

Fee Calculation:  
 O-2 Flat Fee - \$2,000.00  
 Legal Ad, Adjoining Property  
 Owners, etc. - \$250.00  
 CLUR - \$66.00  
 Land Under Review -  
 \$20.00 x 0.698 acres = \$13.96  
 Total = \$2,329.96

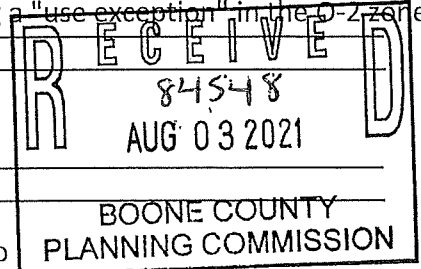
**CONCEPT DEVELOPMENT PLAN  
 BOONE COUNTY PLANNING COMMISSION**

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)
  - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
2. Name of Project: Carplex
3. Location of Project: 7681 Burlington Pike
4. Total Acreage of Project: 0.698 acres
5. Current Zoning of Property: O-2/PD/PO
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):  
n/a
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
 If yes, indicate the name of the study: PO - Parkway Overlay
8. Proposed Use(s) (specify each use):  
Vehicle delivery/pick up location - with this application we are requesting a "use exception" in the O-2 zone
9. Proposed Building Intensities (specify for each building):  
Max Proposed Building SF = 3,412 sf /0.698 acre lot = 4,900 sf per acre  
Request 5,000 sf per acre
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: 315 Burlington Trust  
 Address: 4695 Lake Forest Drive, Suite 100  
Cincinnati Ohio 45242  
City State Zip Code  
 Phone Number: 513-322-6307 Fax Number: n/a  
 Email: larry@bergmancommercial.com
13. Applicant: Viox & Viox, Inc.



Address: 466 Erlanger Road

Erlanger KY 41018  
City State Zip Code

Phone Number: 859-727-4500 Fax Number: n/a

Email: mbollman@vioxinc.com

14. Are there any existing buildings on the site:  Yes  No  
If yes, indicate how many: There are no current buildings on the site but it used to be a gas station.

15. 1134 921 2041A  
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 checked="" type="checkbox"/> Florence Public Services Department   | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input checked="" 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 \_\_\_\_\_

ORIGINAL Property Owner's Signature: *Laura Beaman Trustee*  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

**EXHIBIT**

**“A”**

## STAFF REPORT

#1

Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

September 1, 2021

### REQUEST

- A. The applicant is proposing to construct a 26'-6" high, 3,412 square foot building, for a vehicle delivery center and car sales facility.
- B. The applicant is applying for a waiver of the requirement that stormwater detention and water quality be provided on the site.
- C. The applicant is applying for a waiver of the vehicular use area (VUA) landscaping and island requirements.
- D. The applicant is applying for a waiver of the rear yard setback from thirty (30) feet to fourteen (14) feet.

### SITE HISTORY - Site

1949 –

1954 Based on information contained in the Boone County GIS, the site was developed with a house.

1960 –

1969 Based on information contained in the Boone County GIS, the house was demolished and a gas station was built on the site.

1986 Based on information contained in the Boone County GIS, the site was zoned C-2/PD and O-2/PD.

1986 In February 1986, the City of Florence adopted the Parkway Corridor Study.

1996 Based on information contained in the Boone County GIS, the site was zoned O-2/PD.

1997 –

1999 Based on information contained in the Boone County GIS, the gas station was demolished.

2008 On October 14, 2008, the City of Florence adopted the Central Florence Strategic Plan –

An Update of the Parkway Corridor Study.

APPLICABLE REGULATIONS

- A. 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.
- B. Section 1500 of the Boone County Zoning Regulations states that intent of the PD district is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.
- C. Section 1511 of the Boone County Zoning Regulations states that uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court.
- D. Section 1120 of the Boone County Zoning Regulations states that the purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.
- E. Section 1121 of the Boone County Zoning Regulations identifies the principally permitted

uses within the O-2 district. Automotive sales is not listed as a principally permitted use within the O-2 district.

- F. Section 4000 of the Boone County Zoning Regulations defines "Automotive Sales" as the sale or leasing of new and used motor vehicles, displayed, stored, and sold or leased on site excluding repair work except incidental repair.

#### SITE CHARACTERISTICS

- A. The site contains approximately 0.7 acres and is located along the south side of Burlington Pike, approximately 235 feet west of Ewing Boulevard and approximately 450 feet east of Tanners Lane.
- B. The site has approximately 200 feet of frontage along Burlington Pike.
- C. The site is currently vacant, with the exception of two free standing sign structures.
- D. Topographically, the site is relatively flat, sloping downward from north to south, at an average grade of less than 3%.
- E. The site is within the 60 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

#### ADJACENT LAND USES AND ZONING

- North: Speedway and Avizion Glass(C-3/PD/PO)
- South: TA Truck Stop (O-2/PD/PO)
- East: Waffle House (PO-2/PD/PO)
- West: TA Truck Stop (O-2/PD/PO)

#### RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 "2040 Future Land Use Plan" designates the site for Commercial uses which 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:
1. 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).
  2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  3. 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).

4. Employment opportunities for a highly skilled and educated workforce shall be encouraged and promoted for the residents and businesses of Boone County (Economy Goal A, Objective 1).
  5. 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).
  6. 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. Burlington Pike is a state maintained arterial street providing for two way traffic within four driving lanes (two lanes in each direction) and a center left turn lane. Ewing Boulevard is a city owned collector street providing for two way traffic within five driving lanes (one northbound right-turn only lane, one northbound through/left-turn lane, one northbound left-turn only lane; and two southbound through lanes). Sidewalks are provided along both sides of the roadways.

RELATIONSHIP TO THE CENTRAL FLORENCE STRATEGIC PLAN – An Update of the Parkway Corridor Study

- A. The intent of the Central Florence Strategic Plan is to further develop the city's central neighborhoods and to link existing and/or planned businesses, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
1. Construction of a 26' – 6" high, 3,412 square foot, building for a showroom, lobby, offices, storage area, mechanical area, and a restroom.
  2. Provision for 31 off-street parking spaces.
  3. Removal of one of the two existing curb cuts onto Burlington Pike.
  4. Re-design of the other existing curb cut onto Burlington Pike from full access to right-turn-in/right-turn-out only.
  5. Provision for perimeter landscape buffer yards.
- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following (some of these requirements can be adjusted by the Planning Commission and the City of Florence pursuant to the Planned Development (PD) regulations):

1. Section 1121 of the Boone County Zoning Regulations identifies the principally permitted uses within the O-2 district. Automotive sales is not listed as a principally permitted use within the O-2 district.
2. Section 1514 provides for planned development criteria. Insufficient information has been submitted to determine compliance with this requirement.
3. Section 3110 requires a minimum rear yard setback of thirty (30) feet. The submitted plan indicates a rear yard setback of fourteen (14) feet.
4. Sections 3168 through 3176 and Sections 3182 through 3184 include regulations for stormwater detention and stormwater quality. The submitted plan does not include any on-site stormwater detention.
5. The site is located within an area that has design standards for business districts, as regulated by Section 3199. The submitted proposal meets these requirements, except for the following:

- a. Building Massing – all new construction shall be of a similar scale and massing to the mode of the buildings on the street. All buildings shall be designed to have a pedestrian focus through the use of awnings, canopies, storefront windows, and oversized doorways.

Most of the buildings along Burlington Pike, between I-71/75 and Glen Street are one story in height. The proposed building will be approximately two stories in height. Additionally, due to the scale of the front façade, the building will not be pedestrian oriented.

- b. Architectural Style and Detail – new construction of buildings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, thus respecting building scale, proportion, character, and material.

Most of the buildings along Burlington Pike, between I-71/75 and Glen Street are constructed with brick facades and pitched roofs. The proposed building will have a predominant glass façade and a flat roof.

- c. Primary Entrances – the primary entrance of a building shall be easily identifiable and face the primary street.

The primary entrance to the proposed building will be on the west side of the proposed building, perpendicular to Burlington Pike.

- d. Windows – the front elevation of a commercial building shall provide a minimum of 60% and a maximum of 85% window transparency.

The front elevation of the proposed building will have a window transparency in excess of 85%.

- e. Roofs – roofs on primary and accessory buildings shall be pitched with overhanging eaves or flat with articulated parapets and cornices.

The proposed building will have a flat roof with no articulated parapet or cornice.

- f. Building Materials - exterior wall materials shall include stucco/EIFS, architectural grade CMU, stone, brick or precast concrete. Metal buildings are prohibited. It is recommended that no more than 50% of the front and side of a building facing a street shall be made of stucco/EIFS. Concrete block materials may only be used on the rear portion of a building. Vinyl or fiber cement siding, which resemble traditional wood siding materials can be used but not to exceed 30% of the total amount of building materials used. Metal and vinyl materials may be used for incidental elements such as fascias and soffits.

Insufficient information has been submitted to determine compliance with this requirement.

- g. Building Lighting - building lighting shall be provided for security and pedestrian safety. Building lighting shall be limited to architectural grade fixtures.

Insufficient information has been submitted to determine compliance with this requirement.

- h. Building Color - building colors shall be low reflective, subtle, natural, neutral or earth tones. The earth tones include shades of red, brown, gray and subtle shades of green and blue. The use of high intensity, bright (sharp contrast) or metallic color shall be prohibited, unless it is used for trim purposes. Color schemes shall be comprehensive and directly relate to the architectural design. Exterior colors shall be paired with features such as differing building materials, openings, and/or three dimensional changes in the facades.

The proposed building facades will be primarily built from glass with white/grey at the top of the building.

- i. Loading Areas/Docks - loading areas/docks shall be incorporated into the overall design of the building so that the visual and acoustical impacts are contained. Screening should be accomplished by wing walls, which match the design and materials of the principal building or dense vegetation.

While the proposed building does not have a traditional loading area/dock, the entryway for the auto showroom will be on the front façade, facing Burlington Pike.

- j. Mechanical Equipment - all mechanical equipment shall be screened, either with landscaping or a parapet wall designed to be compatible with

the existing or proposed building material. This includes roof top and ground-mounted mechanical equipment.

Insufficient information has been submitted to determine compliance with this requirement.

- k. Building Signage - building signage shall be incorporated into the architectural design and the selection of building materials. Internally lit box cabinet sign, board signs, and signs or graphics painted directly on the exterior building walls are prohibited and individual channel letters are acceptable signs.

Insufficient information has been submitted to determine compliance with this requirement.

6. Section 3314 requires off-street parking areas, driveways, aisles, and vehicular circulation areas to be paved with asphalt concrete or Portland cement concrete. Insufficient information has been submitted to determine compliance with this requirement.
  7. Section 3316 provides regulations for exterior lighting. Insufficient information has been submitted to determine compliance with this requirement.
  8. Section 3625.1 states that vehicular use area (VUA) landscaping is only required for uses which have more than fifty (50) parking spaces. The submitted plan indicates the provision for thirty-one (31) parking spaces. Therefore, VUA landscaping is not required. The applicant, however, is applying for a waiver of this requirement.
- C. Staff sent out an Agency Memo to the Boone County Building Department, City of Florence, City of Florence Fire Department, and Kentucky Department of Transportation.
1. Joshua Hunt, City of Florence, replied that the city is supportive of this application and that it is a new business recruitment project.
  2. Randy Childress, City of Florence Fire department, replied that they have no comments.
  3. James Minckley, Kentucky Department of Transportation, replied that KYTC is fine with the proposed location and layout of the access point, subject to approval of an encroachment permit.

### **STAFF CONCERNS**

- A. The following list provides a summary of those requirements that are being requested to be waived/alterd using the PD district regulations:
  1. To allow a use (vehicle delivery center and car sales facility) that is not allowed in the underlying O-2 district.

2. Providing stormwater management facilities on the site.
  3. Certain design standards for business districts, as regulated by Section 3199 of the Boone County Zoning Regulations.
  4. Elimination of vehicular use area (VUA) landscaping.
  5. Reducing the rear yard setback from thirty (30) feet to fourteen (14) feet.
- B. The Planned Development (PD) regulations include a set of criteria that is to be used to evaluate the appropriateness of proposed developments. The applicant should address how their proposal meets these criteria.
- C. The applicant should address how they intend to pave the off-street parking areas, driveways, aisles, and vehicular circulation areas.
- D. The applicant should address the need for exterior lighting and the requirement thereof.
- E. The applicant should address whether there will be any automobile inventory located on the site.
- F. The applicant should address whether there will be any vehicles on the site waiting to be serviced, and if so, how long those vehicles will be on-site.
- G. The applicant should address whether they will be removing the two existing free standing sign structures. Based on the underlying O-2 district, the site is allowed one monument sign having a maximum height of ten (10) feet and a maximum sign area of one hundred (100) square feet.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the City of Florence in terms of Article 3 of the Boone County Zoning Regulations, Article 15 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,



Michael D. Schwartz  
Planner

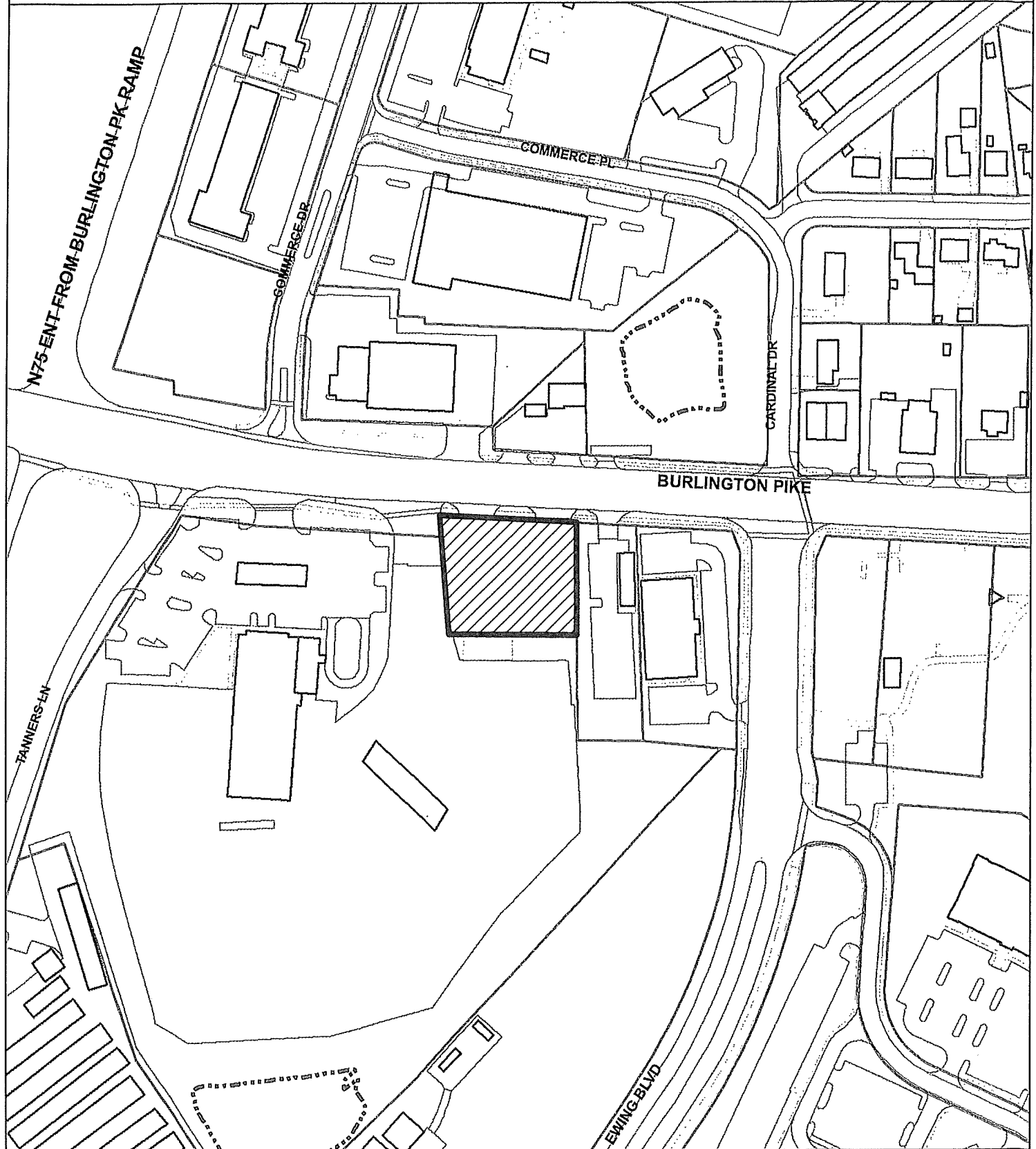
MDS/ss

Attachments:

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Noise Contour Map
- \*Application
- \*Project Narrative
- \*Concept Development Plan
- \*Email from Joshua Hunt, City of Florence, dated 8/5/21
- \*Email from James Minckley, Kentucky Department of Transportation, dated 8/6/21

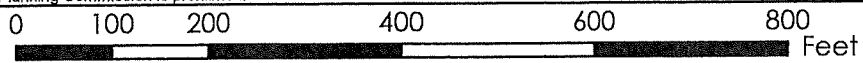
# Vicinity Map

www.boonecountygis.com

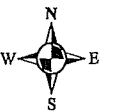


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**Boone County GIS - Putting Northern Kentucky on the Map**

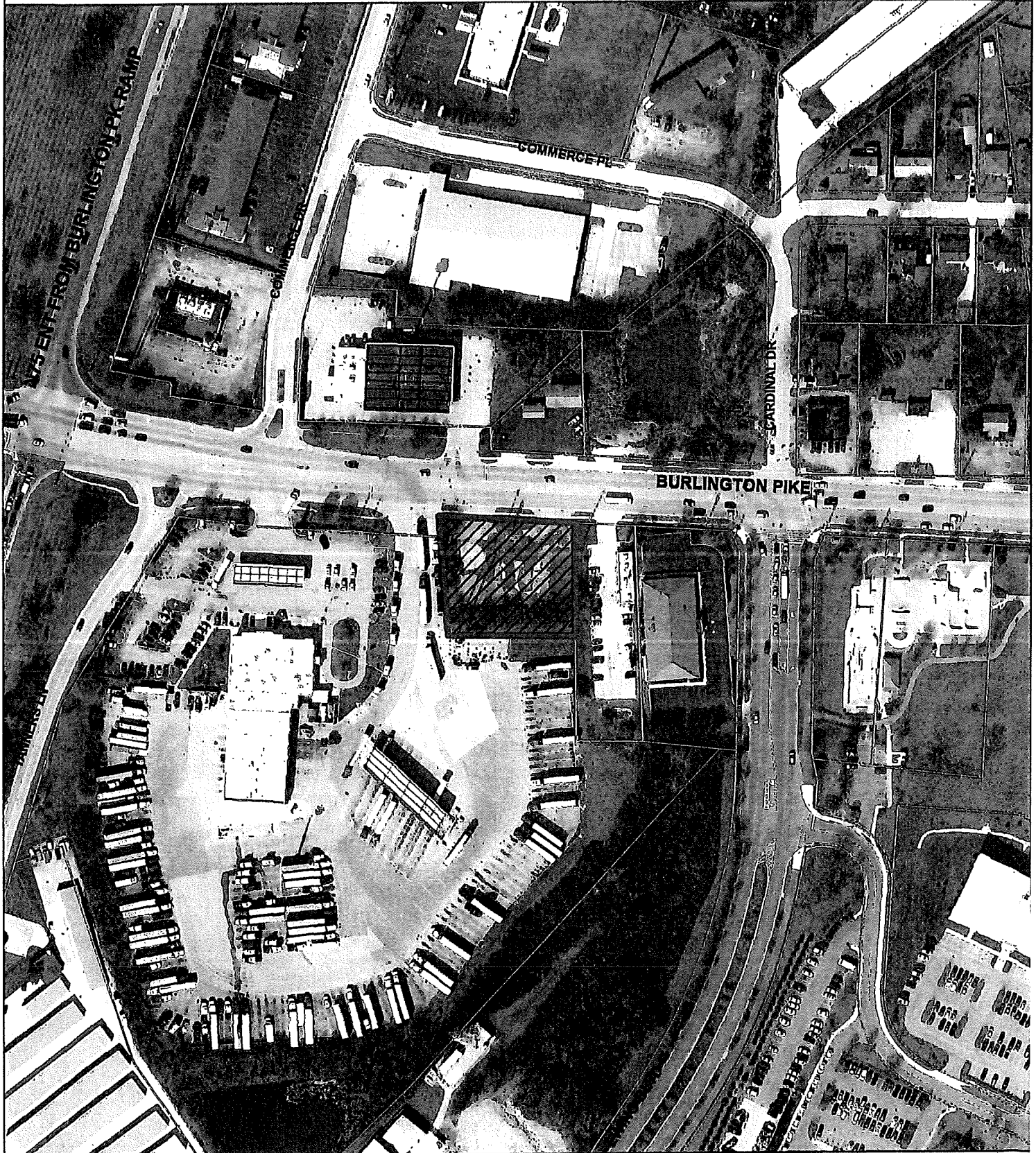


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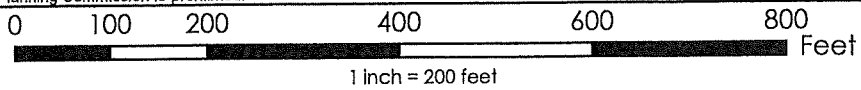
# Aerial Map

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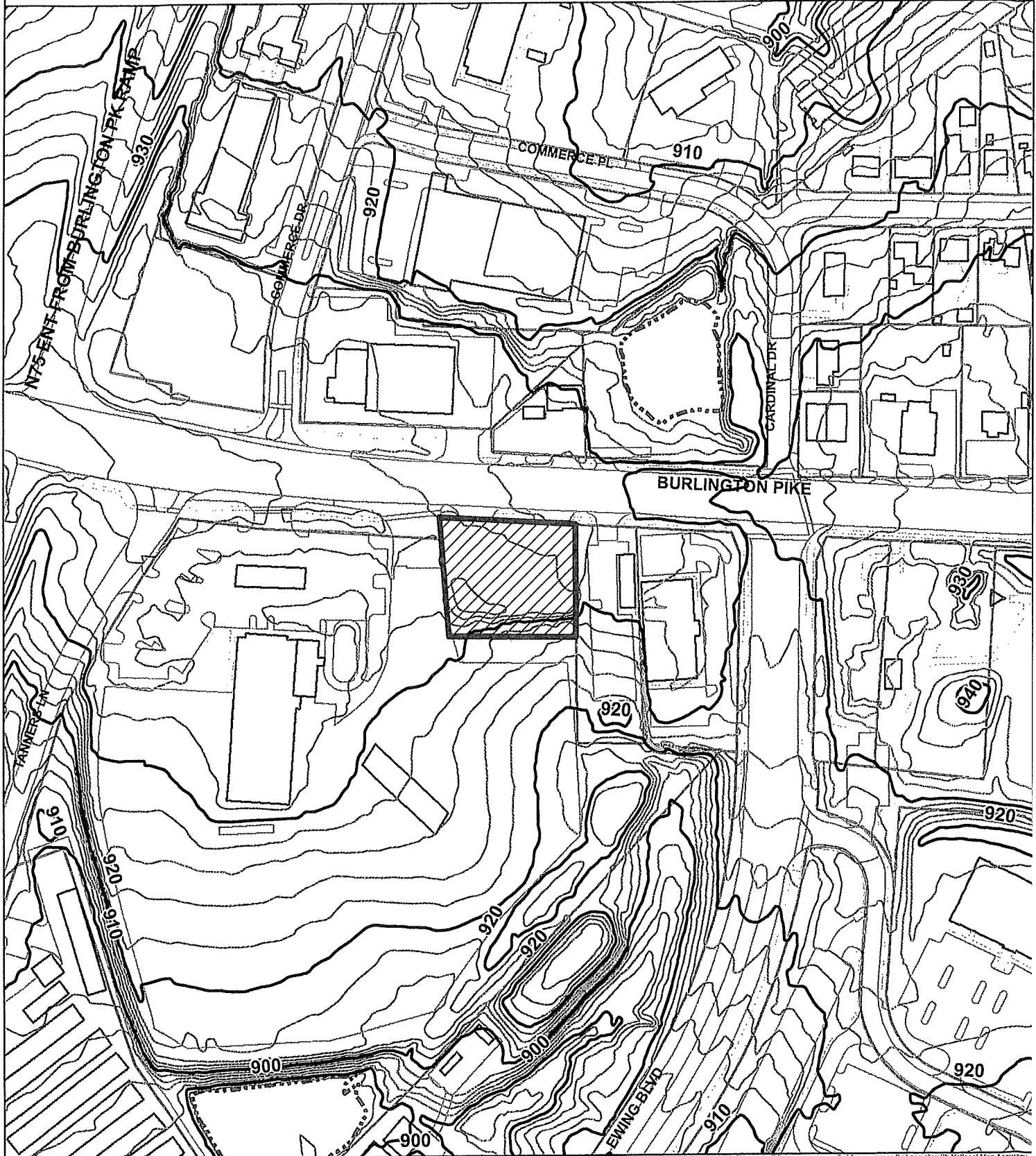


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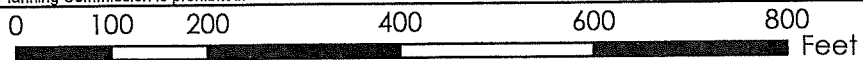
# Topographical Map

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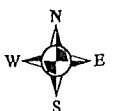
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1 Inch = 200 feet



**Boone County GIS**

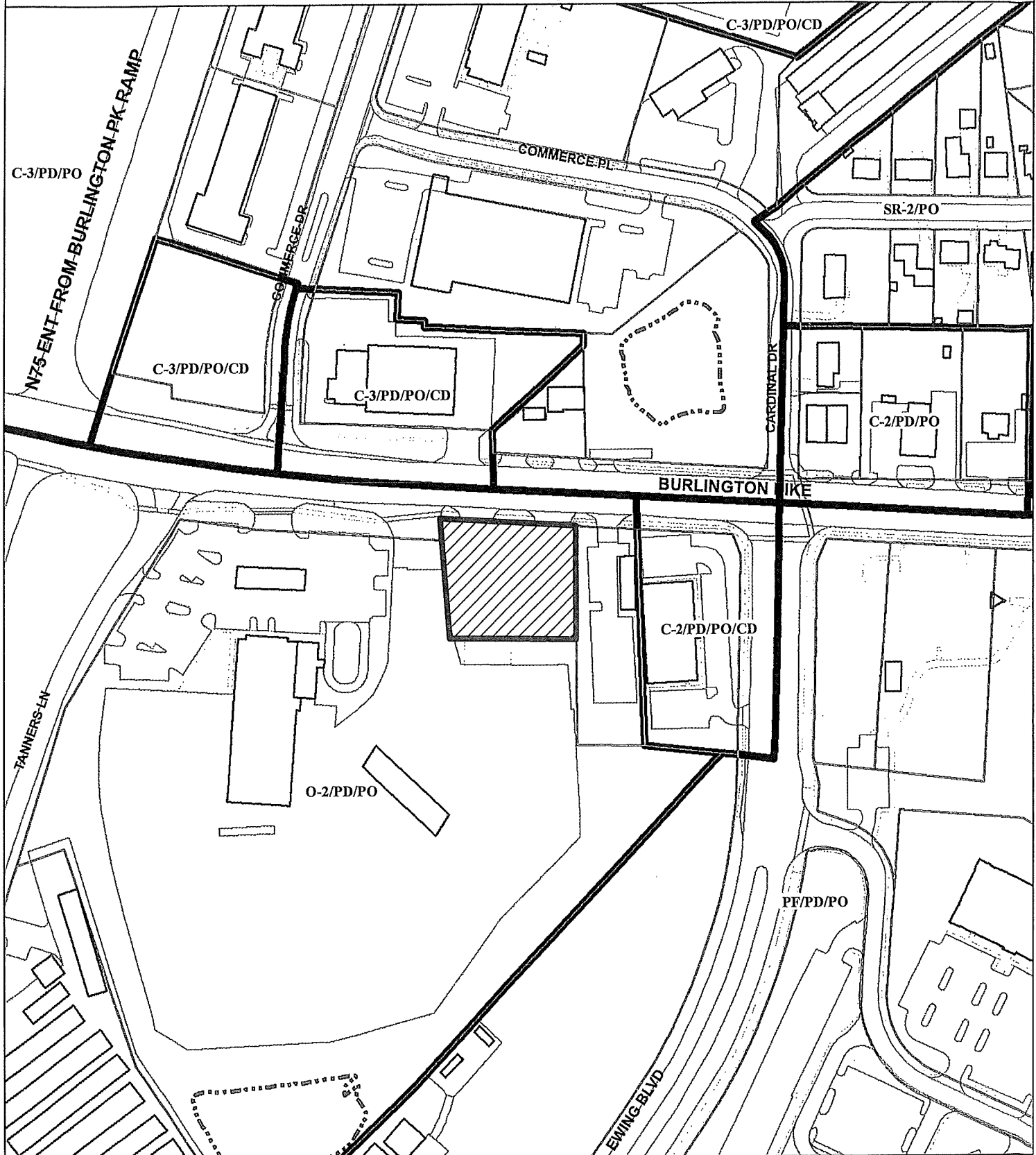


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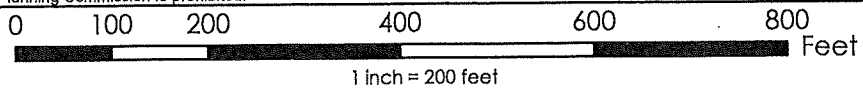
# Zoning Map

www.boonecountygis.com

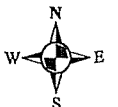


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**Boone County GIS**



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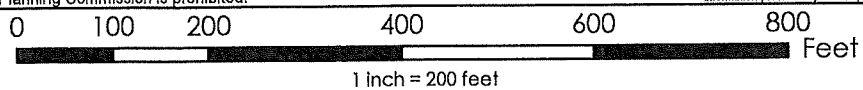
# 2040 Future Land Use Map

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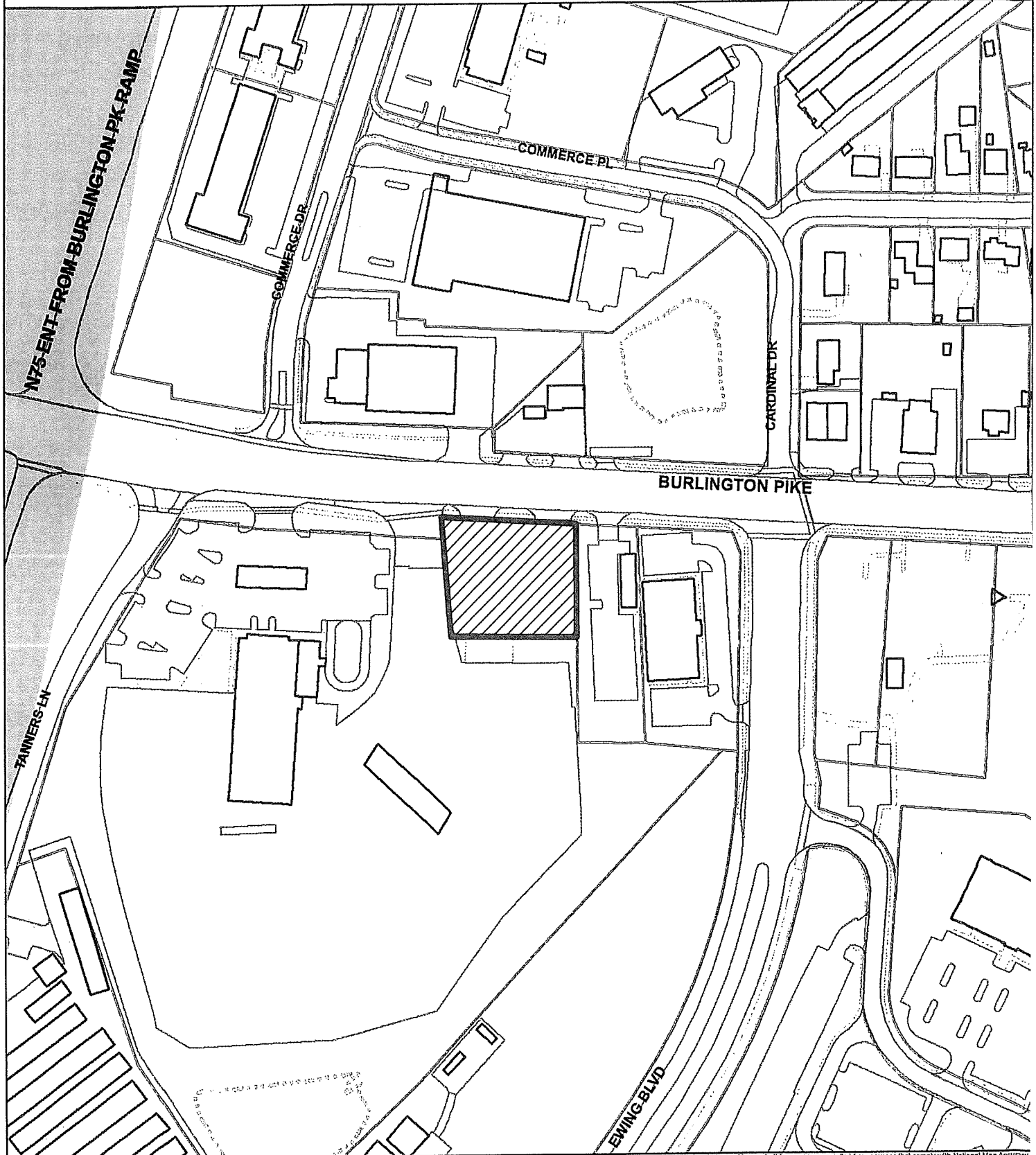


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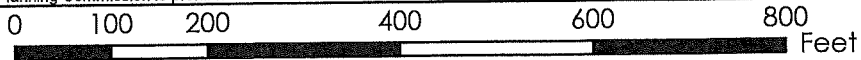
# Noise Contour Map

www.boonecountygis.com



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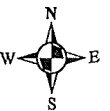
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1 inch = 200 feet



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



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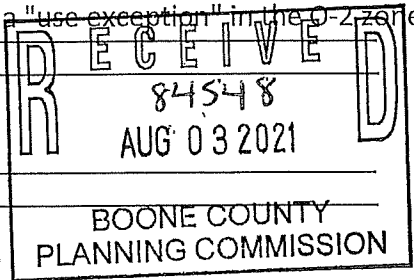
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**BOONE COUNTY PLANNING COMMISSION**

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    - 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)
    - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
  2. Name of Project: Carplex
  3. Location of Project: 7681 Burlington Pike
  4. Total Acreage of Project: 0.698 acres
  5. Current Zoning of Property: O-2/PD/PO
  6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):  
n/a
  7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: PO - Parkway Overlay
  8. Proposed Use(s) (specify each use):  
Vehicle delivery/pick up location - with this application we are requesting a "use exception" in the O-2 zone
  9. Proposed Building Intensities (specify for each building):  
Max Proposed Building SF = 3,412 sf /0.698 acre lot = 4,900 sf per acre  
Request 5,000 sf per acre
  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: 315 Burlington Trust
- Address: 4695 Lake Forest Drive, Suite 100
- |                   |             |              |
|-------------------|-------------|--------------|
| <u>Cincinnati</u> | <u>Ohio</u> | <u>45242</u> |
| City              | State       | Zip Code     |
- Phone Number: 513-322-6307 Fax Number: n/a
- Email: larry@bergmancommercial.com
13. Applicant: Viox & Viox, Inc.



Address: 466 Erlanger Road

Erlanger KY 41018  
City State Zip Code

Phone Number: 859-727-4500 Fax Number: n/a

Email: mbollman@vioxinc.com

14. Are there any existing buildings on the site:  Yes  No  
If yes, indicate how many: There are no current buildings on the site but it used to be a gas station.

15. 1134 921 2041A  
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 checked="" type="checkbox"/> Florence Public Services Department   | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input checked="" 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 \_\_\_\_\_

ORIGINAL Property Owner's Signature: *Laura Bryan Trustee*  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

## **Additional Narrative Information for Carplex**

### **Florence, Boone County, Kentucky**

#### **Introduction:**

Carplex is proposing to develop the approximately 0.7-acre site located at 7681 Burlington Pike in Florence, Kentucky. The property is zoned O-2/PD/PO. The site is currently vacant, however it previously operated as a gas station. Carplex is requesting to develop the site as an auto display and delivery center. The application is for a "use exception" to allow for this development. The property is surrounded by highway commercial-type uses (Truck Stop, Waffle House, Speedway gas station, and Avizion Glass).

#### **About Carplex:**

While traditional brick and mortar auto retail locations are still the norm throughout the country, this location will be anything but traditional. Carplex is investing heavily in leading edge photography, infrastructure and technology to sell cars and compete with the best of class in our industry. Our lean and efficient model allows us to deliver maximum value to customers in a low stress environment. We will use the site as a state-of-the-art display and delivery center. We will have 2-3 employees at the location at any one time. The site will not have a service department. All reconditioning, detailing, and vehicle inspections will be performed off site. Our loan underwriting, loan documentation, and other retail paperwork is also maximized using our central technology. Our staff will assist customers with any questions, copy of the necessary paperwork, and a set of keys for delivery of their new purchase. Please note, that while the business is designed as a Delivery center, it is still possible that a customer could stop over and purchase a vehicle on site.

The site layout allows for the car haulers to have the turning radius needed for the delivery of vehicles. This layout allows for the haulers to safely enter and exit the property. Of the estimated 31 parking spaces, approximately 10 will be dedicated to employee and customer parking. The remaining spaces will be available for display and customer trade-in inventory.

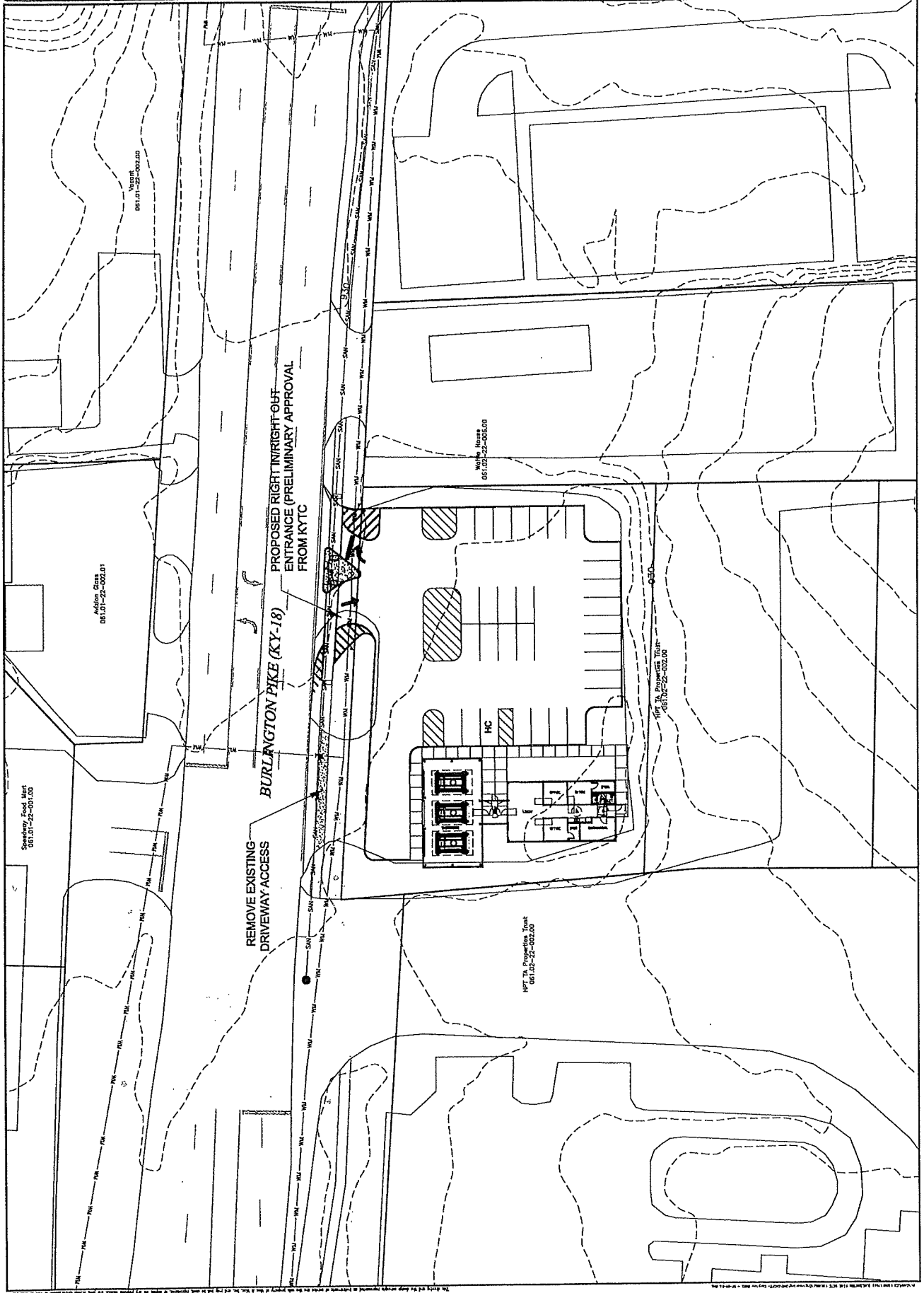
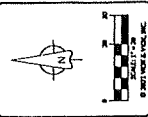
Architectural renderings of the display and delivery center are included with this submittal.



C1.0

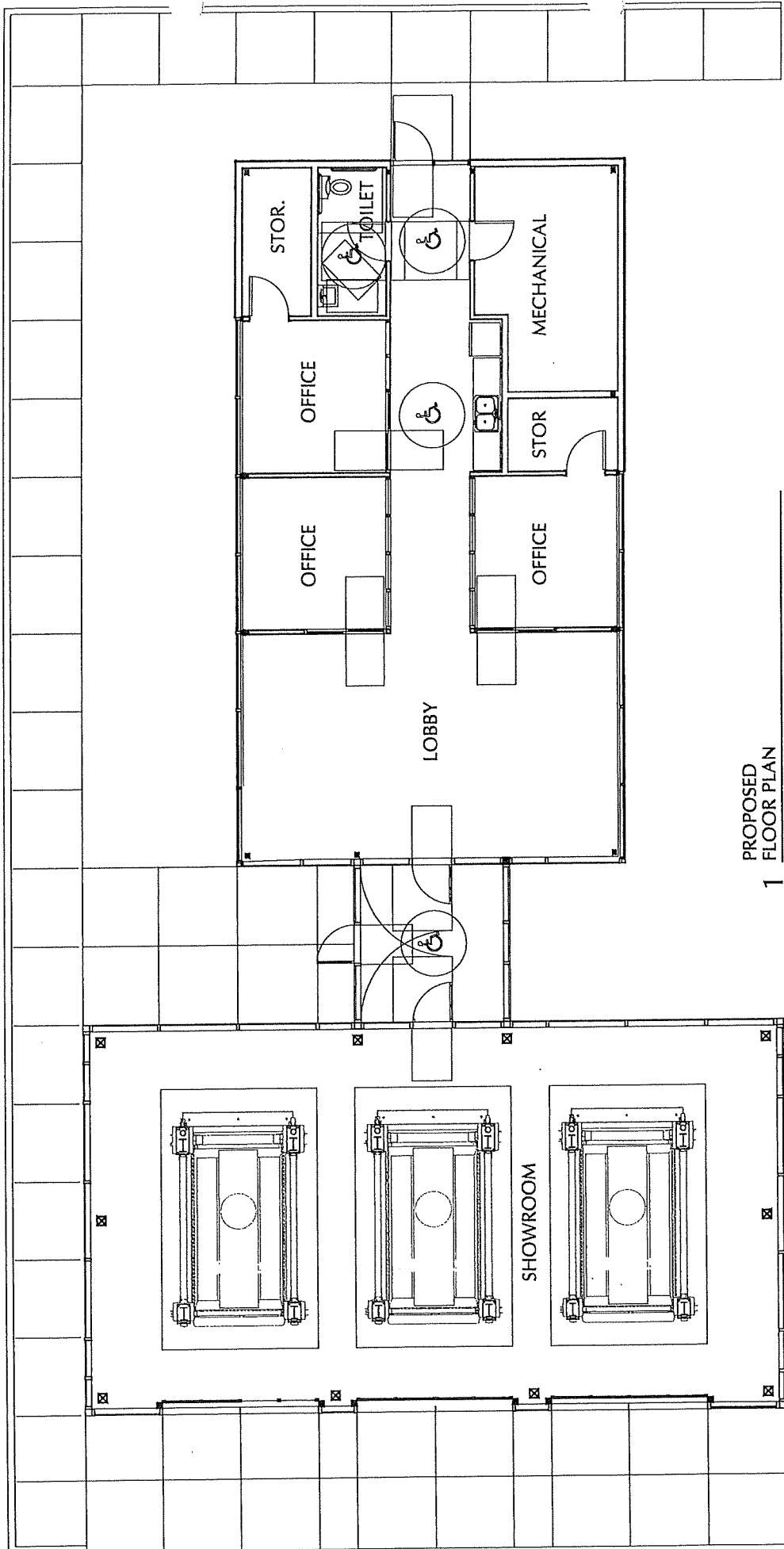
CONCEPT PLAN  
CARPLEX DELIVERY CENTER  
FLORENCE, BOONE COUNTY, KENTUCKY  
CONCEPT PLAN (OVERALL)

**VIOXX & VIOX**  
Civil Engineers, Surveyors and Landscape Architects  
4448 Kingsley Road • Florence, Kentucky 41018  
800 US Avenue • Florence, KY 41041  
PH: 502-777-2283 • FX: 502-777-1000  
www.vioxx.com

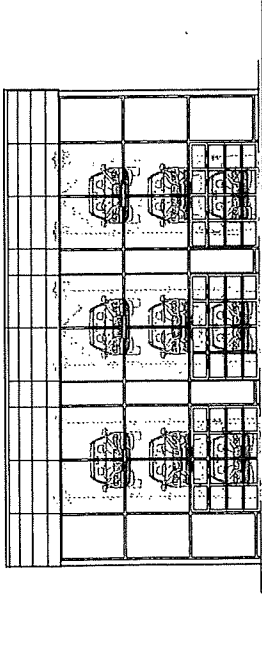


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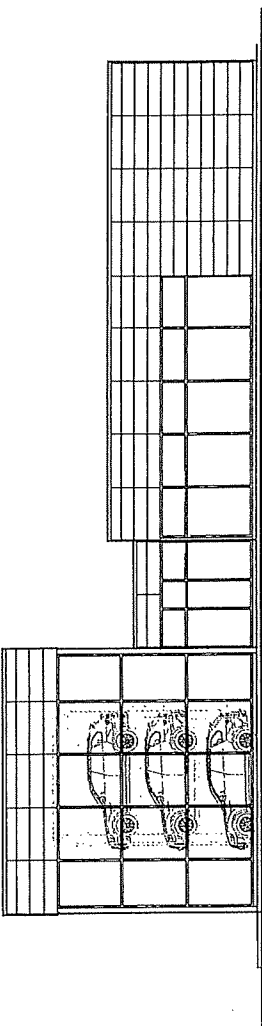




PROPOSED  
FLOOR PLAN  
1



1 PROPOSED FRONT ELEVATION



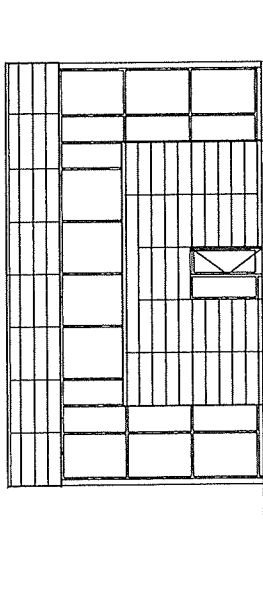
2 PROPOSED SIDE ELEVATION

TOPWALL  
ELEV. = 126'-6"

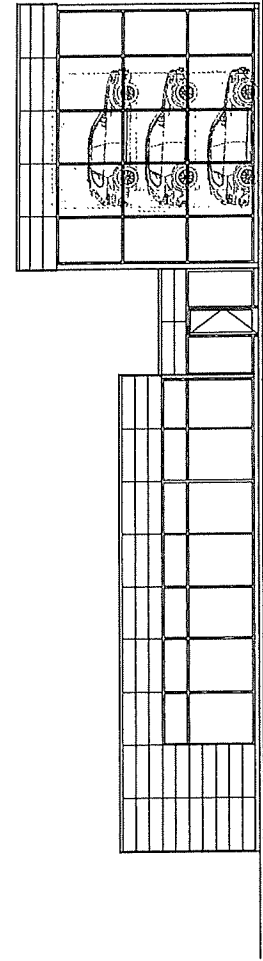
TOPWALL  
ELEV. = 114'-10"

TOPWALL  
ELEV. = 110'-3"

FINISH FLOOR  
ELEV. = 100'-0"



1 PROPOSED SERVICE ENTRANCE ELEVATION



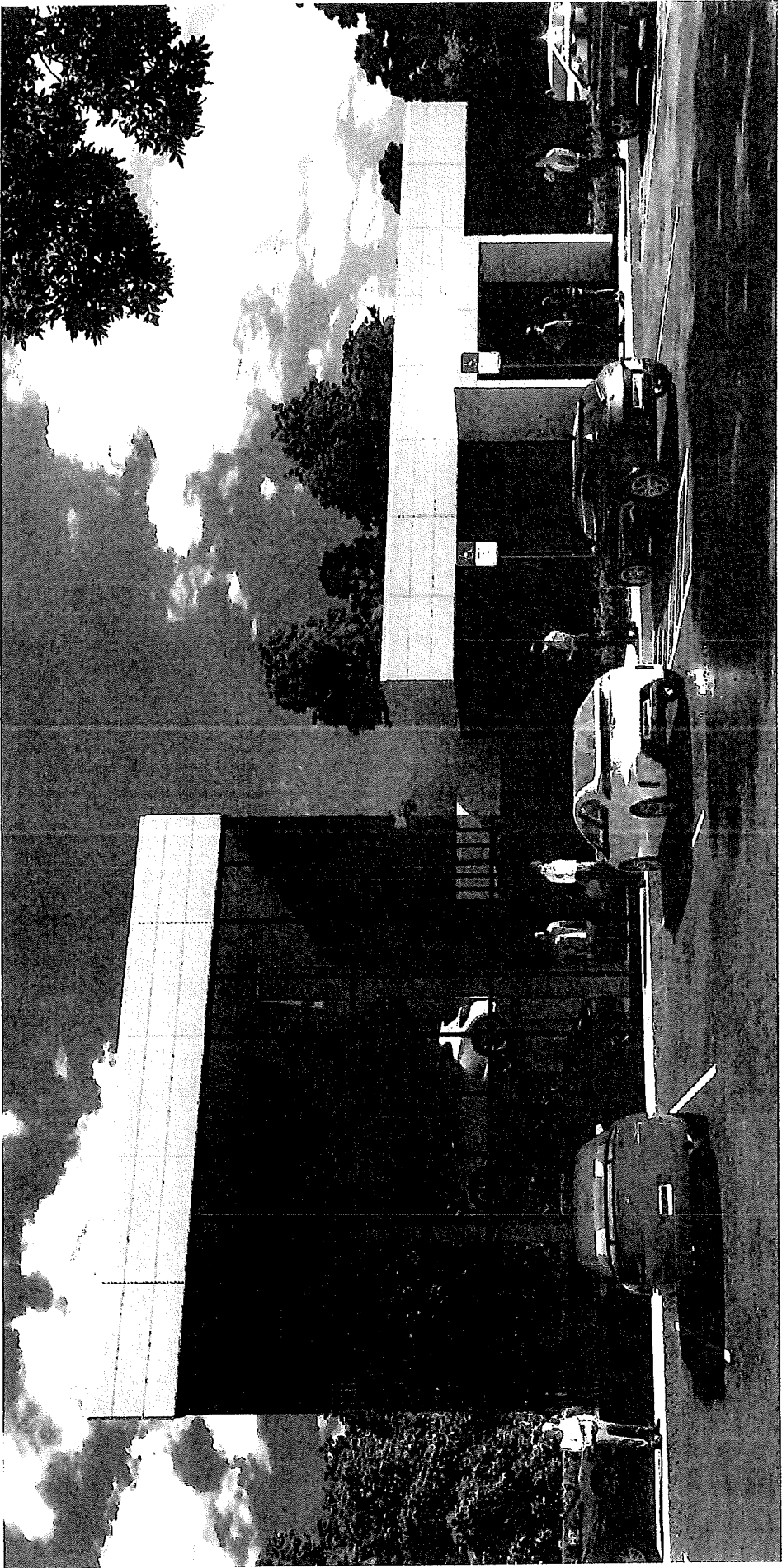
2 PROPOSED SALES ENTRANCE ELEVATION

TOPWALL  
ELEV. = 126'-6"

TOPWALL  
ELEV. = 114'-10"

TOPWALL  
ELEV. = 110'-3"

FINISH FLOOR  
ELEV. = 100'-0"



## Michael Schwartz

---

**From:** Joshua Hunt <Joshua.Hunt@Florence-KY.gov>  
**Sent:** Thursday, August 05, 2021 10:35 AM  
**To:** Michael Schwartz  
**Subject:** RE: Carplex Concept Plan

### **EXTERNAL MESSAGE**

The City is supportive of this application. This is a new business recruitment project.

---

**From:** Michael Schwartz <mschwartz@boonecountyky.org>  
**Sent:** Thursday, August 5, 2021 10:25 AM  
**To:** Jerry Noran <jnoran@boonecountyky.org>; Joshua Hunt <Joshua.Hunt@Florence-KY.gov>; Randy Childress <Randy.Childress@Florence-KY.gov>; James.Minckley@ky.gov; Tim Hayes (tim.hayes@ky.gov) <tim.hayes@ky.gov>  
**Subject:** Carplex Concept Plan

We are in receipt of a Concept Development Plan application for the property located immediately to the west of Waffle House (7673 Burlington Pike).

Please review the attached and forward any comments that you would like to have included in our staff report to the Planning Commission to me no later than Wednesday, August 25, 2021.

**Michael D. Schwartz, Planner**



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264

## Michael Schwartz

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**From:** Minckley, James A (KYTC-D06) <James.Minckley@ky.gov>  
**Sent:** Friday, August 06, 2021 7:39 AM  
**To:** Michael Schwartz; Jerry Noran; joshua.hunt@florencce-ky.gov; randy.childress@florencce-ky.gov; Hayes, Tim K (KYTC-D06); Brefeld, Linzy M (KYTC-D06)  
**Subject:** RE: Carplex Concept Plan

### **EXTERNAL MESSAGE**

KYTC is fine with the proposed location and layout subject to an approved permit application.

James A. Minckley, P.E.  
Branch Manager – Engineering Support  
KYTC District 6  
859-341-2700  
james.minckley@ky.gov

---

**From:** Michael Schwartz <mschwartz@boonecountyky.org>  
**Sent:** Thursday, August 5, 2021 10:25 AM  
**To:** Jerry Noran <jnoran@boonecountyky.org>; joshua.hunt@florencce-ky.gov; randy.childress@florencce-ky.gov; Minckley, James A (KYTC-D06) <James.Minckley@ky.gov>; Hayes, Tim K (KYTC-D06) <tim.hayes@ky.gov>  
**Subject:** Carplex Concept Plan

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**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the GOT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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We are in receipt of a Concept Development Plan application for the property located immediately to the west of Waffle House (7673 Burlington Pike).

Please review the attached and forward any comments that you would like to have included in our staff report to the Planning Commission to me no later than Wednesday, August 25, 2021.

**Michael D. Schwartz, Planner**



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Rick Lunnemann, Chairman

**DATE:** October 6, 2021

**RE:** Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

**REMARKS:**

1. We, the Committee, recommend approval of the above referenced concept development plan based on the following findings of fact and with the following conditions:

## FINDINGS OF FACT:

- a. The Committee has concluded that the proposed vehicle sales delivery/pick-up facility is consistent with the 2040 Future Land Use Map of Our Boone County – Plan 2040 which identifies the site for Commercial uses. Other auto dealerships that are located along Burlington Pike are currently located in areas identified for Commercial uses on the 2040 Future Land Use Map.
- b. The Committee has concluded that the proposed development, along with the revised concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
  - (1) 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).
  - (2) Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  - (3) 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).
  - (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).
  - (5) 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).

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Carplex

October 6, 2021

Page 2

- c. The Committee has concluded that the proposed vehicle sales delivery/pick-up facility is consistent with truck stop and the automobile dealership that is located to the south, west, and north of the site in question.
- d. Section 3199 of the Boone County Zoning Regulations provides for additional design standards for business districts within the City of Florence. Based on these design standards, the intent of Section 3199 is to provide for a consistent development pattern within the historic business corridors of the city. The Committee has concluded that the site in question is located at the very western edge of one of these corridors and that based on the existing development pattern within the area, many of the design standards should not apply. Therefore, the proposed design of the site, except as noted under conditions, are consistent with the applicable regulations.
- e. The Committee has concluded that the proposed development fulfills the applicable requirements of Article 15 "Planned Development District" of the zoning regulations.
- f. 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 to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions

CONDITIONS:

- 1. Development shall be consistent with the Concept Development Plan submitted with the application, and the graphical presentation made at the September 15, 2021 Committee meeting except as modified by these conditions.
- 2. Parking/service area lights shall be down lit and equipped with cut-off shields to prevent glare onto adjacent properties.
- 3. The delivery of, and the loading/unloading of, vehicles shall not be conducted on Burlington Pike.
- 4. The existing free standing sign structure located along Burlington Pike shall be removed.
- 5. Building mounted signage shall meet the requirements of the zoning regulations, including the standards found in Section 3199 and shall only be allowed on the north and west building elevations.
- 6. The existing free standing sign structure oriented towards Interstate 71/75

shall not be increased in height beyond its existing height and shall be documented as part of a Sign Permit application.

7. The existing free standing sign structure oriented towards Interstate 71/75 may be utilized for a sign having a maximum sign area of one hundred eighty (180) square feet.
8. If the existing free standing sign structure oriented towards Interstate 71/75 is to be replaced, any new signage shall not exceed forty-seven (47) feet in height.
9. Any signs having an electronic message center (EMC) shall only be approved through an Amended Concept Development Plan process.
10. Any signage, other than those identified in Conditions 5, 6, 7, 8, and 9 shall be prohibited.
11. The on-site servicing of vehicles shall be prohibited.

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: Rik Lunnemann, Chairman  
DATE: September 15, 2021

**CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Michael Schwartz, Staff**

1. Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

REMARKS:

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



**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
SEPTEMBER 1, 2021  
7:30 P.M.**

---

Chairman Rolfsen opened the Public Hearing at 7:32 p.m. and welcomed everyone to the Planning Commission's September 1, 2021 Public Hearing.

**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 T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda.

**CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff**

1. Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site is 0.7 acres in size located on the south side of Burlington Pike approximately 235 feet west of Ewing Boulevard and approximately 450 feet east of Tanners Lane. The last use for the subject site was a gas station, which was demolished sometime between 1997 and 1999. The site is currently vacant. There are also 2 free standing sign structures on the site. No signs appear on the poles. The applicant should inform the Board whether the existing sign structures will be retained, reused or removed. The TA Truck Stop is located to the south and west of the site. A Waffle House restaurant is located to the east of the site. North of the site is a Speedway gas station and an Avizion Glass Company. Mr. Schwartz showed photographs of the site and adjoining properties. The zoning of the site is currently O-2/PD/PO. The PO Report was adopted by the City of Florence in 2008. Pages 2 and 3 of the Staff Report provide the applicable zoning regulations that are relevant to the application. The site is relatively flat but sloping downward from north to south with an average grade of less than 3%. The site is within the 60 DNL airport noise contour. The 2040 Future Land Use Map designates the site for Commercial (C) uses. Page 3 of the Staff Report identifies the references to the Comprehensive Plan. Burlington Pike is a State maintained arterial street. Mr. Schwartz showed some photographs of the site and adjoining properties. He noted the existing high rise sign and another one located along Burlington Pike. He reviewed the submitted Concept Development Plan. The Plan includes a 26.6 foot high, 3,412 square foot building for a delivery center and car sales. The applicant is applying for a waiver of storm water requirements. The applicant is also requesting a waiver of the rear yard setback from 30 feet to 14 feet. The applicant is providing 31 off street parking spaces. One of the 2 existing curb cuts will be removed and the other one will be redesigned to a right turn in and right turn out only. The western curb cut will be removed. They have provided perimeter landscaping. Pages 5 and 7 of the Staff Report refer to the three items of the Plan that don't meet the strict requirements of the underlying zoning district. Most of those items can be adjusted by using the PD overlay districts. Section 3199 of the Zoning Regulations provide for more specific design standards for certain business districts in the City of Florence. Burlington Pike is one of those business district corridors which does apply. A floor plan of the proposed building was submitted along with some concept elevations showing part of the building as a 3 story building. It will be a predominantly glass building. Comments have been received from the City of Florence, the Florence Fire Department and the Kentucky Transportation Cabinet. Those comments are attached to the Staff Report. Again, the request is to review the Concept Development Plan under the current zoning.

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

Ms. Michelle Bollman, Viox & Viox, Inc., representing Carplex, explained that Carplex is a new company to the area. The company began in 2008 and is headquartered in Indianapolis. Another store exists in Bloomington, Indiana and in Terre Haute, Indiana. The Florence location will be the first one with a new architectural design concept. It is to be an online dealership of newer used cars having a mileage of less than 40,000 miles. Customers will purchase the car online and go to the site to pick up the vehicle. The site will have a small office for in-person sales and administration. Cars will be delivered to the site via a three car hauler and not a typical nine car hauler. Some cars will be available on-site for the public to purchase. The site is currently an eyesore and what is being proposed is an improvement. Ms. Bollman spent weeks working with the Kentucky Transportation Cabinet. Originally, the applicant preferred keeping the access points "as is." In the end, they agreed to a right in and right out and keeping the eastern curb cut furthest away from the existing truck stop. The curb cut is larger than normal due to the truck turning movement. Building mounted signage will be installed along KY 18 and on the side of the building. The signage frame along KY 18 will be removed but the high rise sign in the back of the property will be retained so it can be seen from the highway. Standard parking lot lighting will be installed and meet all of the lighting regulations. The waiver from requiring detention and water quality is needed because there are not a lot of options. The site is very small so it is the primary reason for the setback waiver in the back of the lot. In addition, they are requesting a waiver to the required vehicular use area landscaping. The primary reason is to accommodate truck movements. It will be a nice addition to KY 18.

Mr. Larry Bergman, property owner, stated that he was surprised that Mr. Ryan Devoe showed up at his office to express interest in his property. From the 1992 to about 4 years ago, Shell was still paying rent to him because there was an environmental issue with the property. They were obligated to clean up the site. They had a lot of interest in the property but none of the uses were suitable – restaurants and oil change businesses. The State turned down his request to use the existing 2 curb cuts. The result was right in and right out. Mr. Devoe's business is different than any other car dealer. Tom Gill Chevrolet and Enterprise are located down the road and they sell and lease vehicles. The proposed building is built using very expensive fabricated metal panels and glass. The area is a gateway to the City of Florence.

Mr. Ryan Devoe, developer, stated that he is serious about the development. He is offering to sell cars vertically. His dealership is rated very high as a used car dealer. It is an important location for him.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Concept Development Plan request? Seeing none, Chairman Rolfsen asked if any of Board members had any questions? Mrs. Kegley noticed a lot of waiver requests. She mentioned that she will be looking for appropriate buffer yards. It needs a good landscaping plan. Perhaps additional plantings would be needed since no plantings would be in the parking lot. Perhaps they can be planted around the perimeter. Is there any existing vegetation? Mr. Devoe replied that it is full of brush and bags. He would remove all of the overgrowth and start with an immaculate perimeter of trees. He has no problem making the landscaping more than what is required. He prefers a substantial buffer along the truck stop side.

Mr. Lunnemann inquired about the route of the 3 car hauler trucks? Mr. Devoe showed the route on the computer screen. That is the reason for the striping – to keep the cars from parking in the vehicle drop off area. Will there be any attempt to unload cars on Burlington Pike? Mr. Devoe replied that it will never happen. They control the 3 car hauler.

Ms. Gulick asked how often do they get deliveries? Mr. Devoe responded that he gets one 3 car hauler a day to pick up and drop off cars. Typically, they will sell about 100 cars a year. Some vehicles are delivered to the purchaser's address. In the beginning, there may be more foot traffic at the store. Ms. Bollman stated that they will use French drains to accommodate the storm water. They will not flood KY 18 and will investigate some alternatives. They are reducing some of the pavement area.

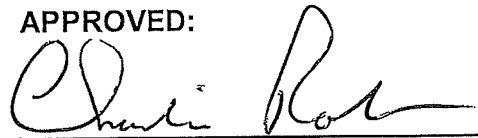
Ms. Gulick inquired on whether the applicant mentioned French drains to the Kentucky Transportation? Ms. Bollman replied yes and the possible replacement.

Chairman Rolfsen inquired about selling older vehicles. Mr. Devoe responded that his sales experience is different with used vehicles. They don't charge extra fees. The average car is a 2020 model year with 28,000 miles. Currently there is a crisis in the auto industry because we are not making new cars. Their average car today is a 2019 model year. They have some vehicles with over 40,000 miles due to the car shortage crisis. If there is a problem with a car, it is usually under warranty by the preferred manufacturer and dealer. Otherwise, they would pick up the vehicle and have it repaired at their central facility. It is 24 hour service – timeliness and fairness of the repair.

Mr. McMillian asked if the proposed right in and right out is the only one in the area? Ms. Bollman replied yes. It isn't fair but they have to live with it even though they wanted both curb cuts. It is a safe location for people to pick up their vehicle.

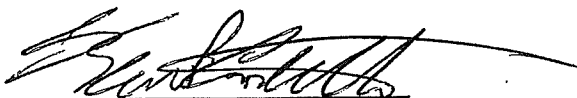
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 15, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on October 6, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:16 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

# SUPPORTING INFORMATION



# BOONE COUNTY PLANNING COMMISSION

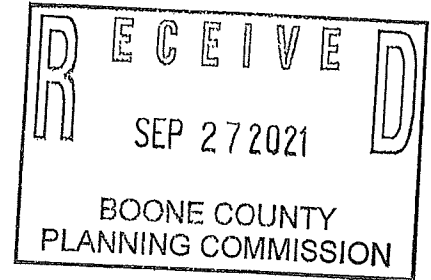
[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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

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

September 17, 2021

Ms. Michelle Bollman  
Viox and Viox  
466 Erlanger Road  
Erlanger, Kentucky 41018



RE: Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

Dear Ms. Bollman:

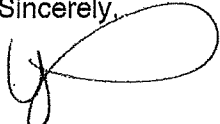
The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their September 15, 2021 meeting. If the property owner and developer agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Monday, October 4, 2021.

## CONDITIONS

1. Development shall be consistent with the Concept Development Plan submitted with the application, and the graphical presentation made at the September 15, 2021 Committee meeting except as modified by these conditions.
2. Parking/service area lights shall be down lit and equipped with cut-off shields to prevent glare onto adjacent properties.
3. The delivery of, and the loading/unloading of, vehicles shall not be conducted on Burlington Pike.
4. The existing free standing sign structure located along Burlington Pike shall be removed.
5. Building mounted signage shall meet the requirements of the zoning regulations, including the standards found in Section 3199 and shall only be allowed on the north and west building elevations.

6. The existing free standing sign structure oriented towards Interstate 71/75 shall not be increased in height beyond its existing height and shall be documented as part of a Sign Permit application.
7. The existing free standing sign structure oriented towards Interstate 71/75 may be utilized for a sign having a maximum sign area of one hundred eighty (180) square feet.
8. If the existing free standing sign structure oriented towards Interstate 71/75 is to be replaced, any new signage shall not exceed forty-seven (47) feet in height.
9. Any signs having an electronic message center (EMC) shall only be approved through an Amended Concept Development Plan process.
10. Any signage, other than those identified in Conditions 5, 6, 7, 8, and 9 shall be prohibited.
11. The on-site servicing of vehicles shall be prohibited.

Sincerely,

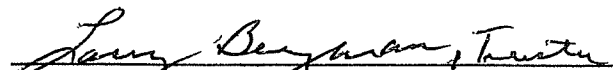


Michael D. Schwartz  
Planner

MDS/ss

AGREEMENT

We, the property owner and developer of the approximate 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky, agree to the conditions listed herein for the above referenced Concept Development Plan.

  
Larry Bergman, 315 Burlington Trust (Owner)

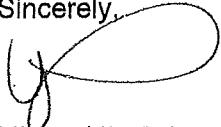
9/17/2021  
Date

\_\_\_\_\_  
Ryan Devoe, Carplex (Developer)

\_\_\_\_\_  
Date

6. The existing free standing sign structure oriented towards Interstate 71/75 shall not be increased in height beyond its existing height and shall be documented as part of a Sign Permit application.
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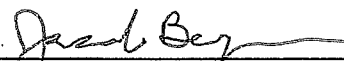


Michael D. Schwartz  
Planner

MDS/ss

AGREEMENT

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\_\_\_\_\_  
Larry Bergman, 315 Burlington Trust (Owner/Beneficiary)  
*Jacob Bergman*

09/17/2021

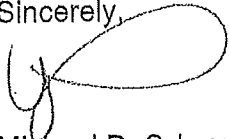
\_\_\_\_\_  
Date

\_\_\_\_\_  
Ryan Devoe, Carplex (Developer)

\_\_\_\_\_  
Date

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11. The on-site servicing of vehicles shall be prohibited.

Sincerely,



Michael D. Schwartz  
Planner

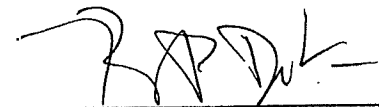
MDS/ss

AGREEMENT

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\_\_\_\_\_  
Larry Bergman, 315 Burlington Trust (Owner)

\_\_\_\_\_  
Date



\_\_\_\_\_  
Ryan Devoe, Carplex (Developer)

\_\_\_\_\_  
9/17/21

\_\_\_\_\_  
Date

RETURN TO: pg. 3

**QUIT CLAIM DEED**

**Louis Green, Trustee of the Louis B. Green Trust U/A dated 2/27/1997** as amended and restated ("Grantor"), for and in consideration and for other good and valuable consideration paid to Grantor by the Grantee herein, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and quitclaim unto **Laurence Bergman, TRUSTEE OF THE 315 BURLINGTON TRUST dated June 14, 2019** ("Grantee"), whose tax mailing address is Attn: Jacob Bergman, 4695 Lake Forest Drive, Suite 100, Cincinnati, Ohio 45242, its successors and assigns forever, its entire 100% fee simple interest in that certain real property located at 315 Burlington Pike, Florence, Boone County, Kentucky which real property is further described as follows:

See Attached Exhibit "A"

Grantor's conveyance of the real property pursuant to this Quit Claim Deed is subject to: (a) all legal highways; (b) existing easements, conditions, covenants, restrictions and all other matters of record; (c) building and zoning ordinances; and (d) real estate taxes and assessments which are a lien but are not yet due and payable.

Prior Deed Reference: Book 953, Page 944 Boone County, Kentucky Records

IN WITNESS WHEREOF, the Grantor has hereunto caused this Quit Claim Deed to be executed as of this 22 day of June 2019.

- signatures on following page -

**Boone County  
D1134 PG 921**



GRANTOR:

*LS*  
Louis Green, Trustee of the Louis B. Green Trust U/A dated 2/27/1997

STATE OF Wyoming )  
COUNTY OF Teton ) SS

This instrument was acknowledged before me on this 20 day of June 2019, by Louis B. Green, Grantor.



*[Signature]*  
Notary Public  
My Commission Expires: April 1, 2021

RETURN TO:

This instrument was prepared by:  
Thomas H. Bergman, Esq. *[Signature]*  
Bergman & Assoc., LLC  
4695 Lake Forest Avenue, Suite 200  
Cincinnati, Ohio 45242  
513-563-0906

Boone County  
D1134 PG 923

EXHIBIT A

Legal Description

**Exhibit A  
Legal Description**

The following described real estate lying and being in the City of Florence, Boone County, Kentucky, said parcel being fully described as follows.

Lying and being in the County of Boone, State of Kentucky, and the City of Florence, located on the south side of Kentucky Highway #8 near its intersection with Interstate 75, and is described thus:

Beginning at a stake in the south right-of-way line of Kentucky Highway #8, said point being 50 feet from the center line corner with tennis land, thence with the line of land S. 1°13' E. 150.00 feet to a point; thence S 89°26' W. 202.2 feet to a point; thence N. 3°10' W. 150.00 feet to a point in the south right-of-way line of Kentucky Highway 18, thence with said right-of-way line N. 89°24' E. 206.82 feet to the place of beginning and being parts of the lots conveying to Lawrence J. Helmer and Frances Helmer by Charles A. and Eva May Ricca and by George E. Morith and Lora Morith, recorded in Deed Book 153 at pages 222 and 224 in the Office of the Clerk of Boone County Kentucky, and being the same premises conveyed to Iphigene M. Betman by Lawrence J. Helmer and Frances Helmer, his wife, recorded in Deed Book 156, page 531, in the Office of the Clerk of Boone County, Kentucky.

EXCEPTING, HOWEVER, from the above described property a parcel of land conveyed by said Iphigene M. Betman to the Department of Transportation of the Commonwealth of Kentucky by deed of conveyance executed on January 25, 1976, which deed of conveyance is duly recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_ (unrecorded), in the Office of the Clerk of Boone County, Kentucky, said parcel being described as follows:

Lying and being in the City of Florence, Boone County Kentucky and being located on the south side of existing Kentucky Highway 18 between Tanners Lane and Cardinal Drive and being more particularly described as follows:

Beginning at a point in the center line of existing Kentucky Highway 18, also being a point in the westerly property line, said point being 3.4 feet right of proposed Kentucky Highway 18 center line station 7 + 86.4; thence along said existing centerline in an easterly direction 208.93 feet, crossing the proposed Kentucky Highway 18 center line at station 8 + 88.35, to a point in the easterly property line, being 4.3 feet left of proposed Kentucky Highway 18 center line station 9 + 95.2; thence along said property line S. 0°52'27" E. 54.40 feet, crossing the proposed Kentucky Highway 18 center line at station 9 + 95.52, to a point in the proposed Kentucky Highway 18 right-of-way line, said point being 50.0 feet right of station 9 + 99.1, thence along said proposed right-of-way line N. 86°44'10" W. 109.80 feet to a point in the existing Kentucky Highway 18 right-of-way line, said point being 50.0 feet right of station 8 + 69.3; thence along said existing right-of-way line N. 88°01'07" W. 41.44 feet to a point 51.65 feet right of station 8 + 47.9; thence continuing along said existing right-of-way line along a circular arc 55.91 feet to the right having a radius of 2914.79 feet and being subtended by a chord bearing N.88°28'05" W. with a distance of 55.91 feet to a point in the westerly property line, said point being 53.3 feet right of station 7 + 92.0, thence along said property line N. 03°10'00" W. 50.21 feet to the point of beginning.

The property described above contains 10,636 square feet, more or less, of which 10,471 square feet is existing right-of-way and 165 square feet is new right-of-way to be acquired.

Group: 2041B

2041B

**Boone County  
D1134 PG 924**

DOCUMENT NO: 786571  
RECORDED ON: OCTOBER 21, 2019 02:36:56PM  
TOTAL FEES: \$28.00  
GROUP : 2041B  
COUNTY CLERK: JUSTIN CRIGLER  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: S. WOOLUN  
BOOK D1134 PAGES 921 - 924

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
SEPTEMBER 1, 2021  
7:30 P.M.**

---

Chairman Rolfsen opened the Public Hearing at 7:32 p.m. and welcomed everyone to the Planning Commission's September 1, 2021 Public Hearing.

**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 T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda.

CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

1. Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site is 0.7 acres in size located on the south side of Burlington Pike approximately 235 feet west of Ewing Boulevard and approximately 450 feet east of Tanners Lane. The last use for the subject site was a gas station, which was demolished sometime between 1997 and 1999. The site is currently vacant. There are also 2 free standing sign structures on the site. No signs appear on the poles. The applicant should inform the Board whether the existing sign structures will be retained, reused or removed. The TA Truck Stop is located to the south and west of the site. A Waffle House restaurant is located to the east of the site. North of the site is a Speedway gas station and an Avizion Glass Company. Mr. Schwartz showed photographs of the site and adjoining properties. The zoning of the site is currently O-2/PD/PO. The PO Report was adopted by the City of Florence in 2008. Pages 2 and 3 of the Staff Report provide the applicable zoning regulations that are relevant to the application. The site is relatively flat but sloping downward from north to south with an average grade of less than 3%. The site is within the 60 DNL airport noise contour. The 2040 Future Land Use Map designates the site for Commercial (C) uses. Page 3 of the Staff Report identifies the references to the Comprehensive Plan. Burlington Pike is a State maintained arterial street. Mr. Schwartz showed some photographs of the site and adjoining properties. He noted the existing high rise sign and another one located along Burlington Pike. He reviewed the submitted Concept Development Plan. The Plan includes a 26.6 foot high, 3,412 square foot building for a delivery center and car sales. The applicant is applying for a waiver of storm water requirements. The applicant is also requesting a waiver of the rear yard setback from 30 feet to 14 feet. The applicant is providing 31 off street parking spaces. One of the 2 existing curb cuts will be removed and the other one will be redesigned to a right turn in and right turn out only. The western curb cut will be removed. They have provided perimeter landscaping. Pages 5 and 7 of the Staff Report refer to the three items of the Plan that don't meet the strict requirements of the underlying zoning district. Most of those items can be adjusted by using the PD overlay districts. Section 3199 of the Zoning Regulations provide for more specific design standards for certain business districts in the City of Florence. Burlington Pike is one of those business district corridors which does apply. A floor plan of the proposed building was submitted along with some concept elevations showing part of the building as a 3 story building. It will be a predominantly glass building. Comments have been received from the City of Florence, the Florence Fire Department and the Kentucky Transportation Cabinet. Those comments are attached to the Staff Report. Again, the request is to review the Concept Development Plan under the current zoning.

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

Ms. Michelle Bollman, Viox & Viox, Inc., representing Carplex, explained that Carplex is a new company to the area. The company began in 2008 and is headquartered in Indianapolis. Another store exists in Bloomington, Indiana and in Terre Haute, Indiana. The Florence location will be the first one with a new architectural design concept. It is to be an online dealership of newer used cars having a mileage of less than 40,000 miles. Customers will purchase the car online and go to the site to pick up the vehicle. The site will have a small office for in-person sales and administration. Cars will be delivered to the site via a three car hauler and not a typical nine car hauler. Some cars will be available on-site for the public to purchase. The site is currently an eyesore and what is being proposed is an improvement. Ms. Bollman spent weeks working with the Kentucky Transportation Cabinet. Originally, the applicant preferred keeping the access points "as is." In the end, they agreed to a right in and right out and keeping the eastern curb cut furthest away from the existing truck stop. The curb cut is larger than normal due to the truck turning movement. Building mounted signage will be installed along KY 18 and on the side of the building. The signage frame along KY 18 will be removed but the high rise sign in the back of the property will be retained so it can be seen from the highway. Standard parking lot lighting will be installed and meet all of the lighting regulations. The waiver from requiring detention and water quality is needed because there are not a lot of options. The site is very small so it is the primary reason for the setback waiver in the back of the lot. In addition, they are requesting a waiver to the required vehicular use area landscaping. The primary reason is to accommodate truck movements. It will be a nice addition to KY 18.

Mr. Larry Bergman, property owner, stated that he was surprised that Mr. Ryan Devoe showed up at his office to express interest in his property. From the 1992 to about 4 years ago, Shell was still paying rent to him because there was an environmental issue with the property. They were obligated to clean up the site. They had a lot of interest in the property but none of the uses were suitable – restaurants and oil change businesses. The State turned down his request to use the existing 2 curb cuts. The result was right in and right out. Mr. Devoe's business is different than any other car dealer. Tom Gill Chevrolet and Enterprise are located down the road and they sell and lease vehicles. The proposed building is built using very expensive fabricated metal panels and glass. The area is a gateway to the City of Florence.

Mr. Ryan Devoe, developer, stated that he is serious about the development. He is offering to sell cars vertically. His dealership is rated very high as a used car dealer. It is an important location for him.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Concept Development Plan request? Seeing none, Chairman Rolfsen asked if any of Board members had any questions? Mrs. Kegley noticed a lot of waiver requests. She mentioned that she will be looking for appropriate buffer yards. It needs a good landscaping plan. Perhaps additional plantings would be needed since no plantings would be in the parking lot. Perhaps they can be planted around the perimeter. Is there any existing vegetation? Mr. Devoe replied that it is full of brush and bags. He would remove all of the overgrowth and start with an immaculate perimeter of trees. He has no problem making the landscaping more than what is required. He prefers a substantial buffer along the truck stop side.

Mr. Lunnemann inquired about the route of the 3 car hauler trucks? Mr. Devoe showed the route on the computer screen. That is the reason for the striping – to keep the cars from parking in the vehicle drop off area. Will there be any attempt to unload cars on Burlington Pike? Mr. Devoe replied that it will never happen. They control the 3 car hauler.

Ms. Gulick asked how often do they get deliveries? Mr. Devoe responded that he gets one 3 car hauler a day to pick up and drop off cars. Typically, they will sell about 100 cars a year. Some vehicles are delivered to the purchaser's address. In the beginning, there may be more foot traffic at the store. Ms. Bollman stated that they will use French drains to accommodate the storm water. They will not flood KY 18 and will investigate some alternatives. They are reducing some of the pavement area.

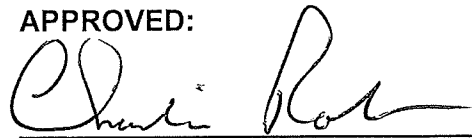
Ms. Gulick inquired on whether the applicant mentioned French drains to the Kentucky Transportation? Ms. Bollman replied yes and the possible replacement.

Chairman Rolfsen inquired about selling older vehicles. Mr. Devoe responded that his sales experience is different with used vehicles. They don't charge extra fees. The average car is a 2020 model year with 28,000 miles. Currently there is a crisis in the auto industry because we are not making new cars. Their average car today is a 2019 model year. They have some vehicles with over 40,000 miles due to the car shortage crisis. If there is a problem with a car, it is usually under warranty by the preferred manufacturer and dealer. Otherwise, they would pick up the vehicle and have it repaired at their central facility. It is 24 hour service – timeliness and fairness of the repair.

Mr. McMillian asked if the proposed right in and right out is the only one in the area? Ms. Bollman replied yes. It isn't fair but they have to live with it even though they wanted both curb cuts. It is a safe location for people to pick up their vehicle.

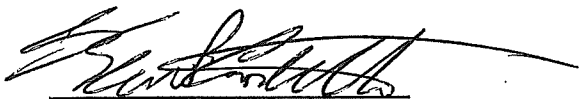
**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 15, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on October 6, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:16 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  
OCTOBER 6, 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 October 6, 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  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mrs. Janet Kegley

**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  
Mr. Tom Chaney, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the September 1, 2021 Business Meeting and Public Hearing. Chairman Rolfsen asked if there were any other comments or corrections?

**Mr. Patton moved to approve the Minutes as presented. Mr. Turner 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 September 2, 2021 and October 6, 2021.

**EXPENSES:**

Accounting Fees	\$ 3,661.35
Attorney Fees	4,200.00
Auto Expense	194.95
Consultant/Professional Svcs Fees	2,075.00
Filing Fees (CLURS)	1,000.00
Legal Ads/Recruitment	76.16
Miscellaneous Expense	230.40
Office & Board Meeting Supplies	669.81
Office Equipment / Expense	544.54
Postage Expense	836.67
Printing/Pub/Dues/Subscriptions	156.46
Professional Development	<u>275.00</u>

**TOTAL: \$ 13,920.34**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 8,926.95
Health/Dental/Life/LTD	13,081.79
Retirement – BCPC Portion	23,579.11
Salaries – Staff Expenses	121,372.42
Salaries – BCPC & BOA	<u>765.00</u>

**TOTAL: \$167,725.27**

**GRAND TOTAL: \$181,645.61**

**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. Mrs. Goetting seconded the motion and it carried unanimously.**

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Patton, Chairman, Michael Schwartz, Staff**

1. Request of **Tim Greive (applicant)** for **Bob Sumerel Tire Co. (owner)** for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

Staff Member, Michael Schwartz, noted that he saw a typo on the Committee Report. The Committee is recommending approval. He 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.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side? Mr. Tim Greive, applicant, stated that he was present to answer any questions. Mr. Todd Sumerel acknowledged that he agreed to the conditions.

Chairman Rolfsen asked what was the height of the proposed fence? Mr. Greive replied that the fence would be a solid vinyl, six feet high.

**Mr. Patton moved to approve the Change in Concept Development Plan by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Michael Schwartz, Staff**

2. Request of **Brad Trauth – Trauth Property Group (applicant)** for **Thousand Hills Holdings, LLC (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit residential townhomes and an office building in addition to an existing pet daycare facility.

Staff Member, Michael Schwartz, explained that the Committee had a tie vote so there is no recommendation one way or another. The Committee has directed the Staff to provide to opposing Committee Reports – one for disapproval and one for approval. Mr. Schwartz read the Committee Report for disapproval first and then for approval (see both Committee Reports).

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

Mr. Tom Breidenstein, attorney for the applicant, asked the Planning Commission to consider

three things. First, if there are two competing recommendations, then it should tip towards the rights of the property owner in question. Second, the land use should serve as a guide and not as a straight jacket. Finally, the Planning Commission should look at all Elements of the Comprehensive Plan and not just the Land Use. The standards for Planned Development have been satisfied. Section 1514 of the Zoning Regulations refers to the mixing of uses is to be encouraged. This is what we have here. The second Committee Report states that all of the applicable requirements have been met. Additional landscaping and brick wrapping can be provided. The development is in conformance with the Comprehensive Plan as evidence by the 13 examples noted in the second Committee Report. The proposed multi-family residential use is considered to be a commercial use. Mr. Breidenstein stated that his client agrees to all of the conditions except for the one condition about a shared maintenance agreement. It gives a veto to the Baptist church. It is an illegal condition and requests that it be dropped. He stated that he submitted a 50-50 maintenance agreement to the Church last week. It was denied and no counter proposal was proposed. This is a NIMBY situation.

Mr. Jay Fossett, attorney for Hebron Baptist Church, stated that a revised plan has been submitted by the applicant. The Concept Development Plan has changed as the density has increased. They have failed to address parking and buffering. Two of the Committee members voted against the project because it was not in agreement with the Comprehensive Plan. The site can only be used for retail or office. It is located in the Airport 60 DNL noise contour. It is incompatible with residential uses. The east-west runway will reopen soon and more noise is expected due to cargo activity. Residential uses are not allowed in C-2 zoning districts. Fifty percent of the site is planned to be used for residential use. The new plan has four additional units and less green space. It will be a traffic problem getting to the daycare.

Mr. Dennis Repenning, attorney for Hebron Baptist Church, stated that the owner of the pet spa has never met with the Church. The draft agreement didn't deal with past issues or the third party owner of the pet spa. One can't expect to support the proposed project when the owner has not dealt with the maintenance agreement now or in the past.

Mr. Costello explained the range of options for the Planning Commission to consider. First, send no preferred recommendation to the Fiscal Court since there was not one from the Committee. The intent of the Committee was for the two sides meet and come to an agreement of a maintenance agreement. There was no push back at the Committee meeting. Another option would be to refer the request back to the Committee and let the two parties work it out. Another option would be to have a motion to eliminate or modify the one condition in dispute.

Mr. Wilson emphasized that the Board could not impose a condition if the applicant or property owner doesn't agree.

Mr. Schwartz mentioned that the Planning Commission already received one extension of the time limit and the deadline expires tomorrow.

Ms. Gulick expressed a concern about other reasons for turning down the request like Airport noise. Mr. Patton shared his concern about not having a road maintenance agreement with additional uses on the property. Mr. Lunnemann stated that he originally supported the project but now is rescinding his vote due to no maintenance agreement and the DNL noise level. He would support a disapproval tonight since both parties can't get along.

Mr. Breidenstein stated that he spoke with Mr. Trauth and he is willing to extend the time limit to next meeting. Mr. Fossett responded that they have no interest in securing a maintenance agreement. They are only interested in denying the application at this point. Mr. Costello responded that the Church testified at the Public Hearing that it was something they were interested in doing. Mr. Fossett responded no. Mr. Burcham replied that no one from the Church offered to meet with him. Mr. Costello referred to page 7 of the Public Hearing minutes in which Mr. Reppenning acknowledged the need to draft a maintenance agreement.

**Mrs. Gulick moved to forward the Change in Concept Development Plan request to the Boone County Fiscal Court without a recommendation. Mr. Bessler seconded the motion and it passed unanimously.**

**CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Michael Schwartz, Staff**

3. Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

Staff Member, Michael Schwartz, 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.

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

Mr. Ryan Devoe, developer, stated that he was in agreement with the conditions and is available to answer any questions.

**Mr. Lunnemann moved to approve the Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Szurlinski seconded the motion.** Mr. Szurlinski asked about the height of the existing sign. Mr. Schwartz replied that it was about 50 feet. The sign structure may come down due to condition. A new structure can be 47 feet or be comparable to the Tom Gill sign. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mr. Szurlinski. The motion passed unanimously.**

**ZONING MAP AMENDMENT AND VARIANCE – Kim Patton, Chairman, Kevin Wall, Staff**

4. Request of **Viox & Viox (applicant)** for **9541 US 42 LLC and Florence Christian Church (owners)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD), and a Variance, for a 61.889 acre site located at 9253 and 9357 Old Union Road (on the east side of Old Union

Road between the Villas of Fowler's Creek development and the property at 9513 Old Union Road), and along the west side of US 42 between the US 42/Fowlers Lane intersection and the US 42/Sweet Harmony Lane intersection, Union, Kentucky. The request is for a Zone Change to allow commercial and office uses, residential condominiums, apartments, and green space, and a Variance from Section 2540.1 "Setbacks" of the Boone County Zoning Regulations to allow the 50 foot maximum front yard setback to be exceeded.

Staff Member, Kevin Costello, 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, Mr. Patton and Ms. Gulick voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Brock MacKay, Viox & Viox, Inc., thanked everyone who participated in the project. It is a large project and it was vetted at three Committee meetings.. His firm engaged the HOA's and addressed all of the concerns.

Ms. Noreen Morgan, Villas of Fowlers Creek HOA, spoke in favor of the Zone Change. She respected the right of the property owner to sell the property and the right of the purchaser to develop it. The developers have worked with the HOA to address the traffic safety issues on Royal Oak Lane.

Mr. Richard Cook, 9190 Royal Oak Lane, stated that he is in favor of the proposed development. The only issue is the removal of the median. Is it permanent? Mr. Costello responded yes due to the volume of anticipated traffic. Because of the median, the travel lanes don't line up properly with the Kroger entrance. Mr. Cook would like to see as much green space preserved as possible.

Mr. Marvin Hensley, 9712 Cobalt Way, stated that he had a power point presentation but understands that it wouldn't be allowed according to Staff because it was new information. He expressed a concern about the amount of traffic on Sweet Harmony Lane. Will there be traffic backing up on Sweet Harmony Lane? The placement of the UDF store will increase traffic. What can be done? Mr. Costello replied that UDF does not have access to Sweet Harmony Lane. The traffic will be distributed in five different directions. Not all traffic will use Sweet Harmony Lane.

Mr. Brock MacKay noted that the traffic impact study shows the trip distribution. One of the conditions requires the developer to make improvements. He showed the ways to get into and out of the UDF site including U.S. 42. It depends on which direction the driver wants to go to and leaving the site.

Mr. Patton stated that the access to U.S. 42 is dictated by the access across the way. The connector road will alleviate some traffic from using Sweet Harmony Lane. People already cut through Sweet Harmony Lane today and the Planning Commission is trying not to overload the existing road with additional traffic from this project.

Ms. Gulick noted that the developer addressed any potential back-up on Sweet Harmony Lane to the first curb cut of the fire station in the traffic impact study. They did a 95 percentile analysis

of the cueing. That analysis is pretty strict. Most agencies plan to the 80<sup>th</sup> percentile. She felt comfortable with it.

Mr. Karl Langhorst, 9524 Symphony Court, stated that there was no petition submitted in favor of the development from his subdivision. In fact, one not in favor was submitted to the Mayor of Union. Specifically, they opposed the traffic and the convenience store. He is not opposed to the development but simply the convenience store. He is not a subject matter expert on traffic but he is on retail security. A convenience store has the highest amount of crimes in the country. It isn't appropriate to put a convenience store next to a residential neighborhood. The convenience store should be removed from the development.

**Chairman Rolfsen asked for a motion to take action on the request. Mr. Patton moved to approve the Zoning Map Amendment and Variance requests by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Lunnemann seconded the motion.**

Chairman Rolfsen asked if the Board members had any questions or comments? Mr. Harper stated that he was not a security expert but has been in the convenience store industry. UDF puts up a very attractive store with big windows and good lighting. It is a good development area unlike an urban area, like downtown Philadelphia. The crime, if it occurs, will be reasonable. **Chairman Rolfsen asked for a vote based on the original motion made by Mr. Patton and seconded by Mr. Lunnemann. The motion passed unanimously.**

#### **NEW BUSINESS:**

##### **FLORENCE MAIN STREET STUDY, Matt Becher, Staff**

5. Request of the Boone County Planning Commission Technical/Design Review Committee to consider the Florence, Kentucky Main Street Study Zoning Update, which includes a series of Amendments to the Boone County Zoning Regulations and the Boone County Zoning Map. The approximately 77.6 acre Study Area is generally bounded by Burlington Pike to the north, Dixie Highway to the south, U.S. 42 to the west and Turfway Road to the east.

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

6. Request of Jason Wisniewski and Hillary Laffin (applicants) for AF Investments LLC (owner) for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 2.71 acre area located to the northwest of 9741 Spruce Lane and southeast of 7515 Shamrock Avenue, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to modify the unit count of Pod 6 of Ballyshannon Subdivision from 180 units to 189 units bringing the total unit count in Ballyshannon Subdivision to 938 units.

**ZONING MAP AMENDMENT – Todd Morgan, Staff**

7. Request of **Longbranch Development Inc., attn: Jason Wisniewski (applicant)** for **Ridgefield Farm LLC, Richard and Sandra Franks, and Peter and Jeanine Geise (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) and Agricultural Estate (A-2) to Suburban Residential One (SR-1) and Suburban Residential Two (SR-2), and a dimensional variance, for an approximate 184.77 acre area located at 2788, 2696, 2688, and 2636 Hathaway Road, Boone County, Kentucky. The request is for a zone change to allow single-family residential dwellings and a variance to reduce the side yard building setback requirements of the SR-2 zone.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff**

8. Request of **Corporex, per of Nicole Chimento (applicant)** for **Corporex Parks KY Acres for Development, per Nicole Chimento (owner)** for a Change in Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for Area A: an approximate 4.8 acre area located at the southwest corner of the intersection of Mineola Pike with Interstate 275, and being immediately north of the property located at 3990 Olympic Boulevard; Area B: an approximate 0.9 acre area located along the north side of Olympic Boulevard, between Mineola Pike and Circleport Drive, approximately 750 feet northwest of Mineola Pike, and being immediately southeast of the property located at 3900 Olympic Boulevard; and Area C: an approximate 2.9 acre area located at 3990 Olympic Boulevard, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit commercial/retail space, a hotel, office space, and restaurants.

**Mr. Patton moved to schedule the Public Hearing for Items #6, #7 and #8 on November 3, 2021 at 7:30 p.m. and Item #5 on December 1, 2021 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.**

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin P. Costello, AICP referred to his September 23, 2021 email to Board members regarding the promotion of Michael Schwartz to the Director, Zoning Services position effective October 11, 2021. In addition, the Executive Committee and Mr. Costello recommended to appoint Mr. Schwartz as the Zoning Administrator for the Boone County Fiscal Court and the Cities of Florence, Union and Walton in accordance with provisions in KRS 100.271. **Mr. Patton moved to appoint Mr. Schwartz as the Director, Zoning Services effective October 11, 2021 based upon the terms outlined in Mr. Costello's email and also appoint him as Zoning Administrator by Resolution to the Boone County Fiscal Court and the Cities of Florence, Union and Walton. Mr. Szurlinski seconded the motion and it passed unanimously.** Chairman Rolfsen congratulated Mr. Schwartz and he respected the work of Mr. Wall as Zoning Administrator and he knows Mr. Schwartz will do the same or exceed it.

**COMMITTEE REPORTS:**

**AIRPORT:** Mr. Bessler  
No Report

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

**ENFORCEMENT:** Mr. Bunger  
No Report

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

**TECHNICAL/DESIGN REVIEW:** Mr. Harper  
No Report

**EXECUTIVE:** Chairman Rolfsen  
No Report

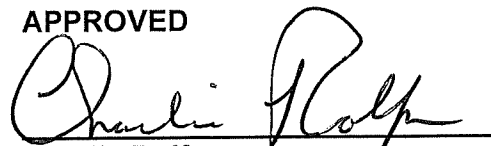
**CHAIRMAN:** Chairman Rolfsen  
No Report

**OKI:** Mr. Patton  
No Report


**OTHER:**

There being no further business to come before the Planning Commission, Mr. Patton moved to adjourn the meeting. Mrs. Steele seconded the motion and it passed unanimously. The meeting was adjourned at 8:29 P.M.

APPROVED

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director

**CITY OF FLORENCE, KENTUCKY  
READING SUMMARY**

**ORDINANCE O-21-21**

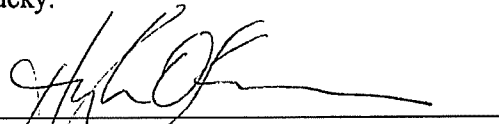
**AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR A 0.698 ACRE SITE, CURRENTLY ZONED OFFICE TWO/PLANNED DEVELOPMENT / PARKWAY CORRIDOR STUDY OVERLAY (O-2/PD/PO), LOCATED ON THE SOUTH SIDE OF BURLINGTON PIKE, APPROXIMATELY 235 FEET WEST OF THE BURLINGTON PIKE/EWING BOULEVARD INTERSECTION AND BETWEEN THE PROPERTIES OF 7673 AND 7777 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW A MOTOR VEHICLE SALES DELIVERY/PICK-UP LOCATION. (315 BURLINGTON TRUST)**

The effect of this Ordinance is to approve a Concept Development Plan for property located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection and between the properties of 7673 and 7777 Burlington Pike, Florence, Kentucky, to allow a motor vehicle sales delivery/pick-up location in an Office Two /Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) Zone.

The full text of Ordinance O-21-21, 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 Boulevard, Florence, Kentucky, during regular office hours.

**CERTIFICATION**

I hereby certify that the foregoing is a summary of the contents of Ordinance O-21-21 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 Boulevard, P.O. Box 756  
Florence, Kentucky 41022-0756  
Phone: (859) 371-7407  
Fax: (859) 371-9872  
Email: [hskees@fuse.net](mailto:hskees@fuse.net)

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

**AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR A 0.698 ACRE SITE, CURRENTLY ZONED OFFICE TWO/PLANNED DEVELOPMENT/PARKWAY CORRIDOR STUDY OVERLAY (O-2/PD/PO), LOCATED ON THE SOUTH SIDE OF BURLINGTON PIKE, APPROXIMATELY 235 FEET WEST OF THE BURLINGTON PIKE/EWING BOULEVARD INTERSECTION AND BETWEEN THE PROPERTIES OF 7673 AND 7777 BURLINGTON PIKE, FLORENCE, KENTUCKY, TO ALLOW A MOTOR VEHICLE SALES DELIVERY/PICK-UP LOCATION. (315 BURLINGTON TRUST)**

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-21-023-A recommended approval for a concept development plan, and 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 Request of Viox & Viox (Applicant) for 315 Burlington Trust (Owner) for a Concept Development Plan for a 0.698 acre site, currently zoned Office Two/ Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO), located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection and between the properties of 7673 and 7777 Burlington Pike, Florence, Kentucky, to allow a motor vehicle sales delivery/pick-up location, 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 Concept Development Plan for the subject property.

**SECTION II**

The approval of this 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-21-023-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-21-023-A, marked Exhibit "A", and attached hereto.

**SECTION IV**

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

**SECTION V**

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 10th DAY OF November, 2021.

APPROVED:

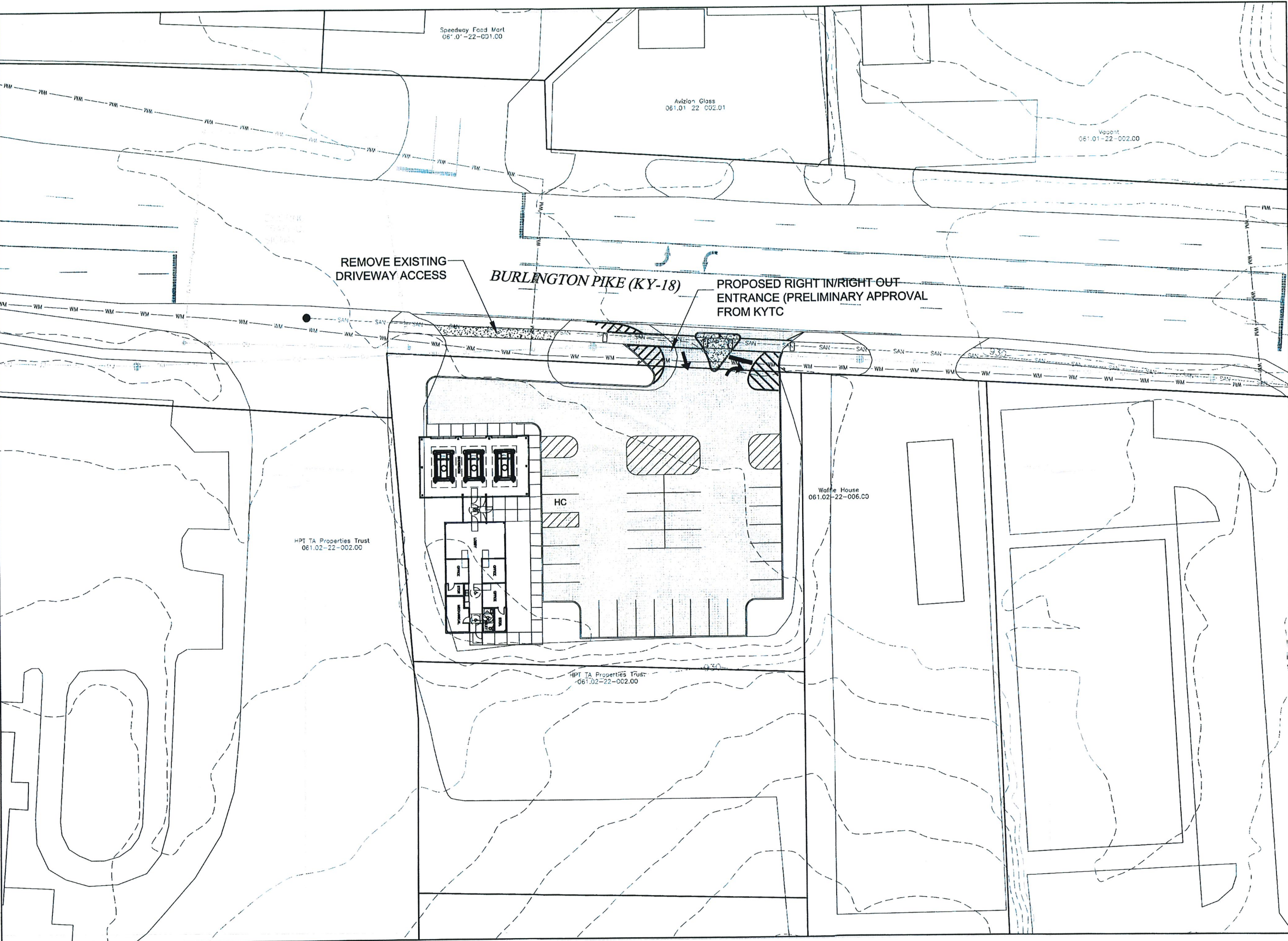
Diane E. Whalen  
Diane E. Whalen, Mayor

ATTEST:

Melissa Kramer  
Melissa Kramer, City Clerk

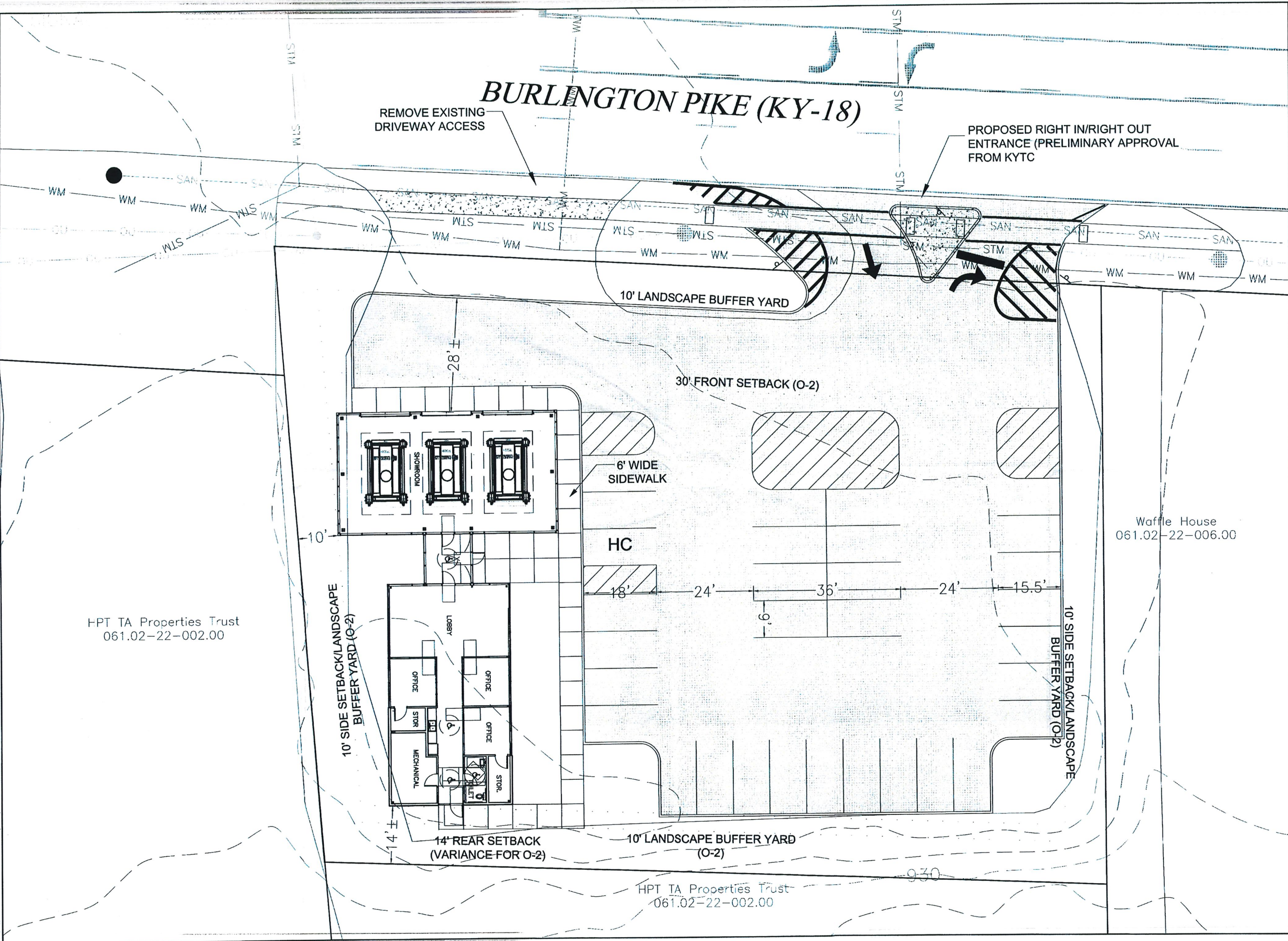


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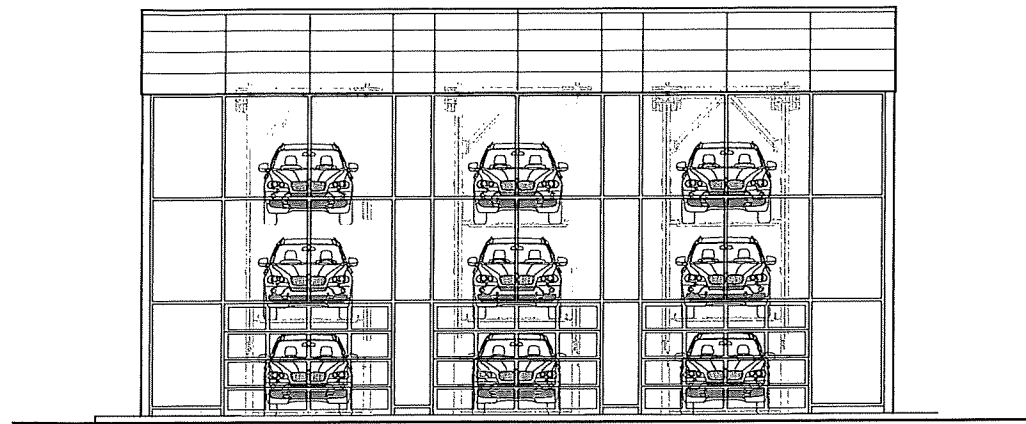
 SCALE: 1" = 20' © 2021 VIOX & VIOX, INC.	
<b>VIOX &amp; VIOX</b> Civil Engineers, Surveyors, and Landscape Architects 486 Erlanger Road • Erlanger, Kentucky 41018 602 Lila Avenue • Millard, Ohio 45150 Ph: Erlanger (859)727-3293 • Ph: Millard (513)575-1000 www.vioxinc.com	<b>CONCEPT PLAN</b> <b>CARPLEX DELIVERY CENTER</b> <b>FLORENCE, BOONE COUNTY, KENTUCKY</b> <b>CONCEPT PLAN (OVERALL VIEW)</b>
Project No: 150521001	Checked: VJV
Date: 06/29/21	Ref: MLB
Sheet: <b>C1.0</b>	

The drawings and the design concepts represented on these drawings are the sole property of Viox & Viox, Inc. and may not be used, reproduced, or copied in any manner without the prior written authorization of Viox & Viox, Inc.

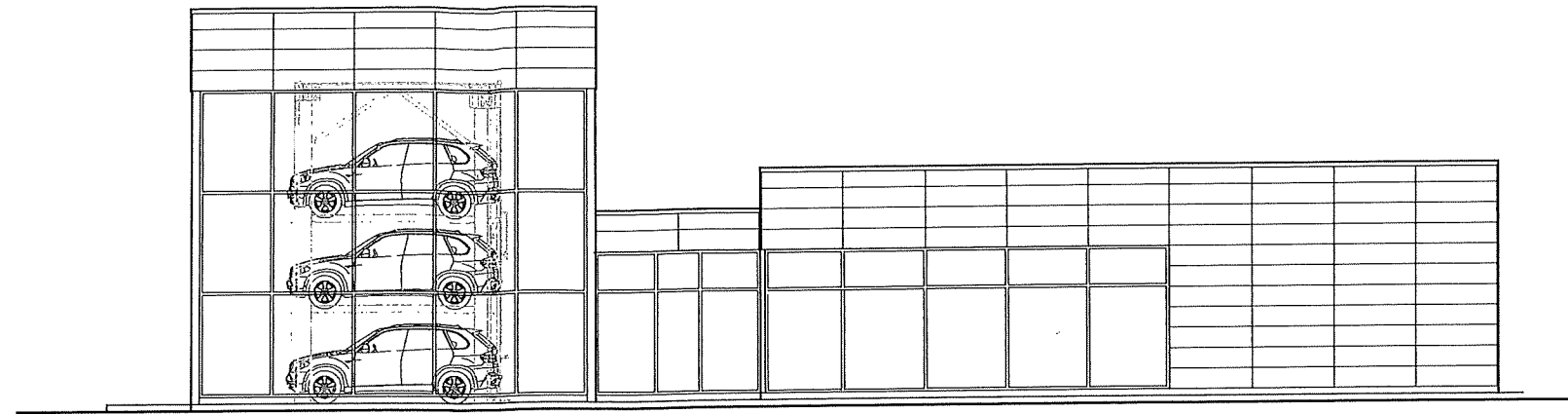


 SCALE: 1" = 10' © 2021 VIOX & VIOX, INC.						
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 Waffle House 061.02-22-006.00						
<b>CONCEPT PLAN</b> <b>CARPLEX DELIVERY CENTER</b> <b>FLORENCE, BOONE COUNTY, KENTUCKY</b> <b>CONCEPT PLAN (DETAILED VIEW)</b>						
Project No: _____ Date: 06/11/2021 Checked: _____ Ref: _____ Sheet:						
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1 PROPOSED  
FRONT ELEVATION



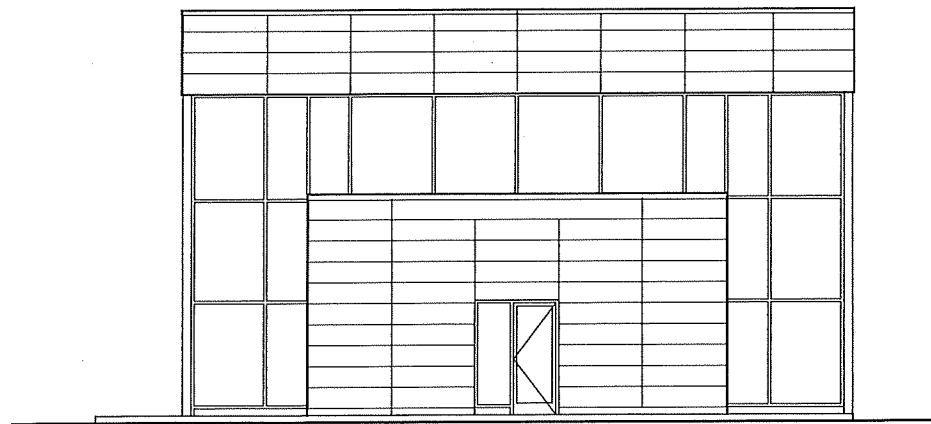
2 PROPOSED  
SIDE ELEVATION

TOP/WALL  
ELEV. = 126'-6"

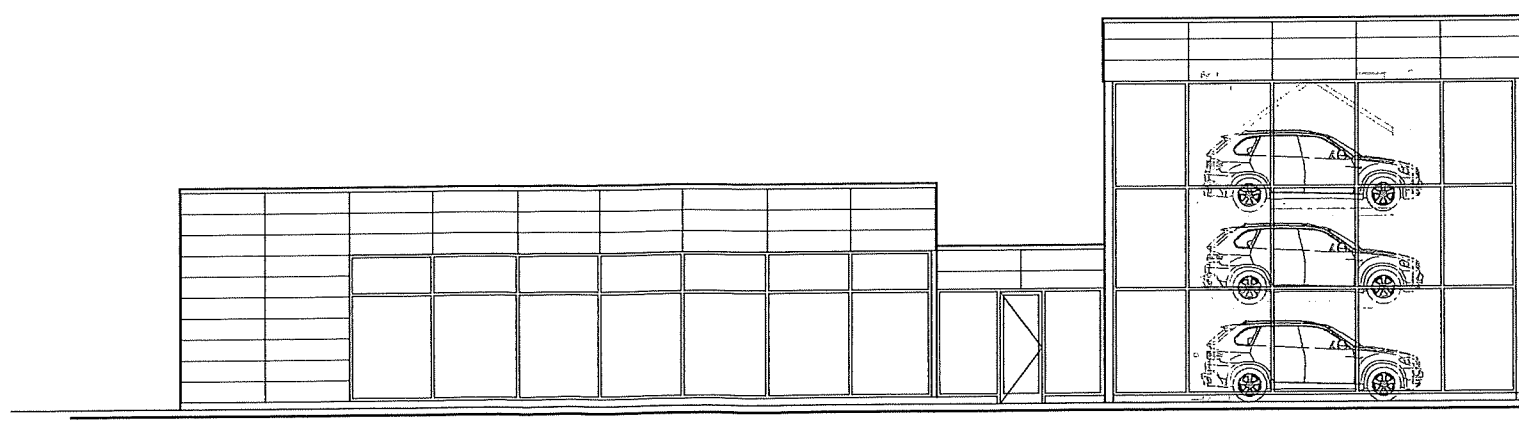
TOP/WALL  
ELEV. = 114'-10"

TOP/WALL  
ELEV. = 110'-3"

FINISH FLOOR  
ELEV. = 100'-0"



1 PROPOSED  
SERVICE ENTRANCE ELEVATION



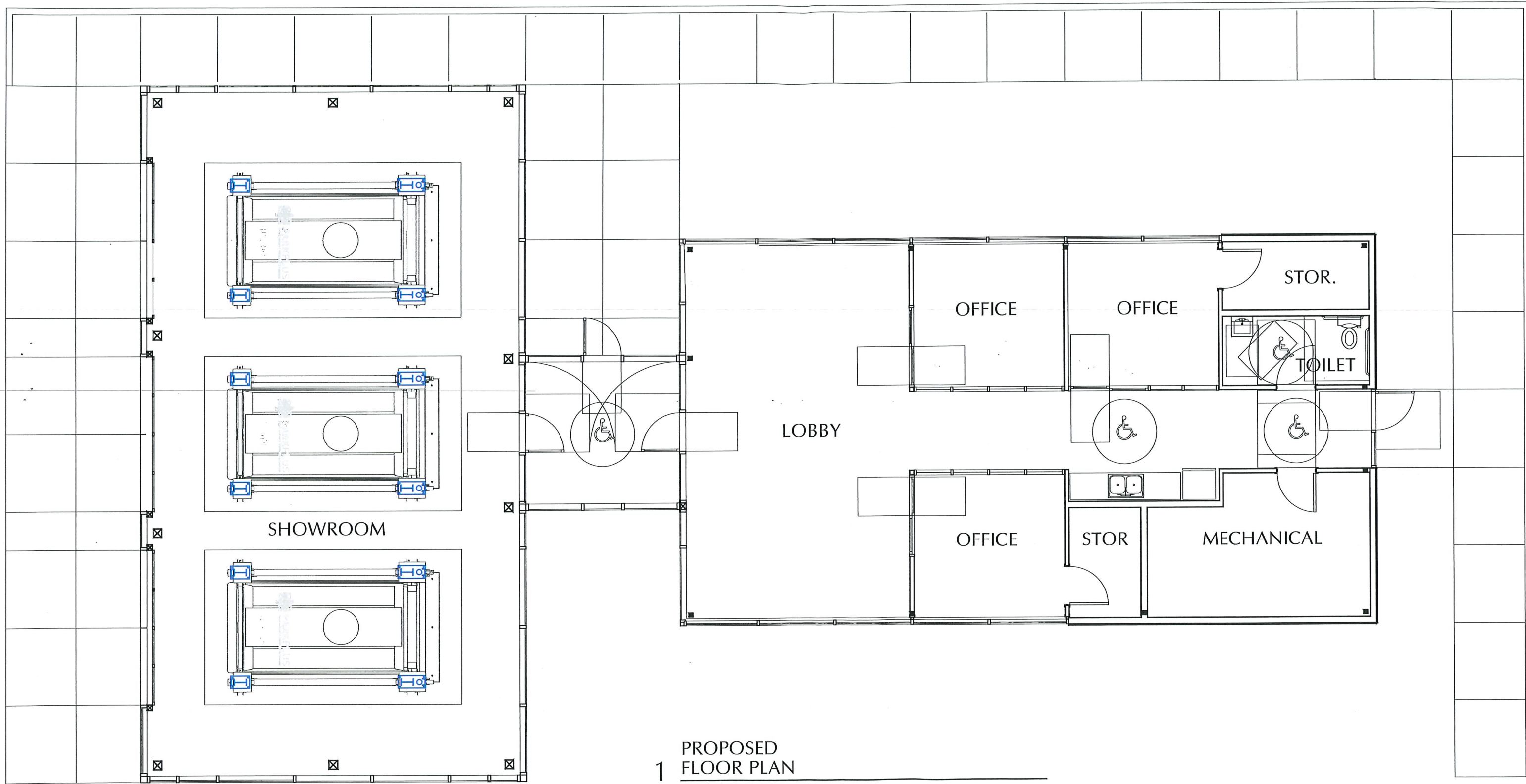
2 PROPOSED  
SALES ENTRANCE ELEVATION

TOP/WALL  
ELEV. = 126'-6"

TOP/WALL  
ELEV. = 114'-10"

TOP/WALL  
ELEV. = 110'-3"

FINISH FLOOR  
ELEV. = 100'-0"

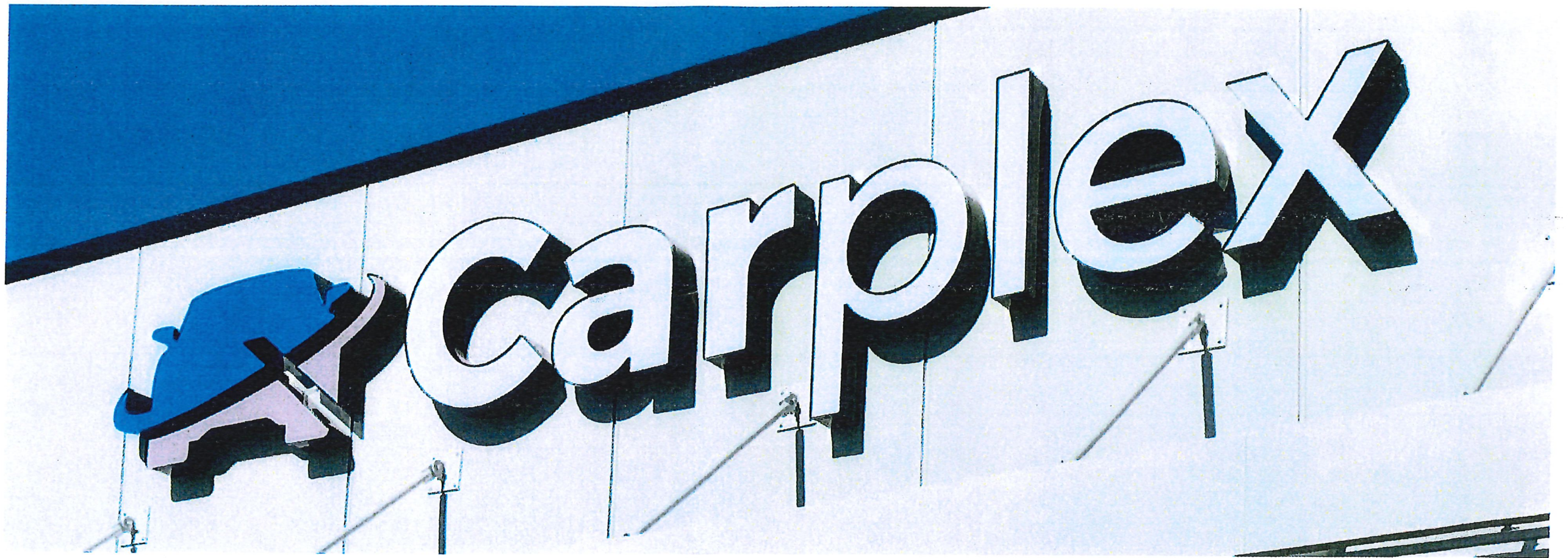


1 PROPOSED FLOOR PLAN

North Side (KY 18) - Primary Building Façade = 54' long  
Primary side is allowed 2 sq. ft. per LF = Maximum sign area of 108 sq. ft.

West Side (Parallel to I-75) - Secondary Building Façade = 30' long  
Secondary side is allowed 1 sq. ft. per LF = Maximum sign area of 30 sq. ft.

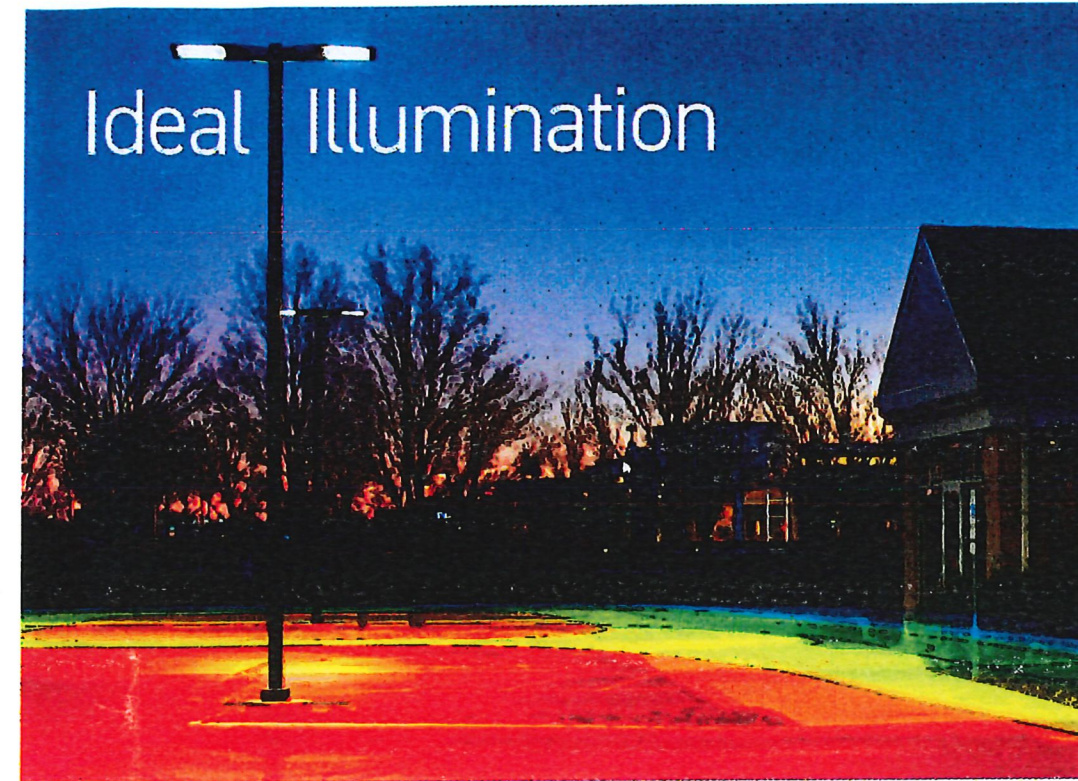
## Building Mounted Signage



# Signage on Existing Pylon

Maximum size = 180 sq. ft. (using existing pylon)



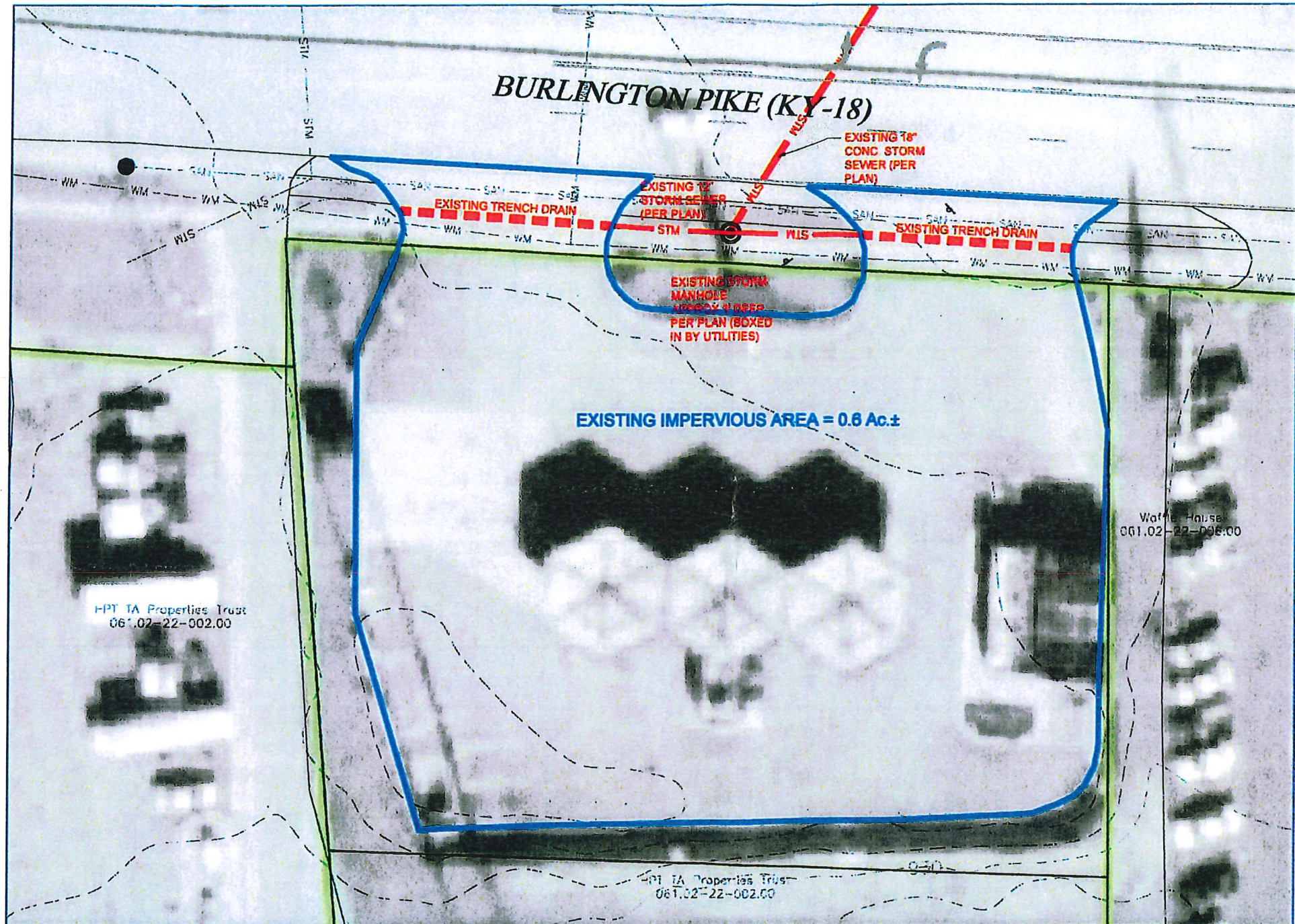


Ideal Illumination

Ideal for Commercial & Industrial uses. Recommended for Petroleum, Automotive, Educational, Office Buildings, Parking Lots, New Construction, Renovation & General Lighting applications.

Lighting





# Existing Impervious Pavement



# Proposed Impervious Pavement

