

CHANGE IN CONCEPT DEVELOPMENT PLAN

OR

UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

(Concept Development Plan)
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- X Change in Concept Development Plan
Utilization of An Underlying Zone in Planned Development

- a) Public Hearing Submittal (Concept Dev. Plan)
b) Long Range Planning Committee Review
(As stated in the Houston-Donaldson Study)

2. Name of Project

3. Location of Project SPIRAL DRIVE / TURFWAY RESEARCH PARK

4. Total Acreage of Site APPROX

5. Current Zoning C2/PD PARCEL A - BANK/REST PARCEL B - NATURAL LANDSCAPING

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) FEB. 1992

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) HOUSTON ROAD STUDY?

8. Proposed Uses (please specify each use) PARCEL A) 1.0 A - RETAIL USE (SCENTS SHAVE STONE + ALLOWED C2) PARCEL B) 3.75 - MED OFF. + ALLOWED C2 USES

9. Proposed Building Intensities (please specify)
PARCEL A - 13,200 SF ONE STORY
PARCEL B 10,000 SF ONE STORY + 10,000 SF FUTURE EXPANSION

10. Have you submitted a Concept Development Plan? ATTACHED

11. Are you also applying for:
- Conditional Use Permit
- Dimensional Variance

12. Name of Applicant(s) TRD ASSOC. / MIKE HARRIS
Phone Number 341-8300 Fax No. 341-6817

13. Address of Applicant(s) 250 GRANDVIEW DR
FT. MITCHELL KY 40117
City State Zip

14. Name of Property Owner(s) TRD ASSOC
Phone Number SAME AS ABOVE Fax No. -

15. Address of Property Owner(s)
City State Zip

16. Are there any existing buildings on the site? No
How many?

17. Deed Book Page No. Group No.

18. Have you had a pre-application meeting with BCPC Staff? No - JUST TELEPHONE CONVERSATIONS

EXHIBIT "A"

STAFF REPORT

Request of TRP Associates (applicant and owner) for a change in a previously approved Concept Development Plan on a 3.75 acre parcel and a 1.23 acre parcel located on Spiral Drive, Florence, Kentucky. The request is to allow retail and office uses in Turfway Business Park in the Commercial Two/Planned Development (C-2/PD) zone.

JUNE 22, 1994

This request is to change the Concept Development Plan for Turfway Business Park, which was approved in 1992. This 1992 Plan indicated a Natorp's nursery on Spiral Drive, Furniture Fair along Houston Road, and a restaurant or bank outlot on Spiral Drive. A copy of the Committee Report containing conditions is attached to this report. This current request affects all of this same site with the exception of Furniture Fair, which has been constructed. The proposed uses are an approximately 20,000 square foot Prudential office building and a 13,200 square foot retail building. The applicant has indicated the desire to retain the flexibility to construct retail uses on the proposed office site and an outlot use similar to the previous 1992 approval on the proposed retail site. This is in case the intended uses do not materialize.

Although the request indicates a total building area of 73,200 square feet (including Furniture Fair) compared to the approximately 52,000 square feet approved in 1992 for the approximately 12 acre area, this is much less than the original 1987 figure of 167,000 square feet approved for the office campus and industrial uses.

History of the Site

The original approved uses on the site consisted of 102,000 square feet of office campus development and 65,000 square feet of light industry approved in 1987. This Plan was changed in 1992, as described above.

Surrounding Land Uses and Zoning

- North - Turfway Business Park, including Wal Mart, zoned C-2/PD; DRG Marketing, and Frame King (under construction), zoned I-1/PD.
- East - Across Houston Road is the Houston Lakes development, zoned O-2/C-2/PD.
- South - Furniture Fair, zoned C-2/PD.
- West - Airport property, zoned A.

Relationship to Comprehensive Plan and Houston-Donaldson Study

The 1990 Boone County Comprehensive Plan recognizes that Houston Road will experience both office and commercial development, and that traffic impacts on the road system need to be minimized. The Specific Land Use Development Guidelines on page 202 stress the importance of design to ensure that each land use is appropriate in its aesthetic impacts. The Comprehensive Plan indicates that the Houston-Donaldson Study is the official plan for the area.

The 1992 Houston-Donaldson Study incorporates the 1992 approved Concept Development Plan for this site into its recommendations. In general, the Study recommends office uses where suitable along Houston Road. During the 1992 change in Concept Development Plan request, the applicant submitted a traffic generation comparison that indicated that the proposed furniture store, plant nursery, and restaurant would generate less traffic than the previous 102,000 square feet of office and an industrial use. At that time it was found that the proposed development in itself would not warrant a traffic signal at Houston Road, but since that time the signal has been approved for installation as soon as Houston Lakes contains commercial activity.

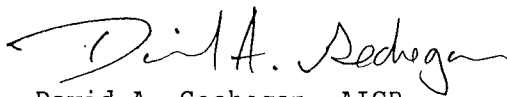
Staff Concerns

1. The visual impact of the proposed retail use on the outlot is important because of the low elevation of the site with respect to Houston Road. Roof mounted utilities would be highly visible from Houston Road.
2. During the 1992 request, the applicant described extensive reconstruction and beautification of the existing storm detention area. By the submitted drawing, staff assumes the retention pond will remain in its current state.

Conclusion

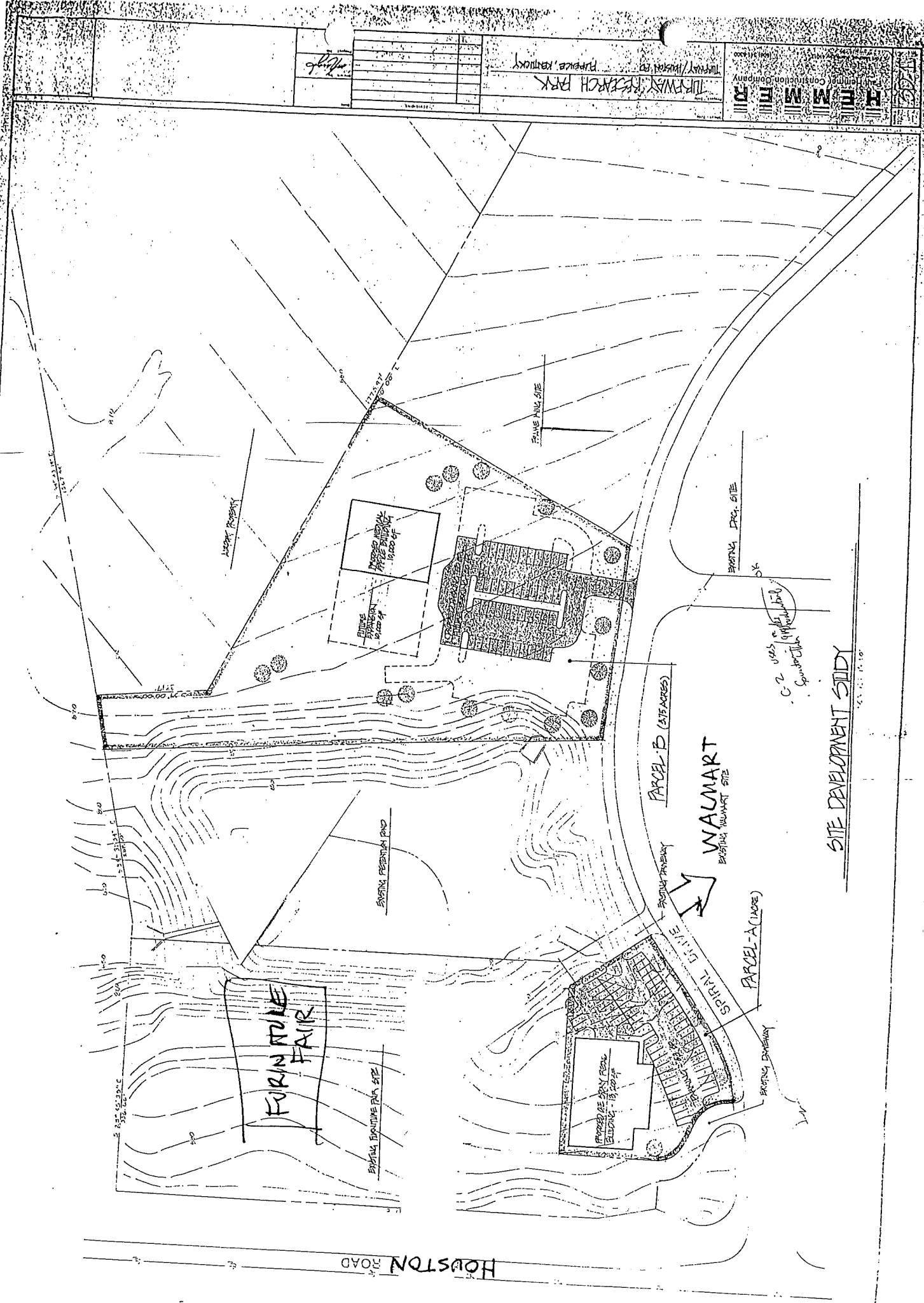
Although the applicant is indicating planned uses on the submitted Concept Development Plan, TRP Associates is requesting the flexibility to construct any of the C-2 permitted uses on either Parcel "A" or "B". The Planning Commission and City of Florence need to consider this carefully. Should the request be approved, no changes to the Comprehensive Plan would be needed, however, the traffic generation tables in the Houston-Donaldson Study would need to be adjusted.

Respectfully Submitted,



David A. Geohegan, AICP
Senior Planner

DAG\par



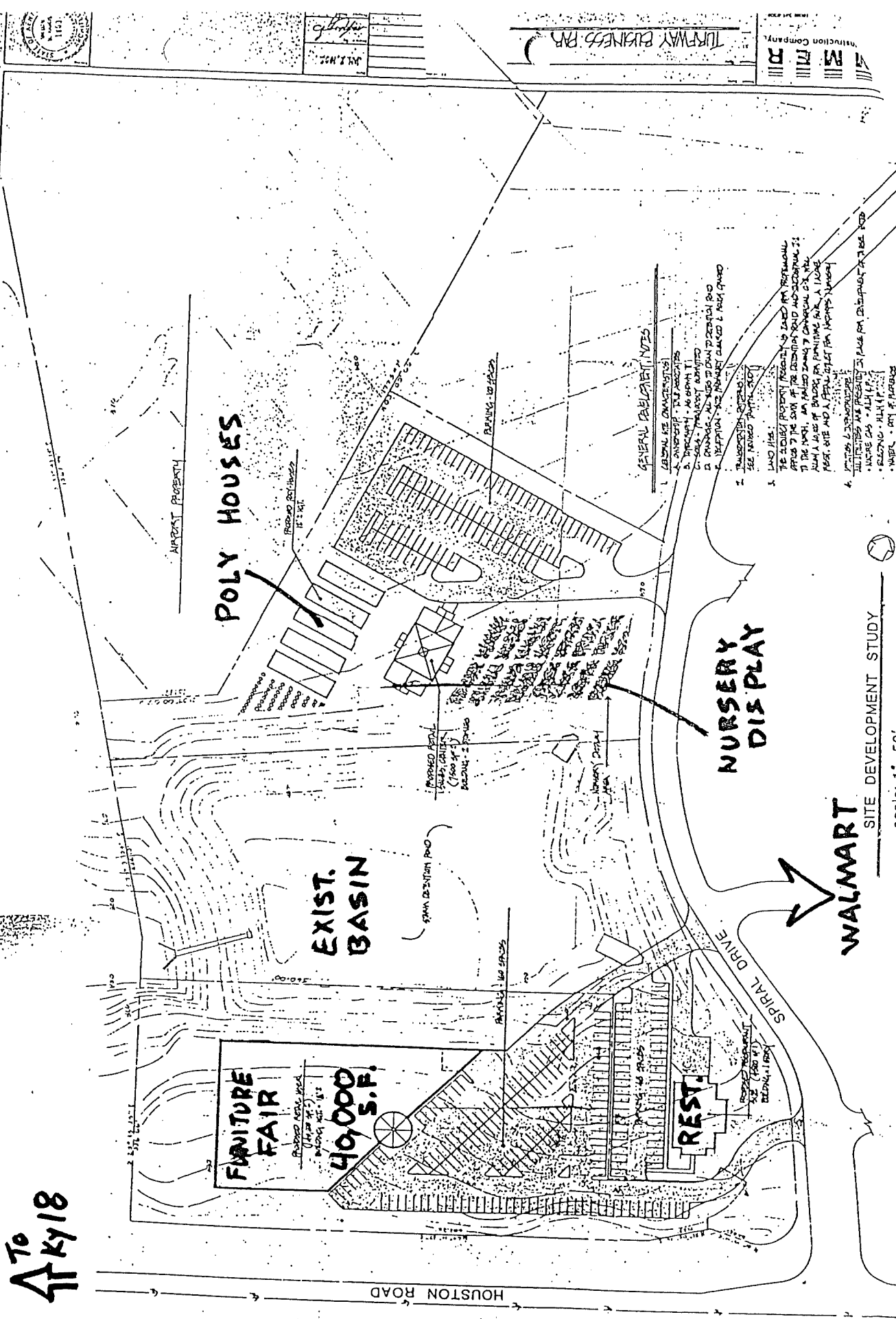
SITE DEVELOPMENT STUDY

HOUSTON ROAD

TRP ASSOC. ZONE CHANGE

1/22/192

↑
Ky18



GENERAL RELOCATION NOTES

1. LANDSCAPING: (SEE NOTES ON SHEET 1)
2. PAVING: (SEE NOTES ON SHEET 1)
3. UTILITIES: (SEE NOTES ON SHEET 1)
4. SIGNAGE: (SEE NOTES ON SHEET 1)

THE ABOVE PROPERTY IS TO BE RELOCATED TO THE SOUTH OF THE EXISTING ROAD AND ADJACENT TO THE NORTH, AN ADJACENT ZONING OF COMMERCIAL OR INDUSTRIAL USE OF BUILDING FOR FURNITURE AND A LARGE PARKING LOT AND A FEW OTHER FOR MONTHS NEEDED.

WALMART

SITE DEVELOPMENT STUDY

scale: 1" = 50'

TURNWAY BUSINESS PMS
M I B
Instruction Company

* 1992 HOUSTON-DONALDSON STUDY TRIP GENERATION
 BASED ON 1987 TURFWAY BUSINESS PARK PLAN

| LAND USE | 24 HOUR | AM PEAK | | PM PEAK | |
|---------------------------------|------------|---------|-----|---------|-----|
| | | IN | OUT | IN | OUT |
| [110] GENERAL LIGHT INDUSTRY | | | | | |
| 362,867 GSF | 2,608 | 282 | 58 | 43 | 314 |
| [750] OFFICE PARK | | | | | |
| 102,000 GSF | 1,476 | 210 | 26 | 28 | 159 |
| [760] RESEARCH CENTER | | | | | |
| 291,056 GSF | 2,371 | 285 | 58 | 48 | 274 |
| TOTAL | 6,455 | 776 | 142 | 119 | 747 |

* 1992 TURFWAY BUSINESS PARK - NATORP'S / FURNITURE FAIR

| LAND USE | WEEKDAY | AM PEAK | | PM PEAK | |
|---|---------|---------|------|---------|------|
| | | ENTER | EXIT | ENTER | EXIT |
| GARDEN CENTER (ITE #817) | 271 | 5 | 5 | 14 | 14 |
| FURNITURE STORE (ITE #890) | 217 | 5 | 2 | 6 | 12 |
| OUTLOT (ITE #834) (Assumed Fast Food) | 1900 | 75 | 75 | 51 | 50 |
| TOTAL TRIPS | 2388 | 85 | 82 | 71 | 76 |

* 1994 REQUEST - PRUDENTIAL

| LAND USE | 24 HR | AM PEAK | | PM PEAK | |
|-----------------------------------|-------|---------|-----|---------|-----|
| | | IN | OUT | IN | OUT |
| Single Tenant Office 20,000 SF | 230 | 32 | 4 | 6 | 29 |
| Specialty Retail | 537 | 41 | 44 | 37 | 28 |
| Furniture Fair | 217 | 5 | 2 | 6 | 12 |
| TOTAL | 984 | 78 | 50 | 49 | 69 |

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: February 5, 1992

RE: Request of TRP Associates (owner) for a Zoning Map Amendment on a 12 acre site located in Turfway Business Park, Florence, Kentucky. The request to rezone the site from Industrial One/Planned Development (I-1/PD) to Commercial Two/Planned Development (C-2/PD) in order to allow the retail sale of home furnishings and landscaping material and garden equipment.

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions:

Findings of Fact

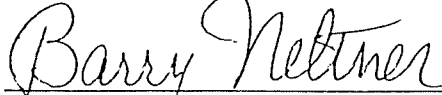
- 1) The applicant has successfully demonstrated that the 12 acre site is not suitable for the previously approved Office Campus use because of the realized impacts of the new north-south airport runway. The noise and proximity of the runway make this site less desirable than many others within the Houston-Donaldson Study Area for office uses. The applicant has demonstrated that the proposed commercial uses would uphold the integrity of the Turfway Business Park as a planned development, and provide a development that would transform the existing detention basin into a site asset. For these reasons, the Committee believes that the existing zoning of Industrial One/Planned Development (I-1/PD) is not appropriate for the site, and that the proposed zoning of Commercial Two/Planned Development (C-2/PD) is appropriate for the site.
- 2) The proposed uses within the submitted Concept Development Plan are projected to generate less traffic than the previously approved Office Uses. This is consistent with the overall community objective of minimizing traffic impact on the sensitive Houston Road corridor.

Conditions

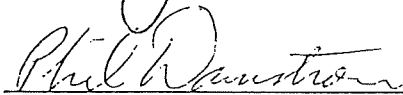
The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the January 22, 1992 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

- 1) The proposed polyhouses for the nursery business shall be a maximum height of 18 feet and restricted in their visibility from Houston Road. One row of twelve foot high evergreen trees spaced ten feet apart shall be planted along the length of the polyhouse area that faces toward Houston Road.
- 2) The proposed buildings shall undergo architectural design review. Most importantly, all roof equipment on the proposed 40,000 retail building will be completely screened from public view; landscaped berms shall be installed along the Houston Road frontage; and architectural projections shall help break up the two solid walls visible from Houston Road. Trees shall be planned near the building to also minimize the visual expanse of these walls. The rear of the proposed 40,000 square foot building shall be constructed of the same materials as the front and sides.
- 3) Loading and pick-up areas for the furniture store shall be located and designed so as not to be visible from Houston Road.
- 4) The proposed outlot use, if a restaurant, shall not contain a drive-through window.
- 5) The development shall be consistent with the rest of Turfway Business Park by not containing free-standing signage, but may be permitted directory signage along Spiral Drive.
- 6) All parking areas shall contain landscape islands as specified in the 1991 Boone County Zoning Regulations as adopted by the Boone County Planning Commission.
- 7) The minimum setback along Houston Road of the 40,000 square foot retail store shall be what is shown on the submitted Concept Development Plan.
- 8) The existing detention basin, upon its reconfiguration as part of this development, shall be sufficiently protected from erosion.
- 9) As agreed previously, the developer of Turfway Business Park will participate in a traffic signal at Spiral Drive and Houston Road when it is warranted.

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.



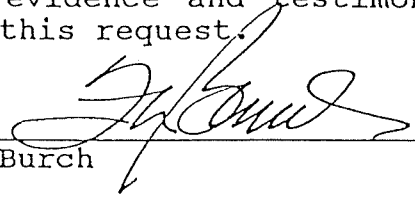
Barry Neltner, Chairman



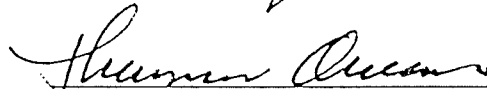
Phil Damstrom

Floyd Sharp

BN:kat



Fred Burch



Thurman Owens



Carol Smith

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Ries, Mrs. Smith - Secretary/Treasurer, and Mr. White.

Mrs. Smith introduced the last item on the Agenda:

4. Applicant: TRP Associates (applicant and owner)

Request: Change in Concept Development Plan

The request of TRP Associates (applicant and owner) for a change in a previously approved Concept Development Plan on a 3.75-acre parcel and a 1.23-acre parcel located on Spiral Drive, Florence, Kentucky. The request is to allow retail and office uses in Turfway Business Park in the Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Dave Geohegan presented the Staff Report which included a slide presentation (see Staff Report).

Mr. John Curtin stated that there has been a history of trying to finalize the development of the business park. Several years ago, they were able to secure a deal with Furniture Fair. After the rezoning process, Natorp's elected to walk away from their deal. They asked for approval for Natorp's and then found out later that that was the only thing they could put on the site. They received an unsolicited offer from PruCare and want to construct a 10,000 to 20,000 square foot medical office center. In the past, office was highly promoted for the Turfway Business Park and, in the opinion of The Hemmer Company, it is a better use for the site than Natorp's. They are under contract with PruCare, but there are contingencies in the contract. They have every expectation that the deal will go ahead. If PruCare would walk away, they do not want to be left where they were two years ago and want the flexibility to know that other uses would be approved. On the front parcel is a one-acre outlot in front of the Furniture Fair facility on which they had proposed a restaurant or the like. The Hemmer Company had not developed retail that often in the past and assumed they could do other things there, but they were wrong. They are now trying to promote the site to a specialty retail user and expect that the contract will go through -- but if for any reason they would back down, then they need flexibility for the future so that they will not have to go through the whole process again.

Mr. Damstrom asked if the intended use could be categorized -- such as hardware. Mr. Curtin stated that the use is called "Just For Feet", which is a shoe store. He submitted promotional information to the Commission. Mr. Costello advised that they have another location in Hyde Park Plaza.

Mr. McMillian stated that he has a problem with giving a blank check for anything in a PD. Mr. Curtin stated that in the past when they proposed a sitdown restaurant, they did agree there would be no drive-thru.

Mr. Bailey questioned why they would object to coming back before the Commission if this use does not proceed. Mr. Curtin stated that the biggest problem is the time -- they have to go through the Planning Commission and the City of Florence, which takes about three months. A lot of people do not want to wait that long to find out if they can make their deal. He stated that they do not want to be limited to this specific use if anything goes wrong. Mr. Costello advised that this can be looked into at the Committee level. He stated that the Committee and the Commission have three options: 1) To not recommend any change and go with the current Concept Plan, 2) Be specific and identify only one use on the one-acre parcel, and 3) Examine the C-2 uses and select those the Committee feels are consistent with the Comprehensive Plan and the Houston-Donaldson Study.

Counselor Wilson advised that in specifying certain uses there could be legitimate differences of opinion as to whether a use, even though it is listed as C-2, conforms to the Houston-Donaldson Study and the Comprehensive Plan. They are not entitled to a use unless it is spelled out in the Development Plan. He stated that the Houston-Donaldson Study specifies certain recommended uses which are allowed on the site.

Mr. Geohegan stated that if the site did not have a previously approved Concept Development Plan and the Houston-Donaldson Study recommended certain uses on the site, and they came in with those uses, they could potentially bypass the Public Hearing process upon vote by the Planning Commission.

Mr. Kirby stated that if they come in with any uses not recommended, they have to go through the Public Hearing process. They are told they can only have one use. If they have to come back through the Public Hearing process, then what difference does it make to tell them that they can have any use that is allowed? Counselor Wilson replied "scope and intensity". He advised that even though the use may be a C-2 use, the PD imposes an extra layer of review for scope and intensity.

Mr. Kirby stated that in the Public Hearing process, the Commission would have an opportunity to look at scope and intensity. He stated that he does not see how they are given a free reign to do anything because they still have to come back before the Commission for review, and they still have to fit into the Houston Road plan. He stated that currently the only recommended use is Natorp's and a sitdown restaurant.

Counselor Wilson stated that to avoid having to come back for scope and intensity review, they might say that they want all of the C-2 uses at the prescribed intensity for the C-2 Zone if the PD was not there. If the Commission and the city agreed to that, then they have their Development Plan with an approval for any of the C-2 uses at the development levels provided in the underlying zone.

Mr. Costello stated that an example would be the Oakbrook Market Place, which went to C-2/PD, and some uses were identified and some were general retail. The Commission elected to allow the C-2 uses. He stated that there are examples where the Commission has acted on zone changes where there is some built in flexibility.


Mr. Curtin stated that they would be willing to go along with "C-2 uses subject to approval by Dave Geohegan or Kevin Costello".

Mr. Kirby asked if they were in effect asking for the PD to be removed. Counselor Wilson stated that by submitting a Development Plan now and addressing the issue now, he would look at it as approved conditions. He stated that they are going through the PD process now. Mr. Geohegan stated that if they then came back next year and could not fall within what was agreed to, they would have to go through the process again.

There being no further comments, Mrs. Smith stated that the Committee Meeting for this item will be on June 27, 1994 at 1 P.M. in the Ellis Extension Building, Claxon Room. This item will be on the Agenda for the Business Meeting on July 6, 1994 at 8 P.M..

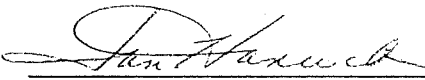
Mrs. Smith closed this Public Hearing.

APPROVED:



Carol Smith, Secretary/Treasurer

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

July 6, 1994
8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Kirby, Jr.
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Robert Jonas
Mr. Mitch Light
Mr. Dean Niemeyer

Mr. Burch introduced Agenda Item No. 5:

5. Change in Concept Development Plan

The request of TRP Associates (applicant and owner) for a change in a previously approved Concept Development Plan on a 3.75-acre parcel and a 1.23-acre parcel located on Spiral Drive, Florence, Kentucky. The request is to allow retail and office uses in Turfway Business Park in the Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Dave Geohegan presented the Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report). The applicant and property owner have agreed to the conditions.

There being no discussion, Mr. Bailey moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Ries seconded the motion.

Chairman Viox abstained from participation as he has represented TRP Engineering Services in the past.

A vote on the motion found all voting members in favor. Chairman Viox abstained. The motion carried.

8. Site Plan Review

The request of Winn Dixie Louisville, Inc. (applicant) for C. W. Henne Companies and Frisch's Restaurants, Inc. (owner) to construct a Winn Dixie Market Place. The 9.89-acre site is zoned Commercial Services (C-3) and Commercial Services/Planned Development (C-3/PD) and is located at Turfway Road and KY 18, Florence, Kentucky.

Staff Member Jeff Hayes presented the Staff Report which included a review of the Site Plan using the overhead projector (see Staff Report). He stated that in 1993 as part of the deficiencies of the Site Plan they had to redesign the building, which had to be approved by their corporate offices -- and that took about five months. The changes included a downgrading of the class of the building in regard to the interior. Landscaping was a concern. The building was to be reoriented with the back towards Cavalier Boulevard. The landscaping of the back of the building was to be to the satisfaction of the Planning Commission. There are two utility easements under the control of the Water and Sewer Commission running through the area where the landscaping would be and the applicant has obtained agreement between the City of Florence and the Water and Sewer Commission to allow the landscaping but, if the easements have to be maintained, the landscaping has to be removed and it would be the responsibility of Winn Dixie to replace it. They propose installing a row of pine trees and a six-foot high berm. The roof equipment will be screened by a parapet wall in the back and front. They were required to have 5% of the interior of the site landscaped. They could not meet that requirement and have landscaped the future expansion area to meet the regulations. If there is addition in the future they have to accommodate

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: July 6, 1994

RE: Request of TRP Associates (applicant and owner) for a change in a previously approved Concept Development Plan on a 3.75 acre parcel and a 1.23 acre parcel located on Spiral Drive, Florence, Kentucky. The request is to allow retail and office uses in Turfway Business Park in the Commercial Two/Planned Development (C-2/PD) zone.

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The request is generally in conformance with the 1990 Boone County Comprehensive Plan and the Houston-Donaldson Study which recommend commercial and office uses for this area that are consistent with surrounding uses and that are in keeping with a planned development atmosphere.
2. The Committee believes that the proposed uses, as modified by the attached conditions, will have no greater impact on the road system than the previously approved uses.

Conditions

These conditions are included to help clarify the Concept Development Plan presented by the applicant and address comments heard at the Public Hearing.


1. The applicant has voluntarily excluded the following uses that would normally be permitted in the underlying C-2 zoning district:

Drive-in, and fast-food restaurants,
Convenience stores,
Gasoline service stations and vehicle maintenance facilities,

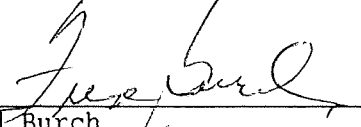
Funeral homes etc.,
Sales or leasing of new and used motor vehicles,
Sale of satellite dishes,
Sales or leading of recreational vehicles,
Mini-warehouses or storage facilities.

2. The applicant agrees to make final improvements to the retention pond, as presented during this and the previous Concept Development Plan request.
3. Architectural design of the building on parcel "A" will be sensitive to the site's high visibility. The orientation of the building will be adjusted as required by the Planning Commission.


A copy of the public hearing minutes is attached to provide a summary of the opinions expressed by the proponents and opponents of this request.



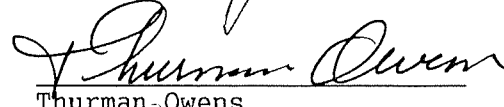
William Bailey, Chairman



Fred Burch



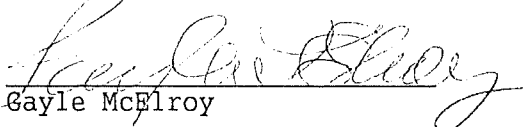
Barry Neifner



Thurman Owens

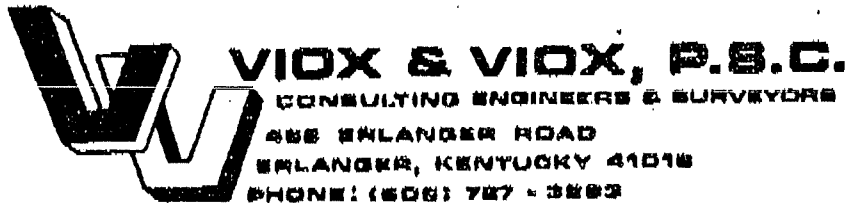


Phil Damstrom



Gayle McElroy

SUPPORTING INFORMATION



JAMES H. VIOX, III, P.E.
KY. REG. NO. 6560
KY. LAND SURVEYOR NO. 787

WILLIAM R. VIOX, P.E.
KY. REG. NO. 6209
KY. LAND SURVEYOR NO. 1781

DESCRIPTION

Parcel to be Rezoned
3.75 Acre Tract

Parcel A

A parcel of land lying on the westerly side of Spiral Drive in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the westerly right-of-way line of Spiral Drive, said point also being the most southeasterly corner of Lot 4 of Turfway Business Park, Phase G, and running thence:

Southeastwardly, along the westerly right-of-way line of Spiral Drive as it curves toward the east, a chord bearing of S 19-07-57 E, a chord distance of 31.87 feet, an arc distance of 31.88 feet, to a point, thence
S 20-35-30 E, continuing along the westerly right-of-way line of Spiral Drive, a distance of 165 feet, to a point, thence
Southeastwardly, along the westerly right-of-way line of Spiral Drive as it curves toward the east, a chord bearing of S 23-24-18 E, a chord distance of 45.45 feet, an arc distance of 45.47 feet, to a point, thence
S 59-00 W, a distance of 620.55 feet, to a point, thence
N 38-31-54 W, a distance of 68.39 feet, to a point, thence
N 59-00 E, a distance of 139.04 feet, to a point, thence
N 00-00 E, a distance of 420 feet, to a point, thence
N 80-00 E, a distance of 369.43 feet, to the place of beginning, and containing 3.75 acres more or less.

5/31/84



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS
466 ERLANGER ROAD
ERLANGER, KENTUCKY 41018
PHONE: (606) 727-3223

JAMES H. VIOX, III, P.E.
KY. REG. NO. 6880
KY. LAND SURVEYOR NO. 797

WILLIAM N. VIOX, P.E.
KY. REG. NO. 6200
KY. LAND SURVEYOR NO. 1781

DESCRIPTION

Parcel to be Rezoned
1.227 Acre Tract

Parcel B

A parcel of land lying on the northerly side of Houston Road and the westerly side of Spiral Drive in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the northerly right-of-way line of Houston Road, said point also being N 64-14-27 E - 608.28 feet and N 52-08-46 E - 71.59 feet from the common corner of Furniture Fair property and the remaining M.E. Foltz property, and running thence:

N 81-35-41 E, along the northerly right-of-way line of Houston Road, a distance of 48.18 feet, to a point, thence Northeastwardly, along a curve toward the north, a chord bearing of N 25-19-34 E, a chord distance of 66.53 feet, an arc distance of 78.57 feet, to a point, thence N 30-56-33 W, along the westerly right-of-way line of Spiral Drive, a distance of 106.35 feet, to a point, thence Northwestwardly, along a curve toward the west, a chord bearing of N 46-37-32 W, a chord distance of 111.64 feet, an arc distance of 113.05 feet, to a point, thence N 82-18-30 W, a distance of 102.38 feet, to a point, thence Northwestwardly, along a curve toward the north, a chord bearing of N 60-40-16 W, a chord distance of 28.71 feet, an arc distance of 28.71 feet, to a point, thence S 27-41-30 W, a distance of 118.71 feet, to a point, thence S 25-45-33 E, a distance of 210.82 feet, to a point, thence N 64-14-27 E, a distance of 122.28 feet, to a point, thence S 25-45-33 E, a distance of 60.00 feet, to the place of beginning, and containing 1.227 acres more or less.

5/31/84

BC Planning
Comm.

ORDINANCE NO. 0-21-94

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN A PREVIOUSLY APPROVED CONCEPT DEVELOPMENT PLAN FOR A 3.75 ACRE TRACT AND A 1.23 ACRE TRACT CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) LOCATED IN THE TURFWAY BUSINESS PARK, SPIRAL DRIVE, WITHIN THE CITY LIMITS OF FLORENCE, KENTUCKY. (TRP ASSOCIATES)

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

WHEREAS, the Boone County Planning Commission has recommended approval of a change in a previously approved Concept Development Plan for a 3.75 acre parcel and a 1.23 acre parcel located in the Turfway Business Park, Spiral Drive, in Florence, Kentucky, this property being currently zoned Commercial Two/Planned Development (C-2/PD), and

WHEREAS, the City of Florence, Kentucky, has reviewed the record of the Boone County Planning Commission and determined that this request should be granted, subject to certain conditions agreed to by the property owner and made a part of its development plan.

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

SECTION I

That the request to change the previously approved Concept Development Plan for the property which is more particularly described in Exhibit "A" shall be and is hereby approved for property zoned Commercial Two/Planned Development (C-2/PD), such property consisting of a 3.75 and a 1.23 acre site located in Turfway Business Park, Spiral Drive, in Florence, Kentucky.

SECTION II

This approval is granted subject to the conditions, terms and provisions agreed to by the property owner as part of its development plan presented to the Commission and the City Council of Florence, Kentucky.

SECTION III

Publication of this Ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS THE 9th DAY OF August, 1994.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 23rd DAY OF August, 1994.

APPROVED:

Evelyn McKelb
MAYOR

ATTEST:

Patricia Conrad
CITY CLERK



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

488 ENLANGER ROAD

ENLANGER, KENTUCKY 41018

PHONE: (502) 727 - 3293

JAMES H. VIOX, III, P.E.
KY. REG. NO. 8880
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.
KY. REG. NO. 9205
KY. LAND SURVEYOR NO. 1761

DESCRIPTION

Parcel to be Rezoned
3.75 Acre Tract

Parcel A

A parcel of land lying on the westerly side of Spiral Drive in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the westerly right-of-way line of Spiral Drive, said point also being the most southeasterly corner of Lot 4 of Turfway Business Park, Phase G, and running thence:

Southeastwardly, along the westerly right-of-way line of Spiral Drive as it curves toward the east, a chord bearing of S 18-07-57 E, a chord distance of 31.87 feet, an arc distance of 31.88 feet, to a point, thence
S 20-35-30 E, continuing along the westerly right-of-way line of Spiral Drive, a distance of 165 feet, to a point, thence
Southeastwardly, along the westerly right-of-way line of Spiral Drive as it curves toward the east, a chord bearing of S 23-24-18 E, a chord distance of 45.45 feet, an arc distance of 45.47 feet, to a point, thence
S 59-00 W, a distance of 820.55 feet, to a point, thence
N 38-31-54 W, a distance of 88.39 feet, to a point, thence
N 59-00 E, a distance of 139.04 feet, to a point, thence
N 00-00 E, a distance of 420 feet, to a point, thence
N 80-00 E, a distance of 388.43 feet, to the place of beginning, and containing 3.75 acres more or less.

5/31/84



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

488 ERLANGER ROAD

ERLANGER, KENTUCKY 41018

PHONE: (606) 787-0883

JAMES H. VIOX, III, P.E.
KY. REG. NO. 6880
KY. LAND SURVEYOR NO. 787

WILLIAM N. VIOX, P.E.
KY. REG. NO. 9209
KY. LAND SURVEYOR NO. 1781

DESCRIPTION

Parcel to be Rezoned
1.227 Acre Tract

Parcel B

A parcel of land lying on the northerly side of Houston Road and the westerly side of Spiral Drive in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the northerly right-of-way line of Houston Road, said point also being N 64-14-27 E - 608.28 feet and N 52-08-48 E - 71.59 feet from the common corner of Furniture Fair property and the remaining M.E. Foltz property, and running thence:

N 81-35-41 E, along the northerly right-of-way line of Houston Road, a distance of 48.18 feet, to a point, thence Northeastwardly, along a curve toward the north, a chord bearing of N 25-19-34 E, a chord distance of 66.53 feet, an arc distance of 78.57 feet, to a point, thence N 30-56-33 W, along the westerly right-of-way line of Spiral Drive, a distance of 106.35 feet, to a point, thence Northwestwardly, along a curve toward the west, a chord bearing of N 46-37-32 W, a chord distance of 111.64 feet, an arc distance of 113.05 feet, to a point, thence N 62-18-30 W, a distance of 102.38 feet, to a point, thence Northwestwardly, along a curve toward the north, a chord bearing of N 60-40-16 W, a chord distance of 28.71 feet, an arc distance of 28.71 feet, to a point, thence S 27-41-30 W, a distance of 118.71 feet, to a point, thence S 25-45-33 E, a distance of 210.82 feet, to a point, thence N 64-14-27 E, a distance of 122.28 feet, to a point, thence S 25-45-33 E, a distance of 60.00 feet, to the place of beginning, and containing 1.227 acres more or less.

5/31/84