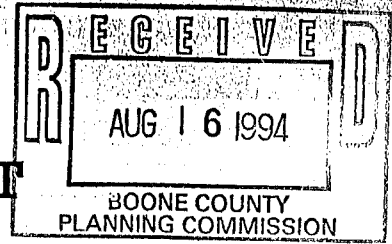


APPLICATION FORM  
**ZONING MAP AMENDMENT**

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)



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

1. Name of Project FLOWERAMA of AMERICA
2. Location of Project SOUTHEASTERLY SIDE OF CURTIS AVE. & TURFWAY RD
3. Total Acreage of Site ± .40
4. Current Zoning of Site SR 2
5. Proposed Zoning (Classification being requested) C-1
  
6. Proposed Uses (please specify each use) RETAIL FLOWER CENTER
  
7. Names of Applicant(s) KEN & TRUDY ROGERS RESIDENTS OF KY
8. Phone Number 606.356.3898 Fax No. 606.356.3634
9. Address of Applicant(s) 2428 HARRIS PK  
INDEPENDENCE, KY 41051  
City State Zip
10. Name of Property Owner(s) LIBERTY NAT'L BANK of No. Ky. & The Common wealth of KY
11. Phone Number 606.727.7298 Fax No. 606.727.2301
12. Address of Property Owner(s) 3414 DIXIE HWY - P.O. Box 18100  
ERLANGER, KY 41008  
City State Zip
13. Proposed Building Intensities (please specify) 2500-3000 SQ. FT.
  
14. Are there any existing buildings on the site? NO  
How many? -
15. Deed Book 448 Page No. 217 Group No. 121
16. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
17. Have you submitted a Concept Development Plan? YES
18. Have you had a pre-application meeting with BCPC Staff? YES
19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:  
 Boone County Water and Sewer District  
 Florence Water and Sewer Commission  
 Union Light Heat and Power  
 Cincinnati Bell  
 Owen County Rural Electric  
 Boone County Public Works Department  
(over)

**EXHIBIT "A"**

## STAFF REPORT

Request of Ken and Trudy Rogers (applicants) for Liberty National Bank of Northern Kentucky and The Commonwealth of Kentucky (owners) for a Zoning Map Amendment on a ±.40 acre site located at Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial One (C-1) in order to allow a retail flower center.

September 28, 1994

### Location

The site is located on the corner of Turfway Road and Curtis Avenue. Opposite the site across Curtis is the Turfway Ridge Office Complex.

### Site History

2/5/92        The Boone County Planning Commission denied a request for a zone change to Commercial Two (C-2) which would have allowed a Rally's drive-thru restaurant.

### Surrounding Zoning and Land Uses (See Sheet #1)

North:        Single family homes along Curtis Avenue zoned Suburban Residential Two (SR-2).

South:        Shopping center (Thriftway, Frisch's, etc.) zoned Commercial Two (C-2).

East:         Countryside Condominiums zoned Urban Residential Two (UR-2).

West:         Turfway Ridge Office Park zoned Office Two/Planned Development (O-2/PD).

### Site Characteristics

The site is generally level and undeveloped. The site is between the Turfway Ridge Office Park and Countryside Condominiums. There is no substantial vegetation on the lot other than grass. As a result of the re-alignment of Curtis Avenue, there is a strip of the site along Turfway Road owned by the Commonwealth of Kentucky, while the remainder is owned by Liberty National Bank of Northern Kentucky.

**Relationship to the 1990 Comprehensive Plan (See Sheet #2)**

The **Future Land Use Map** of the 1990 Comprehensive Plan calls for this parcel to develop as Urban Density (UD) which includes 12 residential dwelling units per acre. Commercial (C) is indicated on the opposite side of Turfway Road and between the site and I-75.

The **Land Use** element of the 1990 Comprehensive Plan states that "Commercial development...should remain near the arterial roads or close to the interstate."

**Concept Development Plan (See Sheet #3)**

The submitted Concept Plan shows the placement of a 2,400 square foot retail flower shop towards the Turfway Road portion of the lot with parking at the rear. curbcuts on both Curtis Avenue and Turfway Road are shown.

**Staff Concerns**

1. The requested Zoning Map Amendment is not in compliance with the **Future Land Use Map** of the 1990 Comprehensive Plan.
2. The curbcut on Turfway would not be permitted under the agreement the Commonwealth of Kentucky has with the applicants.
3. A 20 foot landscaping buffer would be required along the north and east boundaries of the property since it is bound by Urban Residential Two (UR-2) and Suburban Residential Two (SR-2) districts.
4. Lighting on the site and visual screening would need to be addressed in order to lessen the visual impact on the existing residences along Curtis Avenue and in Countryside Condominiums.

**Conclusion**

The Planning Commission must use the following criteria in granting approval of a zone change or map amendment:

1. The map amendment is in agreement with the 1990 Comprehensive Plan;  
or
2. The existing zoning is inappropriate and the proposed zoning is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the 1990 Comprehensive Plan that substantially alter the area's character.

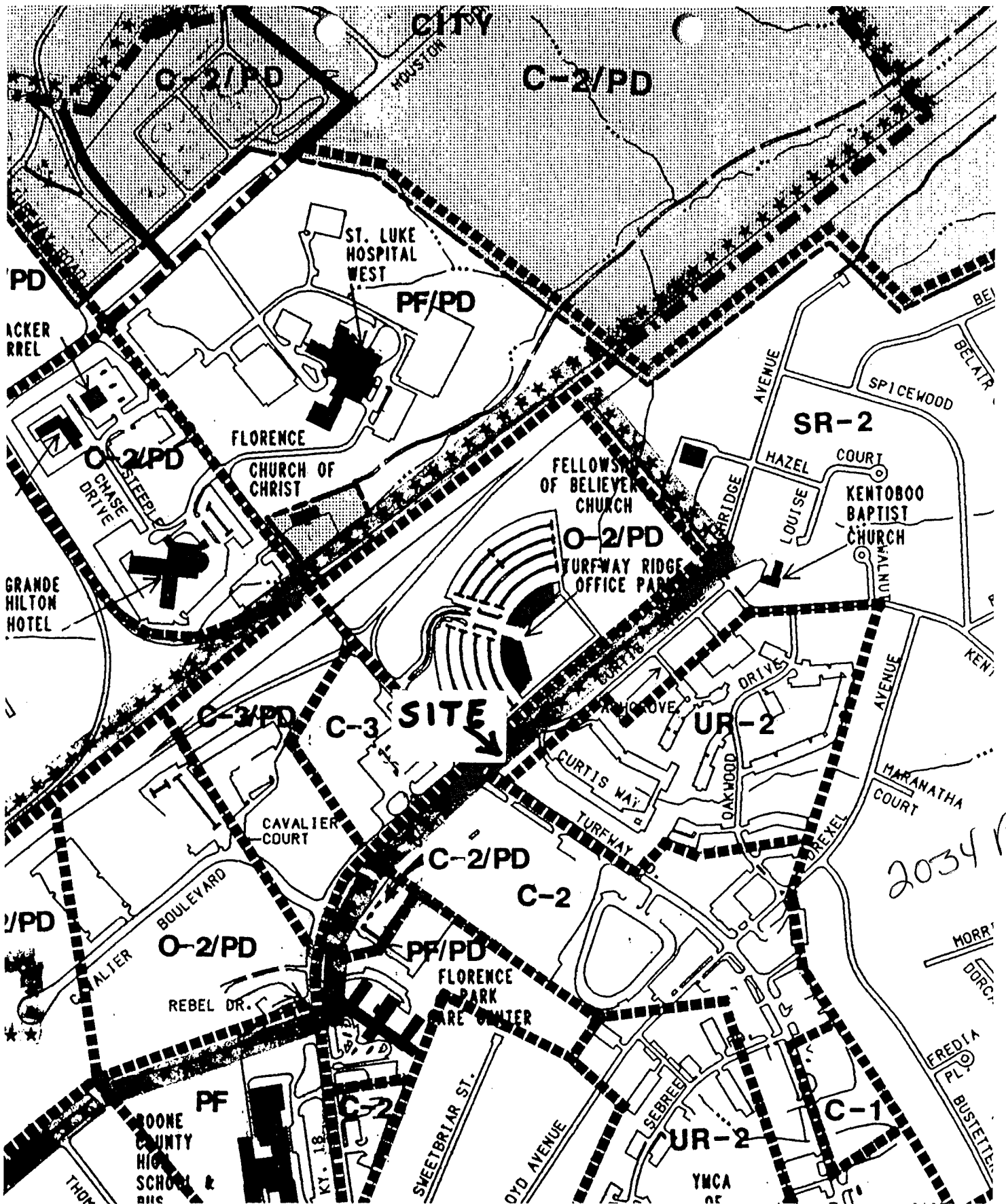
Should the Planning Commission recommend, and the City of Florence approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan Future Land Use Map will need to be updated.

Respectfully submitted,



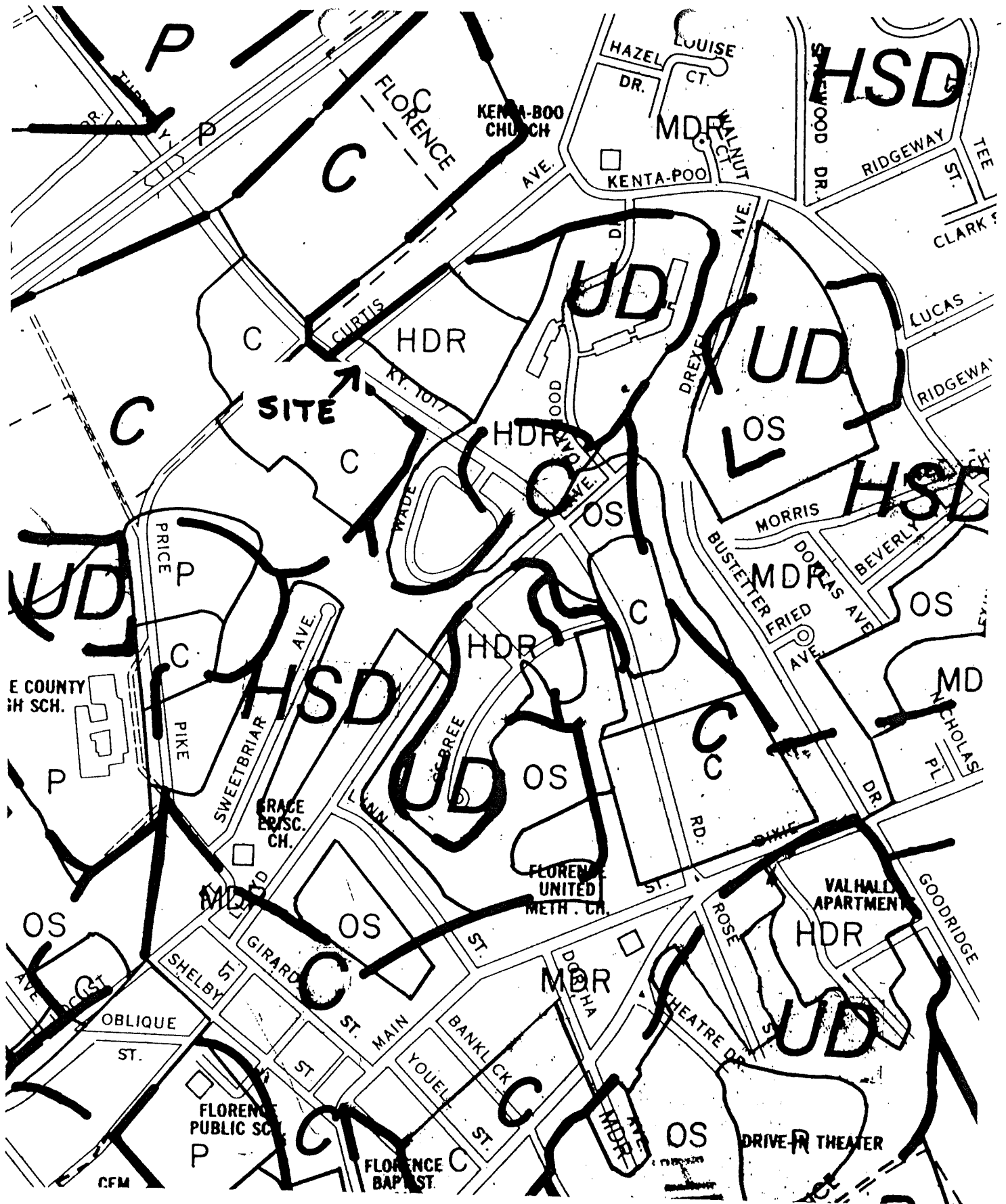
Robert A. Jonas  
Planner

RAJ\par



# Sheet #1 - Zoning

## Rogers/Flowerama



**Sheet #2 - Future Land Use**  
 Rogers/Flowerama

# COUNTRYSIDE CONDOS

SCALE  
1" = 20'

46.70

81.50

148.85

25.1  
NEW CURBS

134.621

2,400 sq. ft.

40.1

1.09

15' SIDEWALK

101.50

TURFWAY

TURFWAY RD

RIGHT TURN ONLY

34.87

←  
TURFWAY  
RIDGE  
OFFICE  
PARK  
←

← KY 18

Sheet #3 - Concept Plan  
Rogers/Flowerama

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Ken and Trudy Rogers for  
Liberty National Bank of Northern Kentucky and  
The Commonwealth of Kentucky (owners)  
Request: Zoning Map Amendment

The request of Ken and Trudy Rogers (applicants) for Liberty National Bank of Northern Kentucky and The Commonwealth of Kentucky (owners) for a Zoning Map Amendment on a ±.40 acre site located at Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial One (C-1) in order to allow a retail flower center.

Staff Member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report). He advised that there is a letter from the Commonwealth of Kentucky in agreement with the application and, if this request is approved, they will sell that portion of the land to the applicant.

Chairman Viox asked for the applicant's presentation.

Mr. Ken Rogers stated that Flowerama is a franchise out of Waterloo, Iowa. He gave the Commissioners a picture of the proposed development. He stated that he and his family want to start their own business with a Flowerama. They need a high profile location to be successful, and this corner fills that profile. They are not traffic creators and will use the traffic that is there. He intends to comply and do anything he can to alleviate the neighbors' concerns. He stated that he was in the electrical field for 25 years and can handle the parking lot lighting to keep the concentration on the parking lot. Depending on how the business goes, they should create six or ten jobs in the area.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Joe Cochran, a resident of Countryside condominiums and president of the Board of Directors, stated that he serves on the Board because he is concerned about the community. He stated that he was not at the other hearing, but had a letter that was read. They do not want this there for the same reasons they wanted it turned down before. They do not need extra traffic or cars turning around in the driveways, or the extra trash on their property. There are four corner businesses now and they are surviving in spite of them. It is hard for them to keep enough money available to clean up after these businesses. They have to clean up Thriftway's dirt. Another supermarket and motels are coming in. There will be more traffic and more trash that ends up on their side of the

street. He stated that this property was at one time on the east side of the street and opposite the intersection to make a four-way stop. At one time it was a pile of dirt and there were trees and someone bought it and cut down the trees and bulldozed it. It is now an undeveloped piece of property. If this business goes belly up in a year, there will be a business permit there. He stated that they are the only direct abutment to the property. They do not care how high the walls are or how soundproofed it is, there is no way they can be protected from the business on that corner.

Janet Pearson, a resident of Countryside, stated that a business on that corner would create difficulty for traffic. Curtis Street transports a lot of cars that want to avoid Turfway and Dixie Highway through to Erlanger. She has observed traffic backing up at the intersection waiting to turn into Turfway Ridge. The access to Turfway Ridge is close to Turfway and cars are backing into the intersection waiting to turn and this business will add to that problem. Right turn in off of Turfway Road would not be permissible, which leaves only one area to access the property and exit the property. Turning into Curtis and moving toward Turfway Road is difficult from the first access road, which is further back than this is. There will be a number of accidents with cars attempting to turn left out of this business. It is quite close to Turfway Road. Even if there was access off Turfway Road, this would be a difficult corner for traffic and would create hazards; and as it develops further with Winn Dixie, the traffic would become more difficult for access to this property.

Mr. Jerry Robizzi, a resident of Curtis Way, stated that he is concerned about the traffic. He and his wife use Curtis Avenue to go to work and his wife has to go through the subdivision and come out on the Erlanger side because of the traffic. Coming out of the stop light and making a left onto Curtis you are likely to have an accident because people do not pay attention. This new access will cause more accidents because people are not accustomed to the access there.

There being no further comments from the audience, Chairman Viox asked if there were any comments or questions from the Commission.

Mrs. Smith asked if, when turning off of Turfway onto Curtis, there is a requirement of so many feet before there can be an entrance and if this request would comply with that requirement. Mr. Jonas advised that it would comply.

Mr. McMillian questioned the hours of operation. Mr. Rogers advised that the hours would be 8 A.M. to 8 P.M..

Mr. Ries questioned the access onto Turfway. Mr. Rogers advised that the state is not going to allow it. Mr. Jonas advised that he received a letter as part of the application from George Hoffman stating their agreement and participation as a co-applicant and that it is likely they will eventually sell the property with the understanding that there will be no access across to Turfway. Mr. Ries stated that the only access would be to the residential area on Curtis. Mr. Jonas advised that

Turfway Ridge also has access off Curtis and one on Turfway further away from the intersection.

Mr. Bailey stated that the City of Florence had an easement through that property. Mr. Jonas advised that one of the plats shows where old Curtis was located and the right-of-way for old Curtis is just east of this lot and does not appear to affect it. Mr. Bailey asked that the Staff check with the city of Florence in this regard.

Mr. Ries questioned the parking. He asked if the 12 parking spaces shown are adequate for 2,400 square feet. Mr. Rogers advised that this is just a concept and there is room for more parking.

Mr. Damstrom questioned outside storage and how it would be screened. Mr. Rogers advised that there will be no outside storage. He will build a basement for storage. There will be outside merchandising.

Mr. Damstrom questioned the type of trucks that will be coming onto the site for deliveries and when deliveries would be. Mr. Rogers replied that he did not know. He stated that the deliveries would be during working hours and the trucks will probably not be bigger than a UPS truck.

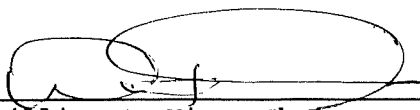
Mr. Jonas stated that Curtis is a local street. Turfway Road has a curb cut just opposite and that is probably an indication of where the 50-foot right-of-way exists. Mr. Kevin Costello, Executive Director, advised that the minimum sight distance will have to be addressed. Across the street you can see the traffic coming, but there is minimal sight distance at this location.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on October 10, 1994 at 4 P.M. in the Ferguson Room of the Extension Office at Camp Ernst Road and KY 18. This item will be on the Agenda for the Business Meeting on October 19, 1994 at 8 P.M..


Counselor Wilson advised that the last time this property was in the unincorporated area of the county. The request is now in the City of Florence and the Commission's recommendation will go to the City of Florence.

The Chairman closed this Public Hearing and called for a short recess.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING  
October 19, 1994  
8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:30 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Robert Jonas

Mr. Berling stated that the Staff may say that the regulations demand that adjacent developments have a tie in -- that is not their initiative. They would prefer not to connect to Bullock Lane at all. If they can find another solution, they will not use Bullock Lane. They have had a structural engineer look at this and he finds that the bridge has a lot of life left in it. If they pursue using the bridge, what is being recommended is weekly inspections and monitoring during the construction period. He stated that he wants to be clear -- if they do not use it, they do not have to rebuild it.

Mr. McMillian agreed with Mr. Ries' comments. He stated that the density is too great. It is a good place for a nicer residential area than the density they have planned.

Mrs. Schaffer agreed that the development is too dense. She stated that the development is not in conformity with the Comprehensive Plan because the Goals and Objectives is to keep the flavor and rural nature of Boone County. This property should be developed at a lesser density.

There being no further comments, Mr. Burch asked for a roll call vote on the motion made by Mr. Owens which found Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. Kirby, Mr. McElroy, Mr. Owens, and Mr. Neltner in favor. Mr. McMillian, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White were opposed. The motion carried by a vote of 7 to 6.

2. Zoning Map Amendment

The request of Ken and Trudy Rogers (applicants) for Liberty National Bank of Northern Kentucky and The Commonwealth of Kentucky (owners) for a Zoning Map Amendment on an approximate .40-acre site at Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial One (C-1) in order to allow a retail flower center.

Staff Member Bob Jonas read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Bailey moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Rush seconded the motion.

Mr. Ries stated that he is opposed to this project. He noted that the first Finding of Fact states that "Although this project is not in conformance with the Future Land Use Map . . .". He stated that this is another Dilcrest. It is a business going into a predominantly residential area using the access to the residential area -- which the City of Florence has been opposed to in the past.

Mr. White stated that the City of Florence is not willing to give up the street which they own that goes thru the site and he does not see how the setbacks can be met. He noted that when a gentleman wanted to put a duplex there he could not meet the setbacks because the City of Florence

would not relinquish the street that was once there. He stated that an entrance so close to the corner there would be an extreme safety problem.

Mrs. Schaffer noted that the Staff Concerns in the original report say that a 20-foot landscaping buffer would be required. Mr. Jonas advised that it would be required at Site Plan Review.

Mr. Bailey stated that the Committee attempted to consider the fact that this is a small lot and to eliminate the uses that would be heavy traffic draws and to include the uses that would fit on a small lot. The Committee considered the fact that it is in an area of a lot of traffic. Considering all of these factors, the Committee felt that this is the best use for the lot. He noted that in the future another use might go in there and that is why the Committee attempted to eliminate the uses which would not be best for the lot.

Mr. Damstrom stated that it is evident that an SR-2 use is not going to go in there since it has already been turned down. The property owner has to be able to use the property for something. It is in a commercial district. There is an access driveway right across the road to the office complex and he does not see that this is any different with proper buffering. He stated that the proposed project would be appropriate for this site with proper buffering.

There being no further comments, Mr. Burch asked for a roll call vote on the motion made by Mr. Bailey which found Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Neltner, Mr. Rush, Mrs. Schaffer, and Mrs. Smith in favor. Mr. Ries and Mr. White were opposed. The motion carried by a vote of 11 to 2.

Mr. Costello advised that the following items are recommended for deferral:

3. Zoning Map Amendment: The request of Pinnacle Realty Group (applicant) for Turfway Development Company (owner) for a Zoning Map Amendment for a 23.5-acre site located off Cavalier Boulevard in Turfway Commercial Park, Florence, Kentucky. The request is to rezone the site from Commercial Services/Planned Development Office Two/Planned Development Suburban Residential Two/Planned Development (C-3/PD O-2/PD SR-2/PD) to Urban Residential One/Planned Development (UR-1/PD) in order to construct 366 apartment units.
4. Zoning Text Amendment: The request of the City of Florence to consider amendments to Article 9, Residential Districts, in the Boone County Zoning Regulations in order to change the requirements for duplex dwelling units.
5. Site Plan Review: The request of Earl Williams, Roth Partnership (applicant) for St. Luke Hospital, Inc. (owner) to construct Outpatient Services, Emergency Department, and Occupational Health additions, and to make site improvements. The site is located at Houston Road and Turfway Road, Florence, Kentucky.
6. Design Review - St. Luke West

**EXHIBIT "B"**

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Bailey, Chairman

DATE: October 19, 1994

RE: Request of Ken and Trudy Rogers (applicants) for Liberty National Bank of Northern Kentucky and The Commonwealth of Kentucky (owners) for a Zoning Map Amendment on a ±.40 acre site located at Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial One (C-1) in order to allow a retail flower center.

## Remarks

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

## Findings of Fact

1. Although this request is not in conformance with the Future Land Use Map of the 1990 Boone County Comprehensive Plan, it does satisfy the Land Use Element for this area which calls for commercial development to occur on an arterial road (Turfway Road) and near the interstate highway (I-75/71).
2. The attached conditions effectively address the concerns brought out at the September 28, 1994 Public Hearing.

## Conditions


These items are being included to help clarify the submitted Concept Development Plan and address concerns heard at the September 28, 1994 Public Hearing.


1. The illuminated canopy on the wall facing the parking lot shall not extend more than 20 feet from the Curtis Avenue elevation.
2. Access to the site will be from Curtis Avenue and will be in conformance with the Transportation Management Regulations of the Boone County Zoning Regulations.
3. Bulk storage of items such as building materials and ground cover is not to occur outside.
4. The following uses are the only Principally Permitted Uses allowed on the site:
  - a. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores.
  - b. Banking services (including drive-thru facilities), savings and loan associations, credit unions and other credit services.

- c. Insurance carriers and agents.
- d. Real estate operators, agents, lessors and real estate subdividing and developing services, operative builders and related services.
- e. Accounting, auditing and bookkeeping services.
- f. Postal services.
- g. Physician, dental, optical goods and services.
- h. Veterinary services and pet grooming services but not including the boarding of animals.
- i. Beauty and barber services and tanning salons.
- j. Jewelry stores.
- k. Books, stationery, newspapers and magazines.
- l. Florists excluding greenhouses.

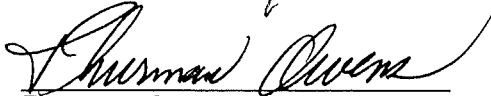
The applicant has signed a letter of agreement with the above conditions.

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.


  
\_\_\_\_\_  
William Bailey, Chairman

  
\_\_\_\_\_  
Fred Burch

  
\_\_\_\_\_  
Phil Damstrom

  
\_\_\_\_\_  
Thurman Owens

  
\_\_\_\_\_  
Barry Neftner

  
\_\_\_\_\_  
Gayle McElroy

## SUPPORTING INFORMATION

In and to the following described Real Estate, in the City of Florence, County of Boone and Commonwealth of Kentucky, to-wit:

**GROUP NO. 121**

**A PARCEL** of land lying on the southeasterly side of Curtis Avenue (the northwesterly side of Old Curtis, now vacated) in Florence, Boone County, Kentucky and being more particularly described as follows:

**BEGINNING AT A point** in the southeasterly right-of-way line of Curtis Avenue, said point also being 30 feet right of centerline sta 82+50 as shown on the Relocation of Curtis Avenue plan at the Kentucky Department of Transportation Office, and running thence.

**S 27-23-32 W**, along the southeasterly right-of-way line of Curtis Avenue, a distance of 34.87 feet, to a point, thence **S 40-45-55 E**, along the dividing line between lots 12 and 13 of Erlanger Heights Subdivision, Block 10-A, a distance of 101.50 feet, to a point, thence **N 49-14-05 E**, along the northwesterly side of Old Curtis Avenue (now vacated), a distance of 168.74 feet, to a point, thence **N 6-57-34 W**, a distance of 48.4 feet, to a point, thence **83-07-26 W** along the southeasterly right-of-way of Curtis Avenue, a distance of 45.7 feet, to a point, thence **S 70-29-45 W**, continuing along the aforementioned southeasterly right-of-way, a distance of 134.52 feet, to the place of beginning, and containing 0.37 acres more or less.

**THE ABOVE** described parcel being subject to a 10 feet wide sanitary sewer easement running along the northwesterly side of Old Curtis Avenue.

**BEING THE SAME** property conveyed by deed recorded in Deed Book 448, page 217 of the Boone County Clerk's Records, Burlington, Kentucky.

RECEIVED JUN 22 1934



COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
FRANKFORT, KENTUCKY 40622

DON C. KELLY, P.E.  
SECRETARY OF TRANSPORTATION

BRERETON C. JONES  
GOVERNOR

JERRY D. ANGLIN  
DEPUTY SECRETARY  
AND  
COMMISSIONER OF HIGHWAYS

August 31, 1994

Mr. Kevin Costello, Director  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

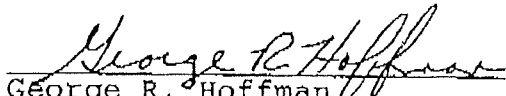
Dear Kevin:

As a result of discussions with Mr. Ken Rodgers concerning the lot at the intersection of Curtis Avenue and Turfway Road in Florence, this is to advise that we have no objection to including the area owned by the Department in his zone change request. The area in question is shown on the attached drawing. It is likely at this point that we will eventually sell the area the Department owns, with the understanding that there will be no access across it to Turfway Road.

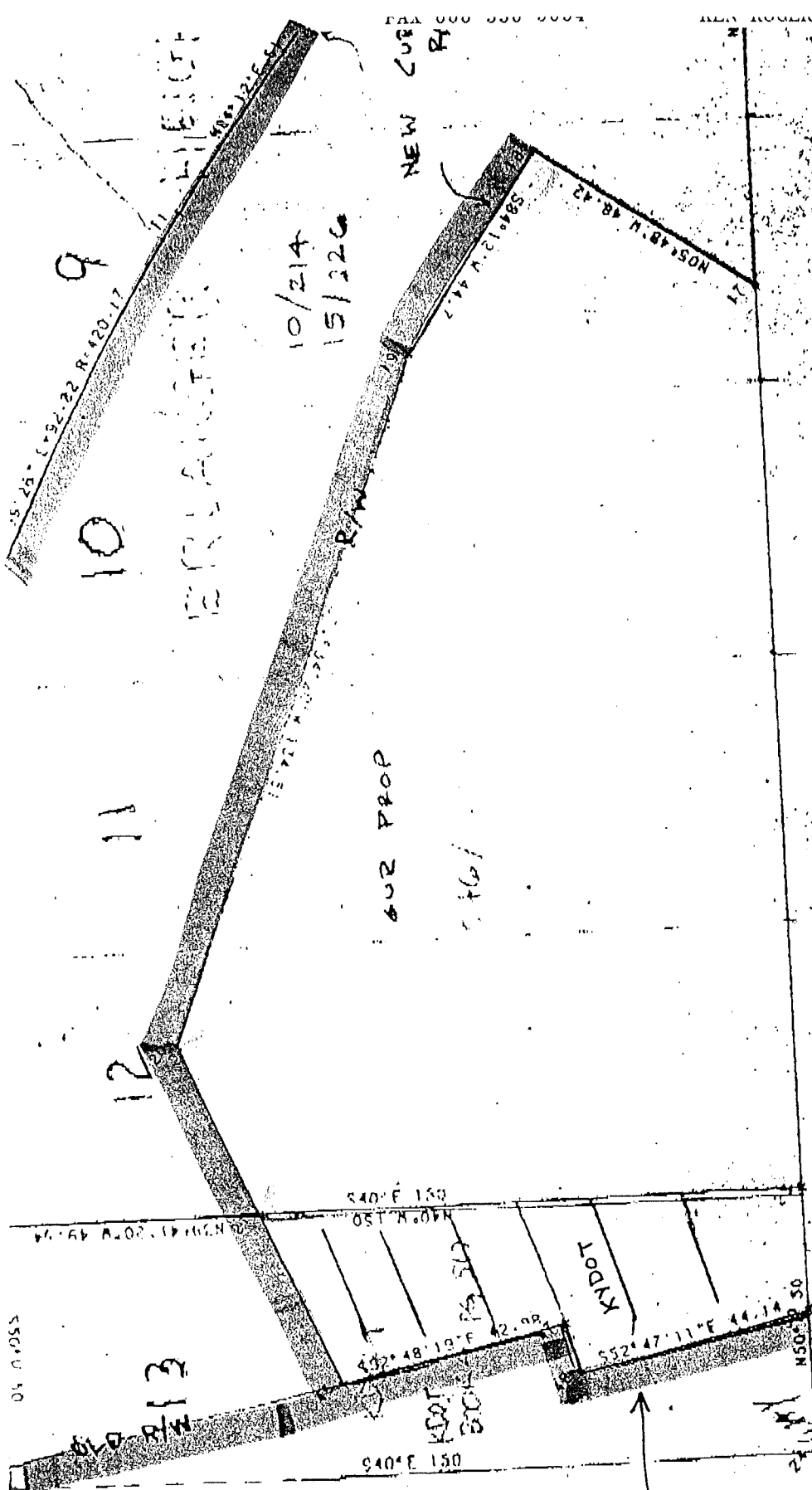
Very truly yours,

J. E. Kearnes,  
Chief District Engineer

By:

  
George R. Hoffman  
TEBM for Pre-Construction  
P. O. Box 17130  
Covington, Kentucky 41017

GRH:ns  
Attach.



10/21A  
15/22C

OUR PROP

NEW CUR

OLD C

OLD CURTIS

KY DEPT  
HIGHWAY  
LAND

TRIP  
ROW

KY HIGHWAY

19 20 22

46.70

81.50

SCALE

1" = 20'

148.85

25.1'

NEW CURBS

134.621

15' sidewalk

40'

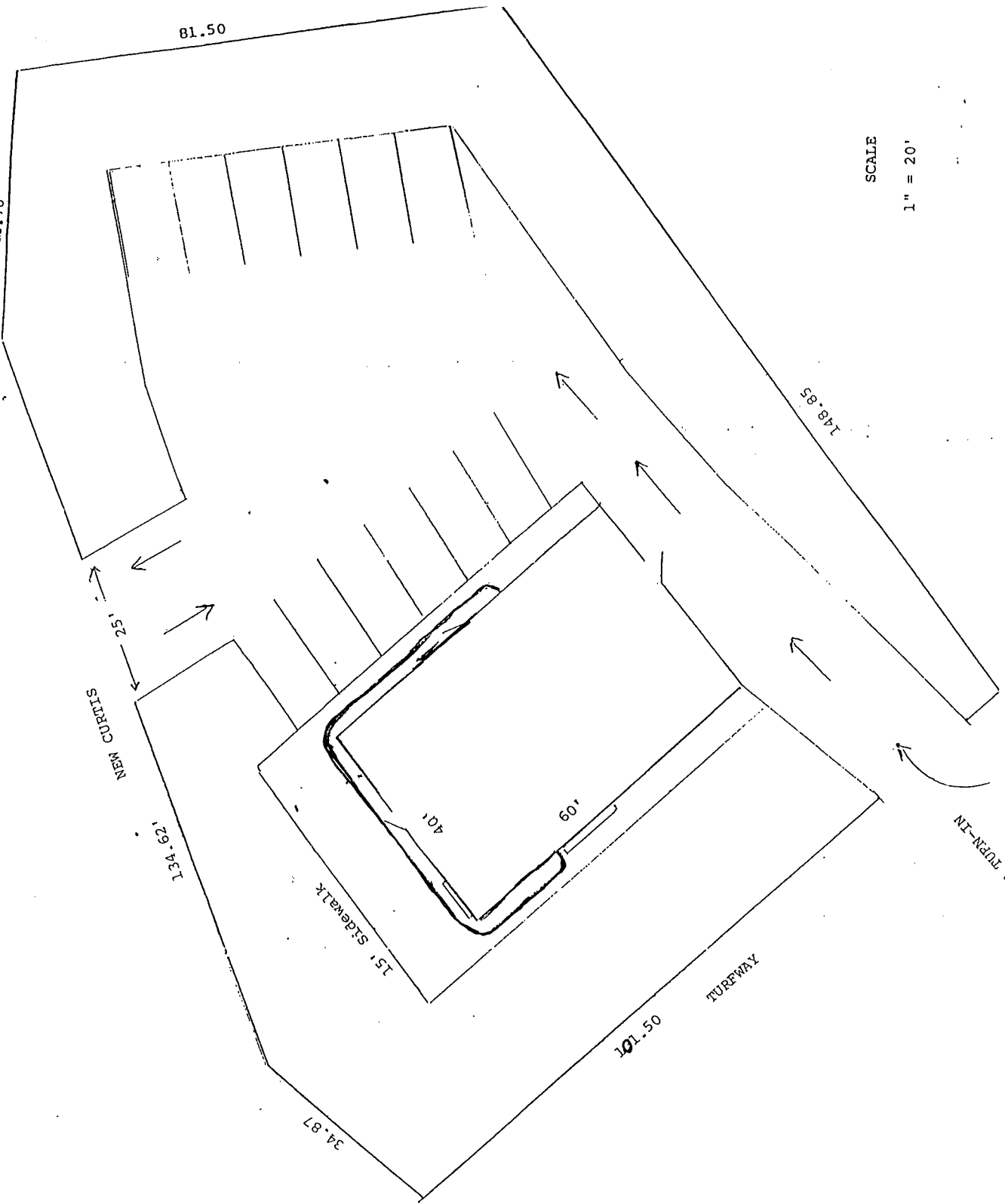
60'

101.50

TURBWAY

34.87

RIGHT TURN-IN ONLY



2038'02"E  
ARC 114.83

PROP. R/W

49.90 S49° 21'05"W 219.70'

150+00

15"

S 27° 23'32"W 70.58' S 70° 29'45"W  
PROP. R/W

ARC 42.98  
CH. S57° 75'18"E 42.98

P.C. 81 159.14

TAPPING  
8 VALVE

ARC 60.46  
CH. S53° 12'38"E

CONST. EASE.

JAMES G. GOLDIRON  
SARA R. (WF)



EXIST. R/W

L.I.P. CURB

18.79 CURTIS AVE.

S 49° 14'05" W 60.46'

PLUG 8  
BLOCK

Construct 6" Water Main

EXIST SAN. SE  
72 ENCASEM

61

L.P.

24"

18"

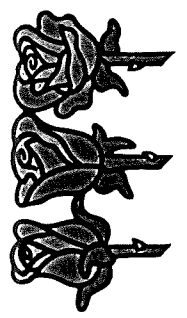
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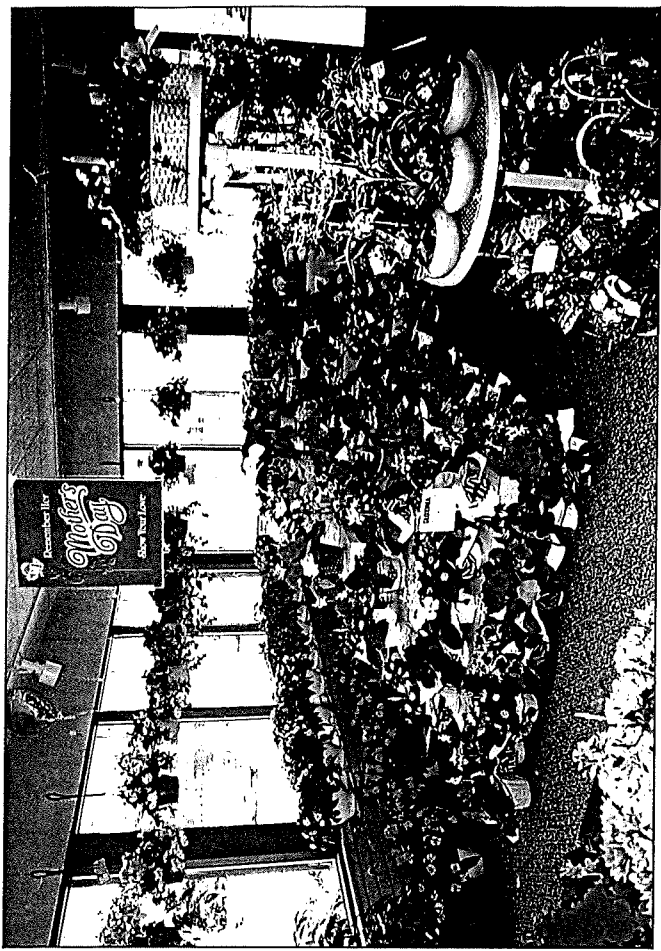
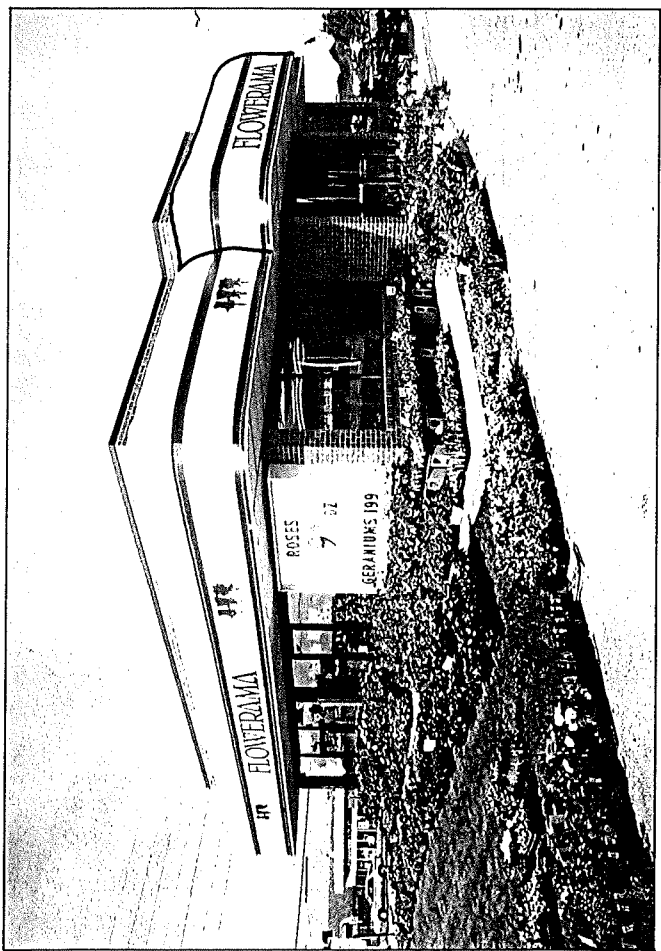
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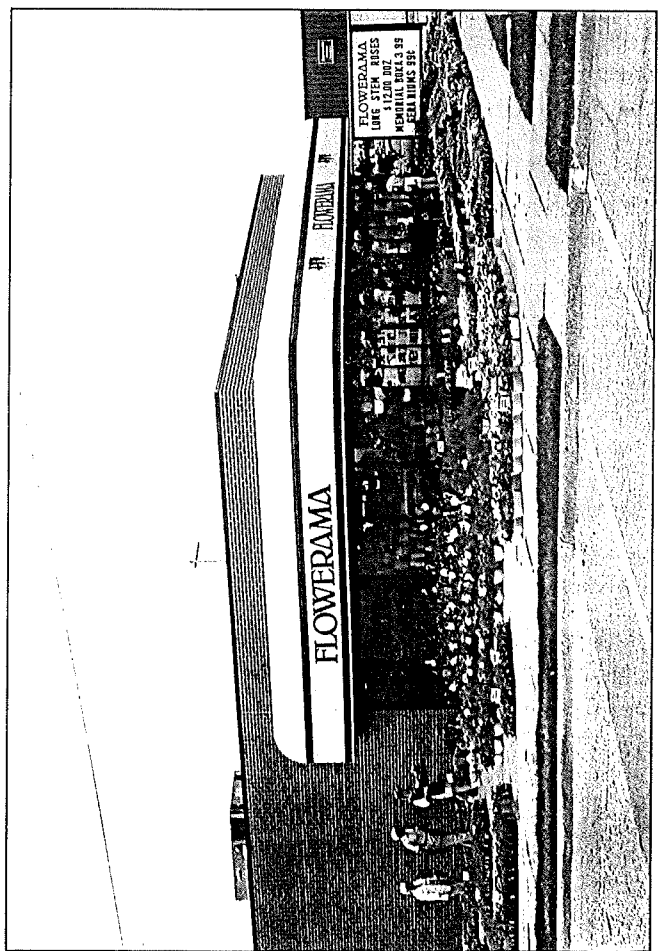
# FLOWERAMA



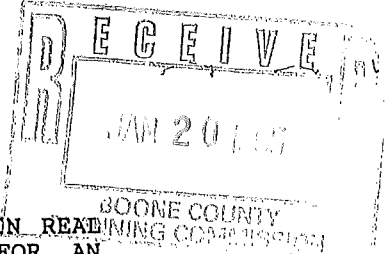
Free Standing Floral Centers



## Regional Mall Locations



ORDINANCE NO. 0-1-95



AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE .4 ACRE SITE LOCATED GENERALLY AT OR NEAR THE INTERSECTION OF TURFWAY ROAD AND CURTIS AVENUE IN THE CITY OF FLORENCE, KENTUCKY, THIS REZONING BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL ONE (C-1) SUBJECT TO AN AGREED DEVELOPMENT PLAN. (KEN AND TRUDY ROGERS PROPERTY)

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 that a requested zone change be approved for an approximately .4 acre site at or near the intersection of Turfway Road and Curtis Avenue in the City of Florence, Kentucky, from the current zoning of Suburban Residential Two (SR-2) to Commercial One (C-1) subject to agreed conditions of a development plan, and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and agreed conditions of a development plan, which have been reviewed by City Council of Florence, Kentucky.

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

SECTION I

That the requested zone change for the real estate which is more particularly described below shall be and is hereby approved to rezone an approximate .4 acre site from Suburban Residential Two (SR-2) to Commercial One (C-1) zoning classification, subject to a development plan and its agreed conditions. This subject real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

SECTION II

That 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 the subject property.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change shall be and is hereby

adopted and approved by the City Council of Florence, Kentucky, including the findings and recommended conditions of the Commission and the tendered development plan.

**SECTION IV**

In addition, this rezoning is subject to the other conditions and provisions set forth in Exhibit "B" which have been made a part of the development plan by agreement and are incorporated by reference herein as if fully set out.

**SECTION V**

In the event the rezoning of this 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 and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect regardless of any invalidity regarding this particular rezoning.

**SECTION VI**

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

PASSED AND APPROVED ON FIRST READING THIS 10<sup>th</sup> DAY OF January, 1995.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 17<sup>th</sup> DAY OF January, 1995.

APPROVED:

Evelyn M. Kalb   
MAYOR

ATTEST:

Betty Conrad   
CITY CLERK

EXHIBIT "A"

EXEC OFFICE LENK

6067270755

P. 02

In and to the following described Real Estate, in the City of Florence, County of Boone and Commonwealth of Kentucky, to-wit:

**GROUP NO. 121**

A PARCEL of land lying on the southeasterly side of Curtis Avenue (the northwesterly side of Old Curtis, now vacated) in Florence, Boone County, Kentucky and being more particularly described as follows:

**BEGINNING AT A point in the southeasterly right-of-way line of Curtis Avenue, said point also being 30 feet right of centerline sta 82 + 50 as shown on the Relocation of Curtis Avenue plan at the Kentucky Department of Transportation Office, and running thence.**  
**S 27-23-32 W, along the southeasterly right-of-way line of Curtis Avenue, a distance of 34.87 feet, to a point, thence S 40-45-55 E, along the dividing line between lots 12 and 13 of Erlanger Heights Subdivision, Block 10-A, a distance of 101.50 feet, to a point, thence N 49-14-05 E, along the northwesterly side of Old Curtis Avenue (now vacated), a distance of 168.74 feet, to a point, thence N 6-57-34 W, a distance of 48.4 feet, to a point, thence 83-07-26 W along the southeasterly right-of-way of Curtis Avenue, a distance of 45.7 feet, to a point, thence S 70-29-45 W, continuing along the aforementioned southeasterly right-of-way, a distance of 134.52 feet, to the place of beginning, and containing 0.37 acres more or less.**  
**THE ABOVE described parcel being subject to a 10 feet wide sanitary sewer easement running along the northwesterly side of Old Curtis Avenue.**  
**BEING THE SAME property conveyed by deed recorded in Deed Book 448, page 217 of the Boone County Clerk's Records, Burlington, Kentucky.**

RECEIVED JUN 22 1934

WAIVER OF CONDITIONAL USES

9 This WAIVER OF CONDITIONAL USES ("WAIVER") is executed this day of January, 1995 by Kenneth Rogers and Trudy Rogers, his wife, of 2428 Harris Pike, Independence, Kentucky ("ROGERS").

WITNESSETH:

WHEREAS, ROGERS have filed with the Boone County Planning and Zoning Commission an Application for a Zoning Map Amendment for an approximate .40 acre tract of real estate lying and being generally located at the intersection of Curtis Avenue and Turfway Road, Florence, Kentucky and,

WHEREAS, said Zoning Map Amendment Application came on for hearing before the Boone County Planning and Zoning Commission and,

WHEREAS, as a Condition for recommendation to the City of Florence, ROGERS agreed to various use restrictions for the real estate in question, those use restrictions being outlined in the attached Agreement dated October 18, 1994, a copy of which is incorporated herein by reference, and

WHEREAS, the City of Florence has requested that an extension and clarification be made relative to the restricted uses for the real estate in question as a condition of ROGERS' Zoning Map Amendment approval.

NOW, THEREFORE, in consideration of the foregoing premises, the undersigned agree as follows:

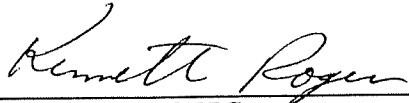
1. The undersigned, Kenneth Rogers and Trudy Rogers, his wife, hereby agree that the real estate which is the subject matter of the Zoning Map Amendment Application pending before the City of Florence shall not at any time subsequent to the approval of the undersigned's Zoning Map Amendment Application by the City of Florence be developed or used for any of the Conditional Uses set forth in Section 1013, Article 10 of the City of Florence Zoning Ordinance. This use restriction shall be in addition to those use restrictions set forth in the October 18, 1994 Agreement executed by the undersigned, a copy of which is incorporated herein by reference.

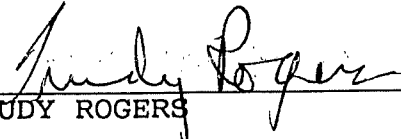
2. This WAIVER shall be binding upon the parties hereto and their respective successors, heirs and assigns.

3. It is agreed by the undersigned that this WAIVER shall be incorporated in and made a part of the City of Florence Ordinance No. 0-1-95 which approves the Zoning Map Amendment Application of the undersigned for that real estate identified herein, and is part of the undersigned's Development Plan as a condition of said Zoning Map Amendment.

4. It is acknowledged and agreed by the undersigned that this WAIVER shall be recorded in the Boone County Clerk's records, Burlington, Kentucky and that this WAIVER shall run with the land and be binding upon any and all successors in interest.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands on the date and year first above written.

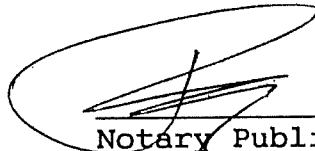
  
KENNETH ROGERS

  
TRUDY ROGERS

STATE OF KENTUCKY

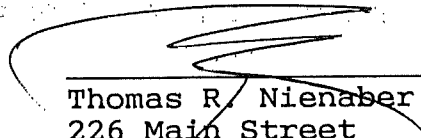
COUNTY OF BOONE

Subscribed, sworn to and acknowledged before me by the said KENNETH ROGERS AND TRUDY ROGERS, his wife, this 9 day of January, 1995.

  
Notary Public  
My Commission Exp.: 5/25/96

THIS INSTRUMENT PREPARED BY:

BUSALD FUNK ZEVELY, P.S.C.

  
Thomas R. Nienaber  
226 Main Street  
Florence, Kentucky 41042  
(606) 371-3600

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

October 18, 1994

Ken & Trudy Rogers  
2428 Harris Pike  
Independence, KY 41051

RE: **Conditions of approval for the Zoning Map Amendment for Flowerama at Turfway & Curtis**

Dear Mr. & Mrs. Rogers:

The following represents the potential conditions of approval as decided upon by the Zone Change Committee. If you, as applicant, and representatives of the owners will agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and return it to our office by Noon, Wednesday, October 19, 1994.

## Conditions of approval

1. The illuminated canopy on the wall facing the parking lot shall not extend more than 20 feet from the Curtis Avenue elevation.
2. Access to the site will be from Curtis Avenue and will be in conformance with the Transportation Management Regulations of the Boone County Zoning Regulations.
3. Bulk storage of items such as building materials and ground cover is not to occur outside.
4. The following uses are the only Principally Permitted Uses allowed on the site:
  - a. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores.
  - b. Banking services (including drive-thru facilities), savings and loan associations, credit unions and other credit services.

Ken & Trudy Rogers  
October 18, 1994  
Page 2

- c. Insurance carriers and agents.
- d. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services.
- e. Accounting, auditing and bookkeeping services.
- f. Postal services.
- g. Physician, dental, optical goods and services.
- h. Veterinary services and pet grooming services but not including the boarding of animals.
- i. Beauty and barber services and tanning salons.
- j. Jewelry stores.
- k. Books, stationery, newspapers and magazines.
- l. Florists excluding greenhouses.

Sincerely,

*Robert A. Jonas*

Robert A. Jonas  
Planner I

RAJ\par

Agreement

We, the applicant and owner, agree to the above listed conditions for approval of the requested Zoning Map Amendment for Rogers/Flowerama at Turfway and Curtis.

x *Ken Rogers, Trudy Rogers* 10/18/94  
Ken & Trudy Rogers, applicants date

x *Liberty National Bank* 10/18/94  
Owner (or representative of owner) Liberty Nat. Bank date

x *George R. Hoffman - TEBM - Transp. Cabinet* 10/18/94  
Owner (or representative of owner) Commonwealth of KY date