

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
89854
JAN 30 2024
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: Turfway Commons - Lot 15 Turfway Business Park
3. Location of Project: 4999 Houston Road Florence, KY 41042
4. Total Acreage of Project: Approx 10.29 Acres
5. Current Zoning of Property: E-2/PD/HDO/CD
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
R-99-009-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: Houston Donaldson Study

8. Proposed Use(s) (specify each use):
Allow tenant spaces on the north end of the building (Approx 45K SF) to be occupied by office, retail, recreation, & warehousing & distribution uses. Mandatories or dock doors could be added to these spaces. Outside storage would be prohibited.

9. Proposed Building Intensities (specify for each building):
Existing building

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: Turfway Commons Trust U/A Dated December 9, 2022
Address: 2734 Chancellor Drive, Suite 208
Crestview Hills KY 41017
City State Zip Code
Phone Number: (859) 331-2333 Fax Number: N/A
Email: eric@copperwoodrg.com

13. Applicant: Eric Fegan

Address: 2734 Chancellor Drive, Suite 208

Crestview Hills KY 41017
City State Zip Code

Phone Number: (859) 331-2333 Fax Number: NIA

Email: ericecopperwading.com

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1 Building

15. 1199 297 2033B
Deed Book Page Number Group Number

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

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

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

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

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

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 4/18/24

ORIGINAL Property Owner's Signature: E. Egan
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

EXHIBIT

“A”

STAFF REPORT

Request of Turfway Commons Trust, per Eric Fegan (applicant/owner) for a Change of Concept Development Plan for an approximate 10.3 acre area located at 4999 Houston Road, Florence, Kentucky, which is currently zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO). The submitted request is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses.

March 6, 2024

PROPOSAL

This application is for a Change in Concept Development Plan to allow five (5) tenant spaces located at the rear and east side of 4999 Houston Road to be occupied by office, retail, recreation, or warehousing, and distribution uses.

The applicant's cover letter provides the following information regarding the tenant spaces:

Tenant space 1 (Suite 500-1) is approximately 20,400 square feet in area. The space has an approximate 4,000 square foot office/restroom area and the remainder is production and warehousing space. The current tenant is LaurAsh LLC DBA ReGadget. They purchase computers in large bulk quantities, repair/update them, and sell them in large bulk quantities. The company does not have a retail component.

Tenant space 2 (Suite 500-2) is approximately 16,000 square feet in area and will include 3 restrooms. The rest of the space will be an open plan for athletic and sports training uses. The tenant is Ryan Conover Unlimited LLC and they plan to open a baseball training facility. It will include batting cages, pitching mounds, a weight room, training facilities, and a small retail store selling baseball related items.

Tenant spaces 3-5 (Suites 500-3A, 500-3B, and 500-3C) are storage spaces with no restrooms or finished areas. Overhead and man doors have been added to each space.

Space 500-3A is approximately 1,600 square feet in area and is utilized the Copperwood Realty Group maintenance department and multiple tenants for storage. The space has a man door and two overhead doors.

Space 500-3B is approximately 3,000 square feet in area and is leased to Superior Fence and Rail for storage of fencing materials. The space has an overhead and man door.

Space 500-3C is approximately 1,600 square feet in area and is leased to Freezin with Aubrie LLC who is a retail tenant immediately in front of the space. The space is served by an overhead and man door.

The cover letter also indicates:

1. The applicant would like alternative building mounted signage, other than channel letters, to be permitted on the five tenant spaces.

2. The applicant would like the ability to add dock doors or man doors to the five tenant spaces as needed. This would include the doors that have already been added to the tenant spaces.
3. Outside storage would be prohibited.

PERTINENT SITE HISTORY

1987 – A Zoning Map Amendment and Concept Development Plan (Utilization of an Underlying Zone in a Planned Development Zone) were approved for an approximate 36-acre site. A condition limited building intensities as follows:

Parcel No.	Acres	Land Use	Square Footage
1	23.87	Commercial (C-2/PD) limited to 20-26' in Height	200,000 sq. ft. of retail and three 5,000 sq. ft. restaurants
2	+/- 11	Office Campus (I-1/PD)	102,000 sq. ft.

1992 - A Zoning Map Amendment application is approved from I-1/PD to C-2//PD for a 1.51-acre parcel. The zone change allows Wal-Mart to expand the existing store from 87,717 square feet to 115,721 square feet and add 53 parking stalls.

2006 – A Major Site Plan application is approved allowing a 12,628 square foot building addition on the southside of Wal-Mart. The approved plan indicates the subject parcel is 10.359 acres in area and the building square footage would increase to 131,303 square feet.

SITE CHARACTERISTICS

The approximate 10.3-acre site fronts on Houston Road and Spiral Drive and contains the former Wal-Mart building. The front retail spaces are currently occupied by Half Price Books, Guitar Center, Michael's, and Defy. The subject tenant spaces are located on the north and east sides of the building and are not visible from Houston Road. Access to the north and east sides of the building is provided from a service driveway that connects to Spiral Drive, Sam's Club, Beckfield College, and other businesses. 463 striped parking stalls are located on the subject property. They are located to the south and west of the building. The rear of the building contains a sidewalk and set of stairs that connects to the western parking lot.

ADJACENT LAND USES AND ZONING

North: SOS Gym, Full Throttle, and Beckfield College (I-1/PD/HDO/CD)

South: Houston Road, Chick-Fil-A, and strip center with Potbelly (O-2/C-2/PD/HDO/CD)

East: Strip center with Ci-Ci's Pizza (C-2/PD/HDO/CD) and Sam's Club (C-2/PD/HDO/CD)

West: Spiral Drive, Furniture Fair, and Scheben Care Center (C-2/PD/HDO/CD)

APPLICABLE ZONING REGULATIONS

1. Section 311 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept,

uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and as it was originally approved.

2. Section 1506 of the Boone County Zoning Regulations contains the Planned Development Criteria. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria. This section also says that "Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section". The pertinent Planned Development criteria will be analyzed in the Staff comments section of the Staff Report.
3. Article 40 of the Boone County Zoning Regulations contains the following definitions that relate to the request:

Recreation, Active - Recreational activities or facilities involving moderate to high intensity use requiring modification of natural landforms and the provision of service facilities, playing fields or equipment. These activities typically include sports fields, surface courts, volleyball courts, batting cages, swimming pools, golf courses and country clubs, skateboard facilities, skating rinks, and outdoor lighting.

Recreation, Commercial - Any recreational activity or facility in which a fee is collected or tickets are sold.

Recreation, Non-Commercial - Any recreational activity or facility that is available to no cost, or is available as an amenity for members, employees, residents, or other special populations.

Recreation, Passive - Recreational activities or facilities that do not require strenuous physical effort and may occur in a natural setting requiring minimal development, minimal alteration of vegetation and providing area for informal activities. These activities typically include walking, hiking, bird watching, photography, and picnicking.

Warehousing and Distribution - A use engaged in storage, wholesale, transfer, and/or distribution of manufactured products, bulk materials, food and drink, supplies, and/or equipment.

APPLICABLE PASSAGES FROM THE HOUSTON-DONALDSON STUDY

1. The subject site is within "Subarea Four" as outlined in the Houston-Donaldson Study. The recommendations for this subarea are summarized as follows:
 - Future development and/or redevelopment in Subarea Four should be of commercial or office type land uses and not of light industrial or residential uses, except for the light industrial area on Spiral Drive.
 - Existing office and retail structures on Meijer Drive be either completed or occupied.
 - That redevelopment in Subarea Four aesthetically fit in with the existing land uses (p. 33).
2. The following Goals and Objectives are stated for Subarea Four:
 - Goal A: Maintain the successful business climate of the Subarea.

- Objective 1 - Continue to consistently apply the Design Standards for future development and/or redevelopment.
 - Objective 2 - Continue to support the Commercial and Office uses and zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map.
 - Goal B: Enhance the non-motorized system in the South Entrance Subarea.
 - Objective 1 - Disconnects in the sidewalk network within the Subarea should be filled in.
 - Objective 2 - Redevelopments in the Subarea should incorporate new internal sidewalks that connect to the Subarea's sidewalk system.
 - Goal C: Protect the integrity of the Gunpowder Creek Watershed.
 - Objective 1 - Use future development and/or redevelopment of properties in the Subarea for opportunities to apply efforts to improve quality and quantity of stormwater runoff (p. 44).
3. The Houston-Donaldson Study contains architectural design requirements. One of these states that loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards. Any such area shall be enclosed with a screen wall which is at least 8 feet high and which uses the same materials, colors, and design detailing as the building which it serves. Alternatively, dense landscape hedging which will provide year round screening and that will grow to at least 8 feet high without routinely overtaking the planting space may be considered.
4. The Houston-Donaldson Study Special Sign Regulations state that individual tenant spaces within commercial/retail/shopping centers that are 40,000 square feet in area or smaller are permitted one building mounted sign. The permitted size of the building mounted sign shall be two square feet per each lineal foot of tenant space width on which the sign is mounted but shall not exceed one hundred (100) square feet in area. Corner tenant spaces can break their permitted square footage up and display it on the front and side facades if the side facade is visible from a public street or main development driveway. In such a case, the permitted signage can be broken into one sign area on the front facade and one sign area on the side facade. The building mounted sign construction standards state that channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted. Manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Our Boone County - 2040 Plan's Future Land Use Map designates most of the site for "Commercial" uses and a small area along the rear property line for "Industrial" uses. These designations are defined as follows:

Commercial - "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Industrial – "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element provides the following quotes that relate to the proposal and/or general area.

- A. A substantial portion of this section is located within the 2013 Houston-Donaldson Study area and has excellent development and/or redevelopment opportunity due to its high visibility from and easy access to I-75. Existing parcels should be developed/redeveloped to be aesthetically harmonious with existing surrounding land uses and cleaned up environmentally as much as is needed for new development (14. Florence Commercial, pg. 125).
- B. Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads (14. Florence Commercial, pg. 126).
- C. Attention must be given to the changing nature of retail and how it relates to the future of Florence Mall and other retail centers and stores. On-line retail continues to increase and the effect it is having on suburban malls, big box retailers, and other national retail chains cannot be ignored. Consideration must be given to how these stores may be able to reinvent themselves and continue as retail-based destinations that focus on experience-based shopping (14. Florence Commercial, pg. 126).
- D. The visual appearance of commercial areas in general and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process (14. Florence Commercial, pg. 126).

The Our Boone County - 2040 Plan's Goals and Objectives include the following pertinent statements.

- A. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall, Objective 3).
- B. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics, Goal A, Objective 4).
- C. Boone County shall promote a vibrant, diverse, and sustainable economy that both recognizes the value of the environment and encourages and incentivizes innovation and prosperity with meaningful employment opportunities (Economy," Goal A).
- D. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
- E. 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).
- F. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor

impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy, Goal B, Objective 7).

STAFF COMMENTS

1. The application would allow the five tenant spaces to be occupied by office, retail, recreation, or warehousing and distribution uses. The tenants could change over time.
2. Staff received email comments from Boone County Building Department and the City of Florence regarding the request. The comments are attached to the Staff Report.
3. The following issues were identified relative to the Planned Development and Houston-Donaldson Study standards.

- A. The "Mixed Use Development and Pedestrian Orientation" Planned Development standard states that Planned Development shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. It also states that Planned Development shall have a pedestrian orientation.

Staff believes that a combination of office, accessory retail, and warehousing and distribution uses is appropriate in the five tenant spaces since they are located on the back and sides of a retail center and adjoin a service road. Staff is more concerned about potential recreational uses because they could bring high volumes of customers. There is no striped parking to the rear of the building and limited striped parking to the sides of the building so it's likely that some people will park in the service drive when they are picking their children up. Handicapped accessibility will also need to be addressed with Boone County Building Department since there are stairs that connect the western parking lot to the rear building sidewalk.

- B. The "Signage" Planned Development Standard states that a consistent signage theme shall be provided within a Planned Development. Building mounted signs shall be the predominate signage on the project site.

Staff does not have any issue with an alternative building mounted sign being permitted on each of the five tenant spaces as long as the signs are located on the north or east façades of the building. Staff recommends the alternative signs should be limited to permanent sign cabinets, metal signs, or composite board signs. Manually changeable copy, electronic copy, and hand-written graphics shall be prohibited. The size and location of such signs shall meet the requirements of the Houston-Donaldson Study and Boone County Zoning Regulations.

- C. The "Conformance with Comprehensive" Plan Planned Development Standard states that all Planned Development shall conform to the adopted Comprehensive Plan.

- D. One of the Houston-Donaldson Study's architectural design requirements states that loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards. Any such area shall be enclosed with a screen wall which is at least 8 feet high and which uses the same materials, colors, and design detailing as the building which it serves. Alternatively, dense landscape hedging which will provide year round screening and that will grow to at least 8 feet high without routinely overtaking the planting space may be considered.

The dock door that was started on the west façade of tenant space 1 (Suite 500-1) did not receive Minor Site Plan or Design Review approval. An exception to the design requirement above would need to be permitted since the dock is in a corner side yard. This exception can be sought as part of this application.

CONCLUSION

The Boone County Planning Commission and the Florence City Council need to evaluate the application in terms of the Our Boone County - 2040 Plan (the adopted Comprehensive Plan), 2013 Houston-Donaldson Study, Article 15 "Planned Development District" of the Boone County Zoning Regulations, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



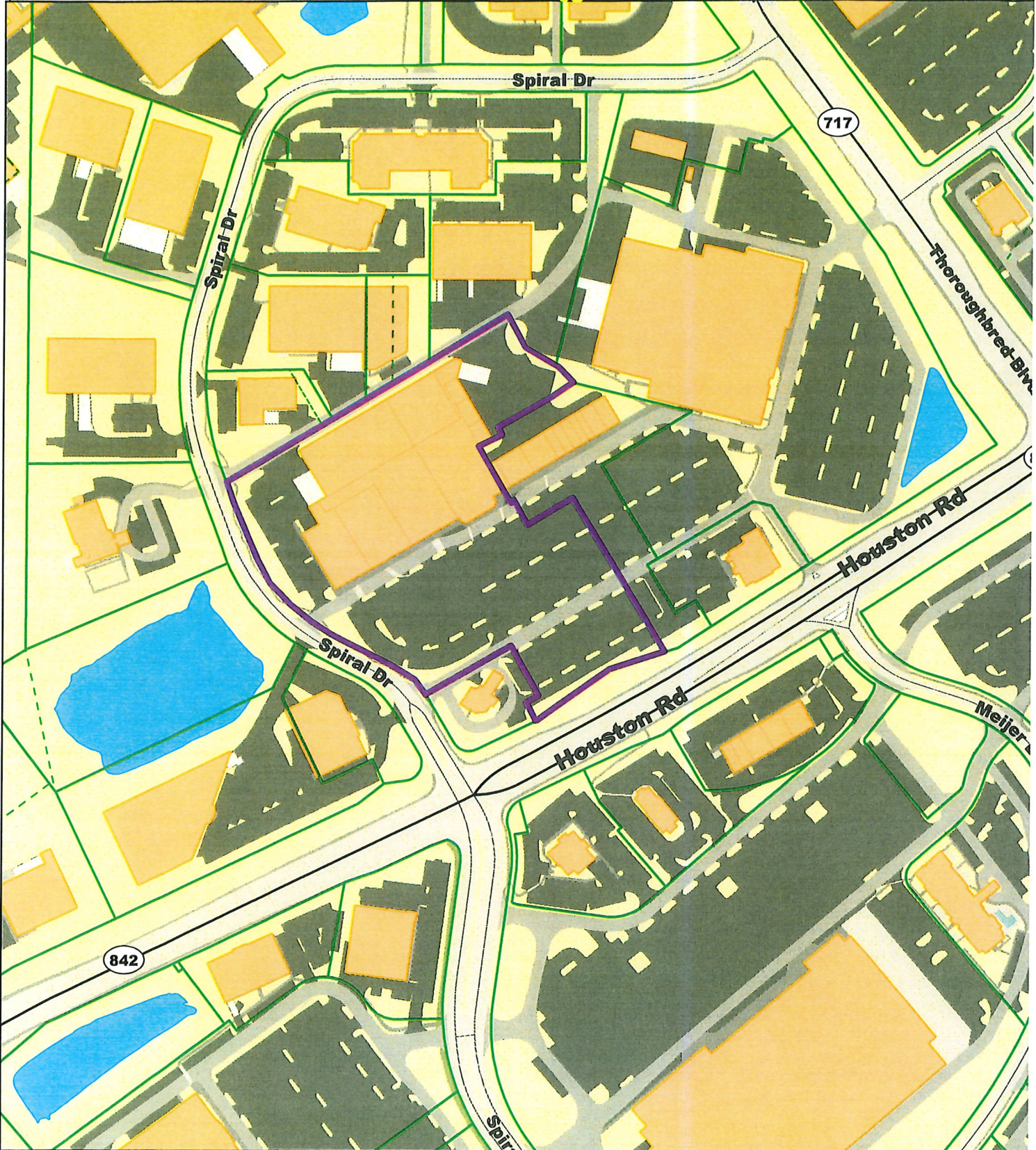
Todd K. Morgan, AICP
Senior Planner, Zoning Services

Attachments:

- *Site Vicinity Map
- *Cover Letter from Applicant
- *Concept Plan Showing the 5 Tenant Spaces
- *2023 Aerial Map
- *Zoning Map
- *Topographical Map
- *2040 Future Land Use
- *Planned Development Criteria
- *Houston-Donaldson Study's Architectural Design Requirements
- *2/23 Email from Mark Martin, Boone County Building Department
- *2/29/24 Email from Justin Finke, City of Florence
- *Application

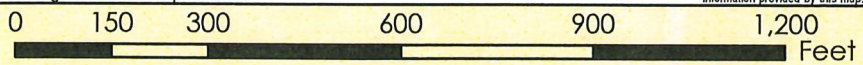
SITE VICINITY MAP

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COPPERWOOD

• REALTY GROUP •

February 8, 2024

Boone County Planning Commission

Please accept this letter as an addendum to our application for a change of use at 4999 Houston Road, Florence, KY. The goal of this letter is to provide additional detail for each of the users in the rear warehouse section of the building known as 4999 Houston Road- Suite 500.

This space is part of the former Wal Mart facility that has been used for storage for approximately 17 years. A fire egress hallway exists that divides the primary 40,000 SF +/- section between a 20,400 SF +/- or 180' x 120' section (Suite 500-1) and a 16,000 SF +/- or 140' x 120' section (Suite 500-2). Both of these spaces have some carveouts from the fire egress hallways.

The rest of this space (Suite 500-3) is separated from Suites 500-1 and 500-2 by an approximately 10' wide hallway that connects the Defy space to the Defy rear docks. Suite 500-3 is divided into three sections- 40' x 40' (Suite 500-3A), 76' x 40' (Suite 500-3B), and 40' x 40' (Suite 500-3C). The actual dimensions of these units are slightly different (by 1' to 3' linear feet) based upon using existing walls sections.

Other Considerations/Comments

1. We would like the opportunity to allow alternative signage other than channel letter construction on the spaces being considered.
2. We would like ability to add dock doors or man doors as needed (including the doors that have already been added).
3. Outside storage would continue to be prohibited. We are not asking for any changes to outside storage.

Overview of Units/Suites

Suite 500-1- This suite consists of approximately 20,400 SF of leasable space including approximately 4,000 SF of office and restroom spaces and the rest of the space is a combination of production and warehousing space. The tenant is LaurAsh LLC DBA ReGadget. They purchase computers in large bulk quantities, repair/update the computers, and then sell the computers in large bulk quantities. This company does not have a retail component.

Suite 500-2- This suite consists of approximately 16,000 SF of leasable space which will include three restrooms. The rest of the space will be an open plan for athletic and sports training uses. The tenant is Ryan Conover Unlimited LLC who plans to open a baseball training facility including batting cages, pitching mounds, a weight room, and other training facilities as well as a small retail store selling baseball related items.

Suite 500-3A-3C- These are storage spaces only with no restrooms or finished areas.

Suites 500-3A-3C were improved by adding overhead and man doors (in existing door openings or knockouts) to create three separate storage spaces.

Suite 500-3A- This space contains approximately 1,600 SF and is utilized by our maintenance department as well as multiple tenants for storage. The space has a man door and two overhead doors.

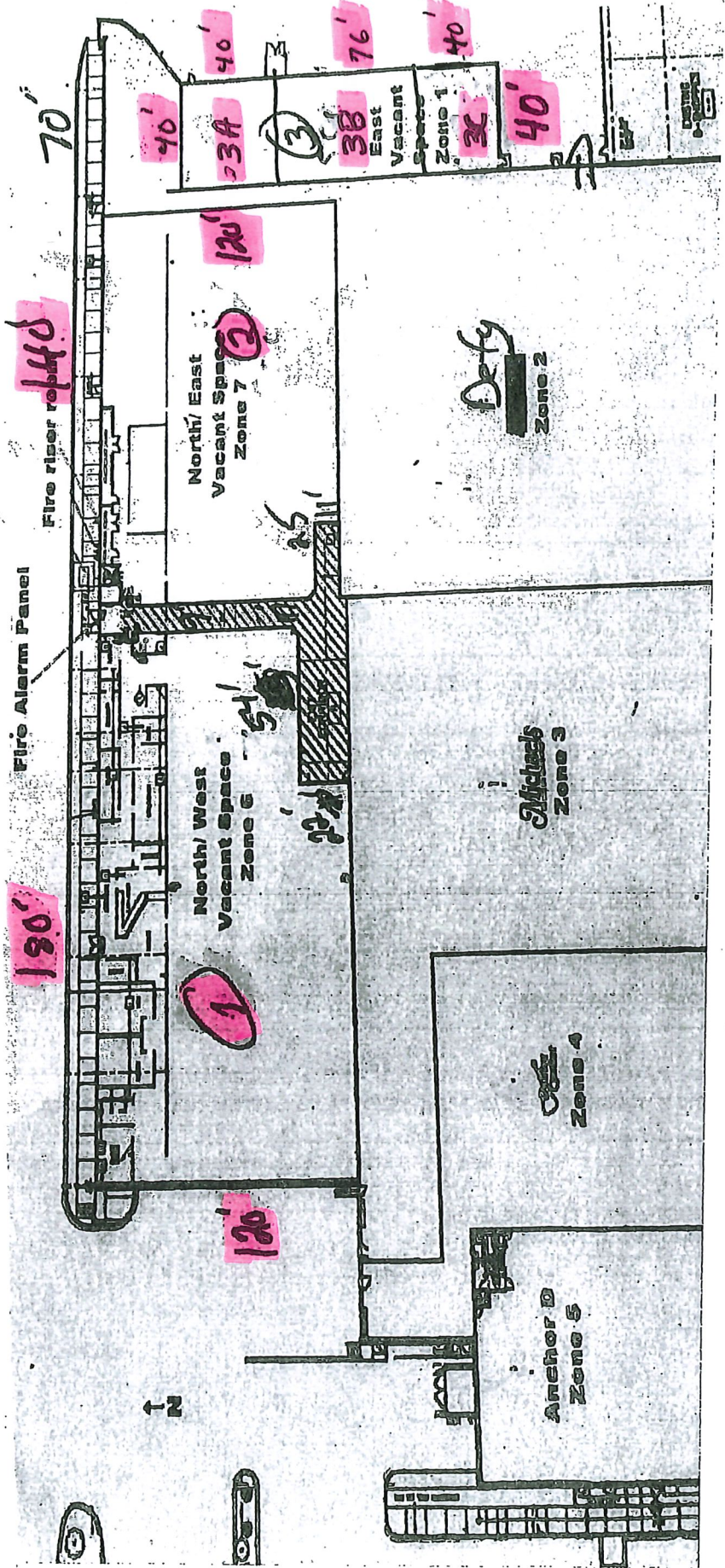
Suite 500-3B- This space contains approximately 3,000 SF and is leased to Superior Fence and Rail for storage of fencing materials. The space is serviced by an overhead door and a man door.

Suite 500-3C- This space contains approximately 1,600 SF and is leased to Freezin with Aubrie LLC who is the retail tenant immediately in front of that space. They use this space for storage. The space is serviced by an overhead door and a man door.

Sincerely,

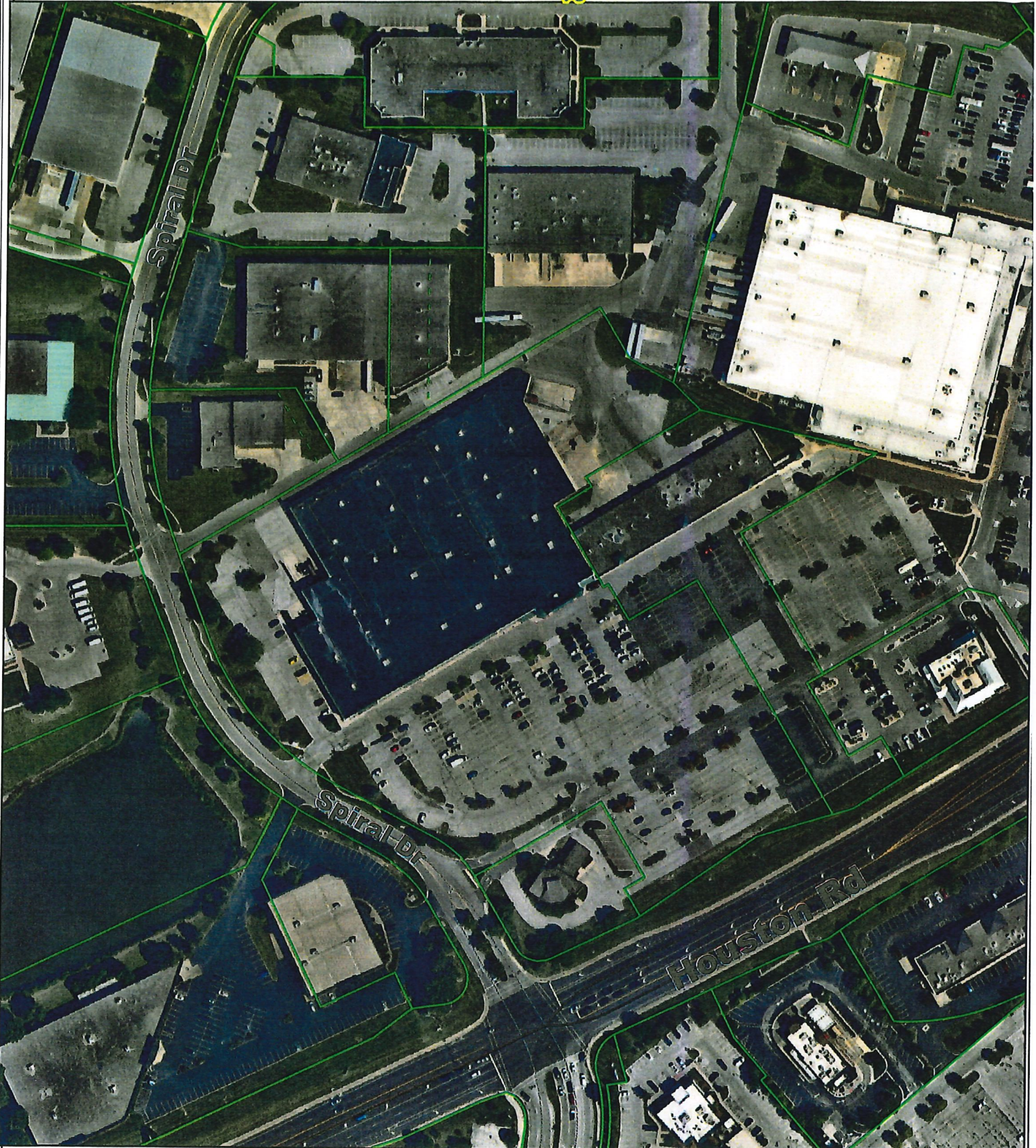


Eric Fegan, CCIM, CPM, MAI
Copperwood Realty Group LLC
(859)331-2333
eric@copperwoodrg.com



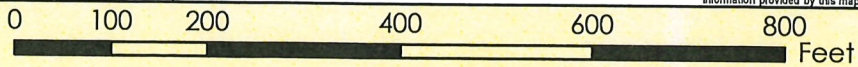
2023 AERIAL MAP

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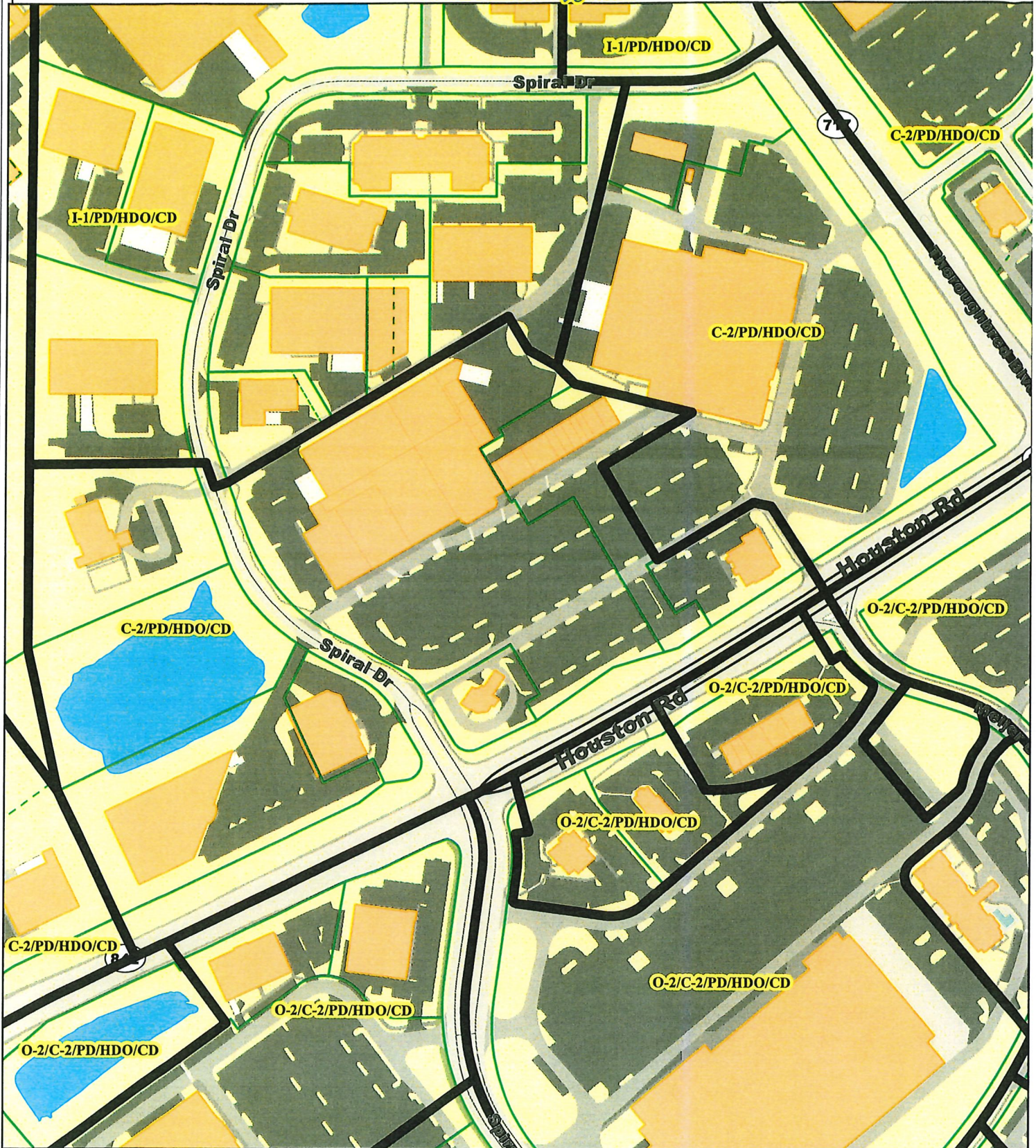
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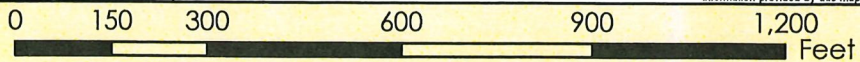
ZONING MAP

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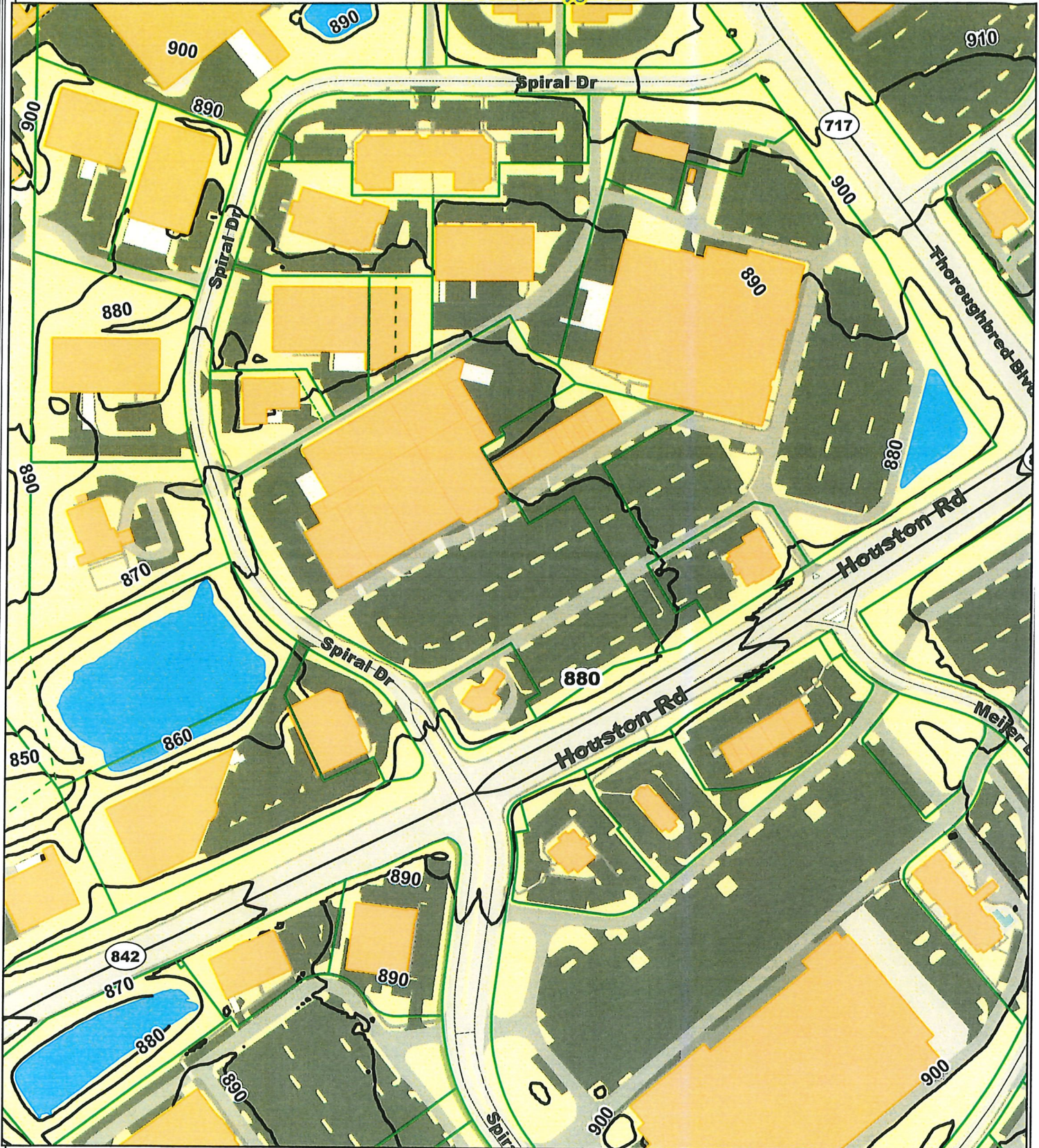
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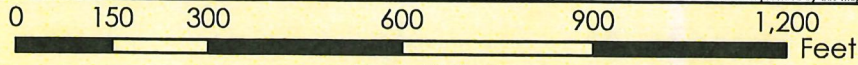
TOPOGRAPHICAL MAP

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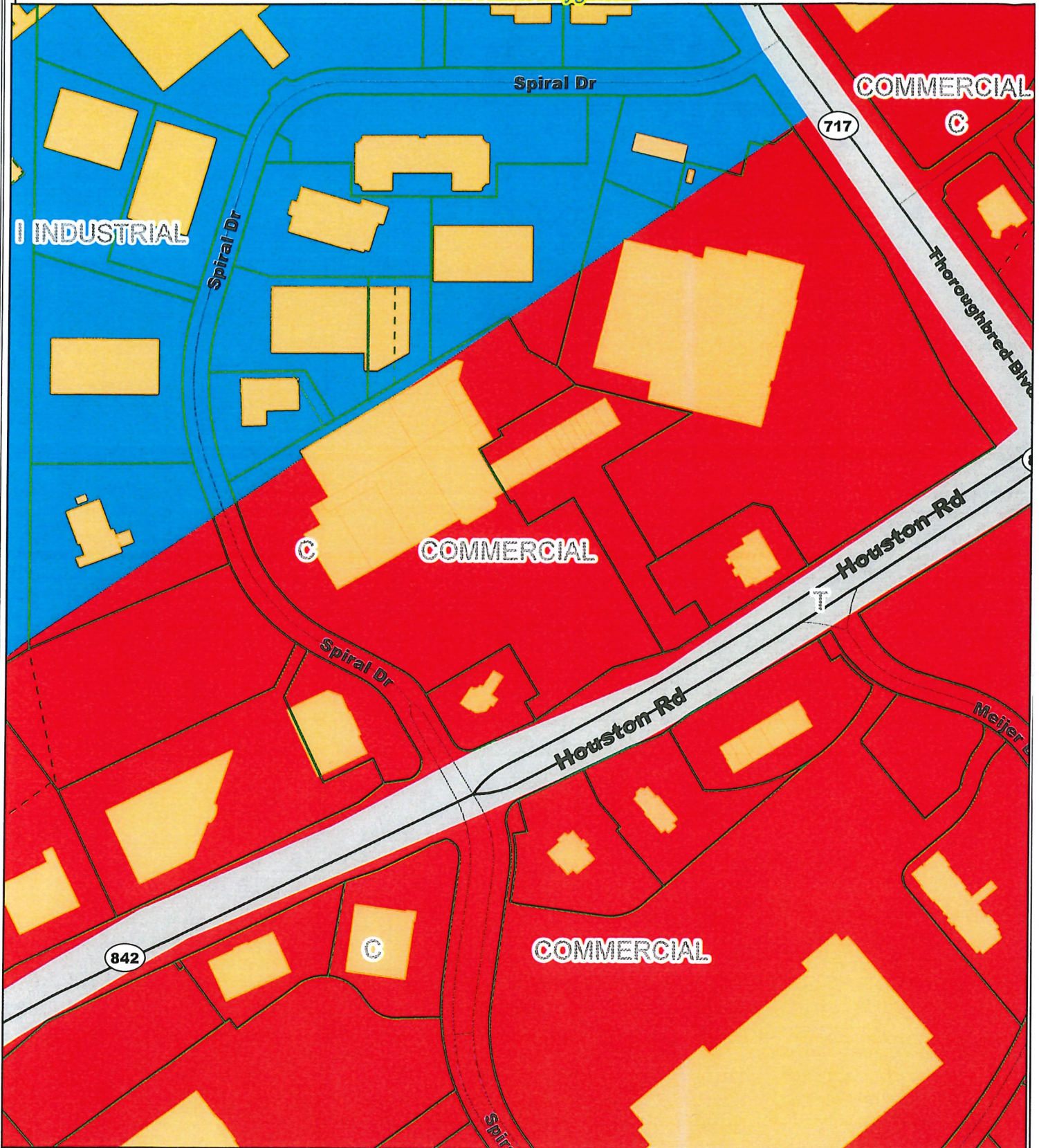
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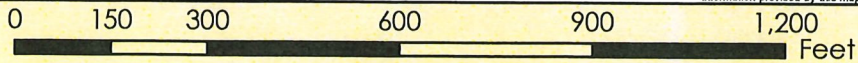
2040 FUTURE LAND USE MAP

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article on its face or as applied prohibit all use of property zoned with a Planned Development overlay district.

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

SECTION 1504 INTENSITY

- A. The intensity of use in a Planned Development district may exceed the maximum intensity permitted in the underlying zoning district by up to fifty percent (50%).

SECTION 1505 MINIMUM SIZE

- A. The minimum district size required for a Planned Development overlay district is five (5) acres.

SECTION 1506 PLANNED DEVELOPMENT CRITERIA

- A. Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.
1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by **SECTION 1501** shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.
 2. In general, Planned Developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multipurpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.
 3. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a Planned Development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of



- the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of these regulations when needed to address impacts of the proposed development.
4. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying district, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publicly dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
 5. **Multi-Modal Transportation System:** Planned Developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 4. Multi-modal facilities should connect to existing and future facilities that lie outside of the site.
 6. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 4 "Open Space" and Section 7 "Landscaping."
 7. **Landscaping:** Substantial landscaping shall be provided in a Planned Development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
 8. **Architecture:** Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.
 9. For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use



- natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects. Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.
10. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
 11. Signage: A consistent signage theme shall be provided within a Planned Development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
 12. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted bikeway and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a Planned Development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
 13. Conformance with Comprehensive Plan: All Planned Developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.
 14. Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.
 15. A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.
 16. Such conditions shall be made a part of the terms under which the development is approved in accordance with **ARTICLE 3**. Any violation of such conditions shall be deemed a violation of these regulations.

SECTION 1507 PROCEDURE

- A. After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a Planned Development overlay district or classification may be applied to any other existing district in these regulations. The zoning of property with a Planned Development overlay district and an underlying district can occur without approval of a Concept Development Plan, however,

Design Review Process

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

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

Architectural Design Review Requirements

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

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

- 5) Facade Composition and Detailing: Facades shall be designed to have a defined base, mid section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the lower portion of the exterior wall along the foundation (or entire ground floor for multi-story

buildings) from the upper portion of the wall. Additionally for multi-story buildings, a change in the fenestration pattern between the ground floor and the upper floors can be employed. The top or cap effect should be created through the provision of a three dimensional detail(s) which breaks or jogs the wall plane from the roof such as a defined cornice or projecting eave.

Main public building entrances shall be emphasized in the facade design by methods such as recessing the entrance behind the exterior facade, providing an over-scaled entrance feature which projects outward from or above the exterior facade, placing the doorway within a three dimensional archway, providing an awning or roof awning/canopy, and/or by changing the building materials, detailing, or color around the entrance opening.

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

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

Only architectural grade materials shall be used. Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU, vinyl or aluminum siding, or hard board type materials are not permitted. Snap-in grids or applied mullions are not permitted in windows; only mullions which physically separate window glass into multiple panes shall be used for divided light type windows.

Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal. Other types of decorative metal roofing can be evaluated on a case-by-case basis and approved if they are integral to the overall design of the structure.

- 7) **Building Material Colors:** Exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing. The color of pitched roof materials shall complement, yet contrast with

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

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

Mechanical Equipment Screening: All mechanical equipment shall be screened. Ground mounted equipment shall be screened either with landscaping or enclosed with an enclosure structure which uses the same materials, colors, and design detailing as the principal building. If roof mounted, the equipment shall be screened by a parapet wall (for flat roofed buildings) which is designed and constructed as an integral part of the overall building; applied, "stage set" style mechanical equipment screens or mansards are not permitted. Roof mounted equipment on flat roofed buildings shall be painted to match the roof surface material if it is visible from adjoining sites or roadways that are at a higher elevation. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.

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

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

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

Houston-Donaldson Special Sign Regulations

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

Todd Morgan

From: Mark Martin
Sent: Friday, February 23, 2024 4:30 PM
To: Todd Morgan; Justin Finke; joshua.hunt@florence-ky.gov; Randy Childress
Cc: Paul Stephenson; Brandon Marksberry; Mark Brant; Darren Kerfoot
Subject: RE: Turfway Commons - Change in Concept Development Plan Application

Find Building Department comments below:

- 1) The proposed use group changes may not be allowable by the Kentucky Building Code. The proposed changes in use will need to be assessed by a Kentucky Registered Architect to determine if they are allowable in a non-separated unlimited area building of type IIB construction.
- 2) The newly created spaces will need to be on a handicapped accessible route and be provided with accessible elements as required by the 2018 Kentucky Building Code and the 2015 International Existing Buildings Code.
- 3) The proposed assembly space will require an assessment by a Kentucky Registered Engineer to determine if additional ventilation will be required.
- 4) The Kentucky Division of Plumbing will need to be consulted regarding the number of plumbing fixtures that will be required in each of the proposed spaces.
- 5) Work has commenced onsite to retrofit the proposed spaces, approvals and required building permits must be secured before this work may resume.

Mark E. Martin, CBO
Assistant Chief Building Official

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Wednesday, February 14, 2024 3:37 PM
To: Justin Finke <Justin.Finke@Florence-KY.gov>; joshua.hunt@florence-ky.gov; Randy Childress <Randy.Childress@Florence-KY.gov>; Mark Martin <mmartin@boonecountyky.org>
Subject: Turfway Commons - Change in Concept Development Plan Application

All,

A Change in Concept Development Plan has been submitted to allow five tenant spaces at the rear and east sides of 4999 Houston Road to be occupied by office, retail, recreation, or warehousing and distribution uses. I have provided a copy of the applicant's cover letter. The public hearing for this request has been scheduled for 3/6/24, at 7:30 P.M. Please let me now if you have any comments by 2/28/24.

Thanks for your help.

Todd K. Morgan, AICP

Todd Morgan

From: Justin Finke <Justin.Finke@Florence-KY.gov>
Sent: Thursday, February 29, 2024 10:21 AM
To: Todd Morgan
Subject: RE: Turfway Commons - Change in Concept Development Plan Application

EXTERNAL MESSAGE

Todd,

We have reviewed the Change in Concept for the Turfway Commons site, and have the following comments:

1. The recreational/entertainment use as referenced in Unit 500-2 is problematic. Any approved use in the rear of this building should not generate any foot traffic, or excessive vehicular traffic that could impede emergency vehicles, or negatively impact usage of the drive lane by surrounding businesses.
2. We would like to see more detailed plans regarding the additional man doors and garage doors. Where are they located on the building, what materials are they proposing to use, etc.
3. There is a concern regarding material storage in this space. We would need to verify that there are no hazardous materials that would be stored in this location that a) would negatively impact the commercial users in the front and b) pose a fire hazard/risk.
4. Any use beyond storage/distribution would need to have direct access to the storefront and the existing parking lot.

Per the Fire Marshall:

1. This will need to be planned by a design professional. The fire egress hallways serve the Defy space which carries a high occupant load. The drawing submitted with the proposal is not adequate to decide if the increased occupant load of these spaces will impact existing spaces.
2. I have concerns with parking at the rear of these occupancies. Most of the utility and fire protection equipment is located in the rear of this complex. Additional parking could cause issues with access during an emergency.
3. The rear access road of this building is necessary for emergency access; additional traffic and parking could cause an impact on accessibility for not only 4999 Houston but also the properties of 26, 24 and 10 Spiral Dr.

Call me if you have any questions.

Thank you,

JUSTIN D. FINKE

Community Projects Administrator

CITY OF FLORENCE, KENTUCKY

8100 Ewing Boulevard | Florence, KY 41042

P: 859.647.8152 | **E:** justin.finke@florence-ky.gov

Florence-ky.gov

From: Todd Morgan <TMorgan@boonecountky.org>
Sent: Wednesday, February 14, 2024 3:37 PM
To: Justin Finke <Justin.Finke@Florence-KY.gov>; Joshua Hunt <Joshua.Hunt@Florence-KY.gov>; Randy Childress <Randy.Childress@Florence-KY.gov>; Mark Martin <mmartin@boonecountky.org>
Subject: Turfway Commons - Change in Concept Development Plan Application

All,

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
89854
JAN 30 2024
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: Turfway Commons - Lot 15 Turfway Business Park
- 3. Location of Project: 4999 Houston Road, Florence, KY 41042
- 4. Total Acreage of Project: Approx 10.29 Acres
- 5. Current Zoning of Property: C-2/PD/HDO/CD
- 6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
R-99-009-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: Houston Donaldson Study

- 8. Proposed Use(s) (specify each use):
Allow tenant spaces on the north end of the building (Approx 45K SF) to be occupied by office, retail, recreation, & warehousing & distribution uses. Men doors or deck doors could be added to these spaces. Outside storage would be prohibited.

- 9. Proposed Building Intensities (specify for each building):
Existing building

- 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: Turfway Commons Trust U/A Dated December 9, 2022
Address: 2734 Chancellor Drive, Suite 208
Crestview Hills KY 41017
City State Zip Code
Phone Number: (859) 331-2333 Fax Number: N/A
Email: eric@copperwoodrg.com

- 13. Applicant: Eric Fegan

Address: 2734 Chancellor Drive, Suite 208

Crestview Hills KY 41017
City State Zip Code

Phone Number: (859) 331-2333 Fax Number: N/A

Email: ericecopperwoodng.com

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1 Building

15. 1199 297 2033B
Deed Book Page Number Group Number

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

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

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

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

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

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 4/18/24

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: April 3, 2024

RE: Request of Turfway Commons Trust, per Eric Fegan (applicant/owner) for a Change of Concept Development Plan for an approximate 10.3 acre area located at 4999 Houston Road, Florence, Kentucky, which is currently zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO). The submitted request is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses.

REMARKS:

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:

1. The Committee concluded the proposal is consistent with the Our Boone County Plan 2040 for the following reasons:
 - A. The 2040 Future Land Use Map identifies most of the site for commercial uses and a small area at the rear of the site for industrial uses. The proposal would allow a mix of office, retail, recreation, and warehousing and distribution uses in the five tenant spaces located at the rear and northeast side of the building.
 - B. The proposal is consistent with the following Goals and Objectives:
 - Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
 - 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).
 - Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy, Goal B, Objective 7).
 - C. The proposal is consistent with the following passages from the Land Use Element text:

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Turfway Commons Trust

April 3, 2024

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- A substantial portion of this section is located within the 2013 Houston-Donaldson Study area and has excellent development and/or redevelopment opportunity due to its high visibility from and easy access to I-75. Existing parcels should be developed/redeveloped to be aesthetically harmonious with existing surrounding land uses and cleaned up environmentally as much as is needed for new development (14. Florence Commercial, pg. 125).
 - Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads (14. Florence Commercial, pg. 126).
 - Attention must be given to the changing nature of retail and how it relates to the future of Florence Mall and other retail centers and stores. On-line retail continues to increase and the effect it is having on suburban malls, big box retailers, and other national retail chains cannot be ignored. Consideration must be given to how these stores may be able to reinvent themselves and continue as retail-based destinations that focus on experience-based shopping (14. Florence Commercial, pg. 126).
 - The visual appearance of commercial areas in general and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process (14. Florence Commercial, pg. 126).
2. The proposal is consistent with the following passages from the Houston-Donaldson Study:
- The subject site is within "Subarea Four" as outlined in the Houston-Donaldson Study. One of the recommendations for this subarea is that future development and/or redevelopment in Subarea Four should be of commercial or office type land uses and not of light industrial or residential uses, except for the light industrial area on Spiral Drive.
3. The Committee concluded the request is in agreement with the following Planned Development standards found in Section 1506 of the Boone County Zoning Regulations:
- Mixed Use and Pedestrian Orientation – The applicant has agreed to a condition to add parking and add lighting if a recreational use occupies one of the tenant spaces on the north building facade.
 - Compatibility of Uses – The Committee determined the proposed uses will be compatible with other uses on the site and with adjoining properties with the agreed upon conditions.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Turfway Commons Trust

April 3, 2024

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- Architecture – A condition was imposed which require all exterior building improvements to be reviewed through the Houston-Donaldson Study's Design Review application process.
 - Signage – A condition was imposed which requires all building mounted signage to comply with the Houston-Donaldson Study.
4. The Committee concluded the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and the Houston Donaldson Study. The conditions are also necessary to mitigate foreseeable community impacts that may be created by the proposal. The property owner has signed a letter demonstrating agreement with the conditions.

CONDITIONS:

1. The following use conditions apply to the two tenant spaces (Suites 500-1 and 500-2) located on the north side of the building:
 - A. Office and retail uses shall be permitted if the tenant space is combined with another tenant space that has frontage on the south side the building. The main customer/employee entrance shall be located on the south side of the building.
 - B. Warehousing and distribution uses shall be permitted when warehousing and/or storage is the principal use. Office, retail, production, etc. shall only be permitted as an accessory use.
 - C. One recreational use shall be permitted in either tenant space if the following conditions are met:
 - The property owner shall obtain a parking agreement to use eight (8) parking spaces on the Full Throttle site to the north.
 - Extra parking shall be striped off in the northeast parking lot of the subject site. The number of parking stalls shall generally comply with the plan that was presented at the 3/20/24 Zone Change Committee meeting.
 - Additional lighting shall be required to illuminate the entrance, sidewalk, and 8 parking spaces on the Full Throttle site to the north.
2. The following use conditions apply to the three tenant spaces (Suites 500-3A, 500-3B, and 500-3C) located on the northeast side of the building:
 - A. Warehousing and distribution storage uses are principally permitted. Accessory office, manufacturing, or production areas shall be prohibited.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Turfway Commons Trust

April 3, 2024

Page 4

- B. Warehousing and distribution storage is permitted as an accessory use for any tenant located at 4999 Houston Road or the attached retail strip center.
- 3. The five tenant spaces shall not be permitted to have any outside storage.
- 4. The five tenant spaces shall not be permitted to store fleet vehicles and/or trailers in the parking lot.
- 5. Building mounted signage on the five tenant spaces shall comply with the Houston-Donaldson Study's special sign regulations.
- 6. Dock door, man door, painting, and other exterior alterations shall be reviewed through the Design Review application process if required by the Houston-Donaldson Study.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Rick Lunnemann, Chairman
DATE: March 20, 2024

REMARKS:

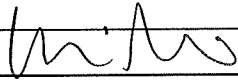
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff

1. Request of **Turfway Commons Trust, per Eric Fegan (applicant/owner)** for a Change of Concept Development Plan for an approximate 10.3 acre area located at 4999 Houston Road, Florence, Kentucky, which is currently zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO). The submitted request is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses.

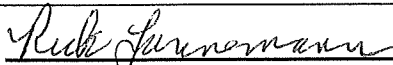
Janet Kegley

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____



Corrin Gulick

For Project X Absent ____
Against Project ____
Abstain ____ Deferred ____

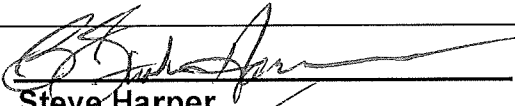


Rick Lunnemann (Chairman)

For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

Kathy Clark (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____



Steve Harper

For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

Steve Turner (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

David Hincks

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Jackie Steele (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the third item on the Agenda at 8:27 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

3. Request of Turfway Commons Trust, per Eric Fegan (applicant/owner) for a Change of Concept Development Plan for an approximate 10.3 acre area located at 4999 Houston Road, Florence, Kentucky, which is currently zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO). The submitted request is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses.

Staff member, Todd Morgan, referred to his PowerPoint presentation (see Staff Report). Turfway Commons is also referred to as the old Walmart site. The request is to have office, retail, recreation or warehousing/distribution uses in five tenant spaces. The applicant did submit a letter about the existing and proposed tenants. Space #1 is ReGadget (a bulk computer repair business). Space #2 is a 16,000 square foot athletic/sports training use. Spaces #3, #4 and #5 are 3,000 and 16,000 square foot storage spaces. The applicant would also like alternative building mounted signage on the 5 tenant spaces. He would like options other than channel letters for signage and would like to add dock doors as needed. No outside storage would be permitted if there were industrial users. The site history is identified in the Staff Report. It dates back to 1987 and 1992. The original approval was for retail uses. Mr. Morgan showed a drawing for the 5 tenant spaces. He described the surrounding zoning and land uses as well as photographs of the project site. The Future Land Use Map designates the site for Commercial (C) use. He made reference to the text of the Comprehensive Plan. The City of Florence and Building Department submitted letters outlining their concerns about meeting the Kentucky Building and Fire Codes. Mr. Morgan expressed concerns about recreation uses in the back of the building because lots of customers/families could park by entrance doors. The rear doors would adjoin the service drive that serves multiple businesses. There is insufficient parking along the service drive and the area could become congested. Mr. Morgan did not express a concern about the type of signage since the signs were located in the back of a building. Also, the Houston-Donaldson Study currently prohibits docks being constructed on the Spiral Drive side of the building.

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

Mr. Eric Fegan, applicant, stated that 40,000 square feet of the building has been vacant for 17-18 years. It would be easy to expand the space of the existing tenants like Michels but they are not interested. One tenant will be a tech company which fixes laptops and I-Pads in large volumes. The night-time user will be sports related. He explained that he would work with one of the neighboring tenants to obtain shared parking. Thirty spots are available. Half Price Books is also a possibility for more parking. His rear parking lot is not striped. That would add between 25-28 parking spaces in the back. He has over 400 parking spaces in the front and back and customers could walk to the facility. He plans on replacing some of the old Walmart doors. They have a lot of plumbing capacity.

Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions? Seeing no one, Chairman Rolfsen asked if the Commissioners had any questions or comments?

Mr. Lunnemann inquired about the sports related use? Mr. Fegan replied that it is baseball training. It is not a Sports of All Sorts or games. It is one on one training – about 18-20 kids training at the same time. It will include batting cages, pitching mounds and lessons.

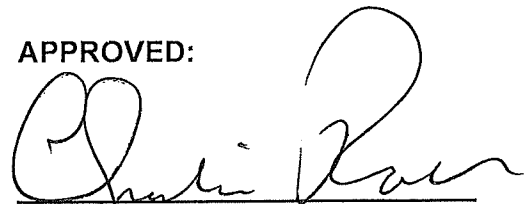
Ms. Gulick asked the applicant to show a better layout of the site. She would like to see parking areas and safe routes to get to the facility.

Dr. Clark asked if the tech company is open to the public for repair work like Geek Squad? Mr. Fegan responded no. It is a bulk facility that buys and sells computers in the hundreds. The company already exists and moved from Covington. He explained that he has a building permit to install a dock but no approval from the Planning Commission. Ms. Gulick also requested the applicant show the location of the existing docks and the proposed doors.

Mr. Lunnemann suggested adding some screening between Spiral Drive and the new dock. The applicant replied that he would consider adding some landscaping to screen the docks in the area.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 20, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 3, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:50 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Steve Lilly, PLS, GISP, Planner

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APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
APRIL 3, 2024
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's April 3, 2024 Business Meeting. Mr. 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, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mr. David Hincks
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Steve Lilly, GISP, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the March 20, 2024 Business Meeting and Public Hearings. He asked if there were any comments or corrections?

Mr. Szurlinski moved to approve the Minutes as presented. Mr. Richardson 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 March 7, 2024 and April 3, 2024.

EXPENSES:

Accounting Fees	948.50
Attorney Fees	4,600.00
Auto Expense	69.46
Consultant/Professional Svcs Fees	8,920.00
Filing Fees (CLURS)	950.00
Legal Ads/Recruitment	1,114.62
Office & Board Meeting Supplies	1,078.61
Office Equipment / Expense	870.99
Postage Expense	632.79
Printing/Pub/Dues/Subscriptions	710.00
Professional Development	<u>350.00</u>

TOTAL: \$ 20,244.97

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,865.60
Health/Dental/Life/LTD	18,306.50
Retirement – BCPC Portion	27,299.63
Salaries – Staff Expenses	94,497.44
Salaries – BCPC & BOA	<u>1,660.00</u>

TOTAL: \$ 148,629.17

GRAND TOTAL: \$ 168,874.14

Ms. Gulick 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.

ACTION ON PLAN REVIEWS:

CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Corrin Gulick, Chairwoman, Todd Morgan, Staff

1. Request of **Hrezo Engineering Inc, per Jim Bertram (applicant)** for **Alex Othman (owner)** for: (1) a Change of Concept Development Plan for an approximate 2.62 acre area of the site; (2) a Conditional Use Permit for an approximate 7.52 acre area of the site; and (3) expansion of an existing commercial parking facility for an approximate 2.02 acre area of the site. The site is an approximate 9.54 acre area located at 527-535 Hunter Road and 571-591 Hunter Road, Boone County, Kentucky, which is currently zoned Commercial Services (C-3). The submitted request is to allow the conversion of an approximate 7.52 acre area of the site from commercial parking to a truck stop and to allow the expansion of the existing commercial parking facility on an approximate 2.02 acre area of the site.

Mrs. Steele moved to defer the request until the May 1, 2024 Business Meeting. The next Committee Meeting is scheduled for April 17, 2024 at 5:00 p.m. Ms. Gulick seconded the motion and it passed unanimously.

ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Steve Lilly, Staff

2. Request of **Asbury Development, LLC (applicant)** for **PMM Properties, LLC (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential Two (SR-2); and (2) a Variance reducing the minimum side yard setbacks for all proposed lots from five (5) feet minimum on one side and fifteen (15) feet total of both sides to five (5) feet minimum on both sides, for an approximate 3.6 acre area located at the terminus of Asbury Way, having a Parcel Identification Number (PIDN) of 047.00-00-031.00, Boone County, Kentucky. The request is for a zone change and variance to allow the development of sixteen (16) detached single-family residential dwellings.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts for the Zoning Map Amendment and the Variance. It was recommended unanimously for approval with a 3-0 vote with Mr. Lunnemann, Mr. Harper and Ms. Gulick voting in favor of the request.

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

Mr. Jim Bertrum, Engineer, stated that he was available to answer any questions.

Seeing no further comment, **Mr. Harper moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment and Variance. Mr. Lunnemann seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff

3. Request of **Turfway Commons Trust, per Eric Fegan (applicant/owner)** for a Change of Concept Development Plan for an approximate 10.3 acre area located at 4999 Houston Road, Florence, Kentucky, which is currently zoned Commercial Two/PlannedDevelopment/Houston-Donaldson Study Corridor (C-2/PD/HDO). The submitted request is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for a Change in Concept Development Plan. It was recommended unanimously for approval with Mr. Lunnemann, Ms. Gulick and Mr. Harger voting in favor of the request. The applicant has submitted a signed condition letter.

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

Ms. Crystal Chittenden, co-owner of the site, stated that she was present to answer any questions. Chairman Rolfsen inquired about the dock doors. Mr. Lunnemann replied that the Committee worked through the issue to make sure the applicant would come back through the Design Review process in order to be compliant with the Houston-Donaldson Study. Normally, dock doors are not allowed on the side of the building. That is why the applicant is going through the process. The applicant can paint the dock doors. It is difficult to plant trees in the area to screen the dock doors. It can be painted to match the color of the building/

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the City of Florence, to recommend approval of the Change in Concept Development Plan with Conditions based upon the Committee Report. Mr. Schwenke seconded the motion and it passed unanimously.**

TECHINICAL/DESIGN REVIEW COMMITTEE, Rick Lunnemann, Chairman, Todd Morgan, Staff

4. O'Hara Flex Space Warehouse – 3630 – 3636 O'Hara Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The site is adjacent to the State salt dome. The site is 1.79 acres in size .The use is a flex space warehouse. The application is for a Design Review. The proposed building is 24,000 square feet. Two retaining walls will be built. The applicant is requesting a street frontage landscaping buffer waiver. There will be no roof top mechanicals. The use will be for small building contractor uses. The materials will be CMU and fiber cement. Block Option #1 will be used. The fiber cement will be storm grey. The back of the building will be dark grey metal material siding.

Mr. Lunnemann moved to approve the request as submitted and presented with two conditions – textured block is required as well as the dumpster will use the same block material. Mr. Bessler seconded the motion and it passed unanimously.

NEW BUSINESS

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

5. Request of **Drury Florence LLC (applicant/owner)** for a Concept Development Plan for an approximate 7 acre area located at 7915 US 42, Florence, Kentucky, which is currently zoned Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO). The submitted request is to allow a density bonus for a previously approved hotel, under the PD regulations, and provide for an outlot for future development.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

6. Request of **Jake's Farm Real Estate Development Company, LLC, per Mark Jacobs (applicant/owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 34.87 acre area located at the southeast corner of the intersection of Richwood Road with Schmidt Lane, including the properties at 731, 733, and 735 Richwood Road, and the properties having Parcel Identification Numbers (PIDN) of 065.01-02-001.00 and 065.01-02-007.00. The request is for a zone change to allow: Option A – 147 residential units within twenty-four (24) buildings, four (4) detached single-family residential dwellings, fifty-six (56) attached single-family residential dwellings within fourteen (14) buildings, and eighty-seven (87) multi-family residential dwellings within six (6) buildings; or Option B – sixty-nine (69) detached single-family residential dwellings.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

7. Request of **SMJ International, on behalf of Tesla, per Aaron Adelman (applicant) for Meijer Stores Limited Partnership (owner)** for a Change of Concept Development Plan in an Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 0.16 acre portion of the approximate 22.48 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change of Concept Development Plan to allow for the expansion of electric vehicle charging stations.

Mrs. Kegley moved to schedule the Public Hearings for Items #5, #6 and #7 on May 1, 2024 at 7:30 p.m. in the Fiscal Courtroom Mrs. Goetting seconded the motion and it passed unanimously.

H. EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, referred to his April 2, 2024 email regarding the Planning Commission's current website. Recently, the County has contacted him to let him know that they are redesigning their website. As a result, the County suggested that we do the same as we have used the same template and platform/host since 2015. Our current website is a third generation website. Revize is the company that is assisting the County in its website upgrade. Mr. Costello referred to a proposal from Revize to update the Planning Commission's website at a total cost of \$9,710.00. It includes an annual maintenance fee of \$2,500.00. The cost includes Revize hosting the site.

Staff didn't allocate funds for this cost this fiscal year. He has negotiated with the County to prepare a potential contract to start the work this fiscal year and then invoice the Planning Commission after July 1, 2024. It will be a 5-6 month project. The new design will be easier to navigate. A committee of Staff members will review content and design to determine what information is meaningful and useful to the public. The Planning Commission had to purchase a new domain name for the website. Mr. Costello asked Board members to forward any ideas or suggestions for the new website. He also mentioned that Boone County GIS has its own website. He offered to give an update on the progress of that project. Chairman Rolfsen noted that a lot of people think that the Planning Commission is a County department because it is on the County website.

Mrs. Steele moved to authorize the Executive Director to execute a contract with Revize for website services not to exceed \$9,710.00 with invoicing occurring after July 1, 2024. Mr. Harper seconded the motion and it passed unanimously.

I. COMMITTEE REPORTS:

- Airport (Randy Bessler)
No Report
- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report
- Executive (Charlie Rolfsen)
No Report

**J. CHAIRMAN'S REPORT: (Charlie Rolfsen)
No Report**

**K. OKI REPORT: (Randy Bessler)
No Report**

L. OTHER:

Mr. Harper moved to appoint Corrin Gulick to the Boone County Transportation Improvement District (TID) Board as the Boone County Planning Commission's representative and forward this appointment to the Boone County Fiscal Court. Mrs. Goetting seconded the motion and it passed unanimously.

M. ADJOURNMENT:

There being no further business to come before the Planning Commission, **Mr. Bessler** moved to adjourn the meeting. **Mr. Turner** seconded the motion and it passed unanimously. The meeting was adjourned at 7:34 P.M.

APPROVED



Charlie Rolfsen
Charlie Rolfsen
Chairman

Attest:



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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

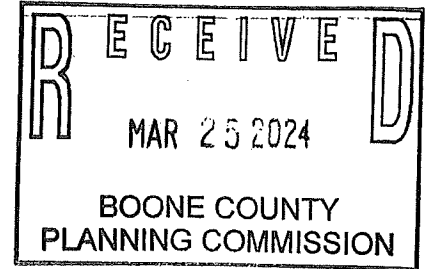
www.boonecountyky.org/pc
www.boonecountygis.com

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

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

March 22, 2024

Turfway Commons Trust
c/o – Mr. Eric Fegan
2734 Chancellor Drive, Suite 208
Crestview Hills, KY 41017



RE: Request of **Turfway Commons Trust, per Eric Fegan (applicant/owner)** for a Change of Concept Development Plan for an approximate 10.3 acre area located at 4999 Houston Road, Florence, Kentucky, which is currently zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO). The submitted request is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses.

Dear Mr. Fegan,

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change/Concept Plan Committee at their March 20, 2024 meeting. Please sign the line provided at the end of this letter and return it to the Planning Commission's office by April 2, 2024, if you agree with the conditions. Please return a copy of the letter which contains your original ink signature.

CONDITIONS

1. The following use conditions apply to the two tenant spaces (Suites 500-1 and 500-2) located on the north side of the building:
 - A. Office and retail uses shall be permitted if the tenant space is combined with another tenant space that has frontage on the south side the building. The main customer/employee entrance shall be located on the south side of the building.
 - B. Warehousing and distribution uses shall be permitted when warehousing and/or storage is the principal use. Office, retail, production, etc. shall only be permitted as an accessory use.
 - C. One recreational use shall be permitted in either tenant space if the following conditions are met:
 - The property owner shall obtain a parking agreement to use eight (8) parking spaces on the Full Throttle site to the north.

- Extra parking shall be striped off in the northeast parking lot of the subject site. The number of parking stalls shall generally comply with the plan that was presented at the 3/20/24 Zone Change Committee meeting.
 - Additional lighting shall be required to illuminate the entrance, sidewalk, and 8 parking spaces on the Full Throttle site to the north.
2. The following use conditions apply to the three tenant spaces (Suites 500-3A, 500-3B, and 500-3C) located on the northeast side of the building:
 - A. Warehousing and distribution storage uses are principally permitted. Accessory office, manufacturing, or production areas shall be prohibited.
 - B. Warehousing and distribution storage is permitted as an accessory use for any tenant located at 4999 Houston Road or the attached retail strip center.
 3. The five tenant spaces shall not be permitted to have any outside storage.
 4. The five tenant spaces shall not be permitted to store fleet vehicles and/or trailers in the parking lot.
 5. Building mounted signage on the five tenant spaces shall comply with the Houston-Donaldson Study's special sign regulations.
 6. Dock door, man door, painting, and other exterior alterations shall be reviewed through the Design Review application process if required by the Houston-Donaldson Study.

Sincerely,




Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/ss

AGREEMENT

I, Eric Fegan, hereby agree to the conditions of approval for the Change in Approved Concept Development Plan, which is referenced on the first page of this letter.



Mr. Eric Fegan
Turfway Commons Trust

3/25/2024

Date

DOCUMENT NO: 913120
RECORDED: December 21, 2022 02:23:00 PM
TOTAL FEES: \$62.00 TRANSFER TAX: \$14,875.00
COUNTY CLERK: JUSTIN CRIGLER
DEPUTY CLERK: MICHELLE EICKHOFF
COUNTY: BOONE COUNTY
BOOK: D1199 PAGES: 297 - 305
GROUP ID: 3060

RETURN TO:
After Recording Return to:
Keith & Associates PLLC
715 Bakewell Street
Covington, Kentucky 41011
Attention: R. Frederick Keith

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 16 day of December, 2022, by **IRC TURFWAY COMMONS, L.L.C.**, a Delaware limited liability company, (fka Inland Turfway Commons, L.L.C.) (the "Grantor"), whose address is c/o Pine Tree, 814 Commerce Drive, Suite 300, Oak Brook, Illinois 60523, to and in favor of **ERIC FEGAN and R. FREDERICK KEITH, AS CO-TRUSTEES OF THE TURFWAY COMMONS TRUST U/A DATED DECEMBER 9, 2022** (the "Grantee"), whose tax mailing address is c/o Eric Fegan, 2734 Chancellor Drive, Unit 208, Crestview Hills, Kentucky 41017.

WITNESSETH:

THAT THE GRANTOR, for the sum of **Fourteen Million Eight Hundred Seventy-Five Thousand and 00/100 Dollars (\$14,875,000.00)** and other valuable consideration paid by the Grantee, the receipt of which is acknowledged, does hereby BARGAIN, SELL, GRANT and CONVEY to the Grantee, its successors and assigns forever, that real property located in Boone County, Kentucky, which is described in the attached Exhibit A, together with all appurtenances, tenements and hereditaments, easements, rights-of-way and appurtenances belonging or in anywise appertaining to the same, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, thereunto appertaining, and subject to (i) those matters described in the attached Exhibit B, provided this mention shall not serve to reimpose same, and (ii) any accrued taxes or assessments not yet due and payable.

AND THE GRANTOR does hereby, for itself, hereby covenants with Grantee that it has not done or suffered to be done, anything whereby the said real property hereby granted is, or may be, in any manner encumbered or charged, except as herein recited, and that Grantor is lawfully seized of said real property in fee simple subject, however, to the matters set forth in Exhibit B attached hereto and made a part hereof; and that Grantor has good right and lawful authority to sell and convey said real property; and hereby warrants the title to said real property and will WARRANT AND DEFEND the same against the lawful claims of all persons claiming by, through or under Grantor, but no others. This Special Warranty Deed is made expressly subject to (a) zoning laws, rules and regulations affecting the Property, if any, (b) the lien of current ad valorem taxes not yet due and payable, and the lien of all future ad valorem taxes, which Grantee assumes and agrees to pay, and (c) the matters set forth in Exhibit B.

BOONE COUNTY
D1199 PG298

Pursuant to K.R.S. 382.135(1)(d), the in-care-of address to which the property tax bill for the year in which the property is transferred may be sent is Eric Fegan and R. Frederick Keith, as Co-Trustees of the Turfway Commons Trust U/A dated December 9, 2022, 2734 Chancellor Drive, Suite 208, Crestview Hills, Kentucky 41017.

For purposes of KRS 382.135, Grantor and Grantee, by the execution of this Special Warranty Deed, certify that \$14,875,000.00 is the true, correct and full consideration paid for the real estate herein conveyed as reflected in this Special Warranty Deed. We further certify our understanding that falsification of the stated full estimated value is a Class D Felony, subject to one to five years imprisonment and funds up to \$10,000.00. Grantee joins in this Special Warranty Deed for the sole purpose of certifying said consideration.


[signatures on the following page]

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

GRANTOR:

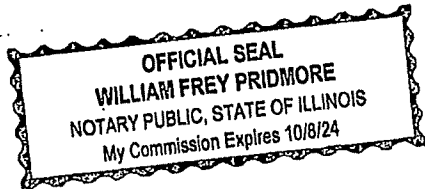
IRC TURFWAY COMMONS, L.L.C.,
a Delaware limited liability company

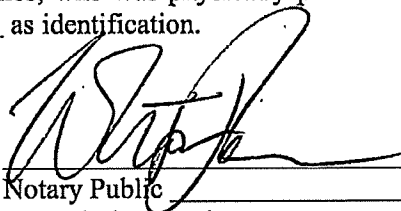
By: IRC Retail Centers, LLC
a Delaware limited liability company
its manager

By: 
Name: Peter Foran
Title: Vice President

STATE OF ILLINOIS
COUNTY OF DUPAGE

The foregoing instrument was acknowledged before me this 12th day of December, 2022, by Peter Foran, as Vice President of IRC Retail Centers, LLC, a Delaware limited liability company, which is the manager of IRC Turfway Commons, L.L.C., a Delaware limited liability company, on behalf of the limited liability companies, who was physically present and who is personally known to me or who produced _____ as identification.




Notary Public
Commission number _____
My commission expires: _____


[signatures continued on the following page]

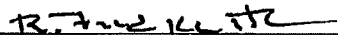
BOONE COUNTY
D1199 PG300

IN WITNESS WHEREOF, the Grantee has executed this Special Warranty Deed for the sole purpose of certifying said consideration as of the day and year first above written.

GRANTEE:


**TURFWAY COMMONS TRUST U/A
DATED DECEMBER 9, 2022**

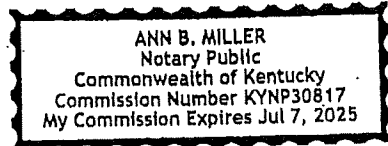
By: 
Name: Eric Fegan
Title: Co-Trustee

By: 
Name: R. Frederick Keith
Title: Co-Trustee

STATE OF Kentucky
COUNTY OF Kenton

The foregoing instrument was acknowledged before me this 15 day of December 2022, by Eric Fegan as Co-Trustee of the Turfway Commons Trust U/A dated 12/9, 2022 on behalf of the limited liability companies, who was physically present and who is personally known to me or who produced _____ as identification.


Notary Public _____
Commission number _____
My commission expires: _____



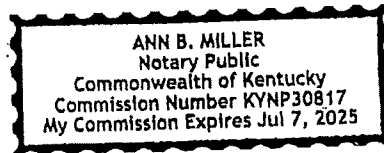
STATE OF Kentucky
COUNTY OF Keaton

The foregoing instrument was acknowledged before me this 15 day of December 2022,
by R. Frederick Keith as Co-Trustee of the Turfway Commons Trust U/A dated Dec 9, 2022 on
behalf of the limited liability companies, who was physically present and who is personally known
to me or who produced _____ as identification.



Notary Public _____
Commission number _____
My commission expires: _____

Michael R. Brancheau
Prepared by:
Michael R. Brancheau
Higgins & Brancheau LLC
200 West Adams Street, Suite 2220
Chicago, Illinois 60606



BOONE COUNTY
D1199 PG302

EXHIBIT A

LEGAL DESCRIPTION

Group: 3060
Plat Slide No. 155B

PIDN: 061.00-11-015.00
PIDN: 061.00-11-016.00

Being all of Tract B, Lot 15 and Tract C, Lot 16 as shown on plat of Turfway Business Park Phase C, recorded in Plat Slide 155B in the Office of the Clerk of Boone County, Burlington, Kentucky;

TOGETHER WITH non-exclusive easement for access, ingress and egress, parking and utility purposes all as more particularly described in Reciprocal Easement Agreement and Declaration of Covenants and Restrictions recorded in Easement Book 22, page 311, as amended by Amendment recorded in Deed Book 267, page 1, and further amended by Second Amendment to Reciprocal Easement Agreement and Declaration of Covenants and Restrictions recorded in Easement Book 69, page 63, said records, and further amended by Third Amendment to Reciprocal Easement Agreement and Declaration of Covenants and Restrictions dated September 24, 2020 recorded in Miscellaneous Book 1380, Page 125, all in the Boone County Clerk's Records, Burlington, Kentucky; and

TOGETHER WITH non-exclusive easement for access, ingress and egress and parking over Common Areas, all as more particularly described in Easements With Covenants and Restrictions Affecting Land recorded in Easement Book 23, page 257, as amended by First Amendment to Easements With Covenants and Restrictions Affecting Land recorded in Easement Book 69, page 50, and further amended by the Second Amendment to Easements and Covenants and Restrictions Affecting Land dated September 24, 2020 recorded in Miscellaneous Book 1380, Page 107, all of the Boone County Clerk's Records, Burlington, Kentucky.

Being the same property conveyed to Inland Turfway Commons, L.L.C., a Delaware limited liability company, by Deed dated December 15, 2011, recorded in Deed Book 1000, page 171, in the Office of the Clerk of Boone County, Burlington, Kentucky.

BOONE COUNTY
D1199 PG303

EXHIBIT B

PERMITTED EXCEPTIONS

1. State, County, and School Taxes for the year 2023 and subsequent years, not yet due and payable.
2. City of Florence taxes for the year 2023 and subsequent years, not yet due and payable.
3. Subject to any oil and/or gas lease, pipeline agreement, or other instrument related to the production or sale of oil or natural gas which may arise subsequent to the Date of Policy.
4. Oil, gas, coal and other mineral interests together with the rights appurtenant thereto whether created by deed, lease, grant, reservation, severance, sufferance or exception.
5. No liability is assumed for tax increases occasioned by retroactive re-valuation, change in land usage, or loss of any homestead exemption status for insured premises.
6. Any inaccuracy in the area, square footage, or acreage of land described in Schedule A. There is no representation or insurance of the area, square footage or acreage of the land.
7. Subject to the rights of the public and utility, if any, in and along any public streets and roadways.
8. Any covenant, condition or restriction referred to herein indicating a preference, limitation or discrimination based upon race, color, religion, sex, handicap, familial status, national origin or other categories that may from time-to-time be deemed to be protected classes, are hereby omitted as provided in 42 U.S.C. Section 3604, unless and only to the extent that the restriction (a) is not in violation of state or federal law, (b) is exempt under 42 I.S.C. Section 3607 or (c) related to handicap, but does not discriminate against handicapped people.
9. Easement granted to Union Light, Heat and Power Company recorded in Easement Book 24, Page 275 in the Office of the Clerk of Boone County, Kentucky;
10. Easement granted to Union Light, Heat and Power Company recorded in Easement Book 24 Page 291 in the Office of the Clerk of Boone County, Kentucky;
11. Easement granted to Union Light, Heat and Power Company recorded in Easement Book 26, page 207 in the Office of the Clerk of Boone County, Kentucky;
12. Easement granted to Union Light, Heat and Power Company recorded in Easement Book 31, page 199, in the Office of the Clerk of Boone County, Kentucky.

BOONE COUNTY
D1199 PG304

13. Easement granted to Boone County Water District recorded in Easement Book 21, page 9, in the Office of the Clerk of Boone County, Kentucky.
14. Certificates of Land Use Restriction recorded in Misc. Book 248, pages 93 and 94; Misc. Book 254, pages 120 and 121; Misc. Book 265, page 290; Misc. Book 266, pages 199 and 200; Misc. Book 414, page 173; Misc. Book 480, page 135; Misc. Book 780, page 226; Misc. Book 800, page 9; Misc. Book 864, page 447; Misc. Book 909, page 468; Misc. Book 1022, page 858; Misc. Book 1053, page 881, all in the Office of the Clerk of Boone County, Kentucky.
15. Reservation of storm sewer and sanitary sewer easements contained in Deed recorded in Deed Book 418, page 197, in the Office of the Clerk of Boone County, Kentucky.
16. Covenants, conditions, restrictions and easements contained in Reciprocal Easement Agreement and Declaration of Covenants and Restrictions recorded in Easement Book 22, page 311, as amended by Amendment recorded in Misc. Book 267, page 1, and further amended by Second Amendment to Reciprocal Easement Agreement and Declaration of Covenants and Restrictions recorded in Easement Book 69, page 63, as further amended by Third Amendment to Reciprocal Easement Agreement and Declaration of Covenants and Restrictions dated September 24, 2020 of record in Miscellaneous Book 1380, Page 125, said records, and rights of others in and to appurtenant easements contained therein, all in the Office of the Clerk of Boone County, Kentucky.
17. Covenants, terms and conditions of Development Agreement recorded in Misc. Book 267, page 20, in the Office of the Clerk of Boone County, Kentucky.
18. Covenants, conditions, restrictions and easements contained in Easements With Covenants and Restrictions Affecting Land recorded in Easement Book 23, page 257, as amended by First Amendment to Easements With Covenants and Restrictions Affecting Land recorded in Easement Book 69, page 50, as further amended by Second Amendment to Easements with Covenants and Restrictions Affecting Land dated September 24, 2020 of record in Miscellaneous Book 1380, Page 107, said records, and rights of others in and to appurtenant easements contained therein, all in the Office of the Clerk of Boone County, Kentucky.
19. Covenants, conditions, restrictions and easements contained in Declaration of Restrictive Covenants recorded in Misc. Book 298, page 72, in the Office of the Clerk of Boone County, Kentucky.
20. Conditions, stipulations, restrictions, easements or other matters shown on plat of Turfway Business Park Phase C recorded in Plat Slide 155B, said records, including, but not limited to, 20-foot storm sewer easements, 20-foot sanitary sewer easements and 15-foot and 20-foot water main easements.

BOONE COUNTY
D1199 PG305

21. Easement as described in Deed recorded in Deed Book 502, page 274, in the Office of the Clerk of Boone County, Kentucky.
22. Declaration of Covenants and Restrictions recorded in Misc. Book 848, page 384, as amended in Misc. Book 850, page 671, in the Office of the Clerk of Boone County, Kentucky, affecting portion of Tract C Lot 16.
23. Restrictions contained in Deed recorded in Deed Book 891, page 100, in the Office of the Clerk of Boone County, Kentucky.
24. Rights of tenants in possession, as tenants only, under unrecorded leases.
25. Terms and conditions of Lease evidenced by Memorandum of Shopping Center Lease to Michaels Stores, Inc. recorded in Misc. Book 1059, page 585, in the Office of the Clerk of Boone County, Kentucky.
26. Terms and conditions of Sanitary Sewer Line Agreement between Turfway Center Associates, Ltd. and Sam's Real Estate Business Trust recorded in Easement Book 61, page 604, in the Office of the Clerk of Boone County, Kentucky. (as to Lot 16).

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-10-2024**

AN ORDINANCE ADOPTING AND APPROVING A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR (C-2/PD/HDO) DISTRICT FOR AN APPROXIMATE 10.3 ACRE SITE LOCATED AT 4999 HOUSTON ROAD, FLORENCE, KENTUCKY, TO ALLOW A PORTION OF THE EXISTING BUILDING TO BE USED FOR OFFICE, RETAIL, RECREATION, OR WAREHOUSING AND DISTRIBUTION USES. (TURFWAY COMMONS)

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-24-007-A recommended approval for a change of Concept Development Plan, and

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

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

SECTION I

That the request of Turfway Commons Trust, per Eric Fegan (Applicant/Owner) for a change of Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO) District for an approximate 10.3-acre site located at 4999 Houston Road, Florence, Kentucky, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the Concept Development Plan for this subject property.

SECTION II

The approval of this change to the Concept Development Plan is granted subject to the terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit “A” and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-24-007-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-24-007-A, marked Exhibit “A”, and attached hereto.

SECTION IV

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

SECTION V

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


SECTION VI

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

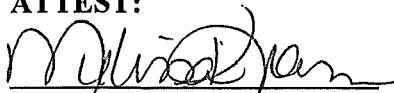
PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF MAY 2024.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 17th DAY OF JUNE 2024.

APPROVED:


Julie M. Aubuchon, Mayor

ATTEST:


Melissa Kramer, City Clerk

**CITY OF FLORENCE, KENTUCKY
READING SUMMARY**

ORDINANCE O-10-2024


AN ORDINANCE ADOPTING AND APPROVING A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR (C-2/PD/HDO) DISTRICT FOR AN APPROXIMATE 10.3 ACRE SITE LOCATED AT 4999 HOUSTON ROAD, FLORENCE, KENTUCKY, TO ALLOW A PORTION OF THE EXISTING BUILDING TO BE USED FOR OFFICE, RETAIL, RECREATION, OR WAREHOUSING AND DISTRIBUTION USES. (TURFWAY COMMONS)

The effect of this Ordinance is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses on an approximate 10.3-acre site in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO) District.

The full text of Ordinance O-10-2024, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance O-10-2024 and that it has been prepared by me on the 14th day of May 2024, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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

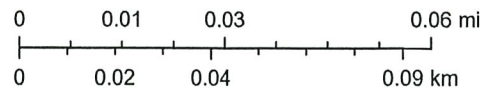
Turfway Commons - Received 3/20/24



3/20/2024, 3:08:01 PM

1:2,257

- | | | |
|-------------------|---------------------|---------------------------|
| Tax Parcels | Sidewalk | Roadways |
| Lot Lines | Street Centerlines | Roadway |
| Parking Lots | Minor Hwy | Private Roadway |
| Asphalt | Local Street | Crosswalk |
| Concrete | One Way Arrows (TF) | Waterbodies (large scale) |
| Exterior Features | One Way Arrows (FT) | |
| Patio | | |



GIS Services Division, Boone County Planning Commission

4999 Houston Rd - Suite 500
Turboway Commons

1/4/23, 10:11 AM

IMG_1950.jpg

Change in Approved Concept Dev. Plan

APPROVED

with Conditions

Staff *Lee K. Morgan*

Date *4/3/24*

Boone County
Planning Commission

RECEIVED
JAN 30 2024
BOONE COUNTY
PLANNING COMMISSION

