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

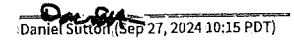
14. Have you submitted a Concept Development Plan: Yes No


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

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> Boone County Building Department | <input checked="" type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input checked="" type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input checked="" type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input checked="" 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 checked="" type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input checked="" type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

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

17. 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 December 19, 2024

Property Owner's Signature: 
Daniel Sutton (Sep 27, 2024 10:15 PDT)

Applicant's Signature: 

EXHIBIT

“A”

STAFF REPORT

#2

Request of **Seva at Merchants Square II, LLC (applicant)** for **Kemba Credit Union, Inc. (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky. The request is for a zone change to allow the development of a four-story, 62,000 square foot hotel.

November 6, 2024

REQUEST

- A. The request is for a Zoning Map Amendment and Conditional Use for an approximate 5.3-acre area located on the north side of Merchants Street and the west side of Seligman Drive. The proposal would allow for the development of a four (4) story extended stay hotel consisting of 99 rooms and on-site amenities.

The submitted Concept Development Plan, presentation and narrative indicate the following improvements and uses:

1. A 62,000 square foot, 60 foot tall, four-story extended stay hotel.
2. Two new curb cuts onto Merchants Street.
3. A parking lot providing 97 regular spaces and 5 ADA spaces.
4. Provision for sanitary and storm sewer, water, and utilities.
5. A note indicates that the site will comply with the existing zoning regulations for lighting and signage.
6. A note indicates that the site will utilize an existing, shared detention facility.
7. The plan indicates that a triangular area of the existing Lot 9 will be conveyed as an addition to the existing Lot 8. The resulting acreage for Lot 8 and the land addition would be approximately 2.2 acres.

PERTINENT SITE HISTORY

1997/1998 In 1997/1998, the Boone County Planning Commission recommended approval of a Zoning Map Amendment from Industrial One/Planned Development (1-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD) and the Utilization of an Underlying Zone in a Planned Development for a 95 acre tract located on

both sides of Houston Road, generally between KY 18 and Woodspoint Drive. The approved Concept Plan showed the subject property (Area 24) would be developed with commercial/office/research park uses (see attachment).

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

- 2013/2014 The Houston Donaldson Study was adopted by the City of Florence and Boone County Fiscal Court.
- 2015 On July 13, 2015, the Boone County Planning Commission approved a final plat for Merchants Square, Section 12 creating Lot 8 and Lot 9.
- 2015 On September 2, 2015, the Boone County Planning Commission approved a Major Site Plan for Kemba Credit Union located at 5935 Merchants Street.

SITE CHARACTERISTICS

- A. The 5.3-acre site to be rezoned has approximately five hundred and twenty-five (525) feet of frontage along Merchants Street, and approximately two hundred and seventy (270) feet of frontage along Seligman Drive.
- B. Merchants Street is a City of Florence-maintained subcollector street providing for two-way traffic within two drive lanes and additional center median. There are existing sidewalks along both sides of the roadway. The posted speed limit is 25 MPH.
- C. Seligman Drive is a City of Florence-maintained subcollector street providing for two-way traffic within two drive lanes and additional center median. There are existing sidewalks along both sides of the roadway. The posted speed limit is 25 MPH.
- D. Lot 9 has been developed for Kemba Credit Union. The bulk of Lot 8 is cleared except for approximately 70 feet of the rear of the property which is heavily vegetated.
- E. Topographically, the site has been graded for development falling northeast at approximate grade of 2%. The rear, vegetated portion of the site slopes northwest at approximate grade of 35%.

- F. The entirety of the site lies within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONES

North: Single Family homes (SR-1)

South: Gateway at Florence Rehabilitation Hospital (C-2/PD/HDO)

East: Bear Paddle Swim School & Basic Health Chiropractic (C-2/PD/HDO)

West: Parts Plus (C-2/PD/HDO)

APPLICABLE REGULATIONS

- A. Section 302 of the Boone County Zoning Regulations states that at the time of filing an application for a zoning map amendment, the property owner may also request a variance or a conditional use permit for the same development.
- B. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- C. Section 505.4 of the Boone County Zoning Regulations identifies Hotel or Motel and Apartment Hotel as a Conditional Use within the O-2 Zoning District.
- D. Section 1101 of the Boone County Zoning Regulations states that the purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

- E. Section 1101.3 of the Boone County Zoning Regulations states that the maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.
- F. The application needs to be evaluated in terms of the Planned Development Standards that are found in Section 1506 of the Boone County Zoning Regulations. A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachments).
- G. Section 1501 of the Boone County Zoning Regulations allows an applicant to seek changes to height, use, design, and other development standards which are normally applicable. Exceptions to code which are being sought with the applications:
1. Allow the development to have two curb cuts on Merchants Street. Section 3221 of the Zoning Regulations requires a development to have a minimum of 500 feet of road frontage to have two access points.
 2. Allow for an exception for additional landscaping within the proposed parking lot. Section 3625 of the Zoning Regulations requires additional planting areas for rows of parking that are unbroken for one hundred and eighty (180) linear feet or more.
- H. The application needs to be evaluated in terms of the Houston-Donaldson Design Standards that are found in Section 1707 of the Boone County Zoning Regulations. A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachment).
- I. Table 31.1 of the Boone County Zoning Regulations shows the following minimum standards that are required in a O-2 district:
1. Front Yard – 30 feet
 2. Rear Yard – 30 feet
 3. Side Yard – 10 feet
 4. Height – 70 feet
- J. Section 3325 of the Boone County Zoning Regulations requires one (1) parking space per sleeping room plus one (1) parking space per two (2) employees.

The Concept Development Plan identifies that there will be 99 sleeping rooms and 6 employees. The plan identifies 102 parking spaces which complies with the

parking requirements.

- K. Article 36 of the Boone County Zoning Regulations requires landscaping to be planted between uses, around buildings, within and around parking lots, around signs and along street frontages. Staff has identified the following required landscape buffer for the subject site:

Buffer Yard A - Required along street frontage, east, and west property lines.

Buffer Yard D – Required along the rear property line.

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
- B. The following are excerpts from Our Boone County - Plan 2040:
1. 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).
 2. A Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts. ("14. Florence Commercial," pg. 126).
 3. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts

include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

4. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).

5. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view (“Design, Signs, and Cultural Resource Preservation,” p. 97).

RELATIONSHIP TO HOUSTON-DONALDSON STUDY

The subject site is within “Subarea One” as outlined in the Houston-Donaldson Study. The recommendations for this subarea are summarized as follows:

- Future development and/or redevelopment in Subarea One should be of commercial or office type land uses and not of light industrial or residential uses.
- Support services on Merchants Drive, such as automobile service related development, offices, or short/long term senior residential facilities.
- The properties at the KY 18/Woodspoint Drive intersection should be combined and developed as a single entity.
- The development of the KY 18/Woodspoint Drive intersection as a retail node.
- New development in Subarea One should be aesthetically harmonious with existing surrounding land uses so as to fit into the built landscape.

The following Goals and Objectives are stated for Subarea Four:

- A. **Goal:** Maintain the successful business climate of the South Entrance Subarea.

Objectives:

1. Continue to consistently apply the Design Standards for future development and/or redevelopment.
2. Continue to support the Commercial and Office uses and zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map.

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

Objectives:

1. The bike lane deficiency on Houston Road near the intersection with

- Burlington Pike (KY 18) should be addressed.
 2. Disconnects in the sidewalk network within the Subarea should be filled in
 3. Link the non-motorized facilities in the Subarea Three (Airport Subarea) with the non-motorized facilities in Subarea One.
- C. **Goal:** Protect the integrity of the Gunpowder Creek Watershed.

Objectives:

1. Use future development and/or redevelopment of properties in the Subarea for opportunities to apply efforts to improve quality and quantity of stormwater runoff.
2. The 100-year floodplain should be considered during redevelopment of properties and avoided entirely in the event of new development in the Subarea.

STAFF COMMENTS

- A. A Traffic memo was submitted with the application and states that based on trip generation exhibits; the proposed development will have an insignificant impact on the surrounding roadways.
- B. A final design of the building was not available at the time of submittal. The applicant has prepared a presentation showing a draft design.

The site is part of a lawsuit settlement area and there are approved building concepts and a color palette. The applicant should clarify if they are seeking any changes to the building concepts or color palette.

If not submitted as part of this request, the building will need to be evaluated with a Design Review application.

- C. The submitted Concept Development Plan should be evaluated against the Planned Development Criteria in Section 1506.
1. The applicant should address the comments from the City of Florence. The comments have been provided as an attachment to the staff report.
 2. A consistent signage theme is required to be provided within a planned development. The lawsuit settlement agreement permits each lot to have a monument sign and building mounted signage. The monument signs are permitted to be 6' tall and 7' wide. If not submitted as part of this request, Signage will need to be evaluated with a Design Review application for any exceptions.

3. Substantial landscaping is required to be provided withing a Planned Development. A further evaluation will need to be conducted with a Major Site Plan application. The Concept Development Plan shows a proposed 40' wide Buffer Yard D coupled with a fence in the rear of the property.

Staff would like the applicant to provide additional information to be able to evaluate the effectiveness of the fence along the residential subdivision.

- D. The submitted Concept Development Plan should be evaluated against the Houston-Donaldson Development Criteria in Section 1707 of the Boone County Zoning Regulations.

1. Section 1707 E.1.a.2. states that no more than 60% of the parking and vehicular areas shall be placed in a front yard or corner side yard.

Staff would like to know if the proposed hotel could be closer to Merchant's Street. This would allow the proposed building to be in line with the adjacent buildings and be further away from the residential properties to the north. It would also move the parking to the rear which could bring it into compliance with the regulation.

2. Section 1707 E.2.a. states a minimum of 22 percent of the overall site area shall be devoted to landscaping as a permanent green space.

Staff would like the plan to provide a breakdown of the overall site to ensure compliance with the regulation.

- E. An inter-departmental email was sent to the Boone County Public Works, Boone County Building Department, City of Florence Public Services, Florence Fire Department, Boone County Schools, and SD1 requesting comments pertaining to the requests. These comments are attached to the Staff Report.

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The 2040 Future Land Use Map will need to be amended if the request is approved.

Respectfully submitted,



Steven Lilly
Planner, Zoning Services

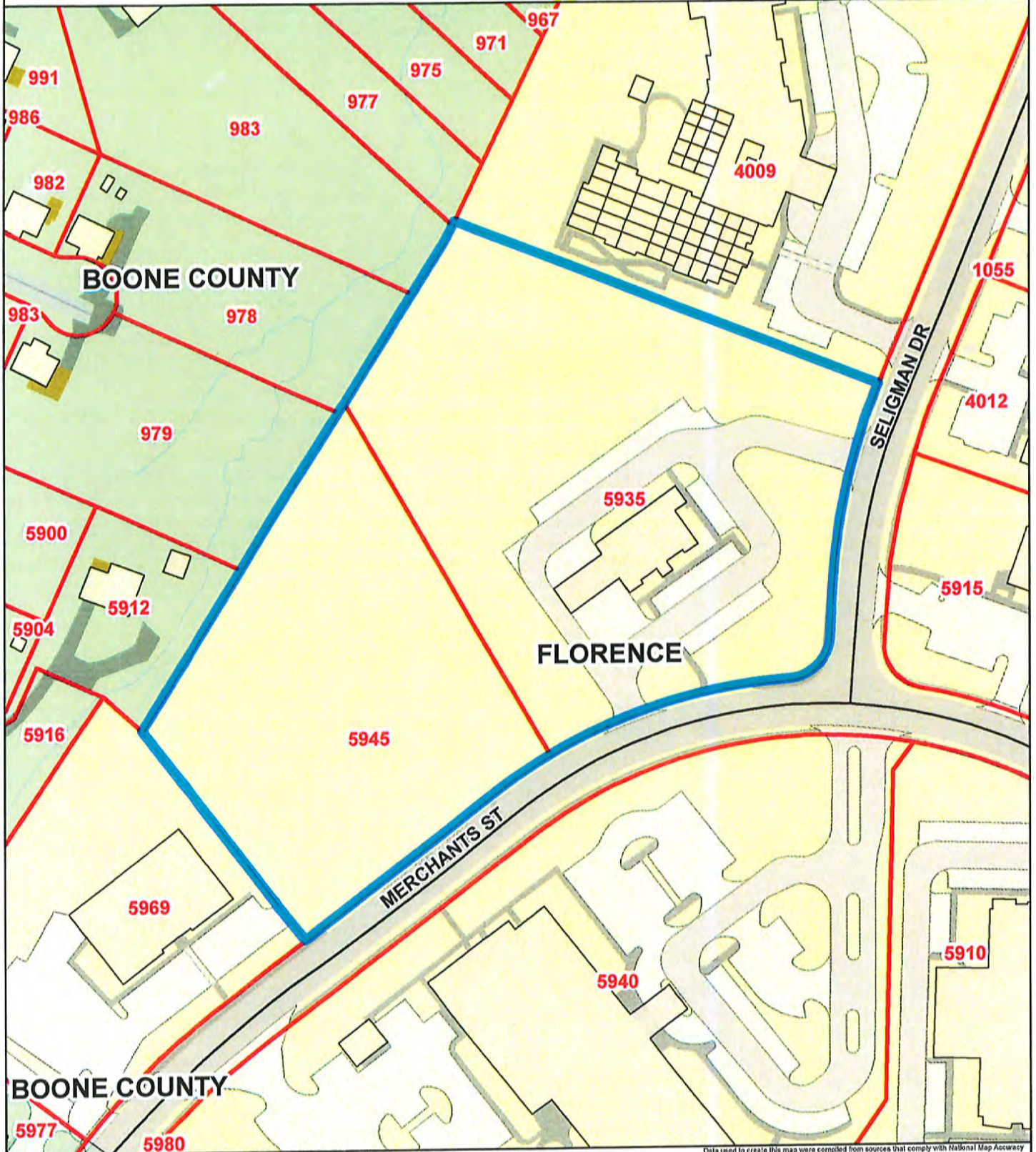
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Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *Noise Contour Map
- *2040 Future Land Use Map
- * Application
- *Project Narrative
- *Traffic Memo
- *Concept Development Plan
- *Illustrations from submitted presentation
- *Section 1506 Planned Development Criteria
- *Section 1707 Houston-Donaldson Development Design Requirements
- * 1998 Lawsuit Settlement Agreement
- * Inter-departmental emails

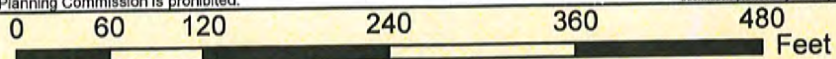
Vicinity Map

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1 inch = 124 feet



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ArcMap Document (*.mxd)

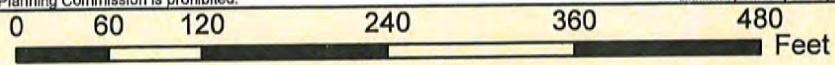
Aerial Map

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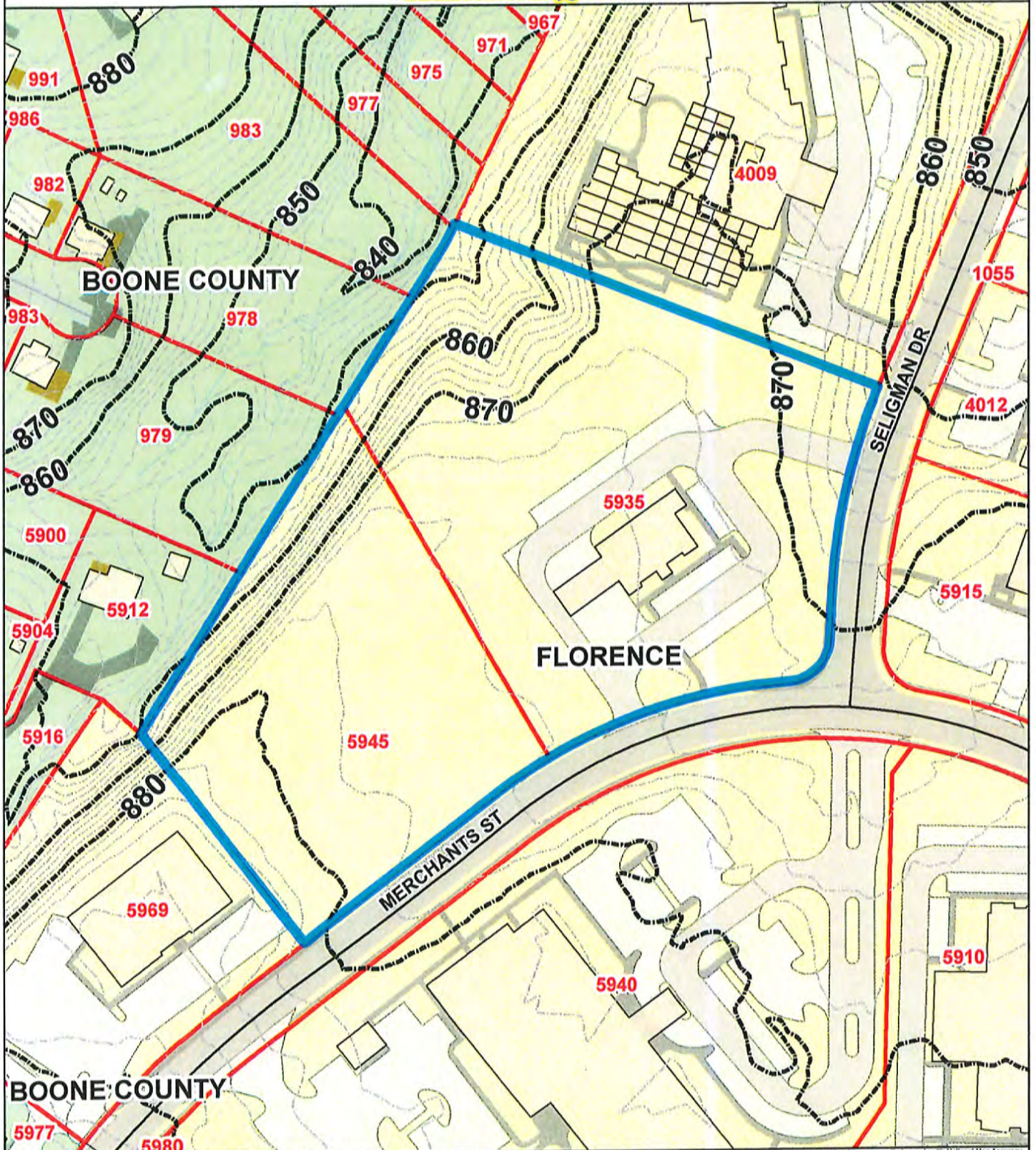
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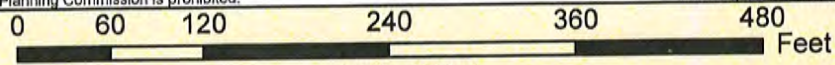
Topographical Map

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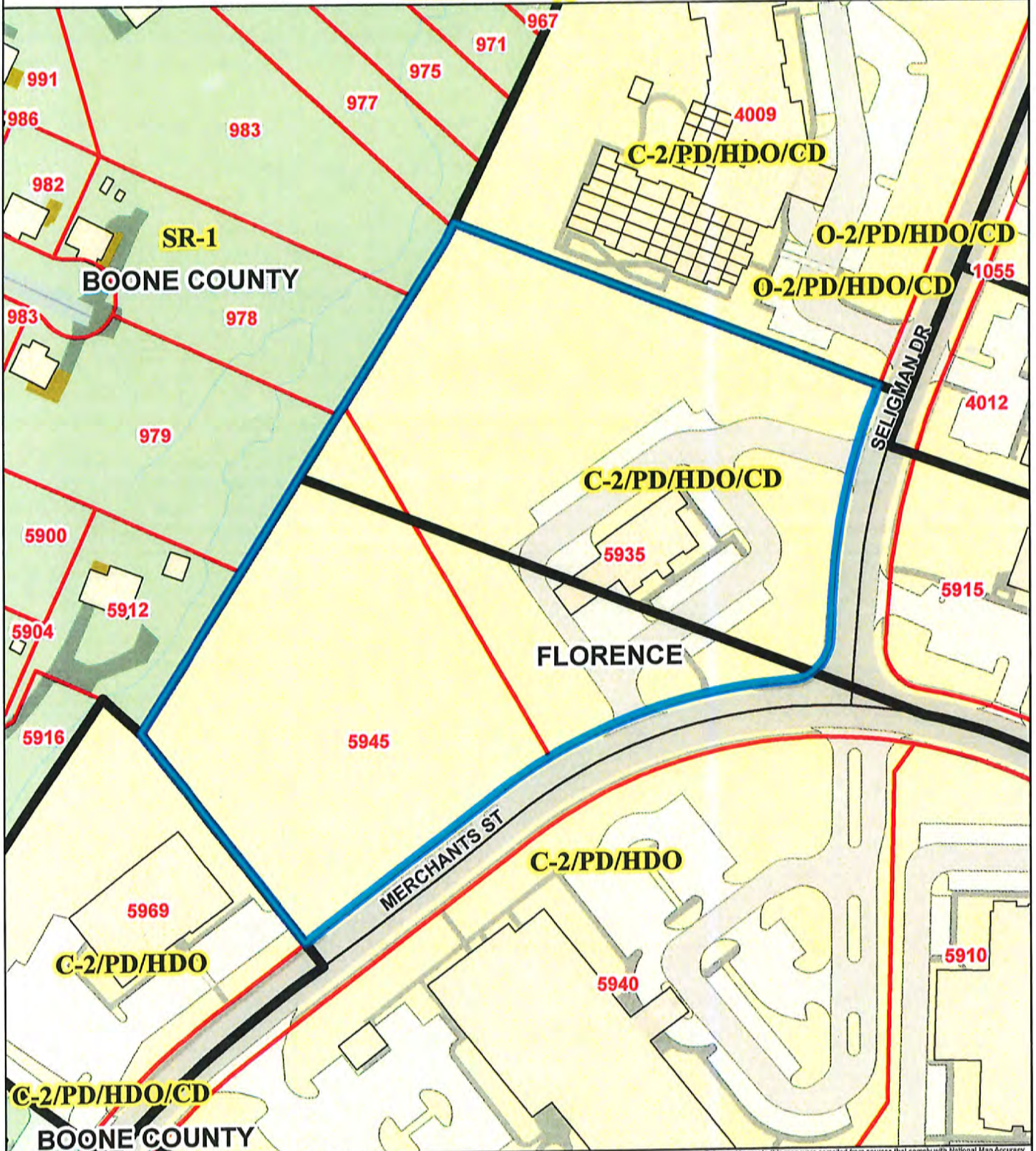
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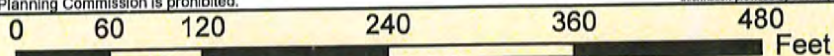
Zoning Map

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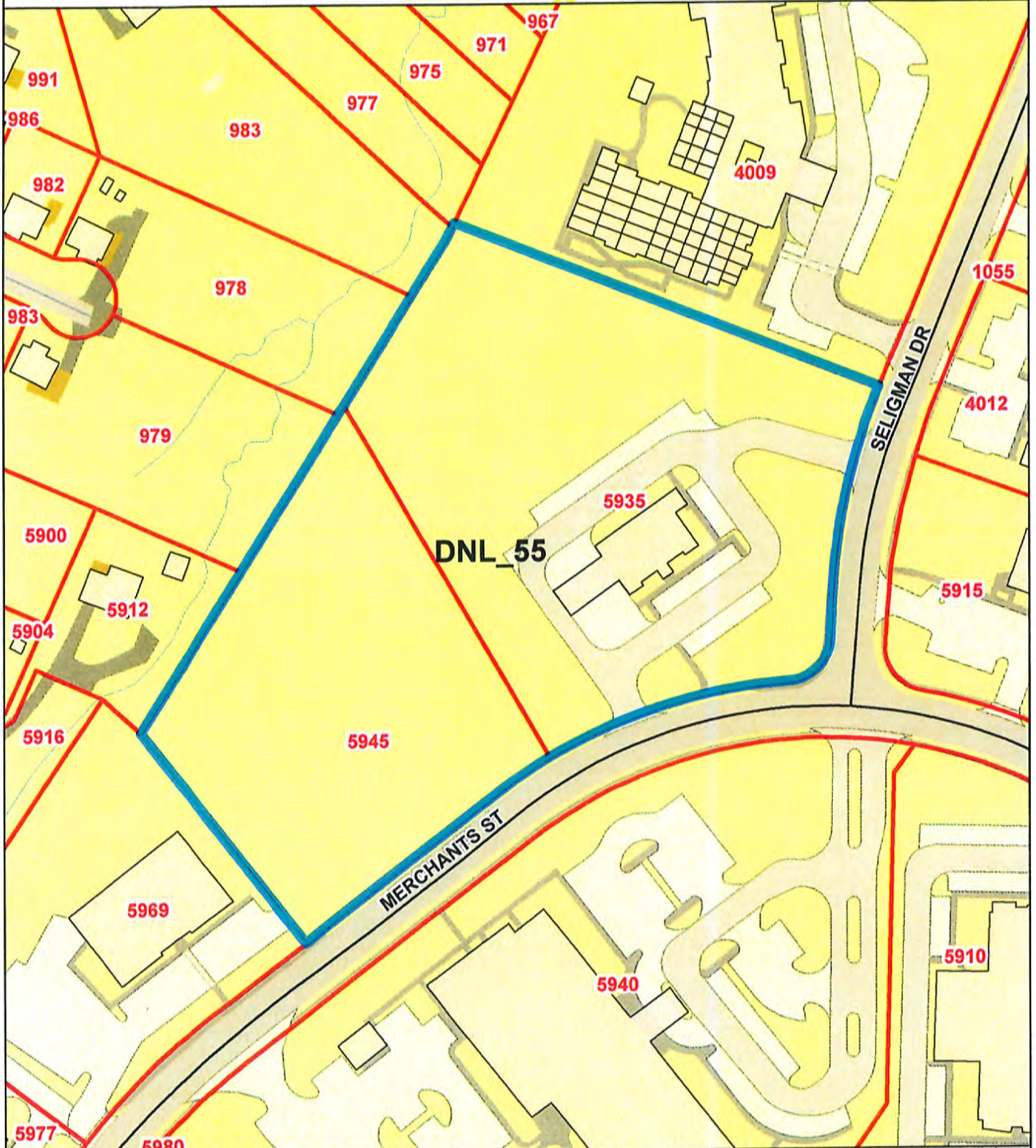
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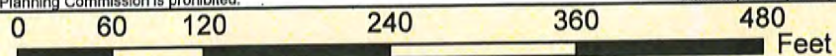
Noise Contour Map

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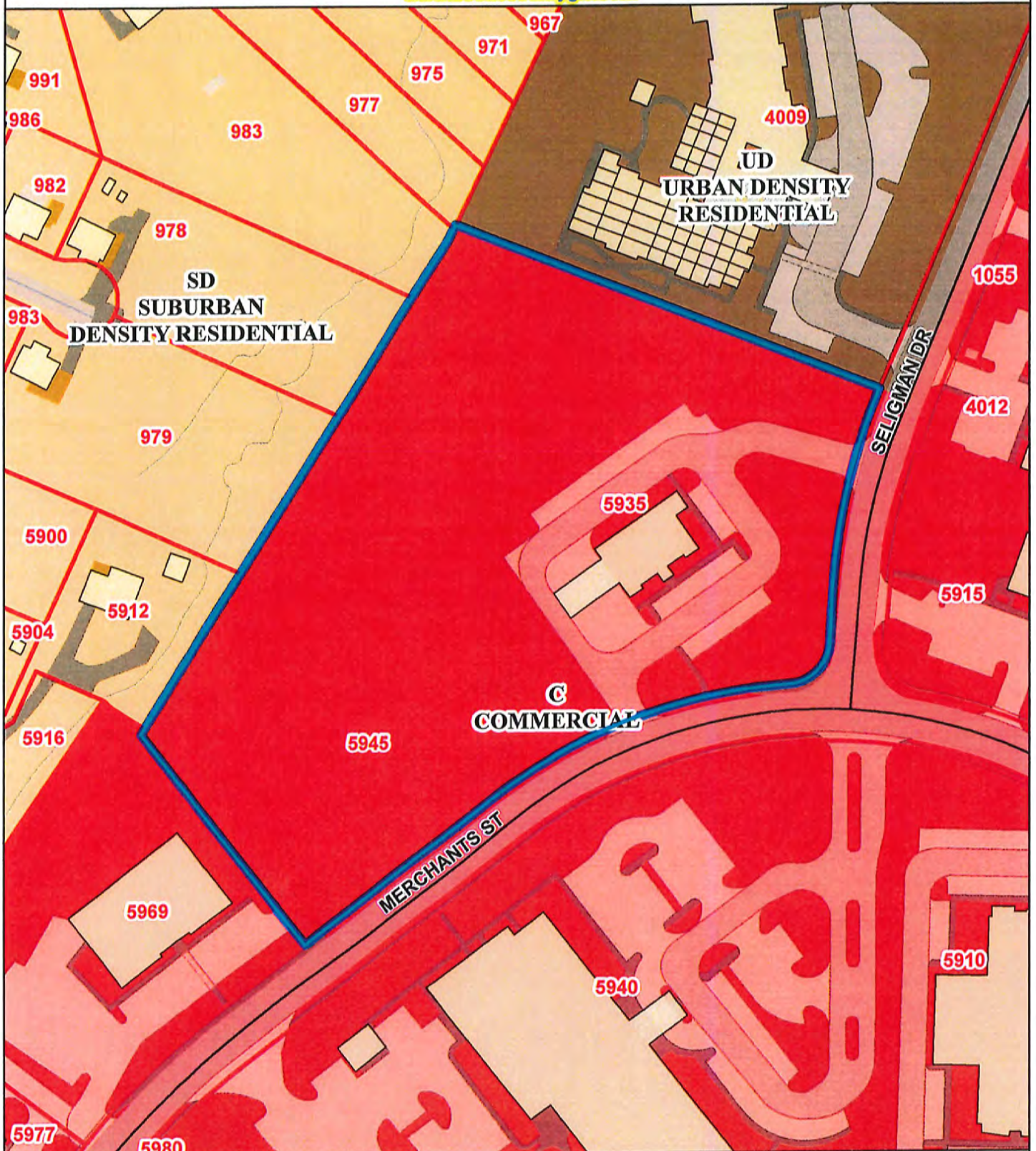
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Map Data Courtesy: North Pole 11010
ArcMap Document: *.mxd

2040 Future Land Use Map

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12. 1057 846
Deed Book Page Number Group Number

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

14. Have you submitted a Concept Development Plan: Yes No

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

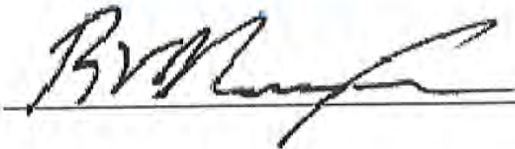
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| <input checked="" type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

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

17. 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 _____

Property Owner's Signature: 
Daniel Sutton (Sep 27, 2024 10:15 PDT)

Applicant's Signature: 



September 30, 2024

Ravi Narsinghani
Seva Hospitality
5905 Merchants Street
Florence, KY 41042

Boone County Planning Commission
Attn: Steve Lilly, Planner
2950 Washington Street, Room 317
Burlington, KY 41005

Re: Concept Development Plan – Extended Stay Hotel – 5935 Merchants Street

Dear Mr. Lilly,

We are excited to present the development proposal for LivSmart Studios by Hilton, an extended stay hotel in the vibrant City of Florence. A reimagined hotel brand, LivSmart Studios' spacious and stylish suites feature an adaptable layout with four distinct areas for guests to rest, work, cook and refresh, seamlessly bridging the gap between comfort and functionality. The suites focus on the amenities long-stay guests value most, including a fully equipped kitchen with a full-sized refrigerator, dishwasher, microwave, and two-burner cooktop, along with ample storage and multi-purpose furniture.

This development initiative to build a hybrid between hotels and apartments represents a significant opportunity for our community, and we would like to outline the numerous benefits it will bring to our region.

Economic Growth and Job Creation

LivSmart Studios will be a promoter for economic development in Boone County for both temporary and permanent job creation. By creating approximately 15 permanent jobs and numerous construction positions, this project will not only provide employment opportunities but also stimulate local businesses that serve our future guests. We anticipate increased demand for services such as dining, entertainment, and retail, thereby supporting existing businesses and encouraging new ones to flourish.

Enhanced Tourism and Extended Stays

Florence is strategically located near major highways, airport infrastructure, and attractions making it an ideal destination for both business travelers and tourists. LivSmart Studios by Hilton will cater to guests seeking longer



stays, providing them with the comfort and amenities of home. This focus on extended stays will attract families visiting for events, business professionals, and those relocating to the area, thus enhancing our local tourism footprint and increasing overall visitor spending.

Improved Infrastructure and Amenities

The proposed site for LivSmart Studios is strategically located nearby other commercial services that will complement the needs of extended-stay travelers. Our main objective is to support travelers related to various healthcare, manufacturing, logistics, aerospace, and technology companies here in Northern Kentucky. There is a shortage of serviced apartments and extended-stay hotels to support the growth of project based business in Florence and surrounding areas. The additional hotel room supply backed by a trusted brand will allow our region to continue growing knowing the supporting services are available.

Sustainable Development Practices

In alignment with Boone County's commitment to sustainable growth, LivSmart Studios will incorporate eco-friendly building practices and energy-efficient technologies. Our design will focus on reducing the environmental impact, utilizing sustainable materials, and integrating green spaces. We are dedicated to creating a facility that not only meets the needs of our guests but also supports the health and well-being of our community and environment.

In conclusion, the development of LivSmart Studios by Hilton in Florence presents a unique opportunity to enhance our community's economic vitality, support sustainable practices, and engage with our residents and businesses. We are committed to creating a hotel that not only meets the needs of our guests but also enriches the fabric of Boone County.

We appreciate your consideration of this proposal and look forward to the opportunity to discuss it further. Together, we can pave the way for a prosperous and vibrant future in Florence.

Sincerely,

A handwritten signature in black ink, appearing to read "Ravi Narsinghani".

Ravi Narsinghani

Principal

Seva Hospitality



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
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October 1, 2024

Steve Lilly, Planner
Boone County Planning Commission
2950 Washington Street, Room 317
Burlington, Kentucky 41005
steve.lilly@boonecountky.org

RE: Traffic Memorandum – Proposed Hotel Development
5935 & 5945 Merchants Street, City of Florence, Boone County, Kentucky

Dear Mr. Lilly:

This memorandum is in response to a request of the Boone County Planning Commission regarding the expected trip generation of the proposed hotel development, which is located at 5935 and 5945 Merchants Street. The hotel is proposed to have a total of 99 rooms. Two access points are proposed on Merchants Street, with an ample amount of sight distance from both access points. The following and attached exhibits are support for why this development is anticipated to have an insignificant traffic impact to the surrounding roadways.

Trip Generation

Per Exhibits A, B, and C, the Institute of Transportation Engineers (ITE) *Trip Generation Manual* estimates that a hotel with 99 rooms would generate a total of approximately 46 AM trips (26 entering and 20 exiting), 58 PM trips (38 entering and 20 exiting), and 650 – 791 weekday trips (range being 325 entering and 325 exiting to 396 entering and 395 exiting), respectively.

Conclusion

Based on the trip generation exhibits (Exhibits A, B, and C), it is anticipated the proposed development will have an insignificant traffic impact to the surrounding roadways.

If there are any other concerns related to the traffic characteristics of the proposed development, don't hesitate to reach out and we can go from there.

Respectfully Submitted,

Jon Girdler, P.E.

CC: Bill Viox
Megan deSola
Michelle Bollman

EXHIBIT A

Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 28
Avg. Num. of Rooms: 182
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation

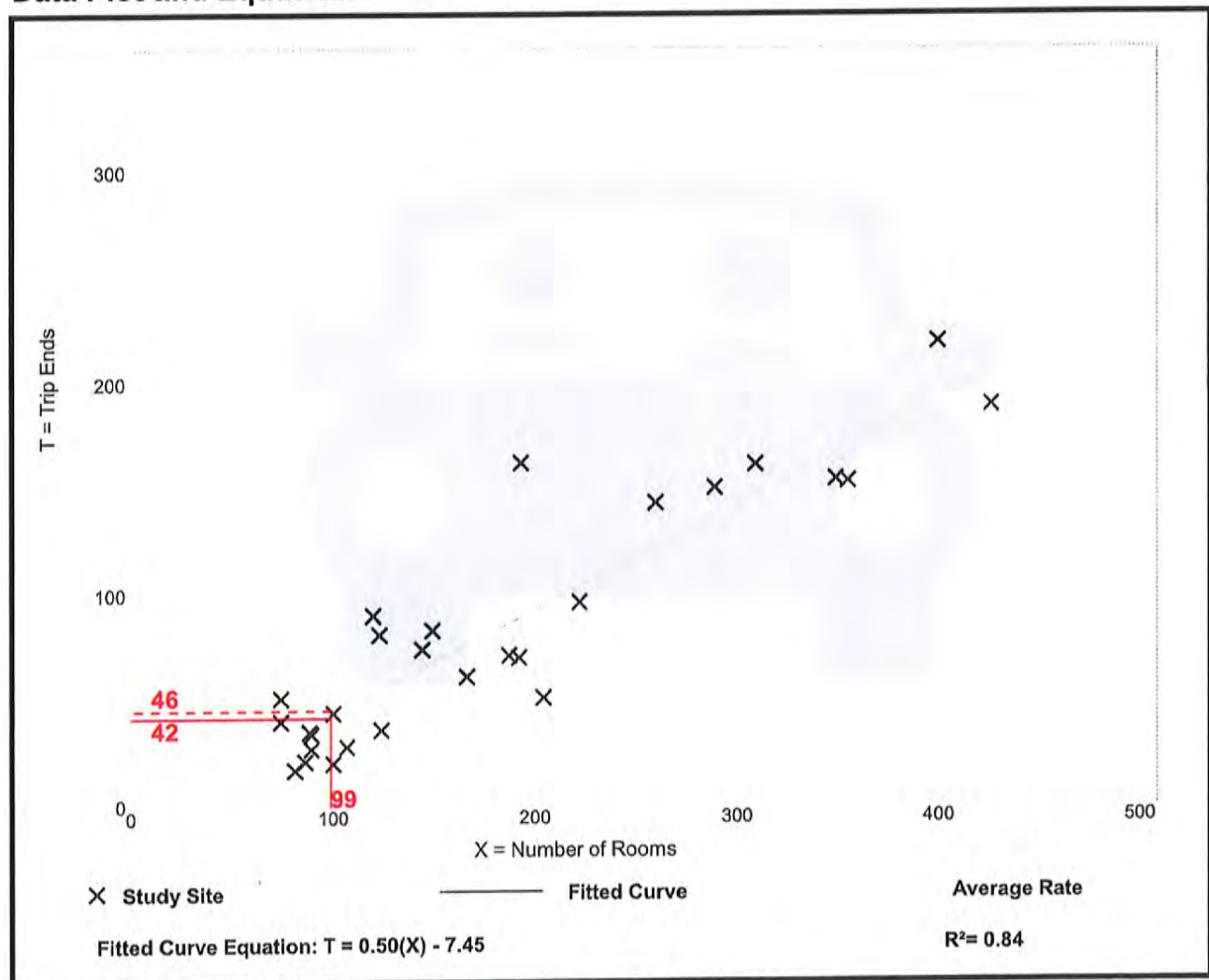


EXHIBIT B

Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. Num. of Rooms: 186
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation

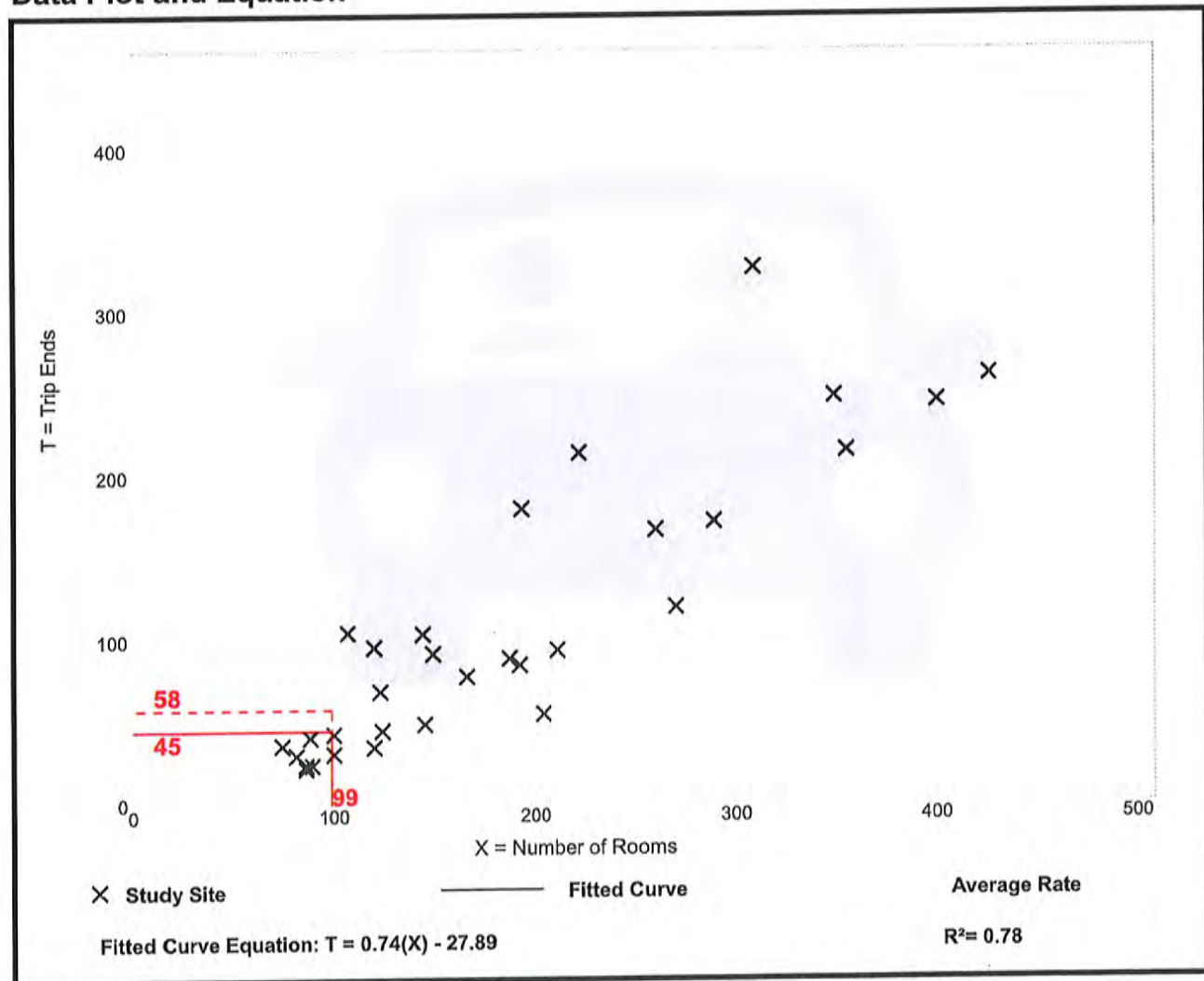


EXHIBIT C

Hotel (310)

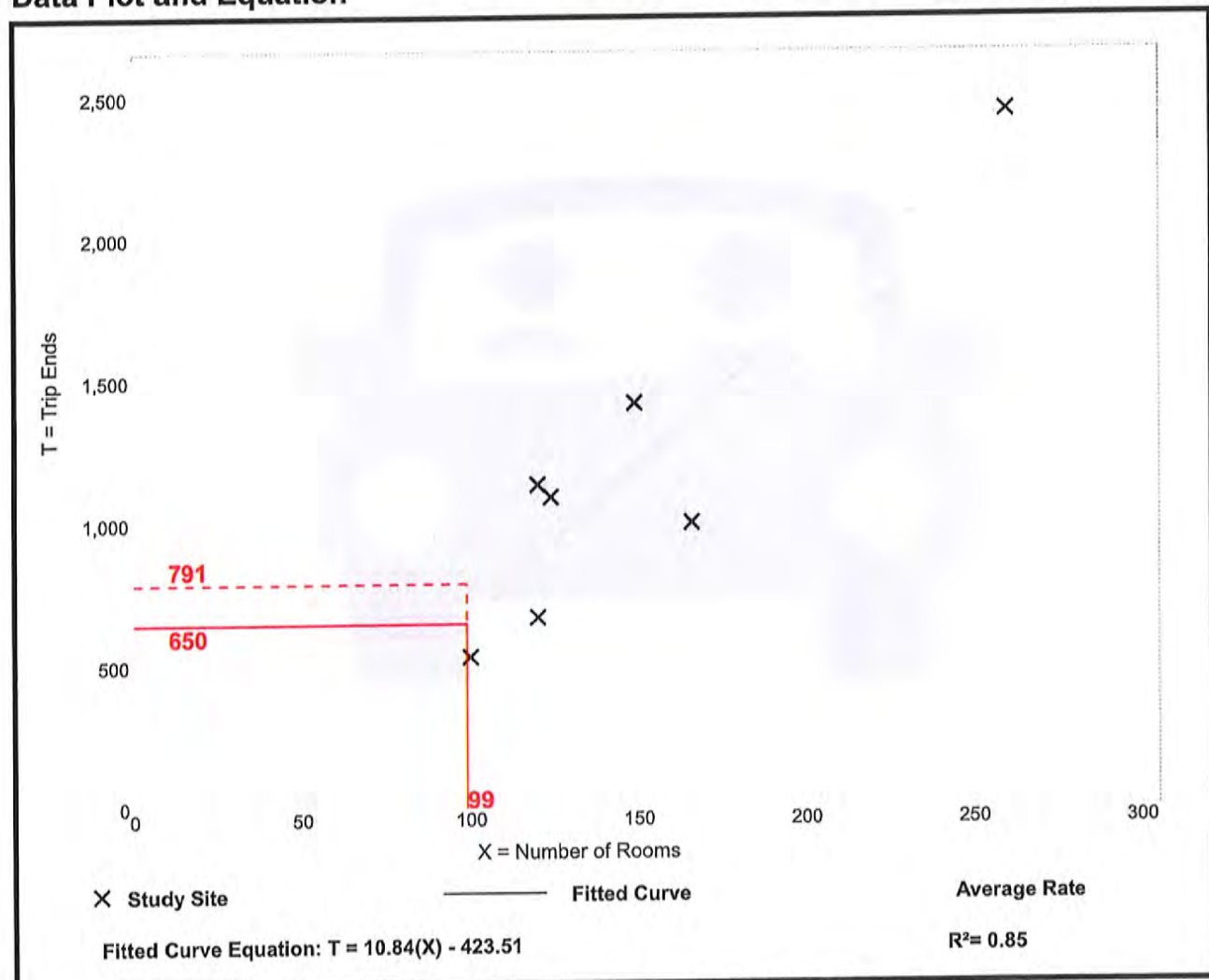
Vehicle Trip Ends vs: **Rooms**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

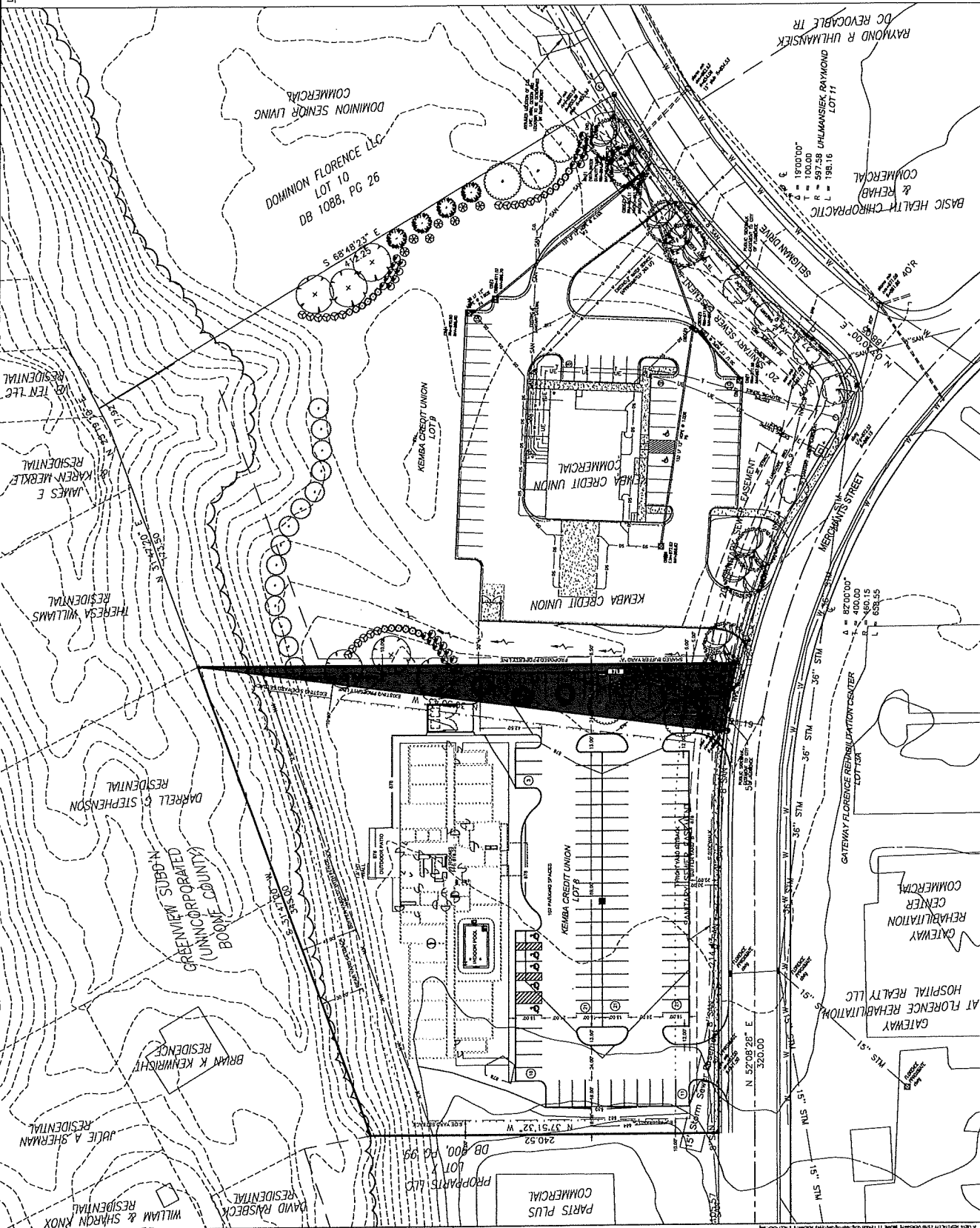
Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

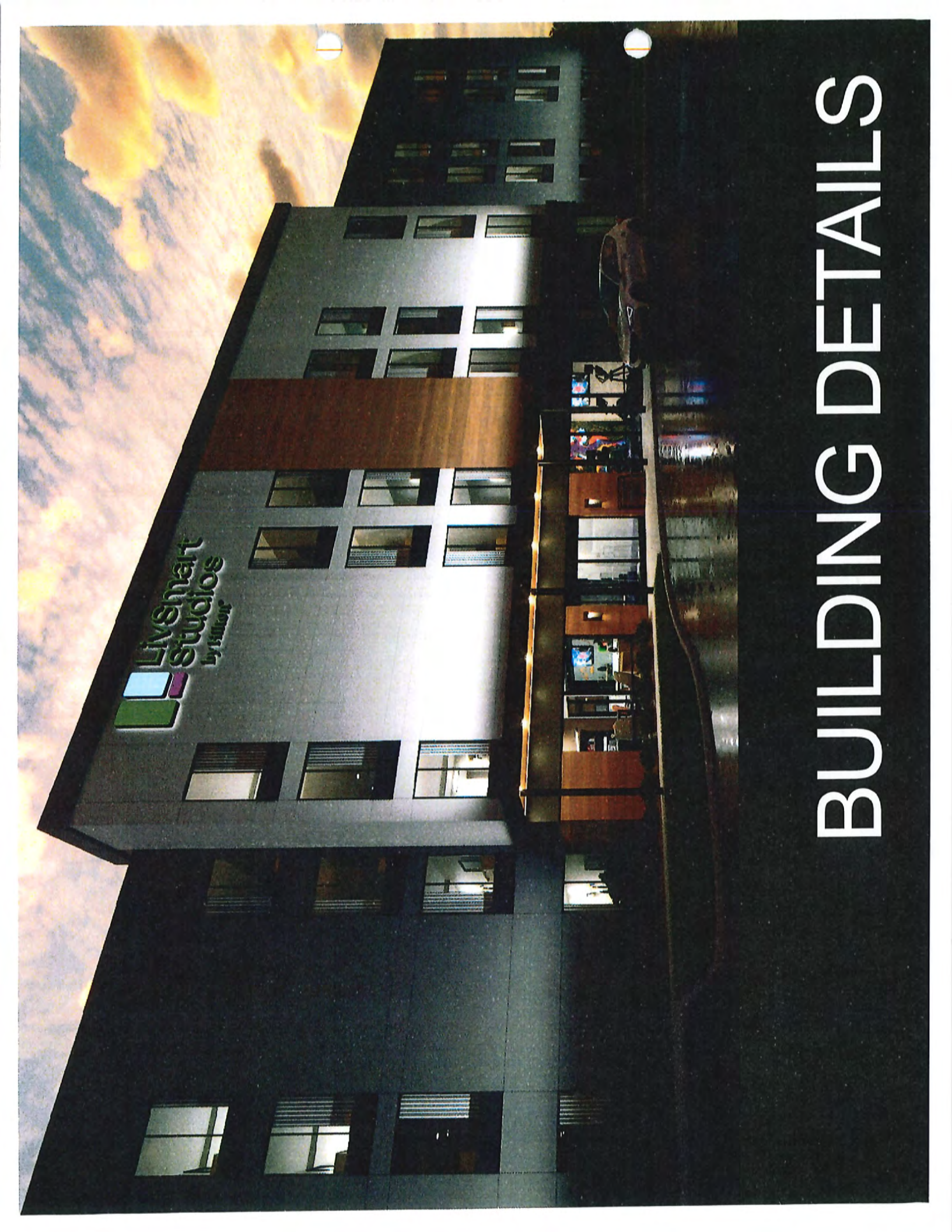
Data Plot and Equation



LEGEND:
PROPOSED ADDITIONAL AREAS FOR FUTURE DEVELOPMENT



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LivSmart
studios
by smart

BUILDING DETAILS

Exterior Materials Design Intent



Prototypical Design - EIFS Paint Scheme (Shown Above)

1	QUEEN/QUEEN BAYS EX-01 Lightest Gray	
2	KING BAYS EX-02 Medium Gray	
3	STAIR TOWERS / ENTRY BASE EX-03 Darkest Gray	
4	ENTRY / VERTICAL ACCENT EX-04 Wood Tone	
5	ACCENT BANDS / TRIM / WINDOW MULLION / PTAC GRILLES EX-05	
6	CANOPY STEEL PAINT EX-06	

Masonry Substitutions to Accommodate Houston Donaldson Overlay

1	
2	
3	

Exterior Paint Color Options Center Load

1 QUEEN/QUEEN BAYS
EX-01 Lightest Gray



2 KING BAYS
EX-02 Medium Gray



3 STAIR TOWERS / ACCENT BANDS / ENTRY BASE*
EX-03 Darkest Gray



4 ENTRY & VERTICAL ACCENT*
EX-04 Wood Tone



5* TRIM / WINDOW MULLION / PTAC GRILLES*
EX-05 / FACTORY FINISH BLACK



6 CANOPY WRAP HIGH PRESSURE LAMINATE PANEL*
EX-06



INSERT ARCHITECT'S CUSTOM RENDERINGS HERE

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 1707 DEVELOPMENT DESIGN REQUIREMENTS

- A. This section outlines the Site Design and Architectural Design Review requirements which apply to all buildings and sites in the Houston – Donaldson Study Area. These requirements are primarily aesthetic in nature and are intended to create and maintain substantive, high quality developments which are adaptable over time and conducive to a regional, automobile oriented multi-use activity center in accordance with the Study's objectives. If the proposed improvements are not subject to public view from a public street or adjoining property, the Zoning Administrator may determine that the Design Review procedure is not required.
- B. Compliance with the Site Design requirements shall be determined through the applicable Site Plan process as required by ARTICLE 30. Compliance with the Architectural Design Review requirements shall be determined through the Design Review process that is described later in this section. The Site Plan and Design Review applications shall be submitted concurrently. Seven (7) sets of full size architectural elevations, one (1) letter or legal size set of architectural elevations and color rendering, material samples or product literature, and sufficient design details which demonstrate compliance with these requirements shall be submitted as part of the Design Review application. Architectural plans shall be stamped or sealed by a registered architect licensed by the Commonwealth of Kentucky.
- C. For additions or exterior modifications to existing buildings, the Architectural Design Review requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design may be used. These design concepts are available at the Planning Commission office.
- D. The requirements in this section supersede the normal requirements of the Boone County Zoning Regulations. When specific standards or requirements are not outlined in this document, the normal requirements of the zoning regulations shall apply. Exceptions or modifications to either the Site Design or Architectural Design Review requirements, and flexibility in development standards, may be granted by the Planning Commission through the Design Review procedure upon finding that the proposal will create an equivalent or superior solution to the requirement in question, or is necessary to better meet the recommendations, requirements, intent, goals, and objectives in the Study document as a whole, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.
- E. Site Design Requirements
1. Site Arrangement:
 - a. Improvements shall be arranged on a site so that:
 1. Large blank walls are not directly visible along street frontages or areas frequented by the public.
 2. No more than 60 percent of the parking and vehicular areas for outlot type developments shall be placed in a front yard or corner side road.
 3. A minimum 20 foot wide landscaped area is provided between the right-of-way and on-site improvements. For sites with multiple street frontages, the landscape area width may be reduced to 10 feet for secondary frontages along local or subcollector roadways. Such approval shall be granted through the Design Review process.
 2. Landscape/Green Space Area:
 - a. Landscaping shall be provided in accordance with ARTICLE 36 "Landscaping" of the zoning regulations. Additionally, a minimum of 22 percent of the overall site area shall be devoted to landscaping as permanent green space. The computation of this green space ratio can include areas such as landscaped parking lot islands and peninsulas, landscape areas along street frontages and building frontages, buffer yards, water features and sculptural elements, and storm management facilities which are integrally designed as part of the landscape. Storm water management facilities that are placed in front yards or corner side yards must be designed as an integral, visual part of the site's landscape.
 3. I-71/75 Streetscape:
 - a. The pavement surface of any parking or vehicular area which adjoins the I71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.
 4. Pedestrian Facilities:
 - a. Each development or land use within the Study Area shall provide pedestrian sidewalk connections to other developments, recreation and public or civic facilities, and public open space areas, if appropriate. These connections are in addition to sidewalk connections between the building, parking, and street normally

required by ARTICLE 33 of the zoning regulations. Comprehensive pathway/sidewalk systems which logically connect destinations shall be provided in multi-lot developments. Access easements shall be of a paved surface and shall not use gravel.

- b. Outdoor spaces with fixed seating, landscaping, and other pedestrian oriented improvements shall be provided at a main building entrance for multi-tenant and multi-building retail and office developments, and other major developments with a high volume of pedestrians such as public facilities. These outdoor spaces shall be surfaced with decorative pavers or concrete treated to appear as unit pavers. Crosswalks on public and private roadways within planned development should also have a tactile, decorative surface such as cast in place units made to look like unit pavers or concrete treated to appear as such.

5. Site Furniture:

- a. Site furniture includes items such as benches/seating and outdoor tables, light fixtures and masts, waste receptacles, bollards, railings around outdoor seating areas, and street/regulatory signage. There are no proprietary specifications or requirements for site furniture, or prototypes which must be followed. Rather, site furniture must be architectural grade and the various items selected for any given site must visually correlate to one another as components of an overall design system. Also, site furniture must use neutral or dark colors, and shall not use wood or wood products.

6. Underground Utilities:

- a. All utility lines shall be placed underground. Existing overhead utility lines shall be placed underground when a site develops or redevelops.

F. Design Review Process

1. 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.
2. 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.

G. Architectural Design Review Requirements

1. Previously Approved Design Standards:

- a. 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:

- a. 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:

- a. Developments with multiple uses, owners, and/or tenants are encouraged to use architectural designs from a single recognized academic style.

4. Massing and Proportions:

- a. 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.
- b. 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. Façade Composition and Detailing:

- a. 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.
- b. 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.
- c. 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:

- a. 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.
- b. 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.
- c. 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:

- a. 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:

- a. 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:

a. Mechanical Equipment Screening:

1. 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.

b. Loading/Unloading/Service Areas:

1. 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.

c. Trash Enclosures and Accessory Structures:

1. 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.

d. Retaining Walls:

1. 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.

Effective on: 12/20/2022

ENTERED
BOONE CIRCUIT/DISTRICT COURT
DEC 17 1998
PAT GUTZEIT, CLERK
BY DC

COMMONWEALTH OF KENTUCKY
BOONE CIRCUIT COURT
CASE NO. 98-CI-00145

JAMES W. BERLING, ET AL

PLAINTIFFS/APPELLANTS

v.

AGREED JUDGMENT OF DISMISSAL

CITY OF FLORENCE, KENTUCKY, ET AL

DEFENDANTS/APPELLEES

The parties having agreed and the Court being sufficiently advised,

The Court hereby finds, as follows:

1. A Settlement Agreement dated September 8, 1998, executed by all parties has been filed in this action.

2. That in compliance with the terms of the Settlement Agreement, Defendant, City of Florence, Kentucky, enacted Ordinance No. 0-18-98, a certified copy of which Ordinance is attached hereto and incorporated herein.

3. That such Ordinance renders all matters in controversy in this lawsuit as moot.

NOW, THEREFORE, BE IT ORDERED AND ADJUDGED, as follows:

1. That the Settlement Agreement among the parties is hereby approved and adopted by the Court;

2. That City of Florence Ordinance No. 0-18-98 is hereby approved and adopted as a part of this Judgment;

3. That this action be and the same is hereby dismissed with prejudice at the cost of Plaintiffs; and

4. That the Circuit Clerk shall serve notice of the entry hereof in accordance with Rule 77.04.

Dated this 10 day of Dec, 1998.

Joseph F. Bamberger
HON. JOSEPH F. BAMBERGER, JUDGE
BOONE CIRCUIT COURT

HAVE SEEN AND AGREED:

Glenn A. Price, Jr.
ATTORNEY FOR PLAINTIFFS

Raymond J. [Signature]
ATTORNEY FOR DEFENDANTS

cc: Hon. Hugh O. Skees
Rouse, Skees, Wilson & Dillon
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756

Hon. Harry D. Rankin.
Hon. Holland N. McTyeire, V
Hon. Glenn A. Price, Jr.
Greenbaum Doll & McDonald
Suite 1800
50 East RiverCenter Blvd.
Covington, KY 41011

CERTIFICATE

I, PAT GUTZEIT, Clerk of the Boone District/Circuit Court, hereby certify that I have mailed a copy of the foregoing order and notice to all parties hereto at their last known addresses or their counsel of record this 17 day of Dec, 1998.

PAT GUTZEIT
BOONE DISTRICT/CIRCUIT COURT

BRM D.C.
2

NOTICE

All parties will take notice that this order was entered in office of the Boone District/Circuit Clerk on the 17 day of Dec, 1998.

PAT GUTZEIT
BOONE DISTRICT/CIRCUIT COURT

BRM D.C.

ORDINANCE NO. 0-18-98

AN ORDINANCE ADOPTING AND APPROVING A REZONING ON AN APPROXIMATE 95 ACRE SITE GENERALLY LOCATED ON BOTH SIDES OF HOUSTON ROAD BETWEEN KENTUCKY 18 AND WOODSPOINT DRIVE FOR THAT PORTION OF THE SITE WITHIN THE CITY OF FLORENCE, KENTUCKY, AND APPROVING THE UTILIZATION OF THE UNDERLYING ZONE IN ACCORDANCE WITH A CONCEPT DEVELOPMENT PLAN AGREED TO BY THE CITY AND THE OWNERS OF THE SITE PURSUANT TO THE SETTLEMENT OF A PENDING APPEAL IN THE BOONE CIRCUIT COURT. (DOERING, FULLER, FOLTZ, DURR AND CRIST PROPERTY)

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

WHEREAS, the Boone County Planning Commission by Resolution R-97-020A recommended that a request for a zone change for an approximate 95 acre site located on both sides of Houston Road, generally between Kentucky 18 and Woodspoint, being part of the complete tract as recorded in Deed Book 446, Page 301, Deed Book 136, Page 74, and Deed Book 635, Page 68, of the Boone County Clerk's records (the "Site") to Commercial Two/Planned Development (C-2/PD) from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) be approved and utilization of the underlying zone be granted, and

WHEREAS, On January 6, 1998, City Council voted to override the recommendation of the Boone County Planning Commission and deny the zone change request, and

WHEREAS, the zone change applicant and owners of the site filed an action in the Boone Circuit Court being James W. Berling, et al v. City of Florence, et al, Case No. 98-CI-00145 (the "Lawsuit") as an appeal from such denial, and

WHEREAS, settlement negotiations between the parties to that action resulted in agreement on a revised concept development plan which was acceptable to all parties, and

WHEREAS, because the revised concept development plan results in a decrease in the intensity of uses recommended by the Boone County Planning Commission and, on advice of the staff of said Commission, the City and the applicant/owner have determined that, in settlement of the lawsuit, the zone change and utilization of the underlying zone represented by the revised concept development plan can be approved without the necessity of additional Planning Commission review and recommendation, and

WHEREAS, the parties have agreed to settle the lawsuit by granting the requested zone change in accordance with the revised concept development plan and subject to the terms and conditions hereinafter set out.

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

SECTION I

That a zone change for the Site is hereby approved as shown on the concept development plan titled: "June 16, 1998, Second Amendment Concept Development Plan, Seligman/Durr/Crist/Foltz Properties, Houston Road, Florence, Kentucky" (the "Development Plan"), a copy of which is attached hereto as Exhibit "I", subject to the conditions hereinafter set out. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of that portion of the Site located within the City of Florence, Kentucky, as so approved.

SECTION II

That utilization of the underlying zone for that portion of the Site located in the City of Florence, Kentucky, in accordance with the Development Plan is hereby approved, subject to the conditions hereinafter set out.

SECTION III

The zone change and utilization of underlying zone are subject to all of the terms and conditions of the Committee Report of the Boone County Planning Commission dated October 15, 1997, (the "Committee Report"), a copy of which is attached hereto and incorporated herein as Exhibit "II", except as modified by the following:

A. Condition 1 is modified to provide that the development shall follow the Development Plan attached hereto as Exhibit "I".

B. Condition 1E is modified to provide that signage for the site shall be permitted in the areas designated on the Concept Development Plan and in compliance with the following criteria:

1. Building Mounted Signage shall be limited to the number and size as permitted by the Zoning Ordinance but must be internally illuminated individual channel letters, mounting raceway optional, and generally of the dimensions and criteria as depicted on Exhibits "A" through "E" to this Ordinance.

2. Project Identification Signage shall consist of a pylon sign maximum 28 feet in height and of materials and architectural details as depicted on Exhibit "F", hereto and of low wall signage not to exceed six (6) feet in height and constructed of masonry, brick or stone identifying only the development and containing only polished metal individual channel letters which may be backlit as depicted on Exhibit "G" to this Ordinance. The developer shall construct an architectural feature at the northeast corner of Houston Road and Kentucky Highway 18 identifying the south entrance to the development. This feature shall be architecturally compatible with the other landscaping and building construction.

3. Low Ground Monument Signage is permitted one per out-lot not to exceed six (6) feet in height and seven (7) feet in width and generally as depicted on Exhibit "H" to this Ordinance.

C. Condition 2 is deleted and the following substituted:

Zoning of the entire tract shall be in accordance with the land use designations on the Development Plan. The 19.20 acre parcel designated Office/Research Park/Light Industrial and the 3.80 acre parcel designated Office shall be zoned O1/PD. The remainder of the Site shall be zoned C2/PD. The following additional uses shall be permitted in the O1/PD and C2/PD areas.

1. Real estate sub-dividing and developing services.
2. Postal services and packaging services provided the use is essential for pick-up and delivery convenience.
3. Nursery and day care centers.
4. Consumer and mercantile credit reporting, adjustment and collection services.
5. Travel arranging, transportation ticket and public event or promotional booking agencies.
6. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space.
7. Medical clinics with outpatient services.
8. Welfare and charitable services.
9. Aquariums, botanical gardens and other natural exhibitions.

10. Rehabilitation hospital facilities.
11. Micro-brewery.
12. Professional scientific and controlling instruments, photographic and optical goods, watches and clocks.
13. Electric and electronic equipment.
14. Technology and research centers including medical and hospital research establishments.
15. Educational and governmental institutions.
16. Wholesale trade of drugs, drug proprietaries and sundries.
17. Wholesale trade of electrical and electronic parts.
18. Research, development and testing services.
19. Photo finishing and other photographic laboratories.
20. Postal services and related storage, distribution and transfer activities.
21. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services.
22. Fire stations or fire related protective services including rescue services.
23. Warehouse and distribution center-warehouse facilities.

D. The retail commercial center located on parcel no. 22 shall not exceed 296,000 square feet under total roof and the square footage of any single user in the retail commercial center shall not be more than 150,000 square feet.

E. Not less than 22% of the total acreage of the Site shall be green space which may be integrated throughout the other approved uses, provided that green space of 18% of the total acreage shall be contained in the privately owned areas.

F. Neither the owners of the Site nor their successors or assigns shall apply for a land use change within the area zoned O1/PD to any commercial use for a period of 5 years from the date of final passage of this Ordinance.

SECTION IV

If these approvals for a zone change and utilization of the subject property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from these approvals herein and are intended to continue to have effect regardless of any invalidity regarding these particular approvals.

SECTION V

This Ordinance shall be effective upon final passage, publication by summary, and approval by Judgment of the Boone Circuit Court in the Law suit.

PASSED AND APPROVED ON FIRST READING THIS 5th DAY OF September, 1998.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 20th DAY OF September, 1998.

APPROVED:

Emory McKalt
MAYOR

ATTEST:

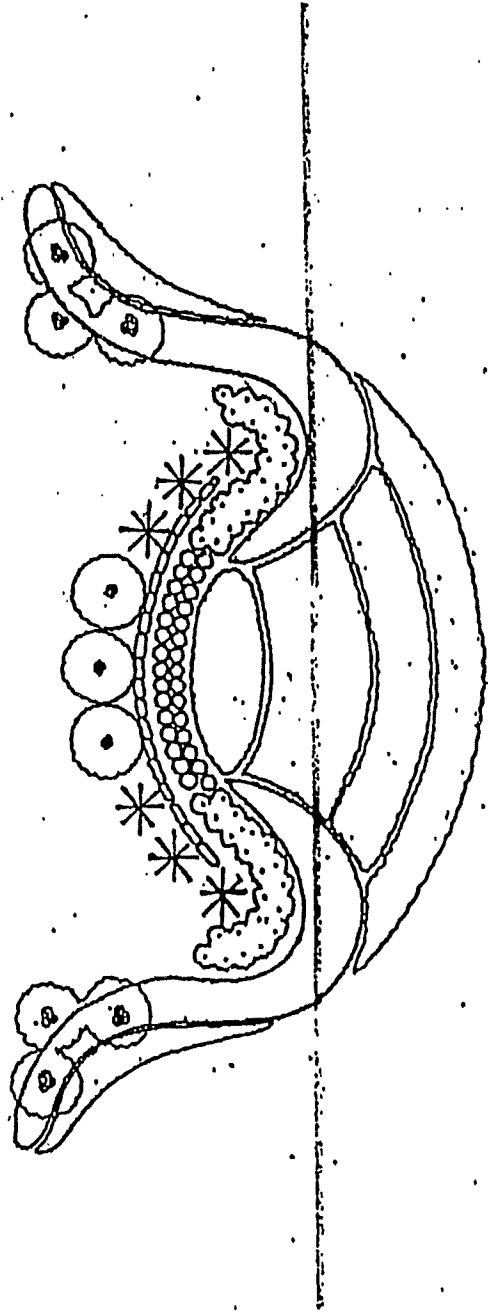
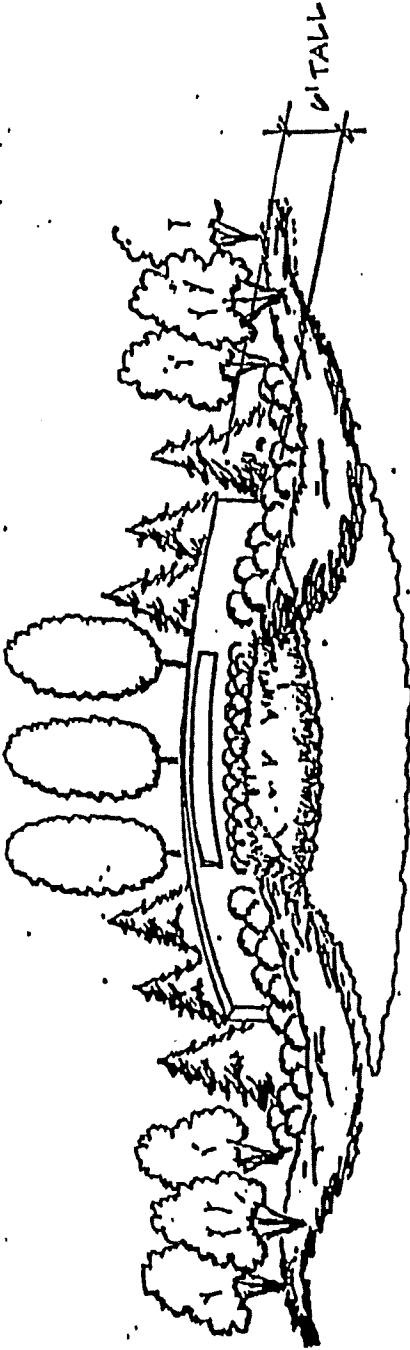
Betsy R. Conrad
CITY CLERK

3

I, Betsy R. Conrad, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-18-98 as same appears in the official records of my office. Dated this 23rd day of September, 1998.

Betsy R. Conrad
Betsy R. Conrad, City Clerk

REQUIRED SIGNAGE G



The Florence Marketplace
Architectural Development Guidelines NTS



COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: October 15, 1997

RE: Request of James W. Berling (applicant) for Ruth Doering, Harry Fuller, Mary Ellen Foltz, R.C. Durr and Richard Crist (owner) to consider a Zoning Map Amendment and the Utilization of an Underlying Zone in a Planned Development for 95 acres located on both sides of Houston Road generally between KY 18 and Woodspoint Drive, Florence and unincorporated Boone County, Kentucky. The request is for a zone change from Industrial One/Planned Development (I-1/PD) and Office Two/Planned Development (O-2/PD) to Commercial Two/Planned Development (C-2/PD), and the Utilization of an Underlying Zone in a Commercial Two/Planned Development (C-2/PD) zone, both to allow a retail/commercial development.

Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment and Utilization of an Underlying Zone request based upon the following findings of fact and with the following conditions:

Findings of Fact:

The Committee believes that the applicant has adequately demonstrated that the restrictive site features, which include topography, geometry, and utilities, make the site unsuitable for industrial development. These site features were not foreseen in the 1995 Boone County Comprehensive Plan or the Houston Donaldson Study as possible deterrents for industrial development. As a result, the Committee has concluded that the existing Industrial One Planned Development (I-1/PD) zoning classification, which comprises a majority of the site, is not appropriate.

The applicant has demonstrated that the proposed uses within the underlying Commercial Two (C-2) zoning classification, as part of the Concept Development Plan, produce a cohesive and coordinated development of several distinct and separately-owned properties, which would otherwise be difficult to develop individually.

The Committee believes that the applicant has adequately demonstrated that the proposed Commercial Two Planned Development (C-2/PD) zoning classification is appropriate for the 95 acre site because, the submitted Concept Development Plan along with the attached conditions meets the standards required for a Planned Development within Article 15 of the Boone County Zoning Regulations. The Concept Development Plan with these conditions provides a beneficial interior circulation pattern, a comprehensive landscaping and entry feature package, a lightly controlled and consistent architectural theme and mixture of uses, all of which are consistent with the intent of a Planned Development.

The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as the basis for this recommendation.

Conditions

1. The development shall follow the revised Concept Development Plan which was submitted by the applicant during the review process to the Zone Change Committee. These changes reflect the issues raised at the Public Hearing on July 23, 1997. In addition to the revised Concept Development Plan, the applicant has provided supplemental design standards for the architectural treatment of all buildings, signage, and landscaping. The revised Concept Development Plan and supporting information contains the following:
 - A. The architectural development guidelines, as submitted by the applicant, outline the minimum design standards for all buildings to be constructed within the development. All proposed buildings shall be reviewed by the Design Review Committee and Planning Commission to determine if the architectural development guideline design standards are being followed. Each proposed building shall receive approval from the Committee and the Planning Commission before any construction occurs. Building types include anchor retailers (Exhibit A), attached retailers (Exhibits B & C), free standing commercial properties (Exhibits D & E), and single use buildings. The guidelines include general building design, roof treatment, building facade materials, colors, exterior lighting, window treatment, and signage. In addition, buildings shall not contain exposed heating or cooling units or other engineering devices. Roof mounted equipment shall not be seen as part of any building silhouette. See Exhibits A, B, C, D, and E of the Architectural Development Guidelines.

- B. Lot 1, which is located at the northeast corner of Houston Road and Hwy 18, will contain an architectural feature and landscaping for the purpose of identifying the southern entrance into the development. The architectural element shall be no taller than 32 feet and shall only identify the development. Advertising is prohibited. See Exhibits F, I, and J of the Architectural Development Guidelines. The existing billboard sign on Lot 1 shall be permanently removed.
- C. The proposed access road behind the Foltz property on the north end of the site shall either be relocated onto the Foltz property so that it runs parallel with the property line or constructed on the airport property as shown on the Concept Development Plan. Construction of this access road shall occur concurrently with the first phase of development of either lot. A four lane divided boulevard that extends from the airport to Houston Road is indicated on the north end of the Concept Development Plan. The applicant has agreed that if either lot on the Foltz property is ready to develop before the start of construction of the airport boulevard, the applicant shall develop the portion of the boulevard that runs the length of the Foltz property from Houston Road to the airport property.
- D. A Landscaping Master Plan has been included as part of the Concept Development Plan. The Master Plan provides uniform landscaping design and treatment along Houston Road, Merchants Street, Seligman Drive, and at all existing and proposed intersections. This landscaping shall be installed during the improvement phase of the development and is independent of, and in addition to landscaping requirements for individual lots that require a Site Plan review. See Exhibits H and J of the Architectural Development Guidelines.
- E. The development will include the following signage:

One 40' tall pylon sign, identifying the development and tenants within the commercial center, shall be located on the northwest corner of the commercial center-Houston Road signalized intersection. See Exhibit G of the Architectural Development Guidelines.

Low profile monument signs identifying only the development shall be located at the non-signalized intersection along Houston Road. The signs shall not exceed 6 feet in height.

Low profile wall mounted signs shall be located at the Seligman Street-Merchant Street and Merchant Street-Houston Road intersections, at the southeast corner of the proposed office building complex, and at the southeast and southwest corners of the Houston Road-Woodspoint Drive-

Alrport Boulevard Intersection. The low profile walls shall be constructed of masonry brick and/or stone and shall only identify the name of the development. The wall mounted signs shall contain only non-illuminated, polished metal, individual channel letters. See Exhibit J of the Architectural Development Guidelines.

Each out lot will be permitted one low profile monument sign. The signs shall not exceed 6 feet in height. All low profile monument signs shall be constructed of the same masonry material, and be of the same height, size, design.

All building mounted signs shall be individual channel letters and internally illuminated.

- F. The development shall contain a pedestrian access network as shown on the Concept Development Plan.
- G. The development shall also contain a vertical architectural element at the southwest corner of Merchants Street and Houston Road. See Exhibit F of the Architectural Development Guidelines.

2. The Selgman property, which contains approximately 51 acres including the three major commercial users, storm water detention basin, and 5 out lots on the west side of Houston Road, will develop as commercial uses described within a Commercial Two (C-2) zoning district of the Boone County Zoning Regulations. The applicant has agreed to develop 25% of the remaining 45 acres with uses permitted within the Office One (O-1) zoning district and the following uses that may occur in Commercial One (C-1) or Commercial Two (C-2) zoning district:

- A. Real estate sub-dividing and developing services;
- B. Postal services and packaging services provided the use is essential for pick-up and delivery convenience;
- C. Nursery and day care centers;
- D. Consumer and mercantile credit reporting, adjustment and collection services;
- E. Travel arranging, transportation ticket and public event or promotional booking agencies;

- F. Art, music, and dancing schools, libraries, museums, art and craft galleries and similar exhibit space;
- G. Medical clinics with out-patient services;
- H. Welfare and charitable services;
- I. Aquariums, botanical gardens and other natural exhibitions;
- J. Arcades and other amusement centers;

Included as part of this 25% is a proposed office building complex on the east side of Houston Road, immediately across from the three major commercial users on lots 6 and 7. Eleven (11) acres constitutes as a minimum, 25% of the remaining 45 acres that shall be developed with the uses described above.

3. The out lots along Houston Road are to be developed as individual businesses or establishments. The lots, which are approximately 1.5 acres each in size, shall not be consolidated for the purpose of developing a strip center along Houston Road. Any consolidation of lots shall be for a individual business and any additional parking needs or requirements only.
4. The Planning Commission has been informed that grave sites or possibly a cemetery exists somewhere on the site between the proposed storm detention basin and the airport property. The applicant shall be responsible for performing an archeological survey as required in the Boone County Zoning Regulations, to determine the location of any grave sites or a cemetery.
5. The traffic intersections along Houston Road shall be spaced at a minimum of 600' intervals as indicated on the Concept Development Plan.
6. The intensity of the 95 acre development shall will not exceed 10,000 square feet per acre.
7. The applicant will maintain all existing trees on the property lines between the development, the municipal golf course, and the Greenvew Subdivision. The applicant shall establish a 15' no disturb limit on the site to the property line with the golf course and a 25' no disturb limit on the site to the property line with the Greenvew Subdivision.
8. The applicant shall provide a minimum of 22% greenspace for the development as a whole, including the detention area, in accordance with the open space provisions of the Houston Donaldson Study.

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

Arnold Caddell
Arnold Caddell, Chairman

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

Larry Brown
Larry Brown

For	<input type="checkbox"/>	Against	<input checked="" type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

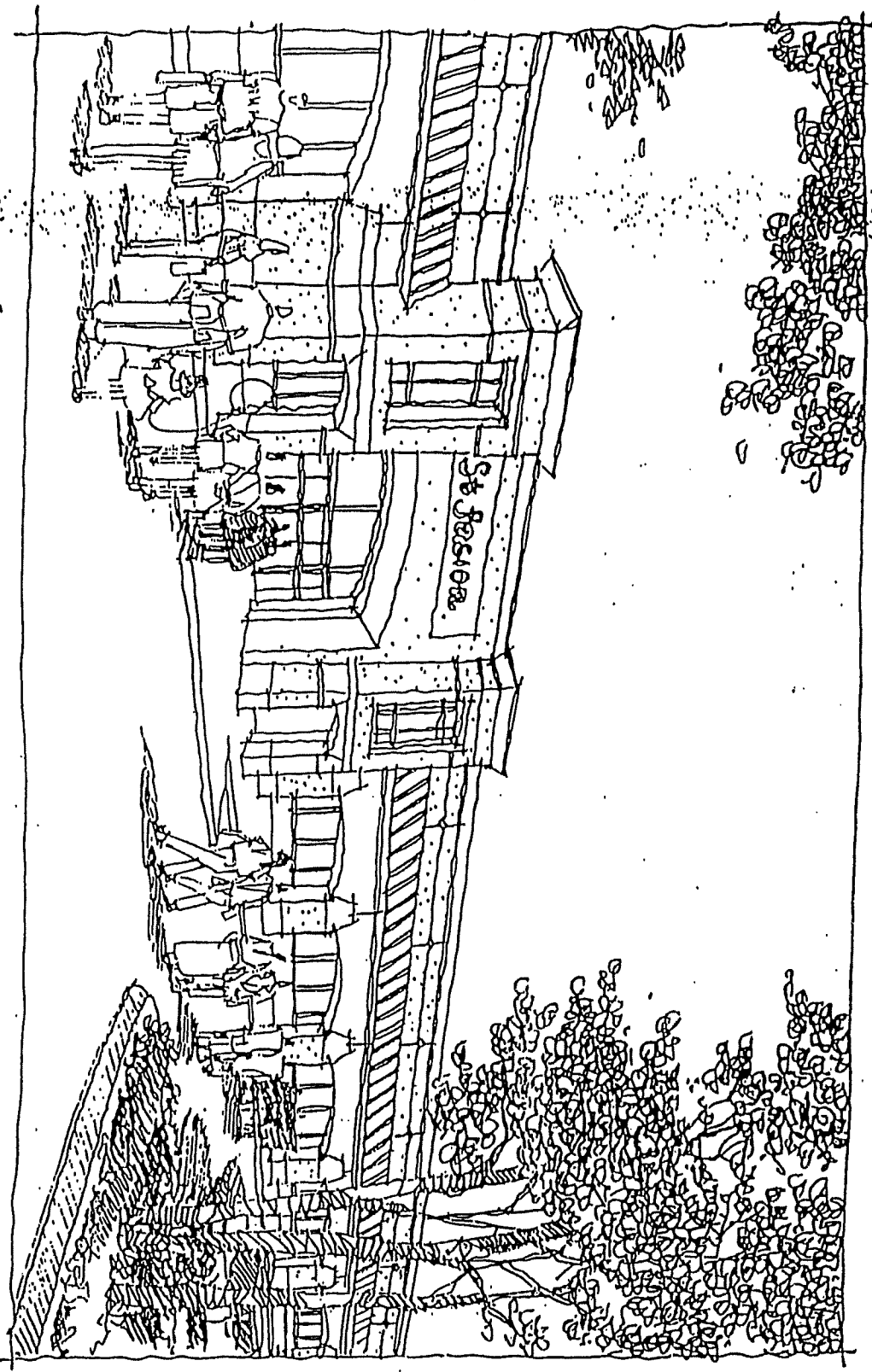
Donald McMillian
Donald McMillian

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
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Linda Schaffer
Linda Schaffer

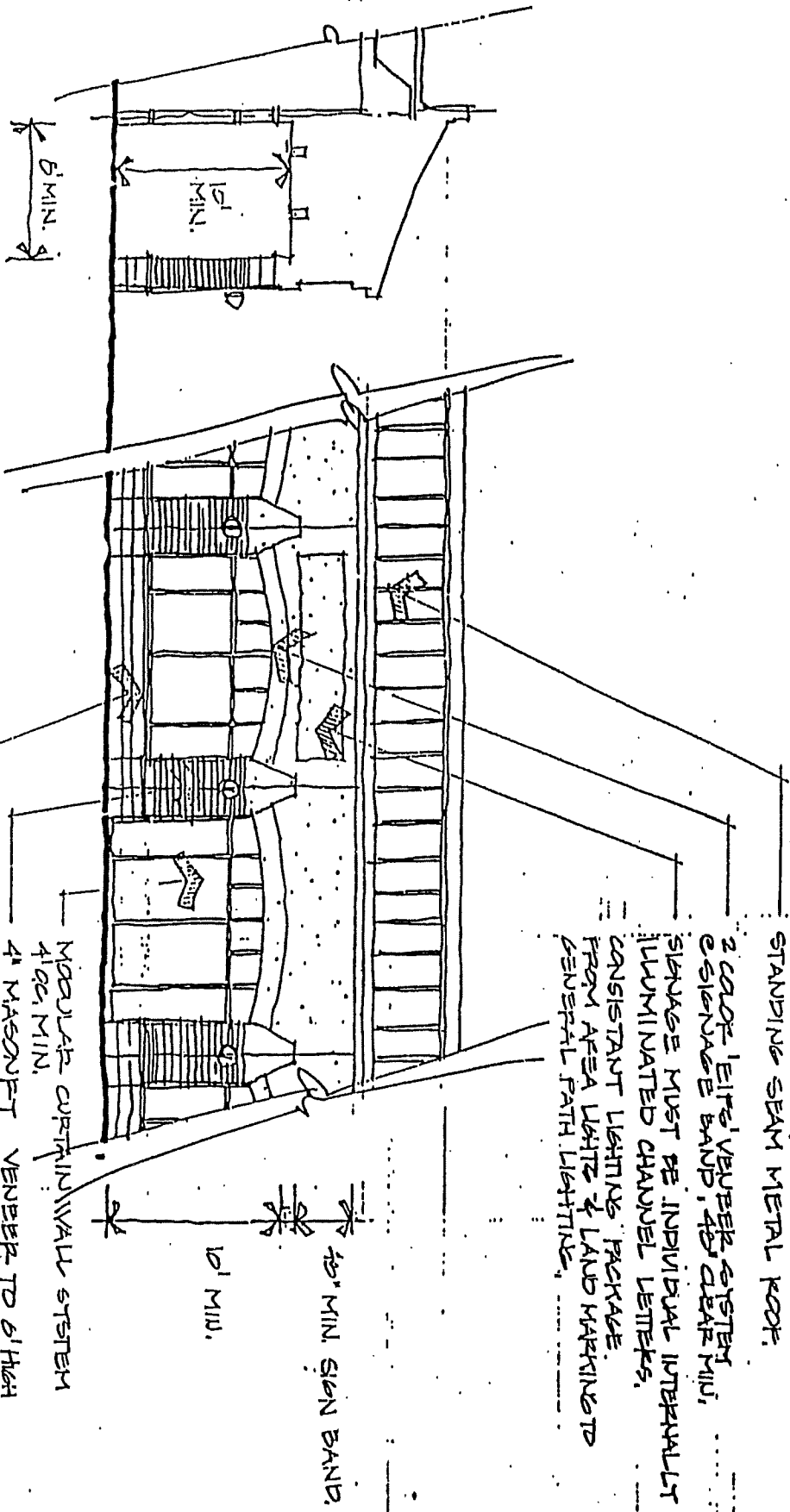
For	<input type="checkbox"/>	Against	<input checked="" type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

TOTAL: 2 FOR, 2 AGAINST, — ABSTAIN, — ABSENT



The Florence Marketplace
Architectural Development Guidelines NTS

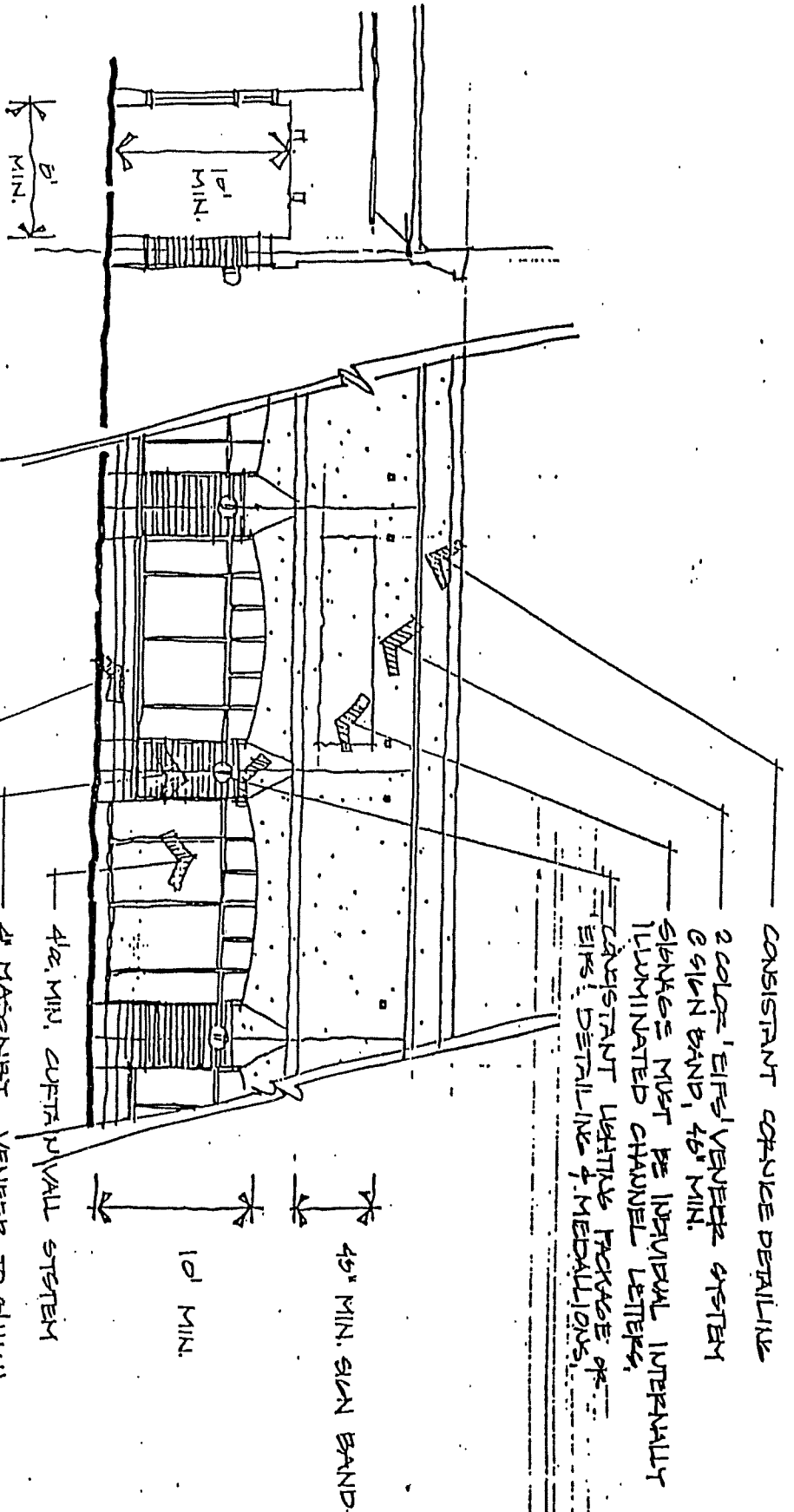




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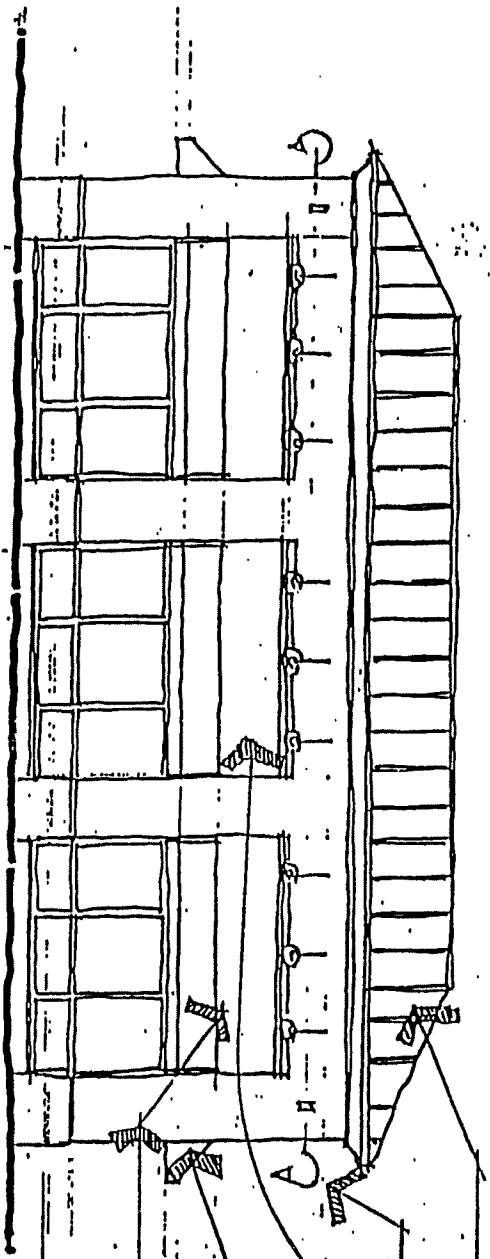
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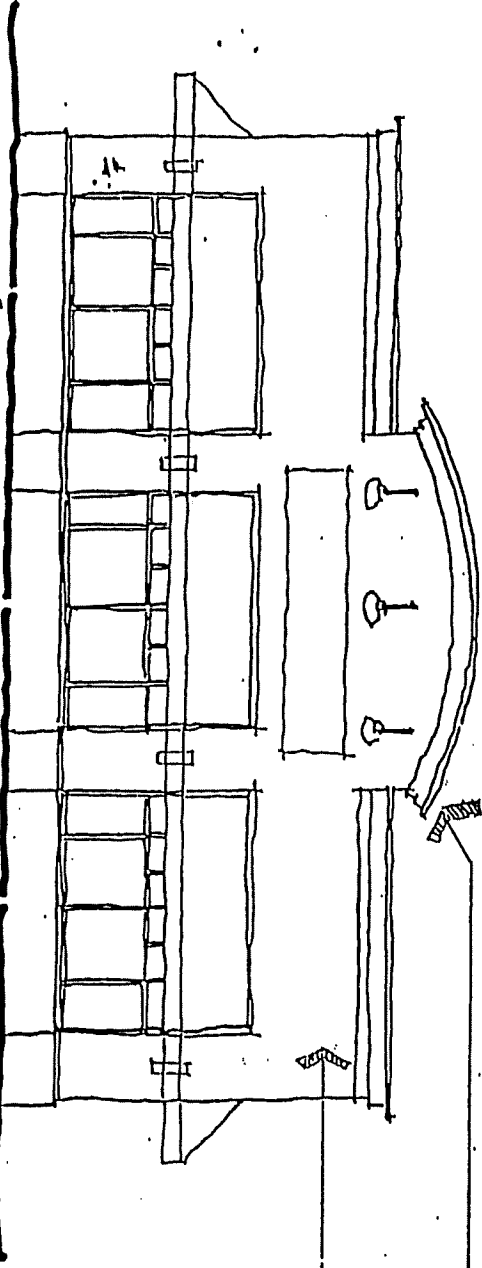
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 Architectural Development Guidelines NTS



C



STANDING SEAM METAL
 ROOF CONSISTANT W/ PLAZA
 LIGHTING CONSISTANT W/ BLDG.
 MOUNTED SIGNAGE & IMAGE,
 ACCENT LIGHTING.
 SIGNAGE MUST BE INDIVIDUAL
 CHANNEL LETTERS, INDEPENDENT
 ILLUMINATED FABRIC CANOPY
 MUST BE OF PRESCRIBED
 COLOR.
 BRICK FACE BRICK
 VENEER w/ 1/2" FACENT.

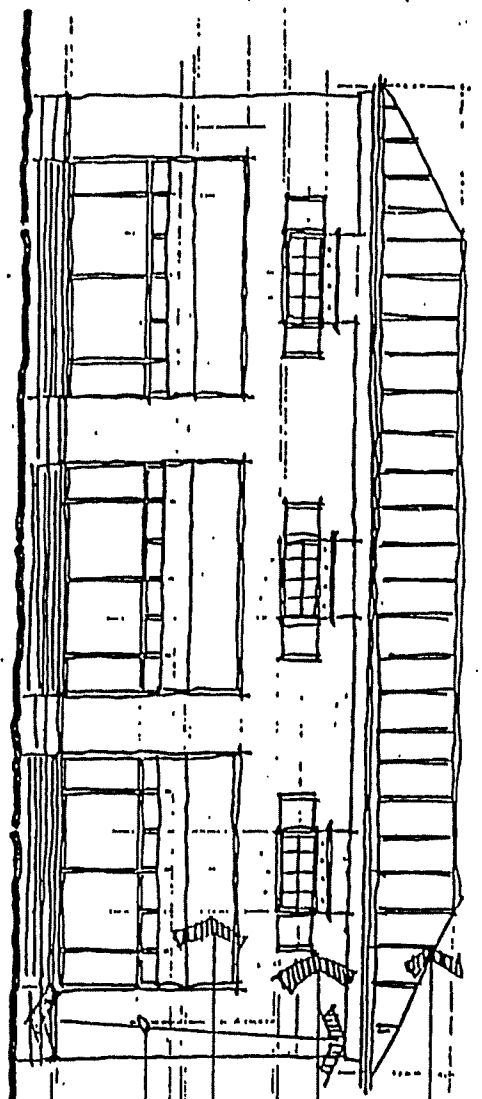


4' MASONRY VENEER
 FULL HEIGHT ON OUTLOT
 BUILDINGS
 SIMPLY SHAPED PARAPET.

The Florence Marketplace
 Architectural Development Guidelines NTS



D

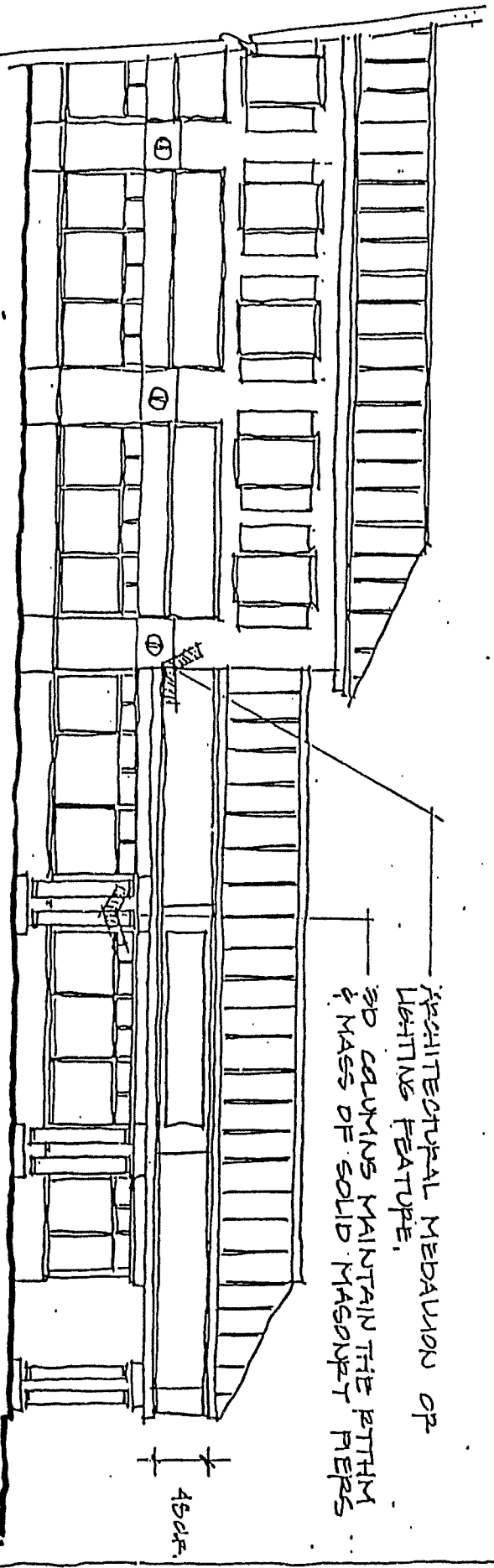


STANDING BEAM MT. ROOF
CONSISTANT W/ DEV COLOR PALETTE.

CLEARE STOPP. OF SECOND FLOOR.

25" HIGH GLASS CHANNEL LETTERS
ILLUMINATED

FULL HEIGHT MASONRY VENEER



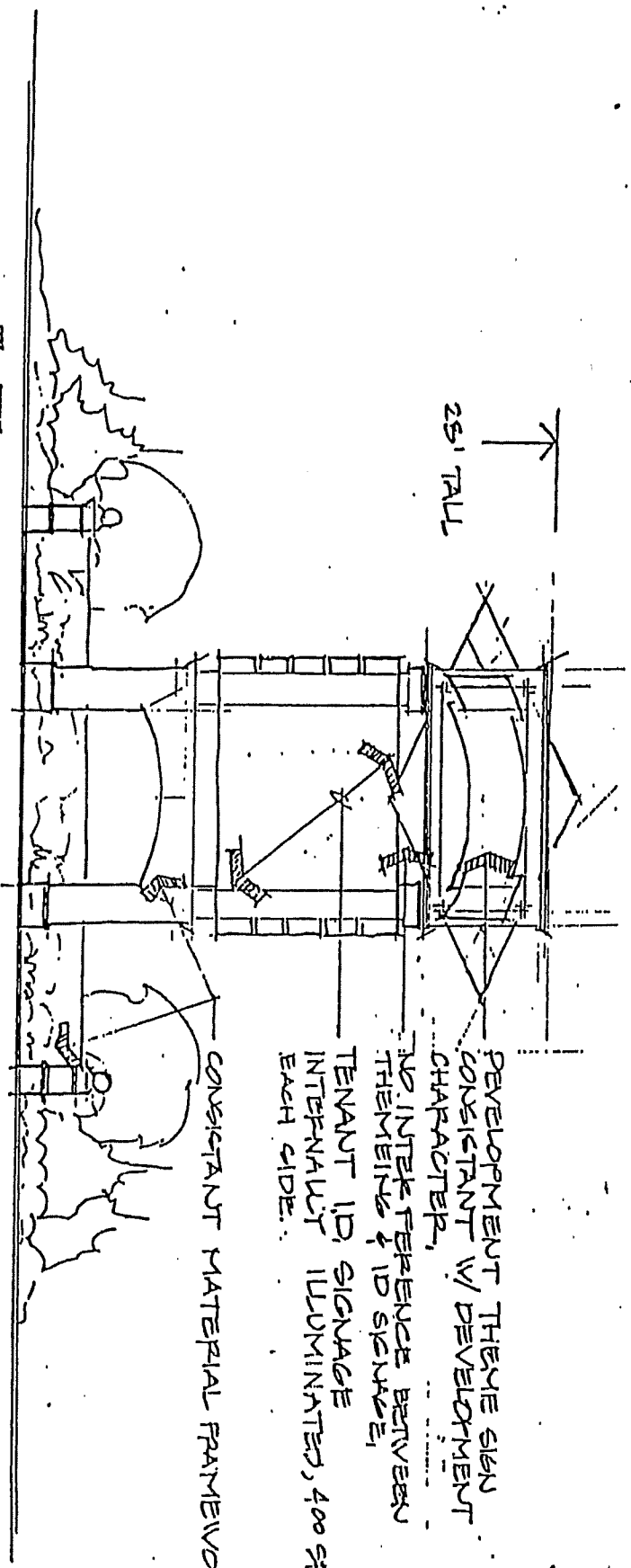
ARCHITECTURAL MEDALLION OR
LETTERS FEATURE.
3D COLUMNS MAINTAIN THE PTHM
& MASS OF SOLID MASONRY PERS

45' 0"

The Florence Marketplace
Architectural Development Guidelines NTS



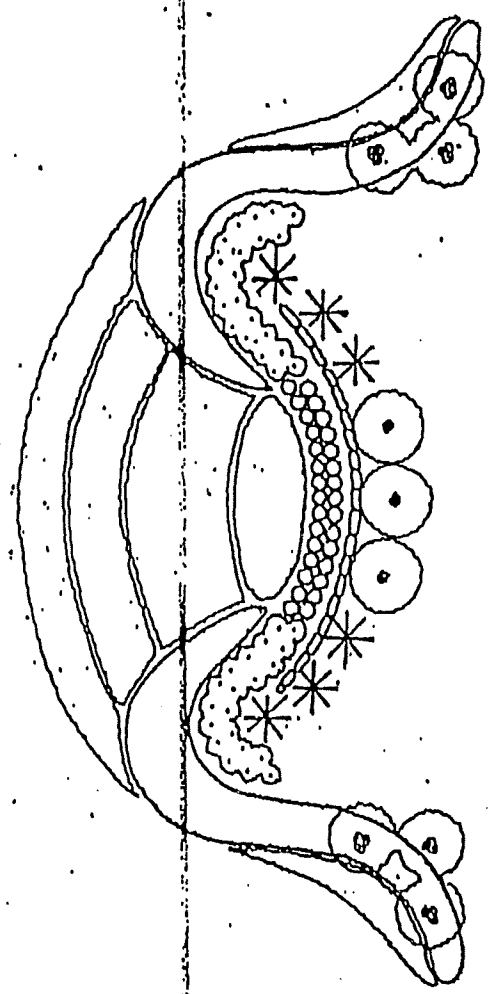
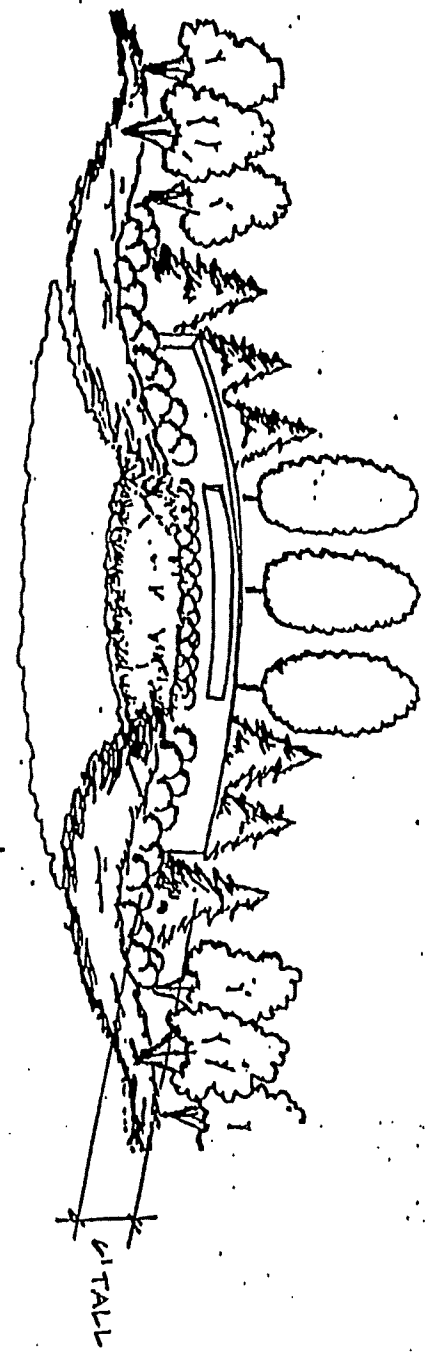
E



The Florence Marketplace
 Architectural Development Guidelines NTS

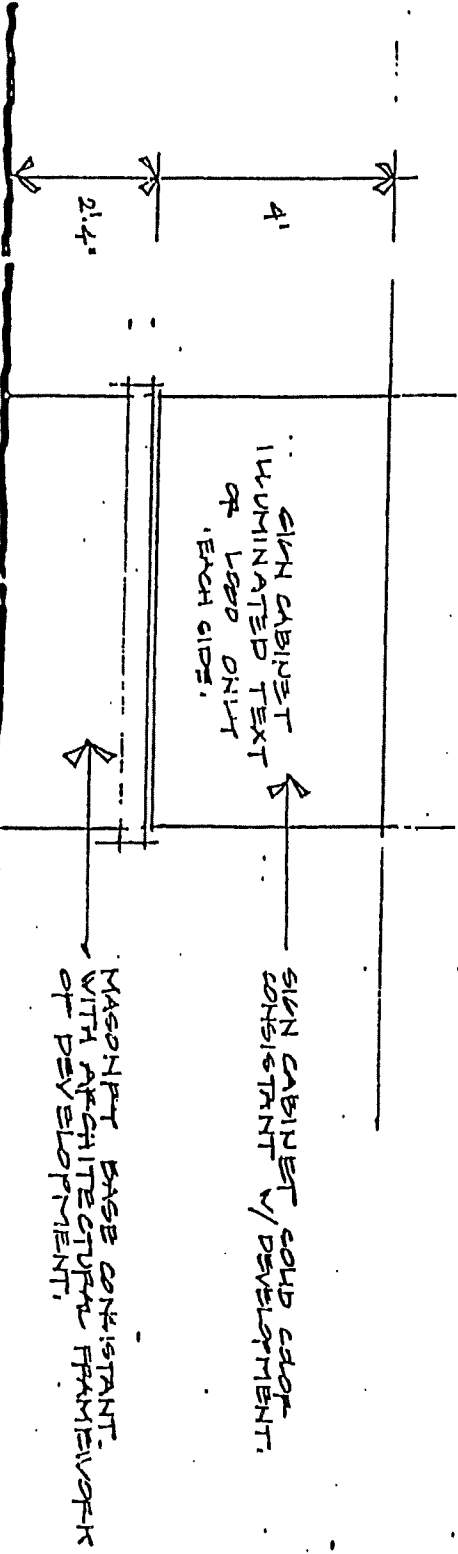
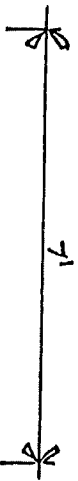


F



The Florence Marketplace
Architectural Development Guidelines NTS





SIGN CABINET
ILLUMINATED TEXT
OR LED ONLY
'EACH SIDE'

SIGN CABINET SOLID COLOR
CONSISTANT W/ DEVELOPMENT.

MASONRY BASE CONSISTANT
WITH ARCHITECTURAL FRAMEWORK
OF DEVELOPMENT.

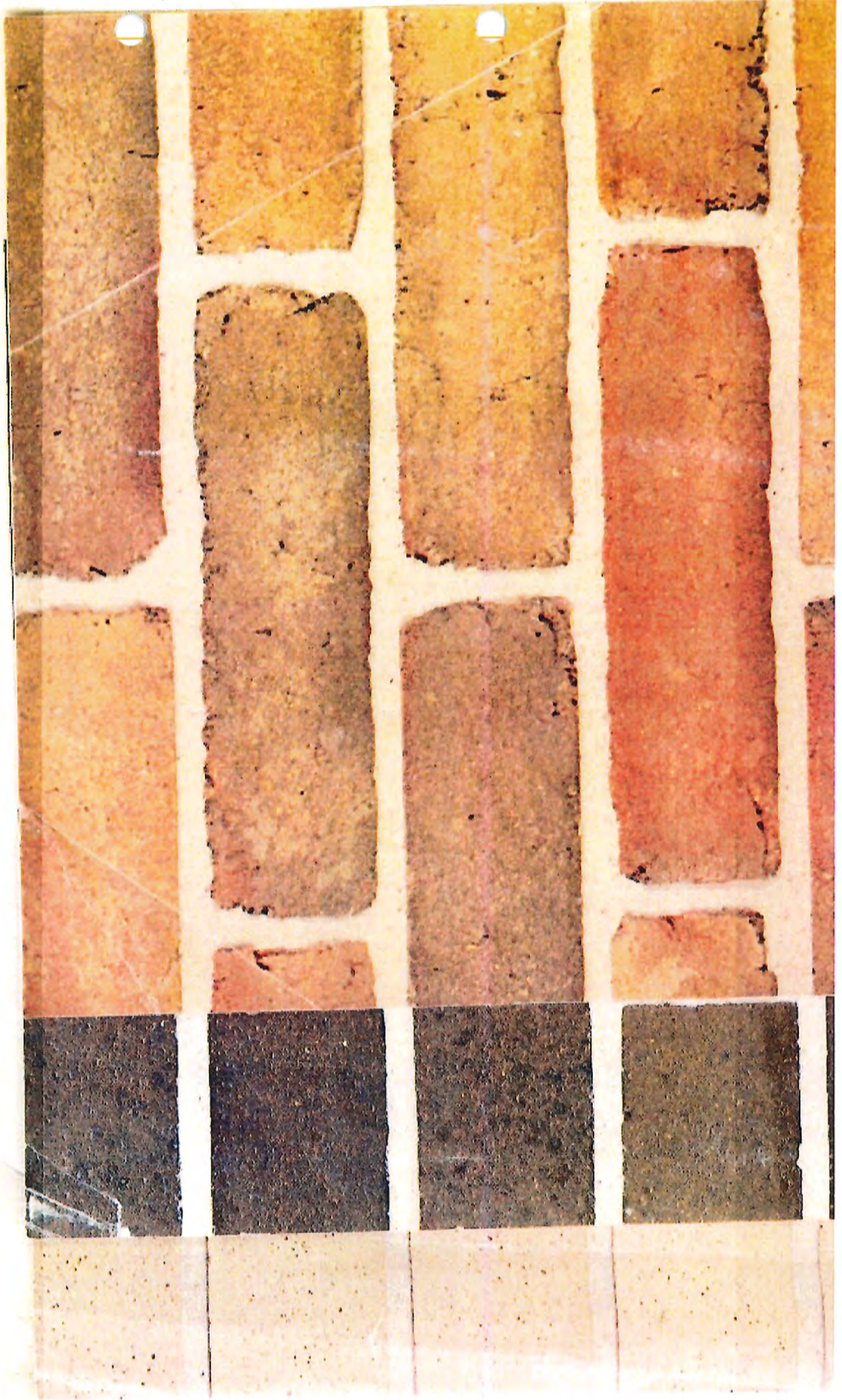
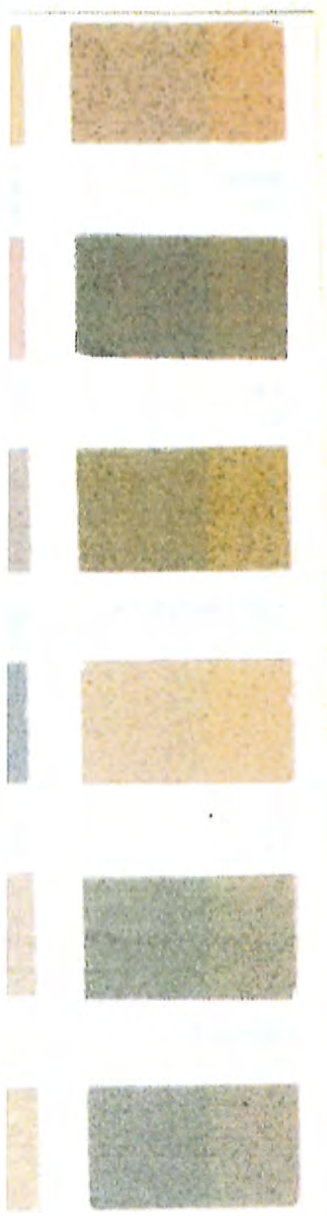
LOW MONUMENT SIGN.

The Florence Marketplace
Architectural Development Guidelines NTS



H





Steve Lilly

From: Todd Morgan <todd.morgan@florence-ky.gov>
Sent: Thursday, October 10, 2024 3:34 PM
To: Steve Lilly
Cc: Justin Finke
Subject: RE: ZMA - 5935 - 3945 Merchants Street

EXTERNAL MESSAGE

Steve,

The City of Florence has the following comments:

1. The applicant should address the following Planned Development (PD) Standards:
 - A. Compatibility of Uses
 - The application indicates the building could be up to 60' tall and the subject property sits substantially higher than the adjoining residential area to the west. The City of Florence requests that some cross sections be prepared to address visibility and sight lines of the hotel from the closest single-family residential dwellings to the west.
 - The applicant should address the height of light poles and light fixtures on the building. Light fixtures should be down cast oriented or shielded to minimize impacts on the adjoining residential area to the west.
 - B. Pedestrian Orientation
 - A sidewalk connection needs to be provided between the building and Merchants Street.
 - C. Architecture - The site is part of a lawsuit settlement area and there are approved building concepts and a color palette. The applicant should clarify if they are seeking any changes to the building concepts or color palette. Although it's understood the final building design will be approved through the Design Review application process the City has the following preliminary comments:
 - The amount of wood accent on the front façade should be analyzed in terms of the approved building concepts..
 - The colors of the building materials should be compared to the approved color palette.
 - The applicant should address if any roof mounted mechanical equipment will be visible from public view.
 - The sides and rear of the dumpster enclosure needs to be constructed with masonry that matches the building.
 - D. Open Space
 - An outdoor patio is shown to the rear of the building. It's recommended that some decorative furniture (benches and trash cans) should be added near the front building entrance to better meet the Houston-Donaldson Study requirements.
 - E. Landscaping
 - The row of parking closest to Merchants Street needs to have a VUA landscaping island to meet code. The City would like to see this island added unless the parking requirements cannot be met.
 - F. Transportation Connections and Entry Points

- An exception to code needs to be approved to allow the development to have two access points. The City does not have any concerns with two access points because the layout promotes life safety.

G. Conformance with the Comprehensive Plan

Todd K. Morgan, AICP
Director of Community Development
City of Florence
(859) 647-8147

From: Steve Lilly <steve.lilly@boonecountyky.org>

Sent: Tuesday, October 1, 2024 11:54 AM

To: Robert Franxman <rfranxman@boonecountyky.org>; Todd Morgan <todd.morgan@florence-ky.gov>; Justin Finke <Justin.Finke@Florence-KY.gov>; Joshua Hunt <Joshua.Hunt@Florence-KY.gov>; Randy Childress <Randy.Childress@Florence-KY.gov>; kim.best@boone.kyschools.us; Bridget Striker <bstriker@boonecountyky.org>; Jenna LeCount <jlecount@boonecountyky.org>; Andy Aman <aaman@sd1.org>; jison@sd1.org; Tom Gagnon <Tom.Gagnon@Florence-KY.gov>

Subject: ZMA - 5935 - 3945 Merchants Street

https://boonecountykyorg-my.sharepoint.com/:f/g/personal/steve_lilly_boonecountyky_org/Eodfpl4UhdBmW6j31fZc7UBKdWc_SK_mayfls_rM12Csg?e=g4wqd5

Good day,

We've received a Zoning Map Amendment application for the subject site. They are proposing to change from C-2/PD/HDO to O-2/PD/HDO to construct an extended-stay hotel on the vacant parcel.

Please review and let me know if you have any revision comments no later than **October 25, 2024**.

If you have no comments, please let me know as well.

Thanks,

Steven Lilly, PLS
Planner, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

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

Steve Lilly

From: Bridget Striker
Sent: Tuesday, October 1, 2024 1:08 PM
To: Steve Lilly
Subject: RE: ZMA - 5935 - 3945 Merchants Street

Hi, Steve.

I have reviewed the application and there is not any impact to historic or cultural resources. I have no further comments regarding the 5935 - 3945 Merchants Street Zoning Map Amendment application.

Thank you,

Bridget

From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Tuesday, October 1, 2024 11:54 AM
To: Robert Franxman <rfranxman@boonecountyky.org>; todd.morgan@florence-ky.gov; Justin Finke <Justin.Finke@Florence-KY.gov>; joshua.hunt@florence-ky.gov; Randy Childress <randy.childress@florence-ky.gov>; kim.best@boone.kyschools.us; Bridget Striker <bstriker@boonecountyky.org>; Jenna LeCount <jlecount@boonecountyky.org>; Andy Aman <aaman@sd1.org>; jison@sd1.org; Tom Gagnon <Tom.Gagnon@Florence-KY.gov>
Subject: ZMA - 5935 - 3945 Merchants Street

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Good day,

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Please review and let me know if you have any revision comments no later than **October 25, 2024**.

If you have no comments, please let me know as well.

Thanks,

Steven Lilly, PLS
Planner, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

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

Steve Lilly

From: Paul Hegedus <PHegedus@cvgairport.com>
Sent: Thursday, October 10, 2024 9:19 PM
To: Steve Lilly
Subject: RE: ZMA - 5935 - 3945 Merchants Street

EXTERNAL MESSAGE

Steve:

Thank you for providing the notice. CVG has no comment on the proposed development.

Paul



Paul Hegedus
PHegedus@cvgairport.com
859-743-5843

From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, October 9, 2024 1:24 PM
To: Paul Hegedus <PHegedus@cvgairport.com>
Subject: FW: ZMA - 5935 - 3945 Merchants Street

You don't often get email from steve.lilly@boonecountyky.org. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Please use discretion before clicking any links or attachments.

Paul,

Sorry for the late notice. I thought I had included you on the email distribution I sent.

An applicant is proposing a 60-foot-tall hotel on the subject site. Can you please let me know if you have any comments or concerns related to this proposal? The drawing file can be accessed from the following link:

https://boonecountyky.org-my.sharepoint.com/:f/g/personal/steve_lilly_boonecountyky_org/Eodfpll4UhdBmW6j31fZc7UBKdWc_SK_mayfls_rM12Csg?e=g4wqd5

Steven Lilly, PLS
Planner, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

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

Steve Lilly

From: Jared Ison <jison@sd1.org>
Sent: Wednesday, October 23, 2024 9:39 AM
To: Steve Lilly; Robert Franxman; Randy Childress; kim.best@boone.kyschools.us; Andy Aman
Subject: Re: ZMA - 5935 - 3945 Merchants Street

EXTERNAL MESSAGE

SD1 Comments:

1. No comments on the zoning change.
2. No storm water permit needed from SD1. This is outside of our service area.
3. We will need a Reservation of Capacity Application and proper Connection Permits, prior to the building connecting to SD1 owned sanitary sewer.

Thanks,

Jared Ison
Development Services Coordinator
SD1
1045 Eaton Drive
Ft. Wright, KY 41017
(859)-578-6883

Public Records Notice: I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at (859) 331-2436 or via email to records@sd1.org. Your request will not be forwarded.

From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, October 23, 2024 9:18 AM
To: Robert Franxman <rfranxman@boonecountyky.org>; Randy Childress <randy.childress@florence-ky.gov>; kim.best@boone.kyschools.us <kim.best@boone.kyschools.us>; Andy Aman <aaman@sd1.org>; Jared Ison <jison@sd1.org>
Subject: RE: ZMA - 5935 - 3945 Merchants Street

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Eric Richardson

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:37 p.m.

ZONING MAP AMENDMENT, Steve Lilly, Staff

2. Request of **Seva at Merchants Square II, LLC (applicant)** for **Kemba Credit Union, Inc. (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky. The request is for a zone change to allow the development of a four-story, 62,000 square foot hotel.

Staff member, Steve Lilly, referred to his PowerPoint presentation (see Staff Report). The 5.3 acre site is located solely in the City of Florence and on the north side of Merchants Street. The proposal is a 4 story extended stay hotel consisting of 99 rooms. The submitted Concept Development Plan includes a 62,000 square foot building that is 60 feet tall. The site will have 2 new curb cuts onto Merchants Street. The parking lot will have 97 regular parking spaces and 5 ADA compliant parking spaces. A triangular parcel will be transferred from Lot #9 (Kemba Credit Union) to Lot #8. The size of the proposed hotel lot will be 2.2 acres. Mr. Lilly described the history of the area including the lawsuit settlement. It dates back to 1988. There were certain agreements made as a result of the lawsuit filed by the developer. It included certain design and building material/colors. He showed examples of brick. The site has 535 feet of road frontage along Merchants Street and 270 feet along Seligman Drive. The majority of the site is flat. The rear portion of the site drops off significantly – 35% grade. The site is located within the 55 DNL aviation noise level. Mr. Lilly described the current and adjacent land uses and zoning. Pages 3-5 of the Staff Report include the applicable Zoning Regulations. The 2040 Future Land Use Map designates the site as Commercial (C). It is part of Subarea One of the Houston-Donaldson Study, which recommends commercial or office uses. Other references to the Comprehensive Plan and Houston-Donaldson Study are outlined in the Staff Report. Mr. Lilly showed photographs of the site and adjoining properties. It included photos of many building roof types and materials, including brick and standing seam metal roofs. Mr. Lilly showed images of the proposed hotel. The images have been updated by the applicant. On Pages 8-9 of the Staff Report, there are many Staff Comments. A traffic memo was submitted by the applicant. The proposed development will have an insignificant impact on the surrounding area. Staff has provided comments related to meeting the PD requirements. In addition, the applicant will need to address the requirements of the Houston-Donaldson Study. A number of agencies were contacted for their comments. Those comments are attached to the Staff Report. The City of Florence had a number of comments related to the PD overlay district. They should be addressed by the applicant at the Committee meeting. Also, Mr. Costello questioned why SD1 made comments about the plan as the project is located in the City of Florence?

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

Mr. Ravi Narsinghani, applicant, showed a PowerPoint presentation. He stated that they have two hotels already in Florence. His company wants to build a new brand, Hilton Hotel – LivSmart Studios. It is a studio apartment-style extended-stay hotel brand. It will serve the existing businesses in the Florence area – growing manufacturing businesses and the aerospace industry. It will also serve the traveling medical community. Guests will stay 30, 60 and 90 nights. They may have daily guests but it isn't their model. Other types of guests would be insurance claims guests and engineering consultants. He showed photographs of the interior including the guestrooms. It will have laundry rooms, fitness areas, a drop zone and Amazon lockers. It will have electric charging stations, 44% green space, exterior façade features of masonry and cement board (faux wood) elements. Mr. Narsinghani showed building elevations representing

the brick type and color schemes used for the Hilton Garden Inn and Towne Place Suites. It will be a mix of off white, medium gray and darker gray brick. There are 15 of these brands under construction now. There are 200 of these projects committed nationwide. A multi-story building is better than a single story retail use.

Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

Mr. Brian Kenwright, 5912 Greenview Road, expressed a concern about the lighting and air conditioning units from the hotel. Mr. Narsinghani replied that there are some multi-story structures nearby such as the Dominion and 2 other hotels in the area. The tree line will not be touched. It is a large buffer. They will not grade that area. In addition, all of the storm water will be directed and connected to the Walmart detention pond.

Mr. Darrel Stephenson, 979 E. Circle Drive, stated that most of the multi-story buildings in the area appear to be on the side of Merchants Street. They don't back up to residential properties. The hotel will sit high and the leaves will come down in the winter. He inquired on how far the parking area is from the tree line? Traffic will come and go all day. He expressed a concern about privacy and traffic.

Seeing no one else, Chairman Rolfsen asked if the Commissioners had any questions or comments? He asked if the air conditioning units will be on the roof or ground? Mr. Narsinghani replied that there will be two rooftop units along with some ground level systems. All the parking will be located in the front of the building. There will be no substantial outdoor activity facing the residential community next door. They will increase the buffer to the rear. There are no balconies on the building. The rooftop equipment will have a parapet and will be shielded from view. The building will have studio apartments – one bedroom. The longer you stay, the more you save. The lowest cost would be \$109.00 per night based upon the length of stay.

Mr. Szurlinski asked if there was a connection between the site and the Kemba Credit Union? Mr. Narsinghani replied no.

Mr. Lunnemann asked the applicant to review the color palette of the "lawsuit settlement" area to see if what they are proposing is permitted? Mr. Narsinghani didn't know if his other two hotels were in this area or not.

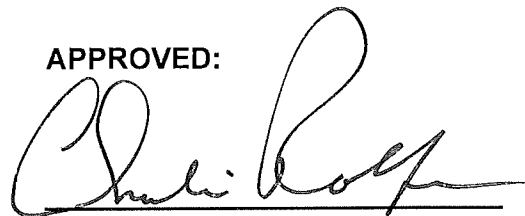
Mrs. Kegley asked if the applicant had a measurement of the shortest distance from the proposed hotel to the closest neighbor? Mr. Narsinghani offered to bring a sight distance drawing to the Committee meeting.

Ms. Gulick asked if they had a designated area for pets? Mr. Narsinghani showed the location of the area close to the auto parts building. It is an open area.

Dr. Clark asked how does the proposed development differs from the Homewood Suites product? Mr. Narsinghani responded that Homewood Suites is 30% studios, 30% one bedroom and 30% two bedroom.

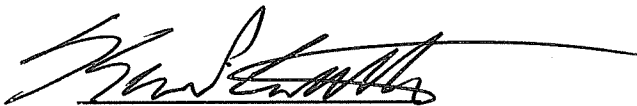
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 20, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 4, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:13 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
DECEMBER 4, 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 December 4, 2024 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
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. Steve Turner
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. Steve Lilly, GISP, Planner

APPROVAL OF THE MINUTES:

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

Mr. Hincks moved to approve the Minutes as presented. Mr. Szurlinski 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 November 7, 2024 and December 4, 2024.

EXPENSES:

Attorney Fees	4,800.00
Auto Expense	32.06
Consultant/Professional Svcs Fees	467.50
Filing Fees	900.00
Legal Ads/Recruitment	231.69
Miscellaneous Expense	541.24
Office & Board Meeting Supplies	896.80
Office / Equipment Maintenance	692.40
Office Equipment / Expense	327.48
Office/Liability Expense	527.32
Postage Expense	<u>1,009.75</u>

TOTAL: \$ 10,426.24

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,008.04
Health/Dental/Life/LTD	17,750.95
Retirement – BCPC Portion	23,408.58
Salaries – Staff Expenses	96,279.04
Salaries – BCPC & BOA	<u>1,540.00</u>

TOTAL: \$ 145,986.61

GRAND TOTAL: \$ 156,412.85

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, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

1. Request of **Bayer Becker, per Rob Keller (applicant)** for **Bunnell Hill Development Company Inc., per Roger Wells (owner)** for a Change of Concept Development Plan in an Industrial One/Planned Development (I-1/PD) district, for an approximate 11.8 acre area having a Parcel Identification Number (PIDN) of 037.00-00-018.00, and being located along the north and west sides of Conrad Lane, between North Bend Road and Strike The Gold Drive, approximately seven hundred fifty (750) feet east of Strike The Gold Drive, and directly across from Carry Back Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow the development of sixty-eight (68) attached single-family residential dwellings within six (6) buildings.

Mr. Richardson moved to defer the request until the January 8, 2025 Business Meeting. Mr. Szurlinski seconded the motion and it carried unanimously. The next Committee Meeting for the request is scheduled for December 18, 2024 at 5:00 p.m.

ZONING MAP AMENDMENT - Steve Harper, Chairman, Steve Lilly, Staff

2. Request of **Sinkula Investments (applicant)** for **Mt. Zion MHC LP (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Commercial Four (C-4), including the following variances: (1) reducing the Buffer Yard A width from ten (10) feet to two (2) feet along Lakeside Drive; and (2) reducing the Buffer Yard A width from ten (10) feet to two (2) feet along the west property line, for an approximate 1.2 acre area located at the southwest corner of the intersection of Mt Zion Road and Lakeside Drive, including the properties at 10013, 10017, 10021, 10025, 10029, and 10033 Lakeside Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the development of an eating and drinking establishment with drive-through service.

Staff Member, Steve Lilly showed an updated plan based upon the results of the Public Hearing and two Committee Meetings. He showed the connection to the property on the west side of the site. He read the Committee Report, which recommended approval of the Zoning Map Amendment and Variances based upon Findings of Facts and Conditions. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission. The Committee voted 4-0 for approval.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no further comment, **Mr. Harper moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Map Amendment and Variances based on the Committee Report, Findings of Fact and Conditions. Ms. Gulick seconded the motion.** Chairman Rolfsen noticed that the Committee vote was 4-0 in favor of the request but Mr. Lunnemann forgot to check the box. Mr. Lunnemann confirmed he was in favor of the request. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Harper and seconded by Ms. Gulick. The motion passed unanimously.**

ZONING MAP AMENDMENT, Corin Gulick, Chairwoman, Michael Schwartz, Staff

3. Request of **Trauth Homes, Inc. (applicant/owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 5.3 acre area located at the northeast corner of the intersection of North Bend Road with Conrad Lane, Boone County, Kentucky, including the properties with the following Parcel Identification Numbers (PIDN's): 048.00-01-001.00 and 048.00-01-001.01. The request is for a zone change to allow for the development of a 30,000 square foot flex space/multi-tenant building, a future development site, a Variance reducing the Buffer Yard D width along the east property line from eighty (80) feet with a forty (40) foot option to ten (10) feet (Buffer Yard A), and a Conditional Use Permit to allow Active Recreation.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Map Amendment, Variance and Conditional Use Permit, based upon Findings of Facts and Conditions. The Committee voted 4-0 in favor of the request and the applicant has signed the Condition Letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Brad Trauth, applicant, stated that he is happy to bring this recreational project to Boone County. He would like to break ground late Spring or early Summer, 2025.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Map Amendment, Variance and Conditional Use Permit, based on the Committee Report and Findings of Fact and Conditions. Mrs. Kegley seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Steve Lilly, Staff

4. Request of **Seva at Merchants Square II, LLC (applicant)** for **Kemba Credit Union, Inc. (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky. The request is for a zone change to allow the development of a four-story, 62,000 square foot hotel.

Staff Member, Steve Lilly noted that the applicant provided line of sight drawings and building materials that agreed to the lawsuit settlement. He read the Committee Report, which recommended approval of the Zoning Map Amendment based upon Findings of Facts and Conditions. The Committee voted 4-0 in favor of the request and the applicant and owner have signed the Condition Letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Ravi Narsinghani, applicant, stated that he was in agreement with the Conditions and was available for questions if necessary.

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the City of Florence to recommend approval of the Zoning Map Amendment based on the Committee Report outlining Findings of Fact and Conditions. Mr. Szurlinski seconded the motion.** Dr. Clark asked what is the average the extended stay occupancy rate? Mr. Narsinghani replied upper 70s% to low 80s% occupancy rates. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mr. Szurlinski. The motion passed unanimously.**

ZONING TEXT AMENDMENT, Rick Lunnemann, Chairman, Michael Schwartz, Staff

5. Request of the **Boone Fiscal Court** to consider Zoning Text Amendments to Section 505.5 (Use District Matrix) and Section 2703.7 (Graves Road – Commercial Development Standards), of the Boone County Zoning Regulations adding Residential Storage Warehouse (mini warehouse) as a conditional use within the Graves Road – Commercial (GR-C) district, subject to certain restrictions.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Text Amendments based upon Findings of Fact with one change or Condition. It is noted in the Committee Report. The Committee voted unanimously in favor of the request.

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Text Amendments based on the Committee Report and Findings of Fact and with one Condition. Mrs. Steele seconded the motion and it passed unanimously.**

ZONING TEXT AMENDMENTS, Rick Lunnemann, Chairman, Michael Schwartz, Staff

6. Request of the **Boone County Planning Commission Technical/Design Review Committee** to consider a series of amendments to the **Boone County Zoning Regulations** pertaining to solar energy systems and battery storage facilities.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Text Amendments based upon Findings of Fact. The Committee voted unanimously in favor of the request.

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the Boone County Fiscal Court, City of Florence, City of Union and City of Walton to recommend approval of the Zoning Text Amendments based on the Committee Report and the Findings of Fact. Mrs. Kegley seconded the motion and it passed unanimously.**

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

7. Turfway Crossing Signage – 1336 Hansel Avenue

Mr. Michael Schwartz presented the request. The Technical/Design Review Committee met prior to the Business Meeting. The request is to modify an existing sign for Turfway Crossing. The previous sign was approved prior to the adoption of the Houston-Donaldson Study. The Committee recommended Option 3 because it has a larger sign for the name of the development. The second condition is to allow no more than 3 tenant panels. If more are needed,

the applicant would have to reapply. The third condition is to require the sign base to be at least 24 inches in height as viewed from the public street.

Mr. Lunnemann moved to approve the request subject to the conditions previously stated. Mrs. Goetting seconded the motion and it passed unanimously.

NEW BUSINESS

CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Michael Schwartz, Staff

8. Request of **Alex Othman (applicant/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.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

9. Request of **Dualite Sales and Service, Inc., per Greg Hoffer (applicant) for Mikes No 67, LLC (Mike's Carwash) (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district, for an approximate 0.97 acre area located at 8534 US 42, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow for alternative signage than what is allowed by the underlying zoning district.

ZONING MAP AMENDMENT, Lauren Elliott, Staff

10. Request of **Susan Shuffett (applicant/owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4 acre portion of the property, having a total area of approximately 32.2 acres, located at 5856 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow for the creation of one (1) additional building lot.

Dr. Clark moved to schedule the Public Hearings for Items #8, #9 and #10 on January 8, 2025 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.

H. EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, noted that it is the time of the year to appoint a representative from the Planning Commission to serve on the OKI Board of Directors for 2025. Randy Bessler is currently the Planning Commission's representative and he would like to serve another term. **Mrs. Kegley moved to reappoint Randy Bessler to represent the Planning Commission and serve on the OKI Board of Directors for 2025. Ms. Gulick 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)

The Comprehensive Plan Update Workshop is tomorrow from 5:30 – 7:30 p.m. at the Union Fire Station on U.S. 42

- Technical/Design Review (Rick Lunnemann)
No Report
- Executive (Charlie Rolfsen)
No Report

J. CHAIRMAN'S REPORT: (Charlie Rolfsen)

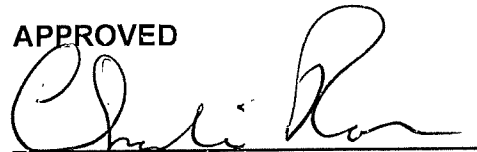
Chairman Rolfsen announced that the 2025 Election of Planning Commission Officers will be held on January 8, 2025. He appointed Bob Schwenke and Janet Kegley to serve as the Nominating Committee. He suggested that anyone who was interested in serving as an officer of the Board to notify a member of the Nominating Committee before January 8, 2025 so that your name can be added to the ballot.

K. OKI REPORT: (Randy Bessler)
No Report

L. ADJOURNMENT:

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Lunnemann seconded the motion and it passed unanimously. The meeting was adjourned at 7:36 p.m.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chair

DATE: November 20, 2024

RE: Request of Seva at Merchants Square II, LLC (applicant) for Kemba Credit Union, Inc. (owner) for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky. The request is for a zone change to allow the development of a four-story, 62,000 square foot hotel.

APPROVAL**REMARKS:**

1. 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 finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the above referenced Zoning Map Amendment based on the following findings of fact:

FINDINGS OF FACT (Zoning Map Amendment):

1. The proposed zoning map amendment from C-2/PD/HDO to O-2/PD/HDO is consistent with the 2040 Future Land Use Map of the comprehensive plan, Our Boone County Plan 2040 which designates the site for Commercial uses.

Commercial uses are described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The Concept Development Plan proposes an extended stay hotel which is consistent with the designation. The request is to allow the hotel to have a higher building intensity that what would currently be permitted.
2. The Committee concluded that the proposal is consistent with the Houston-Donaldson Study recommendation for Subarea 1 which includes the following recommendations:
 - a) Future development and/or redevelopment in Subarea One should be of commercial or office type land uses and not of light industrial or residential uses.
 - b) New development in Subarea One should be aesthetically harmonious with existing surrounding land uses so as to fit into the built landscape.
3. The Committee concluded that the proposal is consistent Goal A of the Houston-Donaldson Study Goals and Objectives for Subarea 1.

Goal: Maintain the successful business climate of the South Entrance Subarea.

Objectives:

1. Continue to consistently apply the Design Standards for future development and/or redevelopment.
2. Continue to support the Commercial and Office uses and zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map.
4. The following conditions are necessary to achieve consistency with the Our Boone County Plan 2040 and to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions:

CONDITIONS:

1. The approval shall be based on the revised Concept Development Plan and building material as presented at the November 20, 2024, Zone Change Committee Meeting.
2. The sides and rear of the dumpster enclosure shall be constructed with masonry that matches the building.
3. Light poles or fixtures shall be downlit and directed away from the adjoining Greenview Subdivision. Lighting shall be limited to 25 feet in height in the rear of the building. Light poles will be limited to 25 feet in height on the sides of the building. Building sconce lighting will be permitted on the sides of the building.
4. That evergreen trees, consistent with a Buffer Yard D, be planted in a double row spaced 10 feet on center in an equal lateral triangle configuration near the top of slope along rear of the development.
5. That some decorative furniture (benches and trash cans) be added to the outdoor patio in the rear and at the west building entrance.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

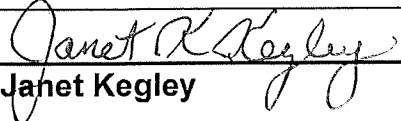
TO: Boone County Planning Commission
FROM: Rick Lunnemann, Chairman
DATE: November 20, 2024


REMARKS:

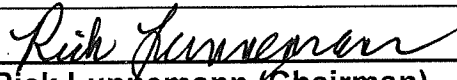
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Steve Lilly, Staff

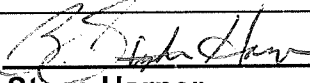
1. Request of **Seva at Merchants Square II, LLC (applicant)** for **Kemba Credit Union, Inc. (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky. The request is for a zone change to allow the development of a four-story, 62,000 square foot hotel.


Janet Kegley
For Project Absent
Against Project
Abstain Deferred


Corrin Gulick
For Project 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 4 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
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Eric Richardson

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:37 p.m.

ZONING MAP AMENDMENT, Steve Lilly, Staff

2. Request of **Seva at Merchants Square II, LLC (applicant)** for **Kemba Credit Union, Inc. (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky. The request is for a zone change to allow the development of a four-story, 62,000 square foot hotel.

Staff member, Steve Lilly, referred to his PowerPoint presentation (see Staff Report). The 5.3 acre site is located solely in the City of Florence and on the north side of Merchants Street. The proposal is a 4 story extended stay hotel consisting of 99 rooms. The submitted Concept Development Plan includes a 62,000 square foot building that is 60 feet tall. The site will have 2 new curb cuts onto Merchants Street. The parking lot will have 97 regular parking spaces and 5 ADA compliant parking spaces. A triangular parcel will be transferred from Lot #9 (Kemba Credit Union) to Lot #8. The size of the proposed hotel lot will be 2.2 acres. Mr. Lilly described the history of the area including the lawsuit settlement. It dates back to 1988. There were certain agreements made as a result of the lawsuit filed by the developer. It included certain design and building material/colors. He showed examples of brick. The site has 535 feet of road frontage along Merchants Street and 270 feet along Seligman Drive. The majority of the site is flat. The rear portion of the site drops off significantly – 35% grade. The site is located within the 55 DNL aviation noise level. Mr. Lilly described the current and adjacent land uses and zoning. Pages 3-5 of the Staff Report include the applicable Zoning Regulations. The 2040 Future Land Use Map designates the site as Commercial (C). It is part of Subarea One of the Houston-Donaldson Study, which recommends commercial or office uses. Other references to the Comprehensive Plan and Houston-Donaldson Study are outlined in the Staff Report. Mr. Lilly showed photographs of the site and adjoining properties. It included photos of many building roof types and materials, including brick and standing seam metal roofs. Mr. Lilly showed images of the proposed hotel. The images have been updated by the applicant. On Pages 8-9 of the Staff Report, there are many Staff Comments. A traffic memo was submitted by the applicant. The proposed development will have an insignificant impact on the surrounding area. Staff has provided comments related to meeting the PD requirements. In addition, the applicant will need to address the requirements of the Houston-Donaldson Study. A number of agencies were contacted for their comments. Those comments are attached to the Staff Report. The City of Florence had a number of comments related to the PD overlay district. They should be addressed by the applicant at the Committee meeting. Also, Mr. Costello questioned why SD1 made comments about the plan as the project is located in the City of Florence?

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

Mr. Ravi Narsinghani, applicant, showed a PowerPoint presentation. He stated that they have two hotels already in Florence. His company wants to build a new brand, Hilton Hotel – LivSmart Studios. It is a studio apartment-style extended-stay hotel brand. It will serve the existing businesses in the Florence area – growing manufacturing businesses and the aerospace industry. It will also serve the traveling medical community. Guests will stay 30, 60 and 90 nights. They may have daily guests but it isn't their model. Other types of guests would be insurance claims guests and engineering consultants. He showed photographs of the interior including the guestrooms. It will have laundry rooms, fitness areas, a drop zone and Amazon lockers. It will have electric charging stations, 44% green space, exterior façade features of masonry and cement board (faux wood) elements. Mr. Narsinghani showed building elevations representing

the brick type and color schemes used for the Hilton Garden Inn and Towne Place Suites. It will be a mix of off white, medium gray and darker gray brick. There are 15 of these brands under construction now. There are 200 of these projects committed nationwide. A multi-story building is better than a single story retail use.

Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

Mr. Brian Kenwright, 5912 Greenview Road, expressed a concern about the lighting and air conditioning units from the hotel. Mr. Narsinghani replied that there are some multi-story structures nearby such as the Dominion and 2 other hotels in the area. The tree line will not be touched. It is a large buffer. They will not grade that area. In addition, all of the storm water will be directed and connected to the Walmart detention pond.

Mr. Darrel Stephenson, 979 E. Circle Drive, stated that most of the multi-story buildings in the area appear to be on the side of Merchants Street. They don't back up to residential properties. The hotel will sit high and the leaves will come down in the winter. He inquired on how far the parking area is from the tree line? Traffic will come and go all day. He expressed a concern about privacy and traffic.

Seeing no one else, Chairman Rolfsen asked if the Commissioners had any questions or comments? He asked if the air conditioning units will be on the roof or ground? Mr. Narsinghani replied that there will be two rooftop units along with some ground level systems. All the parking will be located in the front of the building. There will be no substantial outdoor activity facing the residential community next door. They will increase the buffer to the rear. There are no balconies on the building. The rooftop equipment will have a parapet and will be shielded from view. The building will have studio apartments – one bedroom. The longer you stay, the more you save. The lowest cost would be \$109.00 per night based upon the length of stay.

Mr. Szurlinski asked if there was a connection between the site and the Kemba Credit Union? Mr. Narsinghani replied no.

Mr. Lunnemann asked the applicant to review the color palette of the "lawsuit settlement" area to see if what they are proposing is permitted? Mr. Narsinghani didn't know if his other two hotels were in this area or not.

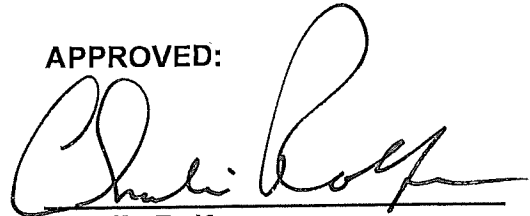
Mrs. Kegley asked if the applicant had a measurement of the shortest distance from the proposed hotel to the closest neighbor? Mr. Narsinghani offered to bring a sight distance drawing to the Committee meeting.

Ms. Gulick asked if they had a designated area for pets? Mr. Narsinghani showed the location of the area close to the auto parts building. It is an open area.

Dr. Clark asked how does the proposed development differs from the Homewood Suites product? Mr. Narsinghani responded that Homewood Suites is 30% studios, 30% one bedroom and 30% two bedroom.

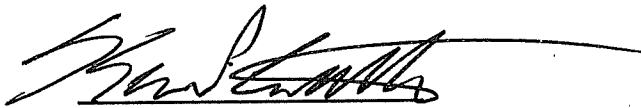
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 20, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 4, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:13 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

3
me

RETURN TO:

This Instrument Prepared by
and after recording **RETURN TO:**
ZIEGLER & SCHNEIDER, P.S.C.
541 Buttermilk Pike, Suite 500
P.O. Box 175710
Covington, Kentucky 41017-57170

By: *Sharon Schneider Elliston*
Sharon Schneider Elliston

DEED

KNOW ALL MEN BY THESE PRESENTS:

That D. C.-KY 18, LLC, a Kentucky limited liability company; successor in interest to D.C. -KY 18 Partnership, the GRANTOR, by and through its duly authorized member, for and in consideration of \$1,400,000.00 paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to the following named GRANTEE,

KEMBA CREDIT UNION, INC., an Ohio not-for-profit corporation,

its successors and assigns forever, the following described real estate, in the City of Florence, County of Boone, and State of Kentucky, to wit:

Street Address: _____ Merchants Street, Florence, Kentucky 41042

Grantee's Address: 8763 Union Centre Blvd West Chester OH 45069

TAX Address: Kemba Credit Union, Inc 8763 Union Centre Blvd. West Chester Ohio 45069

Grantor's Address: 8800 Banker's Street, Suite 3, Florence, Kentucky 41042

Group No.: 2033A

Plat Cab. 5, Slide 798

Being all of Lots 8 and 9, Section 12, Merchants Square Subdivision, as shown on the plat recorded at Plat Cabinet 5, Slide 798 of the Boone County Clerk's Office at Burlington, Kentucky.

Boone County
D1057 PG 846

Being the same property conveyed to the Grantor herein by Deed dated December 23, 1996 and recorded in Deed Book 635, Page 272 of the Boone County Clerk's records at Burlington, Kentucky.

* Part of the same.

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

GRANTOR and GRANTEE both certify, under oath, that the consideration reflected in this Deed is the full consideration paid for the property and GRANTEE joins in this Deed for the sole purpose of making this certificate about the consideration.

DATED this 30 day of July, 2015.

GRANTOR:

D.C. -KY 18, LLC, by it sole Member
D.M.C. Holdings Ltd. Co.

By: Richard D. Crist
Richard D. Crist, Manager

GRANTEE:

KEMBA CREDIT UNION, INC.

By: Stephen G. Behler
Name: Stephen G. Behler
Title: President

STATE OHIO
COMMONWEALTH OF KENTUCKY, COUNTY OF Hamilton [GRANTOR]

The foregoing instrument was sworn to and acknowledged before me this 30 day of July, 2015 by RICHARD D. CRIST as Manager of D.M.C. Holdings Ltd. Co., the sole Member of D.C. KY-18, LLC, a Kentucky limited liability company, for and on behalf of said company.



JACK L. TUCKER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.03 O.R.C.

Jack L. Tucker
NOTARY PUBLIC
Kentucky State at Large
My Commission expires: _____

STATE OHIO
COMMONWEALTH OF KENTUCKY, COUNTY OF Hamilton [GRANTEE]

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 30 day of July 2015, by Stephen G. Behler as President of KEMBA CREDIT UNION, INC., an Ohio not-for-profit corporation, for and on behalf of said corporation.



JACK L. TUCKER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.03 O.R.C.

Jack L. Tucker
NOTARY PUBLIC
Kentucky State at Large
My Commission expires: _____

HADEEDS\CRIST\DCKY18.wpd

BC081 I009

Boone County
D1057 PG 847

EXHIBIT "A"

Located in Boone County, Kentucky, GROUP 2033A

Being all of Lot No. 8 and Lot No. 9 as shown on plat of Merchants Square Section No. 12 recorded in Plat Cabinet 5, page 798 in the office of the Clerk of Boone County, Kentucky.

Being part of the land conveyed to D C KY 18 Partnership by deed dated December 23, 1996, recorded in Deed Book 635, page 272, said records. D C KY 18 Partnership, also known as D.C.-KY 18 Partnership converted to D.C.-KY 18, LLC, a Kentucky limited liability company, as evidenced by Articles of Organization recorded in Articles Book 33, page 163, said records.

**Boone County
D1057 PG 848**

DOCUMENT NO: 682816
RECORDED ON: AUGUST 12, 2015 12:51:39PM
TOTAL FEES: \$17.00
TRANSFER TAX: \$1488.00
GROUP : 2033A
COUNTY CLERK: KENNY BROWN
DEPUTY CLERK: BOONE COUNTY CLERK
BOOK D1057 PAGES 846 - 848



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

602 Lila Avenue
Middletown, Ohio 45150

Tel: 859.727.3293

Tel: 513.576.1000

Fax: 859.727.8452

www.vioxinc.com

October 1, 2024

Steve Lilly, Planner
Boone County Planning Commission
2950 Washington Street, Room 317
Burlington, Kentucky 41005
steve.lilly@boonecountkyky.org

RE: Traffic Memorandum – Proposed Hotel Development
5935 & 5945 Merchants Street, City of Florence, Boone County, Kentucky

Dear Mr. Lilly:

This memorandum is in response to a request of the Boone County Planning Commission regarding the expected trip generation of the proposed hotel development, which is located at 5935 and 5945 Merchants Street. The hotel is proposed to have a total of 99 rooms. Two access points are proposed on Merchants Street, with an ample amount of sight distance from both access points. The following and attached exhibits are support for why this development is anticipated to have an insignificant traffic impact to the surrounding roadways.

Trip Generation

Per Exhibits A, B, and C, the Institute of Transportation Engineers (ITE) *Trip Generation Manual* estimates that a hotel with 99 rooms would generate a total of approximately 46 AM trips (26 entering and 20 exiting), 58 PM trips (38 entering and 20 exiting), and 650 – 791 weekday trips (range being 325 entering and 325 exiting to 396 entering and 395 exiting), respectively.

Conclusion

Based on the trip generation exhibits (Exhibits A, B, and C), it is anticipated the proposed development will have an insignificant traffic impact to the surrounding roadways.

If there are any other concerns related to the traffic characteristics of the proposed development, don't hesitate to reach out and we can go from there.

Respectfully Submitted,

Jon Girdler, P.E.

CC: Bill Viox
Megan deSola
Michelle Bollman

EXHIBIT A

Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
Number of Studies: 28
Avg. Num. of Rooms: 182
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.46	0.20 - 0.84	0.14

Data Plot and Equation

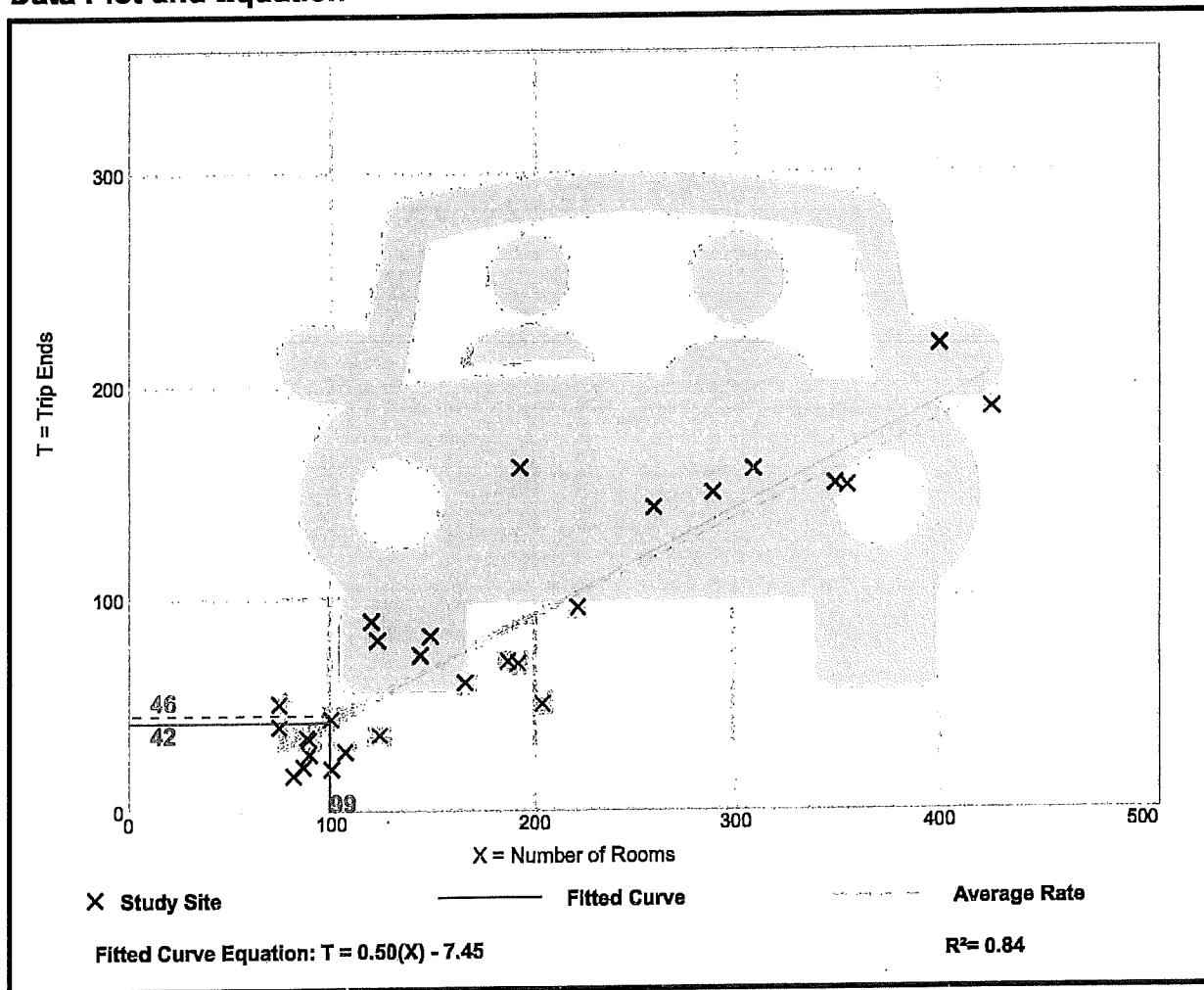


EXHIBIT B

Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
Number of Studies: 31
Avg. Num. of Rooms: 186
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation

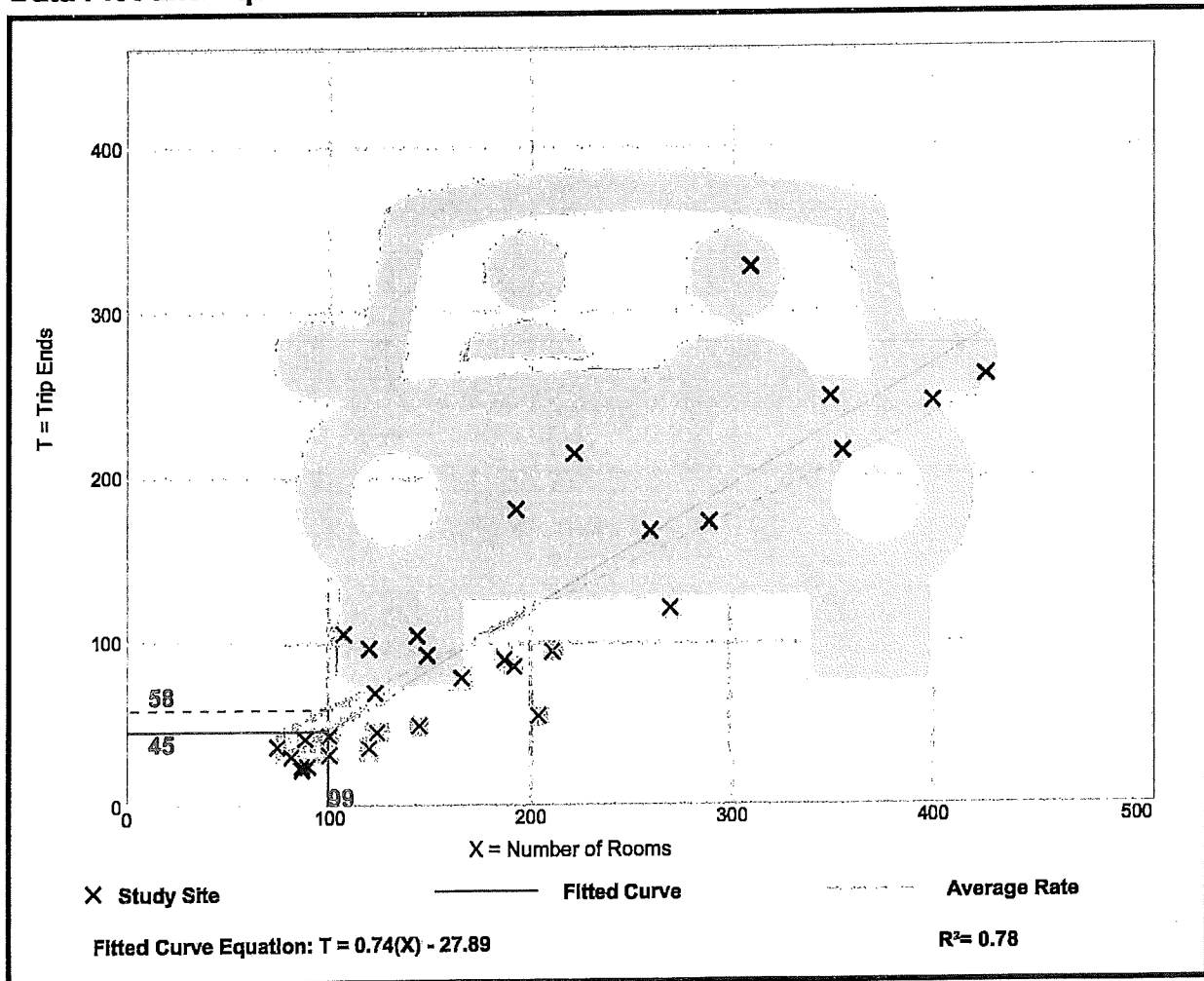


EXHIBIT C

Hotel (310)

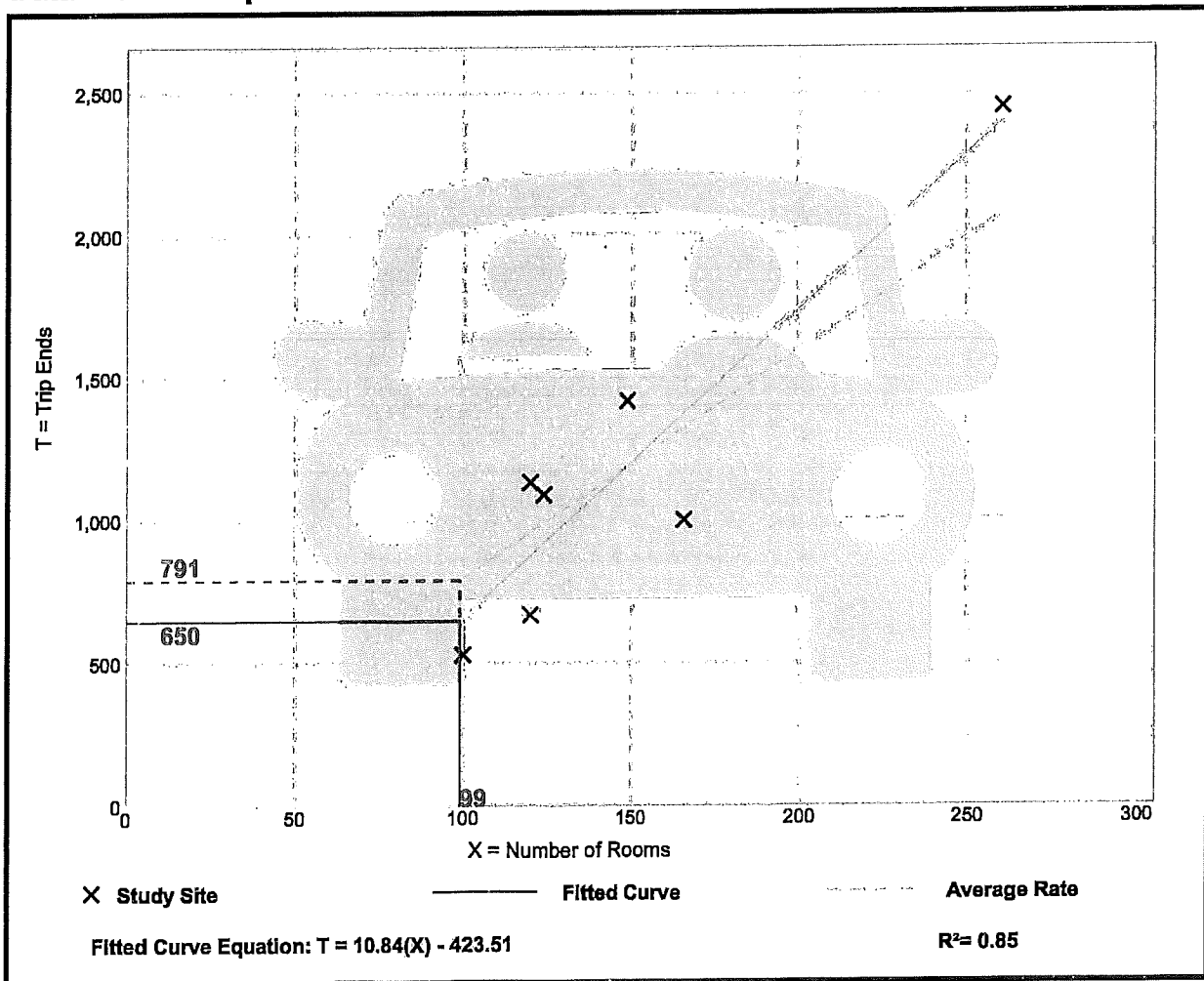
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 148
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
7.99	5.31 - 9.53	1.92

Data Plot and Equation





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

November 22, 2024

Ravi Narsinghani
Seva at Merchants Square II, LLC
5905 Merchants Street
Florence, Ky 41042

RE: Request of Seva at Merchants Square II, LLC (applicant) for Kemba Credit Union, Inc. (owner) for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky. The request is for a zone change to allow the development of a four-story, 62,000 square foot hotel.

Dear Mr. Narsinghani:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their November 20, 2024 meeting. As you verbally agreed to these conditions at that meeting, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office no later than December 2, 2024.

CONDITIONS

1. The approval shall be based on the revised Concept Development Plan and building material as presented at the November 20, 2024, Zone Change Committee Meeting.
2. The sides and rear of the dumpster enclosure shall be constructed with masonry that matches the building.
3. Light poles or fixtures shall be downlit and directed away from the adjoining Greenview Subdivision. Lighting shall be limited to 25 feet in height in the rear of the building. Light poles will be limited to 25 feet in height on the sides of the building. Building sconce lighting will be permitted on the sides of the building.
4. That evergreen trees, consistent with a Buffer Yard D, be planted in a double row spaced 10 feet on center in an equal lateral triangle configuration near the top of slope along rear of the development.
5. That some decorative furniture (benches and trash cans) be added to the outdoor patio in the rear and at the west building entrance.

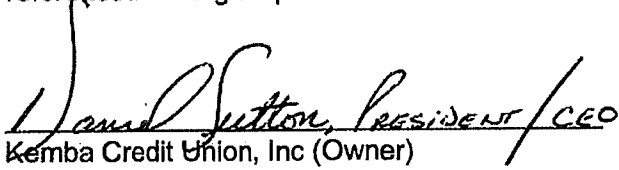
Sincerely,

Steven C. Lilly, PLS
Planner, Zoning Services

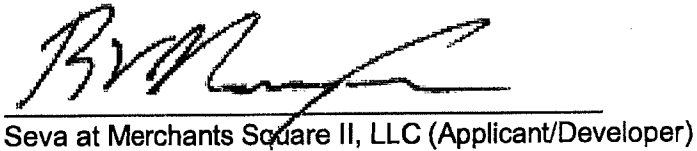
SCL

AGREEMENT

We, the property owners/developer of the approximate 5.3 acre area located at 5935 and 5945 Merchants Street, Florence, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.


David Sutton, President/CEO
Kernba Credit Union, Inc (Owner)

11-26-2024
Date


Seva at Merchants Square II, LLC (Applicant/Developer)

11-26-2024
Date

**CITY OF FLORENCE, KENTUCKY
READING SUMMARY**

ORDINANCE O-1-2025

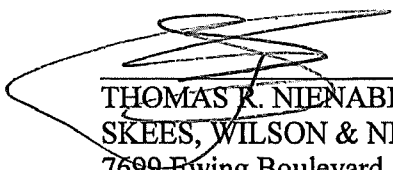
AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON DONALDSON STUDY CORRIDOR (C-2/PD/HDO) TO OFFICE TWO/PLANNED DEVELOPMENT/HOUSTON DONALDSON STUDY CORRIDOR (O-2/PD/HDO) FOR AN APPROXIMATE 5.3 ACRE AREA LOCATED AT 5935 AND 5945 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW THE DEVELOPMENT OF A FOUR-STORY, 62,000 SQUARE FOOT HOTEL. (SEVA AT MERCHANTS SQUARE II, LLC/KEMBA CREDIT UNION, INC.)

The effect of this Ordinance is to allow a zoning map amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) to Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre site located at 5935 and 5945 Merchants Street, Florence, Kentucky, to allow the development of a four-story, 62,000 square foot hotel.

The full text of Ordinance O-1-2025 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-1-2025 and that it has been prepared by me on the 28th day of January, 2025, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



THOMAS K. NIENABER
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Boulevard, P.O. Box 756
Florence, Kentucky 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872
Email: tnienaber@fuse.net
Fax: (859) 371-9872

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-1-2025**

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON DONALDSON STUDY CORRIDOR (C-2/PD/HDO) TO OFFICE TWO/PLANNED DEVELOPMENT/HOUSTON DONALDSON STUDY CORRIDOR (O-2/PD/HDO) FOR AN APPROXIMATE 5.3 ACRE AREA LOCATED AT 5935 AND 5945 MERCHANTS STREET, FLORENCE, KENTUCKY, TO ALLOW THE DEVELOPMENT OF A FOUR-STORY, 62,000 SQUARE FOOT HOTEL. (SEVA AT MERCHANTS SQUARE II, LLC/KEMBA CREDIT UNION, INC.)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-24-034-A recommended approval, with conditions, for a zoning map amendment, and

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

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

SECTION I

That the request of Seva at Merchants Square II, LLC (Applicant) for Kemba Credit Union, Inc. (Owner) for a Zoning Map Amendment from Commercial Two/Planned Development/Houston Donaldson Study Corridor (C-2/PD/HDO) To Office Two/Planned Development/Houston Donaldson Study Corridor (O-2/PD/HDO) for an approximate 5.3 acre site located at 5935 and 5945 Merchants Street, Florence, Kentucky, to allow the development of a four-story, 62,000 square foot hotel, shall be and is hereby approved.

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

SECTION II

The approval of this zoning map amendment is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-24-034-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-24-034-A, marked Exhibit "B", 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 the additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION V

If the approval for this zoning map amendment 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, or comprehensive plan provisions 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.

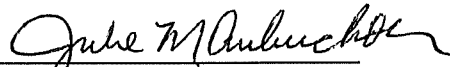
SECTION VI

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

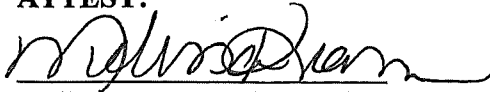
PASSED AND APPROVED ON FIRST READING THIS 28th DAY OF JANUARY, 2025.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED
THIS 11th DAY OF FEBRUARY 2025.

APPROVED:


Julie M. Aubuchon, Mayor

ATTEST:


Melissa Kramer, City Clerk

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: AGREED ADDITIONAL CONDITIONS - REQUEST OF SEVA AT MERCHANTS SQUARE II, LLC (APPLICANT) FOR KEMBA CREDIT UNION, INC. (OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL TWO/PLANNED DEVELOPMENT/HOUSTON DONALDSON STUDY CORRIDOR (C-2/PD/HDO) TO OFFICE TWO/PLANNED DEVELOPMENT/HOUSTON DONALDSON CORRIDOR (O-2//PD/HDO) FOR AN APPROXIMATE 5.3 ACRE AREA LOCATED AT 5935 AND 5945 MERCHANTS STREET, FLORENCE, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE TO ALLOW THE DEVELOPMENT OF A FOUR-STORY, 62,000 SQUARE FOOT HOTEL.

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

1. Condition #3 of the Boone County Planning Commission Zone Change/Concept Plan Committee Report shall be amended as follows:

~~Light poles or fixtures shall be downlit and directed away from the adjoining Greenview Subdivision. Lighting shall be limited to 25 feet in height in the rear of the building. Light poles will be limited to 25 feet on the sides of the building. Building scene lighting will be permitted on the sides of the building.~~

The following lighting conditions shall apply only to the hotel lot at 5945 Merchants Street:

- A. Light poles and their associated fixtures shall only be permitted in the front parking lot and shall be limited to 25' in height. All lighting from pole mounted light fixtures shall be downlit or oriented away from Greenview Subdivision.
- B. Illumination of the side building facades shall be limited to 3,000 - 4,000 K white or soft-yellow ground mounted or wall mounted uplighting.
- C. Illumination of the rear building facade and/or outdoor patio area shall be limited to low-wattage recessed ceiling lights and/or wall scones which are installed below the second-floor level of the hotel.

Agreed to this 15 day of January, 2025.

BY: James Sutton, President / CEO
(Title)

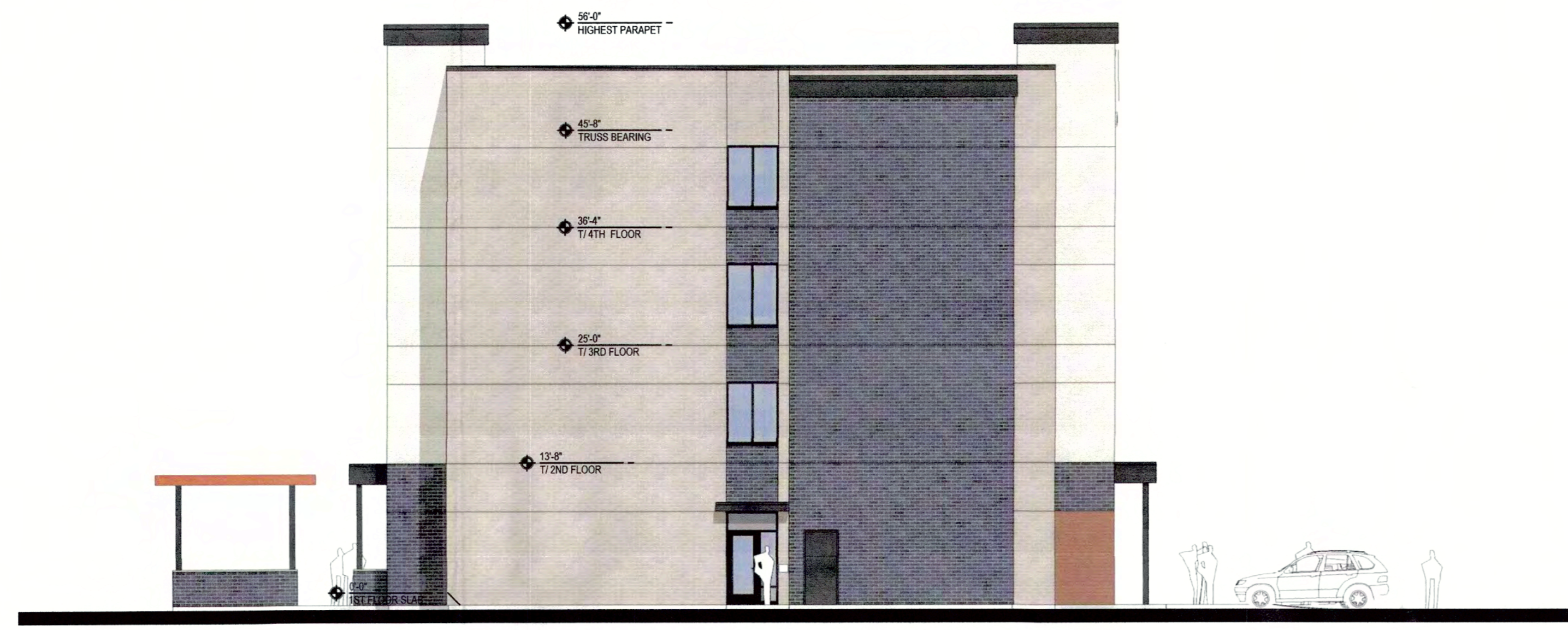
COUNTY OF Butler STATE Ohio

The foregoing instrument was acknowledged before me this 15th day of January, 2025, by Dan Sutton, the President and CEO, on behalf of the company. Kenba Credit Union, Inc.

Joe Hutson
NOTARY PUBLIC, State at Large
My Commission Expires: _____

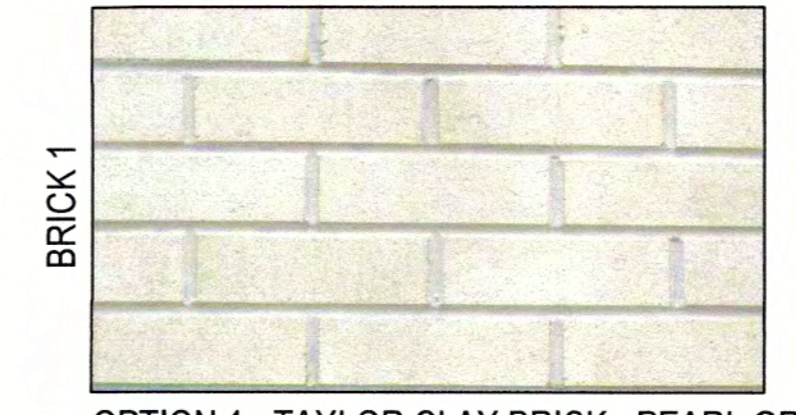


JOSEPH MORGAN HUTSON
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date: Section 147.03 O.R.C.

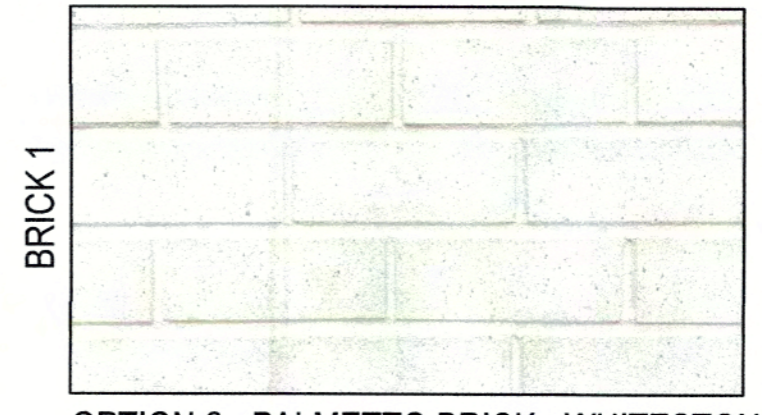


WEST / SIDE BUILDING ELEVATION - OPTION 1 BRICK SELECTIONS SHOWN

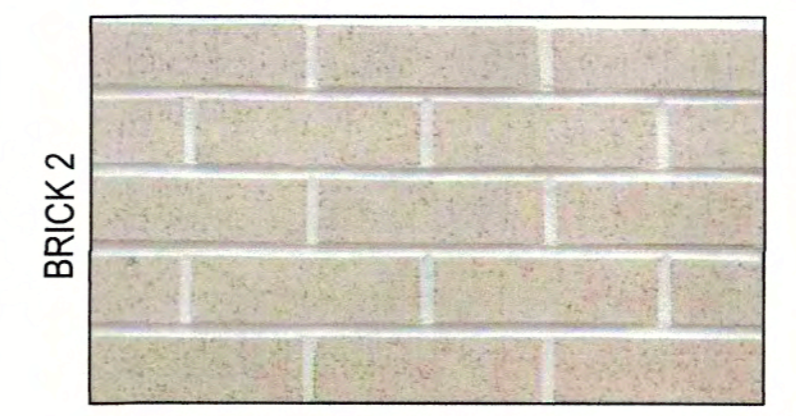
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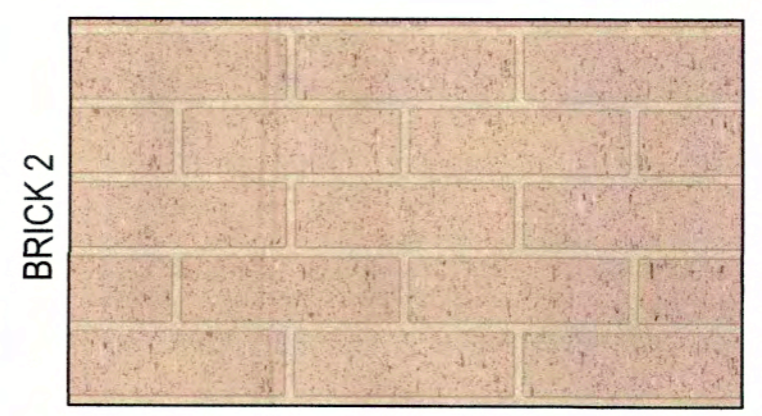
BRICK 1
OPTION 1 - TAYLOR CLAY BRICK - PEARL GRAY



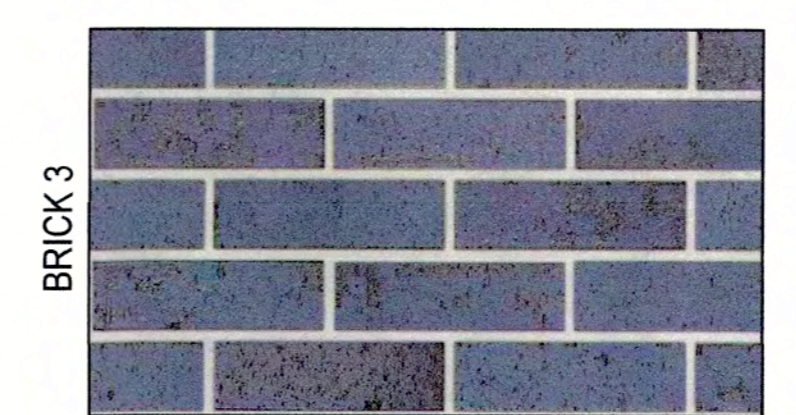
BRICK 1
OPTION 2 - PALMETTO BRICK - WHITESTONE WIRECUT



BRICK 2
OPTION 1 - TAYLOR CLAY BRICK - 320 GRAY



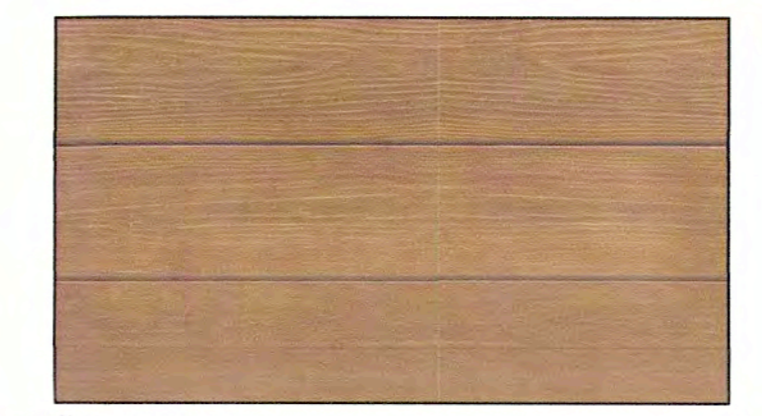
BRICK 2
OPTION 2 - CLOUD CERAMICS - GRAY GRANITE



BRICK 3
OPTION 1 - ENDICOTT GRAPHITE VELOUR



BRICK 3
OPTION 2 - CLOUD CERAMICS - MIDNIGHT



WOOD GRAIN FIBER CEMENT

NOTE: FIBER CEMENT FINISHES ON THIS BUILDING ACCOUNT FOR +4.6% OF THE TOTAL FACADES



SOUTH / FRONT BUILDING ELEVATION - OPTION 1 BRICK SELECTIONS SHOWN

SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

ESTHER M. ROBERTS, ARCHITECT
3861 DESTINY COURT
CINCINNATI, OHIO 45237
Phone: 513-262-7188
esther@costandi.com

costandi ARCHITECTURE + PLANNING

GOP Limited
Structural Engineers
431 Ohio Park, Suite 100N
Cincinnati, Ohio 45255
Tel: 513-262-7188
Fax: 513-821-0434
engineer@gopllc.com

who
engineering
2012 E. 25th Street, Suite 200
Cleveland, OH 44115
Phone: 216.227.6505

A CUSTOM DESIGN FOR A NEW PROPOSED:

LivSmart Studios
by Hilton

5945 MERCHANTS STREET, FLORENCE, KENTUCKY 41042, BOONE COUNTY

SOUTH AND WEST BUILDING ELEVATIONS

ISSUE / REVISION DATE:
11/18/2024 edited last by STEVE

HILTON PROJECT No.:
SMR PROJECT No.: LSFLKY

A5.1



EAST / SIDE BUILDING ELEVATION - OPTION 1 BRICK SELECTIONS SHOWN
SCALE: 1/8" = 1'-0"



NOTE: FIBER CEMENT FINISHES ON THIS BUILDING ACCOUNT FOR +4.6% OF THE TOTAL FACADES



NORTH / REAR BUILDING ELEVATION - OPTION 1 BRICK SELECTIONS SHOWN
SCALE: 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

STEVEN M. ROBERTS ARCHITECT
1000 W. WASHINGTON ST.
CINCINNATI, OHIO 45227
SteveRobertsArchitect@gmail.com
Phone: 513.252.1428

SR

costandi ARCHITECTURE + PLANNING

GOB Limited
Structural Engineer
Waycross Center North
431 Ohio Pike, Suite 400N
Columbus, OH 43219
Phone: 614.321.7073
Fax: 614.321.1434
engr@goblast.com

who engineering
2012 West 25th Street, Suite 200
Cincinnati, OH 45227
Phone: 216.227.8552

A CUSTOM DESIGN FOR A NEW PROPOSED:

LivSmart Studios
by Hilton

5945 MERCHANTS STREET, FLORENCE, KENTUCKY 41042, BOONE COUNTY

NORTH AND EAST BUILDING ELEVATIONS

ISSUE / REVISION DATE:
0 11/18/2024 edited last by STEVE

HILTON PROJECT No.:
SMR PROJECT No.: LSFLKY

A5.2

Option 1

TAYLOR
CLAY PRODUCTS INC
P.O. BOX 2120 SAULSBURY, NC 28145 (704) 638-8411
COLOR: #2120 - GRAY
SIZE: MODULAR
TEXTURE: MIDNIGHT
HONEYCOMB
HONEYCOMB QUALITY IS FIRST

TAYLOR
CLAY PRODUCTS INC.

AVERAGE SHADE AND SUBJECT TO
NORMAL SHADE VARIATIONS



Option 2

PALMETTO BRICK
3501 Brickyard Road
Wadega, SC 29150
800-922-4423
www.palmettobrick.com

THIS SAMPLE IS NOT INTENDED TO REPRESENT THE COLOR AND TEXTURE OF THE FINAL PRODUCT. THE COLOR AND TEXTURE OF THE FINAL PRODUCT WILL BE DETERMINED BY THE MANUFACTURER'S SPECIFICATIONS.



TAYLOR
CLAY PRODUCTS INC
P.O. BOX 2120 SAULSBURY, NC 28145 (704) 638-8411
COLOR: #2120 - GRAY
SIZE: MODULAR
TEXTURE: MIDNIGHT
HONEYCOMB
HONEYCOMB QUALITY IS FIRST

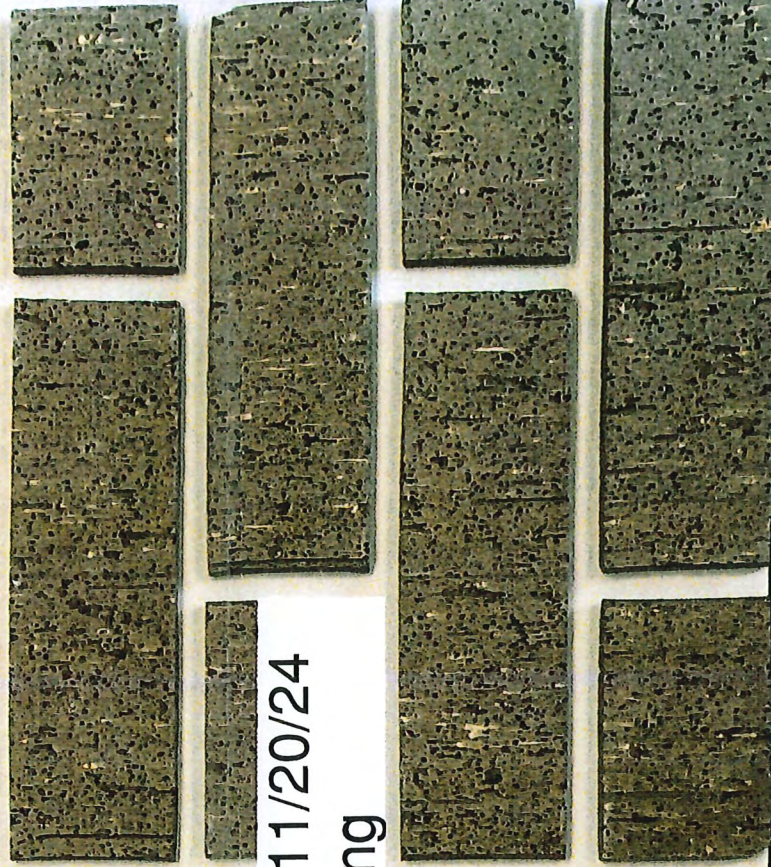
TAYLOR
CLAY PRODUCTS INC.

AVERAGE SHADE SUBJECT TO
NORMAL SHADE VARIATIONS



Cloud Ceramics
12500 W. 10th Ave.
Denver, CO 80202

Cloud Ceramics
TO ORDER CONTACT US
SEP 2 1 2024
GREY GRANITE
MODULAR
TEXTURE: VELOUR

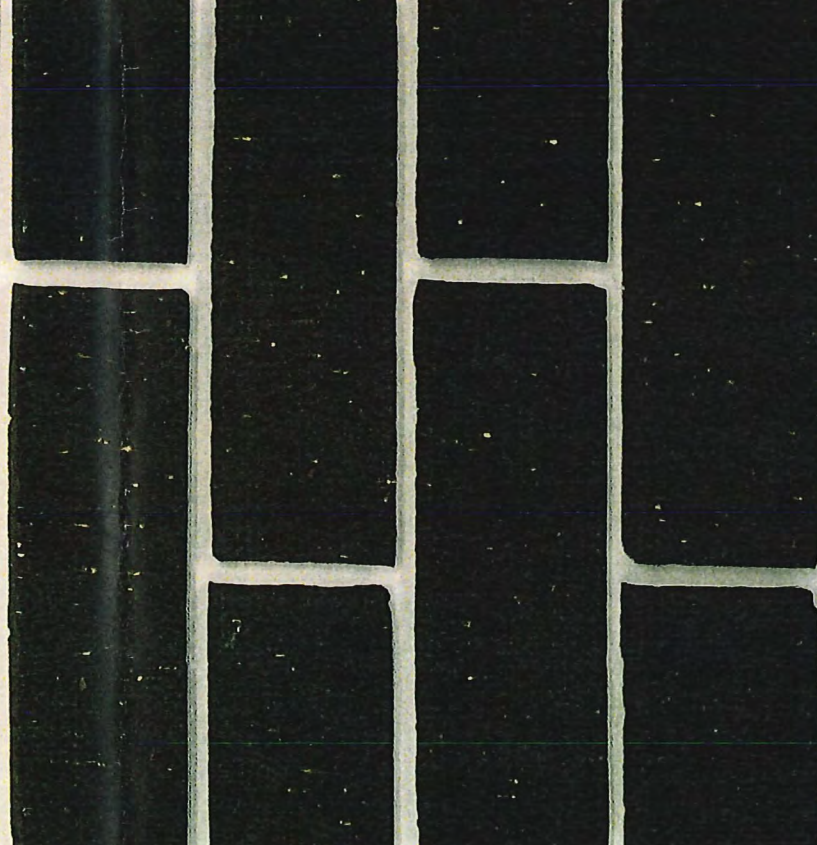


ENDCOTT CLAY PRODUCTS CO
402-726-3315
WWW.ENDCOTT.COM

GRAPHITE
VELOUR MODULAR

DIVISION 4
FINE ARTS • STONE
ARCHITECTURAL CMU
513-396-7025
9115 Reading Road
Channahon, IL 61015

AVERAGE SHADE SUBJECT TO
NORMAL SHADE VARIATIONS



Cloud Ceramics
PO BOX 207
760-243-1256
CONCORDIA, MISSOURI 63901

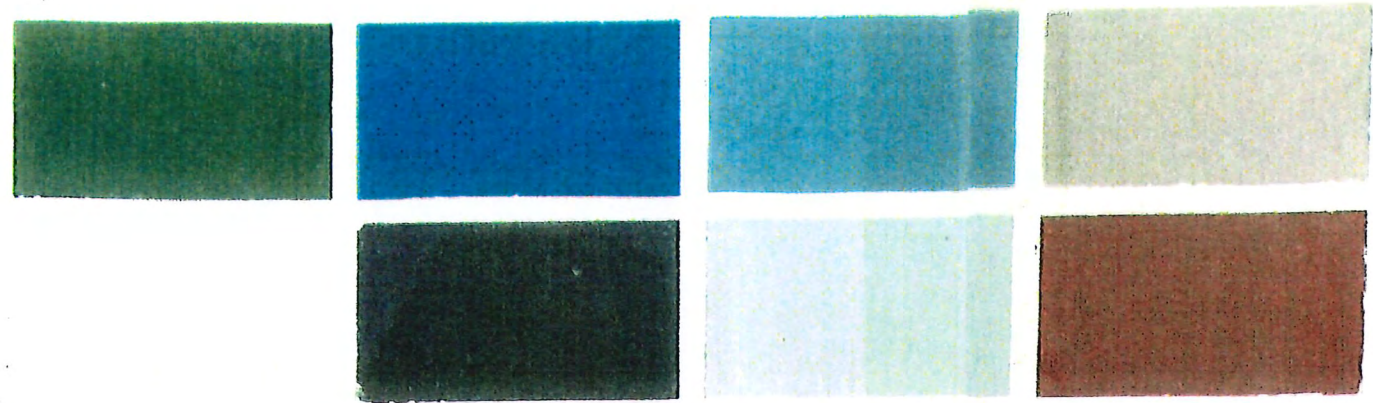
COLOR: MIDNIGHT
MODULAR
TEXTURE: VELOUR
DATE: 7-4-24

BRICKS ARE MADE FROM NATURAL CLAYS
INVENTORY MAY VARY SLIGHTLY IN COLOR
AND PERCENTAGES FROM SAMPLES

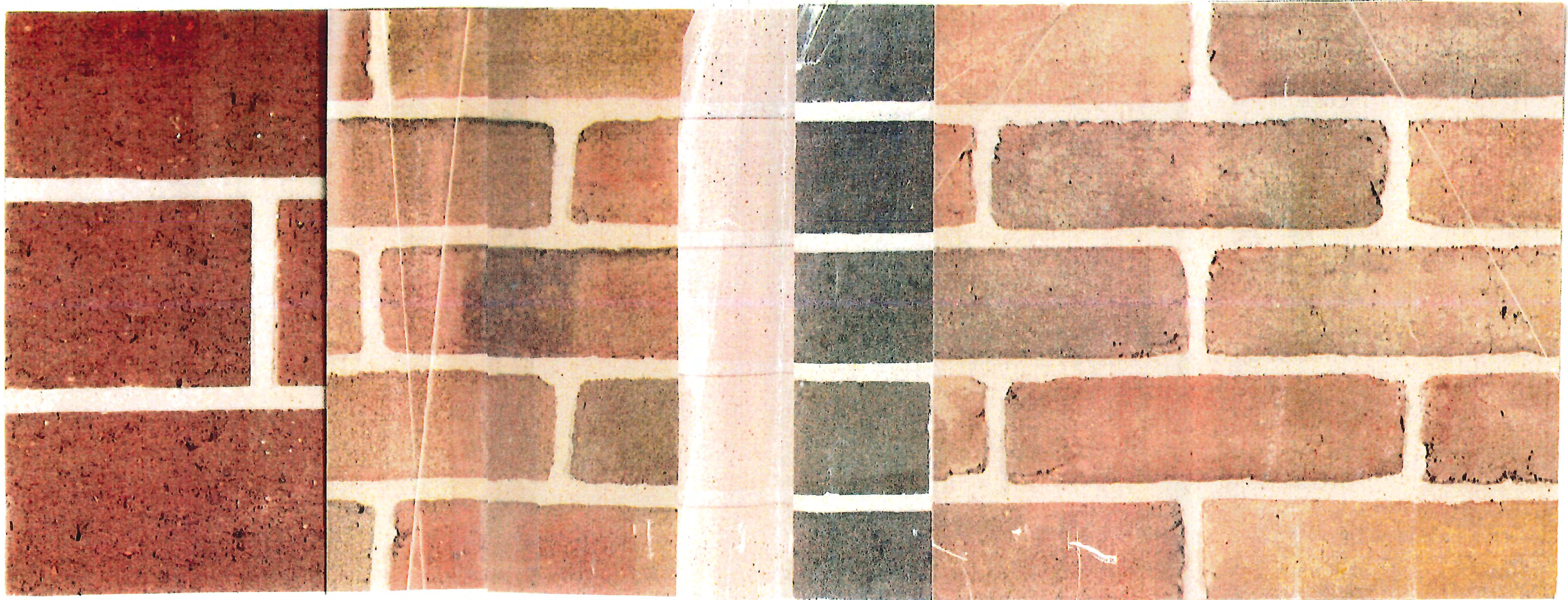
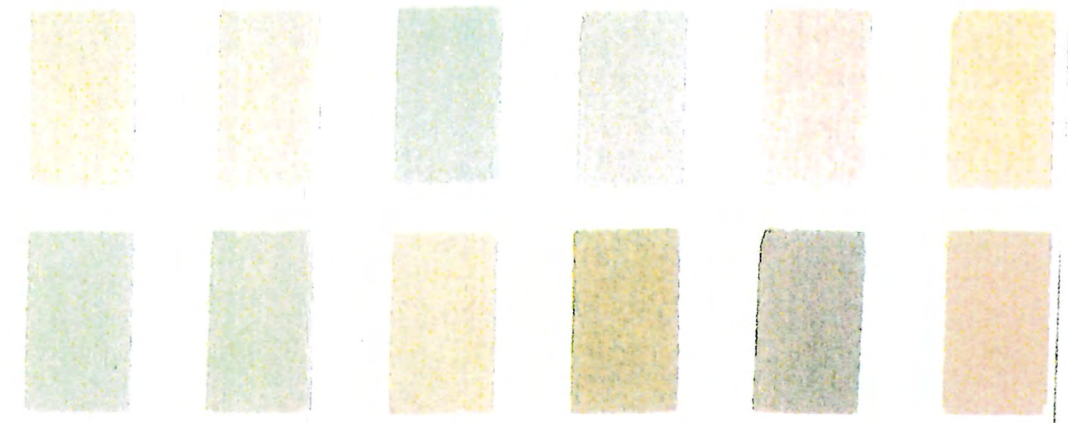


Presented at the 11/20/24
ZCC Meeting

Roof



Trim



Brick Colors