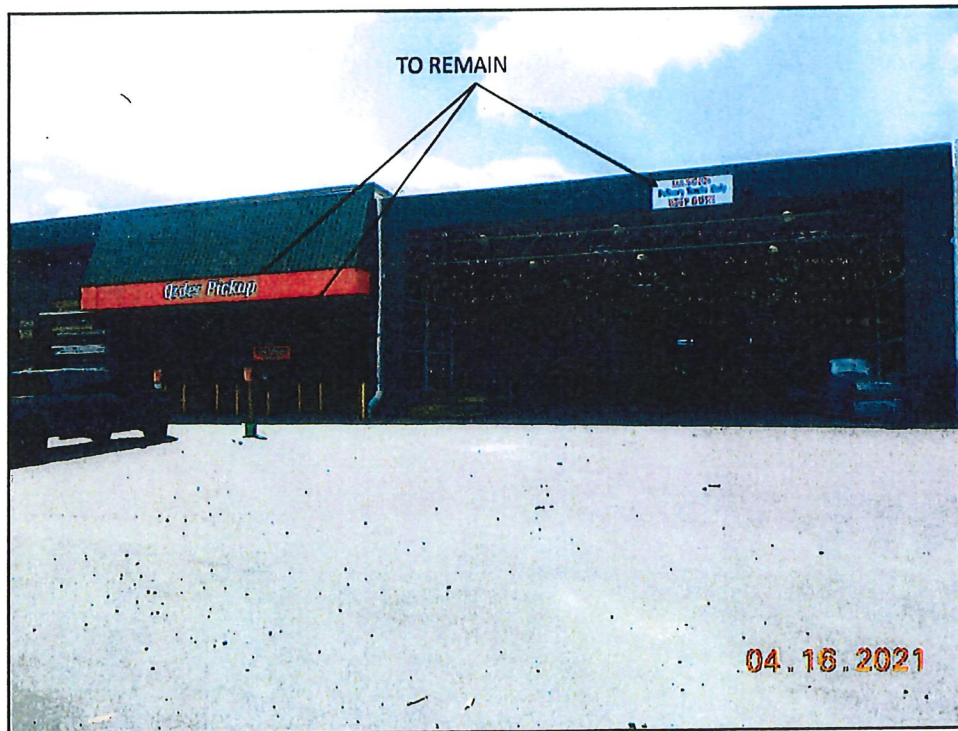
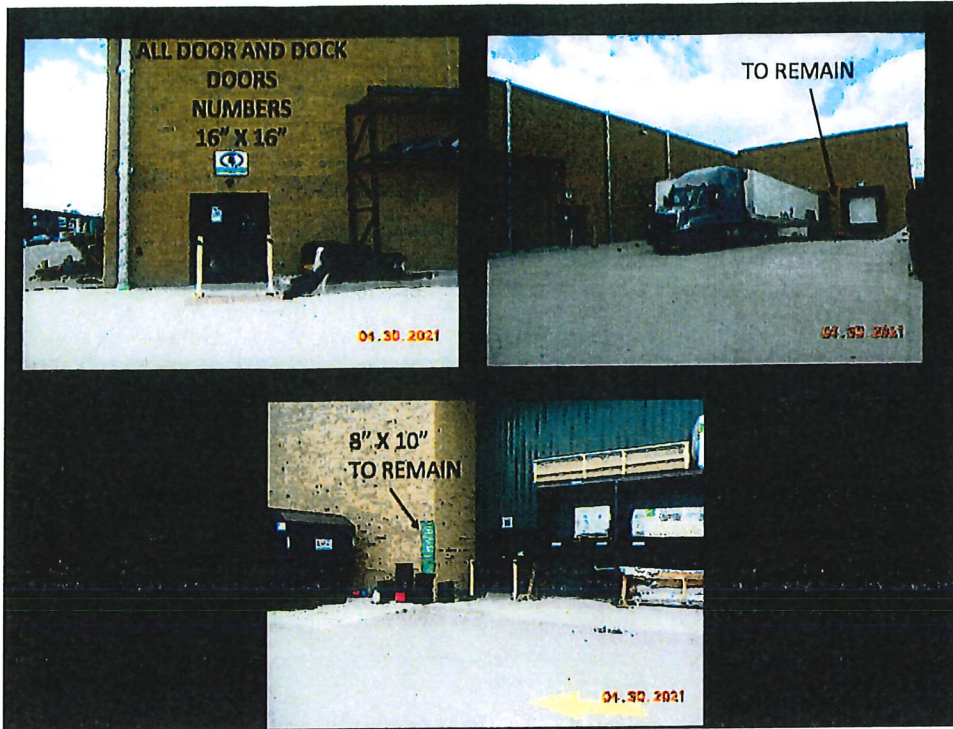


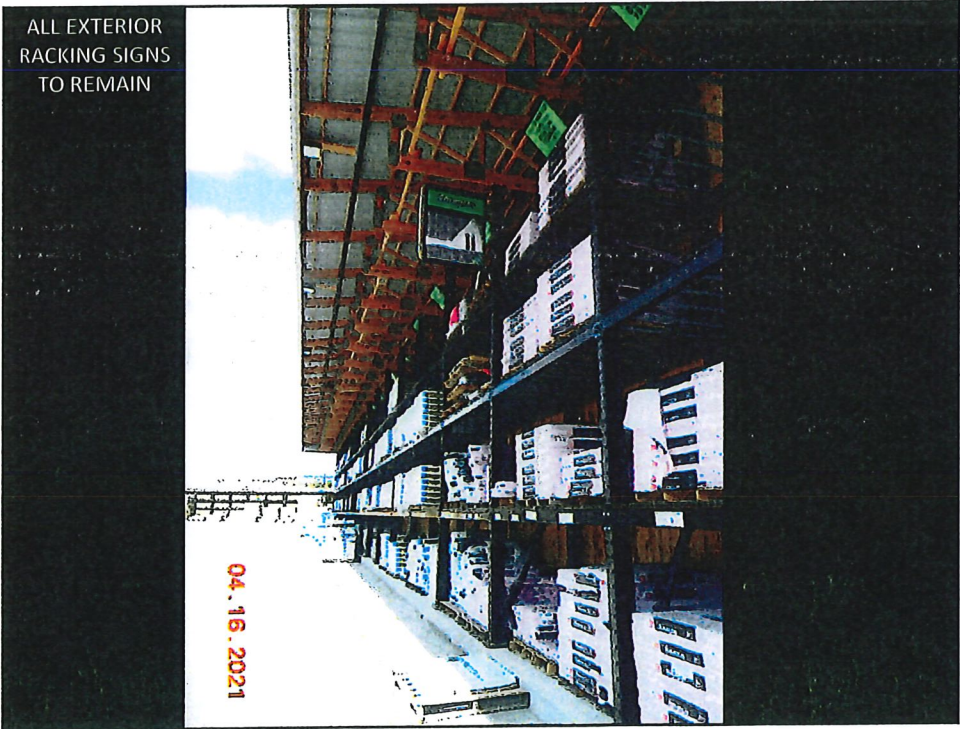


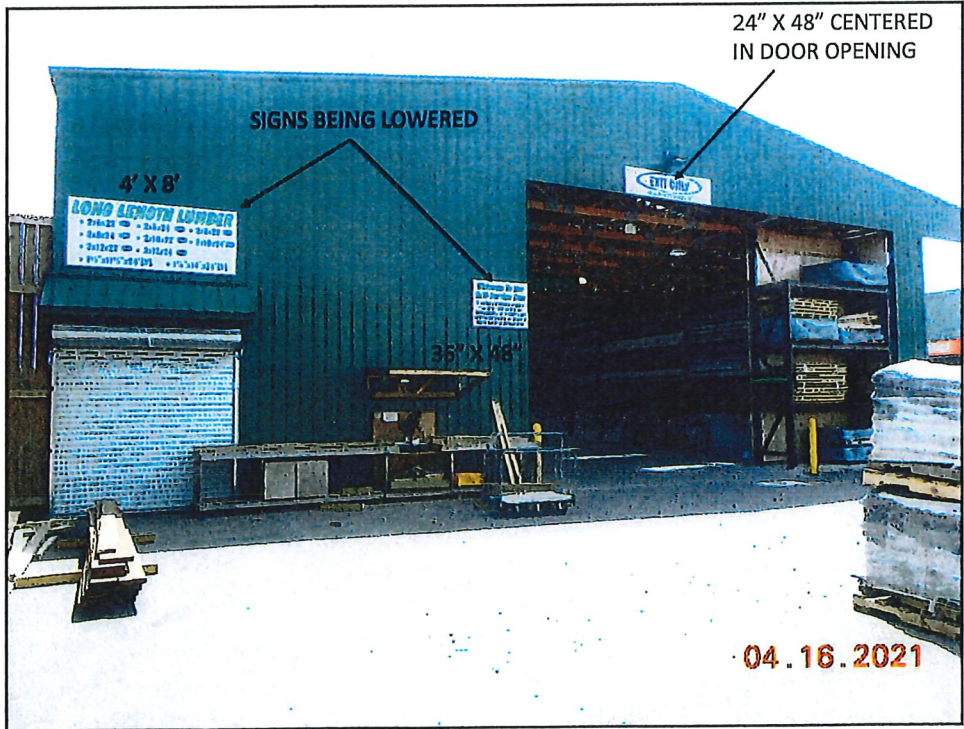


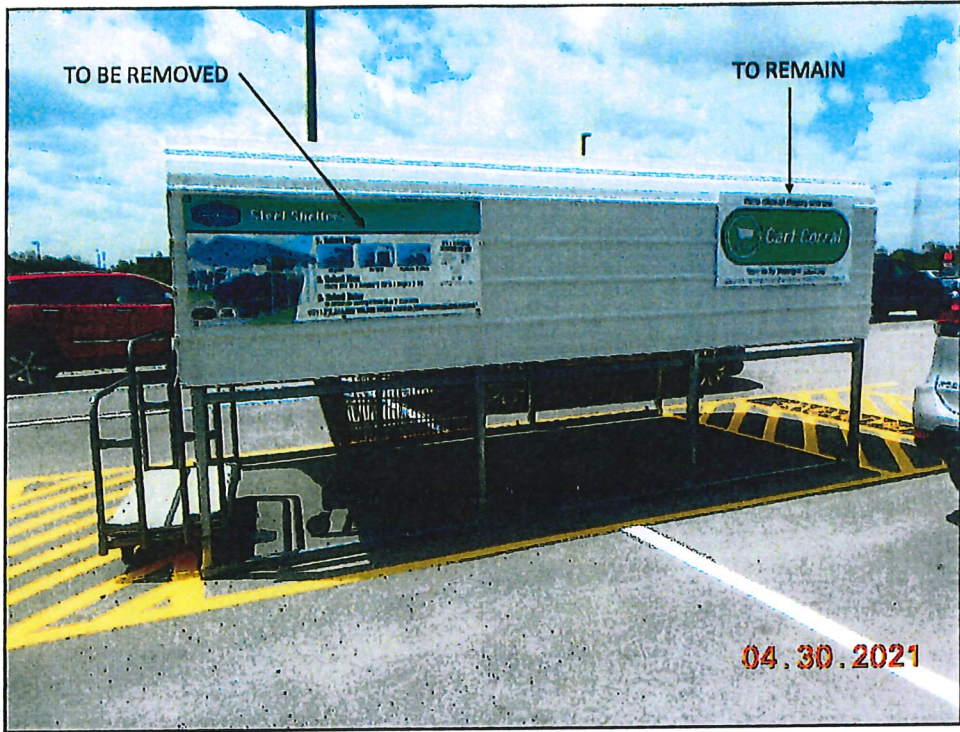


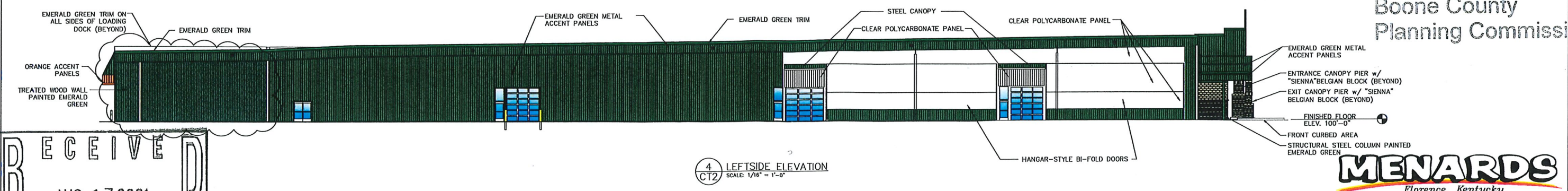
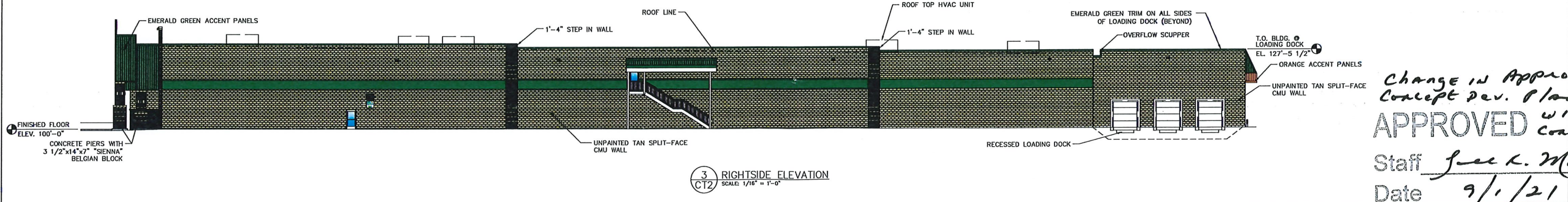
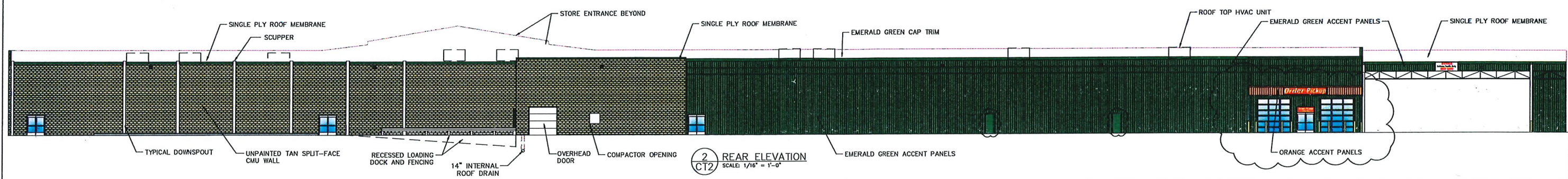
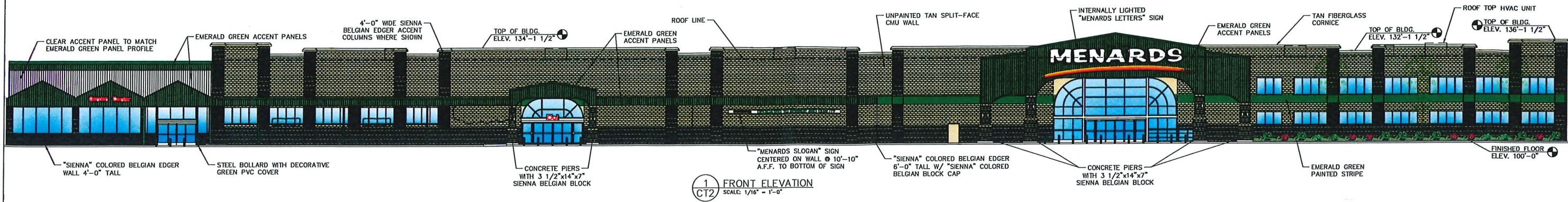
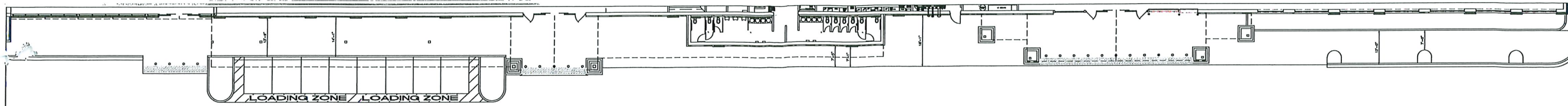












Change in Approved  
Concept Dev. Plan  
with  
**APPROVED** Condition  
Staff Lee K. Morgan  
Date 9/1/21  
Boone County  
Planning Commission

RECEIVED  
AUG 17 2021  
BOONE COUNTY  
PLANNING COMMISSION

**MENARDS**  
Florence, Kentucky  
Building Elevations  
April 26, 2021  
Revised July 29, 2021  
Scale: 1/16" = 1'-0" CT2



1 YARD ENTRANCE GATE CANOPY  
CT7 PROPANE CAGES  
SCALE: NTS

**CUT YOUR TWINE HERE**

**TIE YOUR LOAD HERE**

Our Insurance Does Not Allow Us To Tie Down Or Secure Your Load, Trunk Lid, Etc. For You.

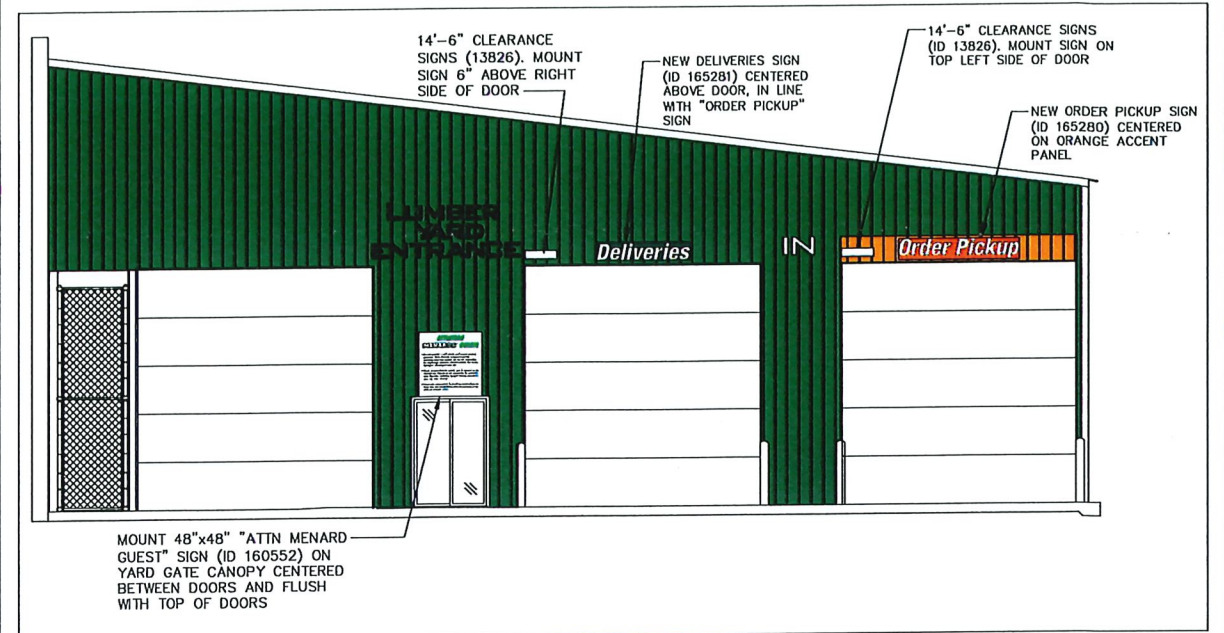
For Your Convenience, We Supply Twine, But You Will Have To Decide Whether Or Not Your Load Is Secured Properly And Whether Or Not The Twine Is Strong Enough For The Situation You Are Using It For.

If You Do Not Believe The Twine Is Strong Enough, Do Not Take Chances! Stronger Materials To Secure Your Load Are Available For Purchase In The Store.

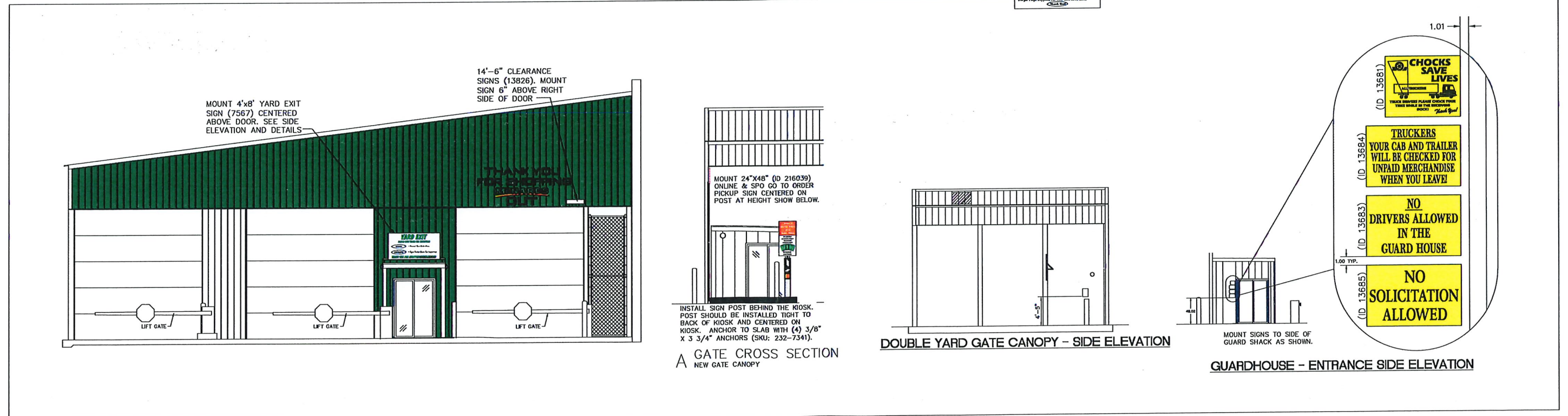
Danger Flags Supplied For Your Oversized Load.

Thank You!

2 TIE DOWN INSTRUCTIONS  
CT7 SCALE: NTS



3 YARD ENTRANCE GATE CANOPY  
CT7 ENTRANCE SIGNS  
SCALE: 3/16" = 1'-0"

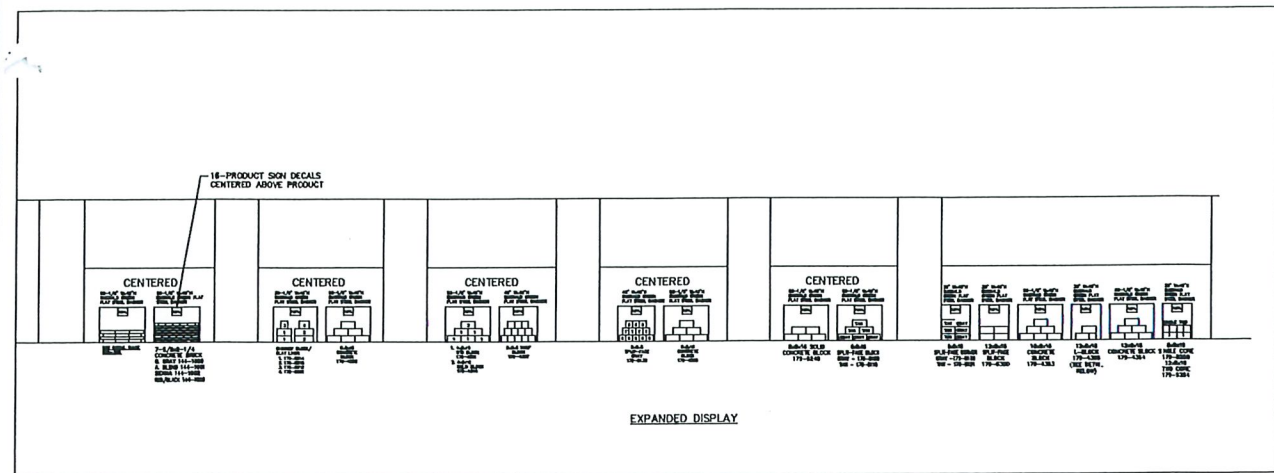


4 YARD ENTRANCE GATE CANOPY  
CT7 EXIT SIGNS  
SCALE: 3/16" = 1'-0"

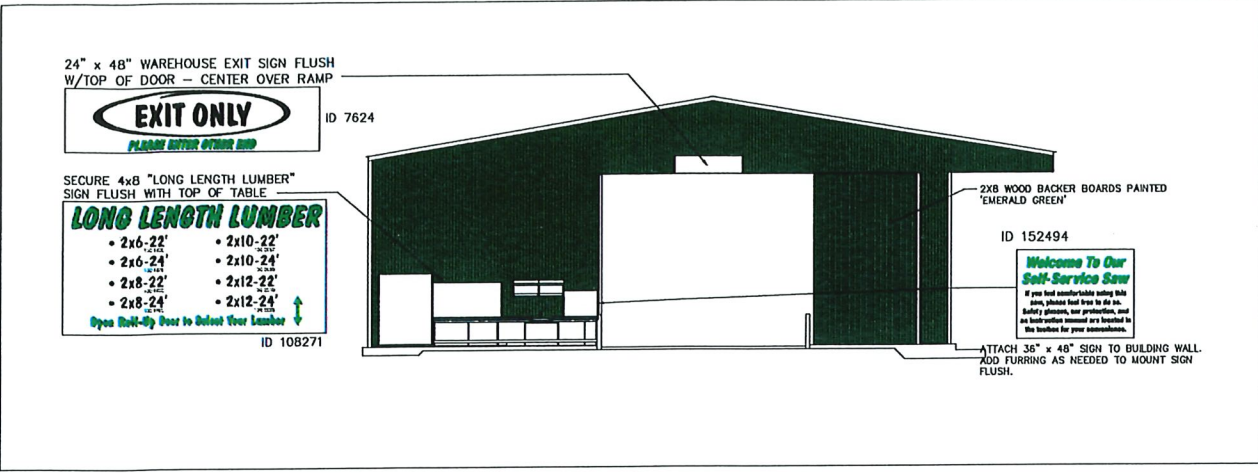
**RECEIVED**

AUG 24 2021

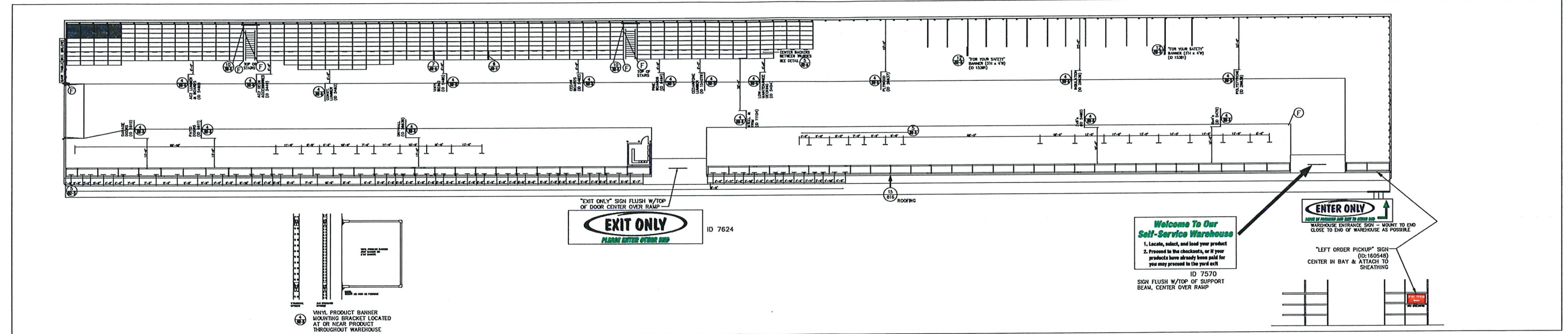
BOONE COUNTY  
PLANNING COMMISSION



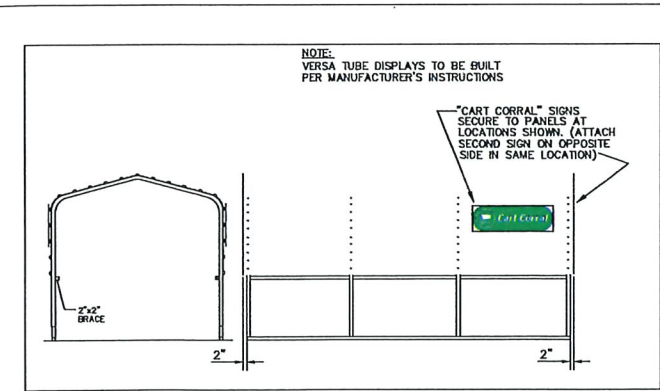
1 LOADING AREA BANNERS, WE SELL CONCRETE BLOCK AND PRODUCT SIGN DECALS  
 CT6 SCALE: 1/8" = 1'-0"



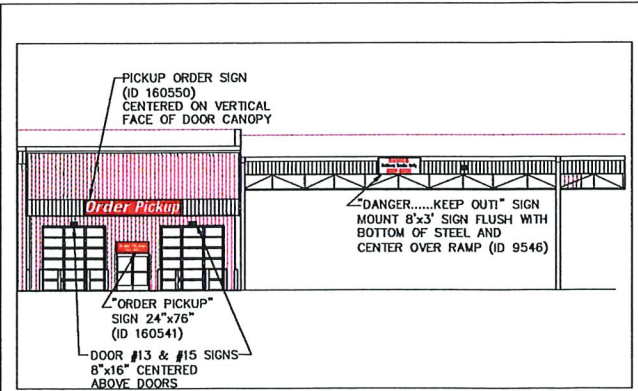
2 WAREHOUSE EXIT SIGN, SAW SIGN AND LONG LENGTH LUMBER SIGN  
 CT6 SCALE: 1" = 20'-0"



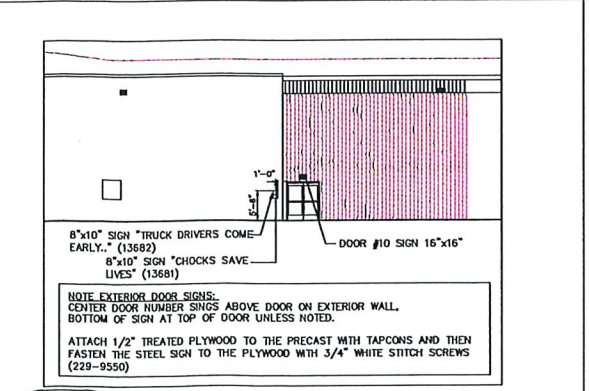
3 WAREHOUSE AREA BANNERS AND SIGNS  
 CT6 SCALE: 1" = 20'-0"



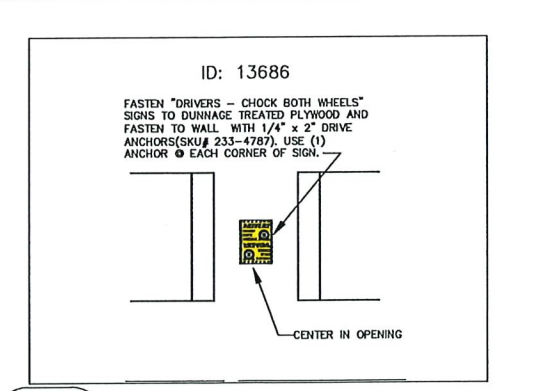
4 CART CORRAL  
 CT6 SCALE: 1/4" = 1'-0"



5 ORDER PICKUP AREA SIGNS DELIVERY STAGING AREA SIGN  
 CT6 SCALE: 1/16" = 1'-0"



6 DOOR NUMBER SIGNS TRUCKERS INFORMATION SIGNS  
 CT6 SCALE: 1/16" = 1'-0"



7 CHOCK WHEELS IN LOADING DOCK SIGN  
 CT6 SCALE: 3/16" = 1'-0"

**RECEIVED**  
 AUG 17 2021  
 BOONE COUNTY  
 PLANNING COMMISSION

**MENARDS**

Florence, Kentucky  
 Sign Details  
 May 18, 2021  
 Revised July 29, 2021