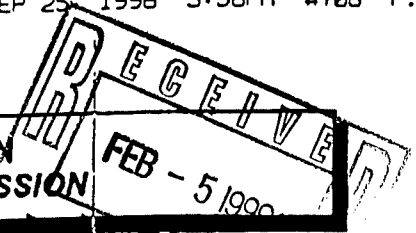


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)

2. Name of Project Wal-Mart Garden Center Expansion
3. Location of Project 4999 Houston Road, Lot 15 Turfway Business Park
4. Total Acreage of Site 10.36
5. Current Zoning C-2 / PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) June 3, 1987-Plan Commission / June 30, 1987 Florence City Council **
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 - Donaldson Study Area
8. Proposed Uses (please specify each use) Retail
9. Proposed Building Intensities (please specify) Expand existing garden center from 7,578 sq. ft. to 13,180 sq. ft. for an addition of 5,602 sq. ft..
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) McClure Engineering-Representing Agent for Wal-Mart Stores, Inc
 Phone Number (815) 398-2332 Fax No. (815) 398-2496
13. Address of Applicant(s) 6838 East State Street
Rockford, IL 61108
 City State Zip
14. Name of Property Owner(s) Wal-Mart Properties, Inc. - Tom Shirley
 Phone Number (501) 273-8268 Fax No. (501) 273-6503
15. Address of Property Owner(s) 2001 S.E. 10th Street
Bentonville, AR 72712-6489
 City State Zip
16. Are there any existing buildings on the site? Yes
 How many? 1
17. Deed Book 510 Page No. 201 Group No. 2033B
18. Have you had a pre-application meeting with BCPC Staff? Yes, Via Telephone

(over)

** 1) Plan revised to permit Wal-Mart Store - 1988
 2) Permit to expand store to include parking area in the side yard - July 21, 1992
 Florence City Council June 17, 1992 Plan Commission

EXHIBIT "A"

STAFF REPORT

The request of **McClure Engineering (applicant)** for **Wal Mart Properties Inc., c/o Tom Shirley (owner)** to consider a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) for a site located at 4999 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow the expansion of an existing outdoor garden area.

March 24, 1999

Request

The applicant is requesting a change in the previously approved Concept Development Plans (approved June 3, 1987 and June 17, 1992) in order to allow an expansion of the garden center. This expansion would be covered and enclosed such as the garden centers at Lowe's and Home Depot. The request is for an additional 5,602 square feet for a total of 13,180 square feet of garden center area. If approved, the expansion would be required to go through the Site Plan and Design Review processes. The applicant has submitted a conceptual design that uses ornamental metal and continues the existing architectural features. During the spring months, outside storage of larger bulk items, such as bagged mulch and topsoil, would be located in the two (2) rows of parking adjacent to the proposed expansion leaving the aisle way open for the loading of these items.

Site History

- 1988 Adoption of the original Houston-Donaldson Study which included this entire area. The current version of the study was updated in 1992.
- 1987 The original Concept Development Plan for the entire Turfway Business Park subdivision was approved.
- 1992 A Change in the approved Concept Development Plan was granted allowing an increase in the density of the Wal-Mart store.

Surrounding Zoning and Land Uses (see sheet #2)

- North: Blue Star, DRG Marketing, and Frame King (Turfway Business Park) all located within the Industrial One/Planned Development/Concept Development (I-1/PD/CD) zone.
- East: Attached retail stores and the Sam's Club Warehouse (Turfway Business Park) within the Commercial Two/Planned Development/Concept Development (C-2/PD/CD) zone.

South: Firststar Bank (Turfway Business Park) zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD), and Meijer (Houston Lakes) located across Houston Road within the Office Two/Commercial Two/Planned Development/Concept Development (O-2/C-2/PD/CD) zone.

West: Furniture Fair, Thomasville, and the Northern Kentucky Christian School (Turfway Business Park) all located within the Commercial Two/Planned Development/Concept Development (C-2/PD/CD) zone.

Relationship to the Houston-Donaldson Study

The Recommended Uses/Zoning section (page 31), of the Houston-Donaldson Study, for this area states:

"This development is recommended to continue to develop according to approved plans."

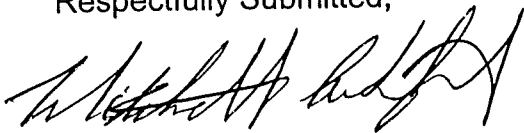
Staff Comment

If approved, the Future Land Use would not need to be changed.

Conclusion

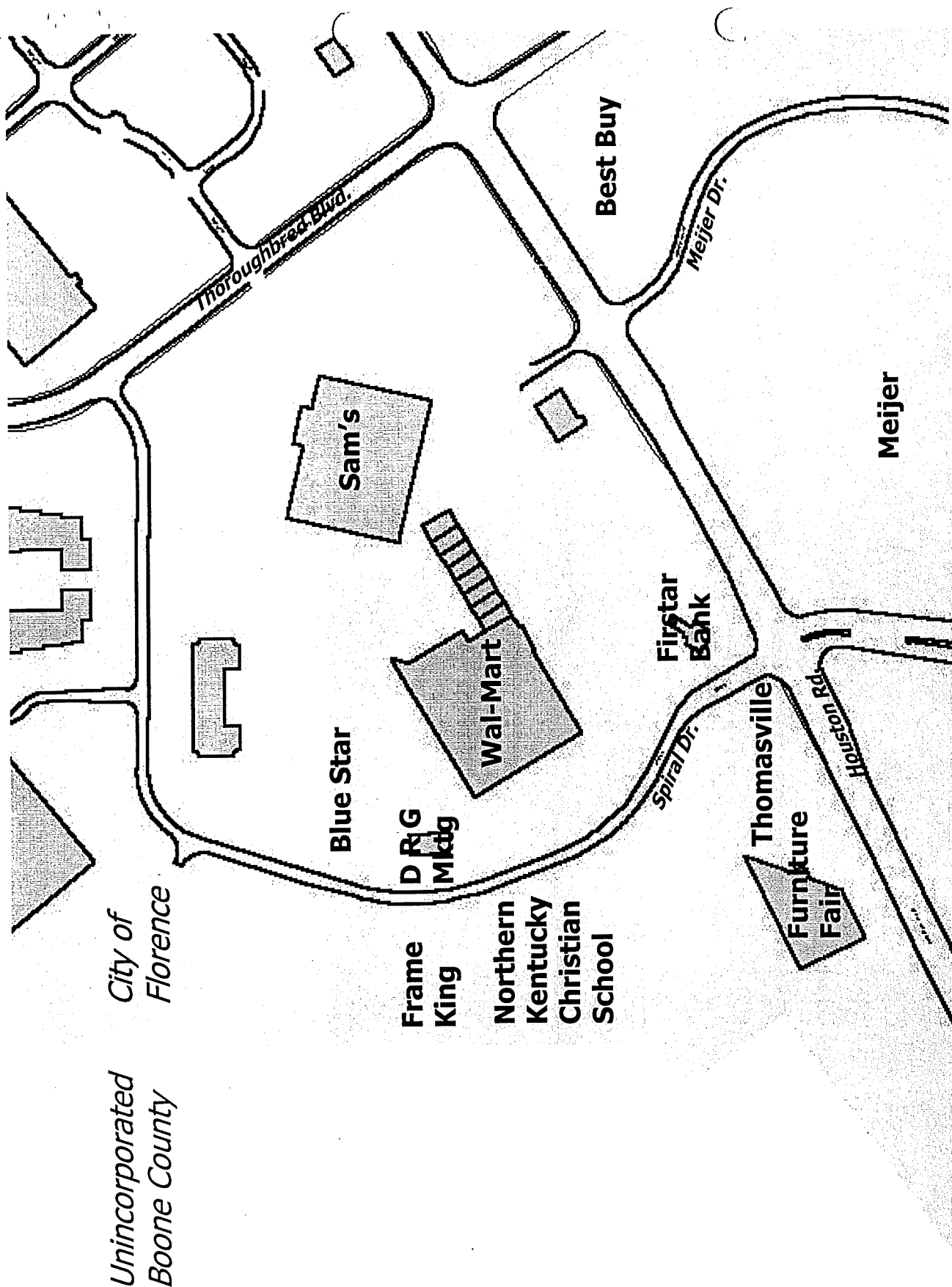
This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of the criteria necessary for approving a Concept Development Plan and a Planned Development as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the provisions of Article 15, "Planned Development District" of the Boone County Zoning Regulations. If recommended by the Planning Commission and Florence City Council, the Future Land Use Map would not need to be amended.

Respectfully Submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

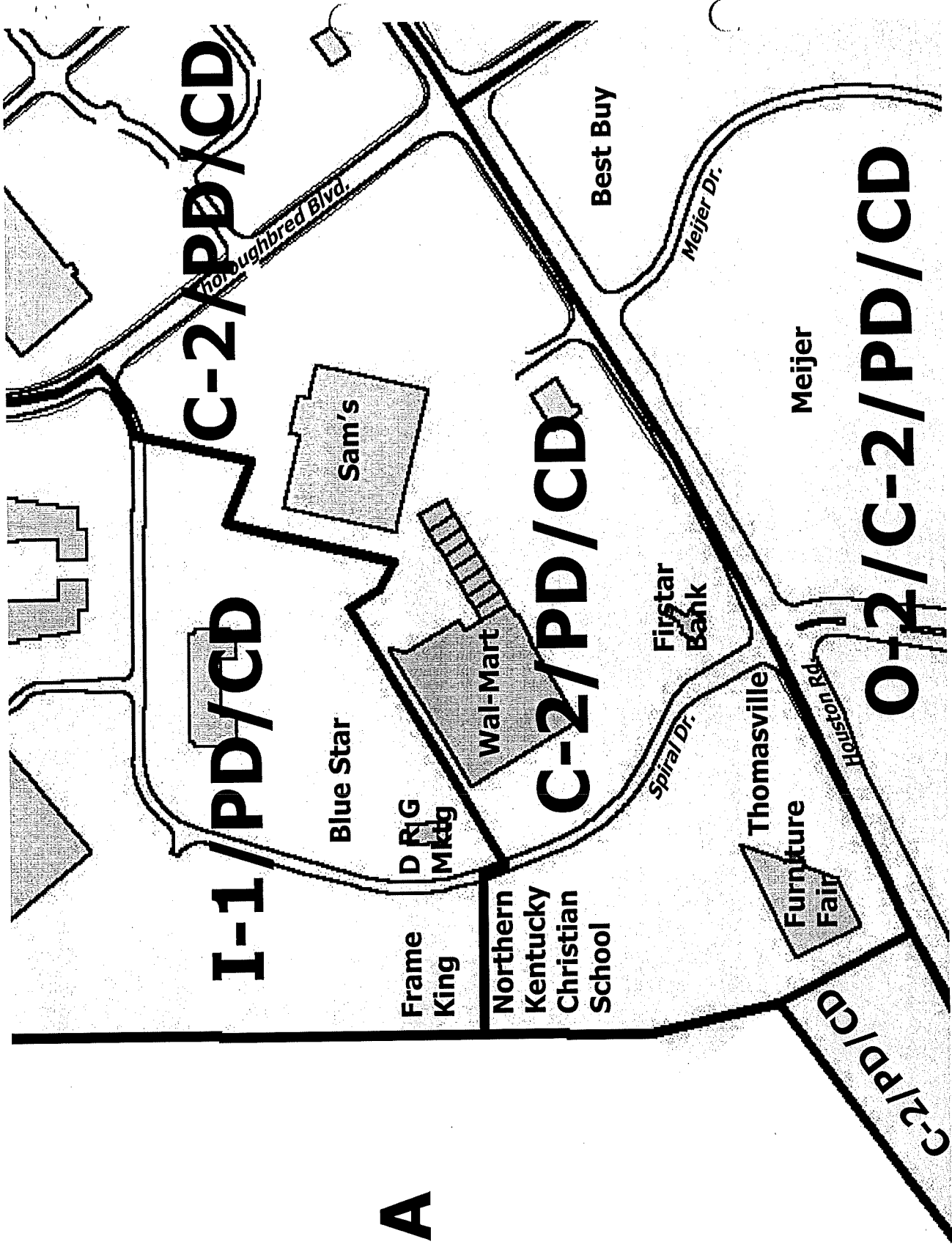
MAL/pr



Unincorporated Boone County
City of Florence

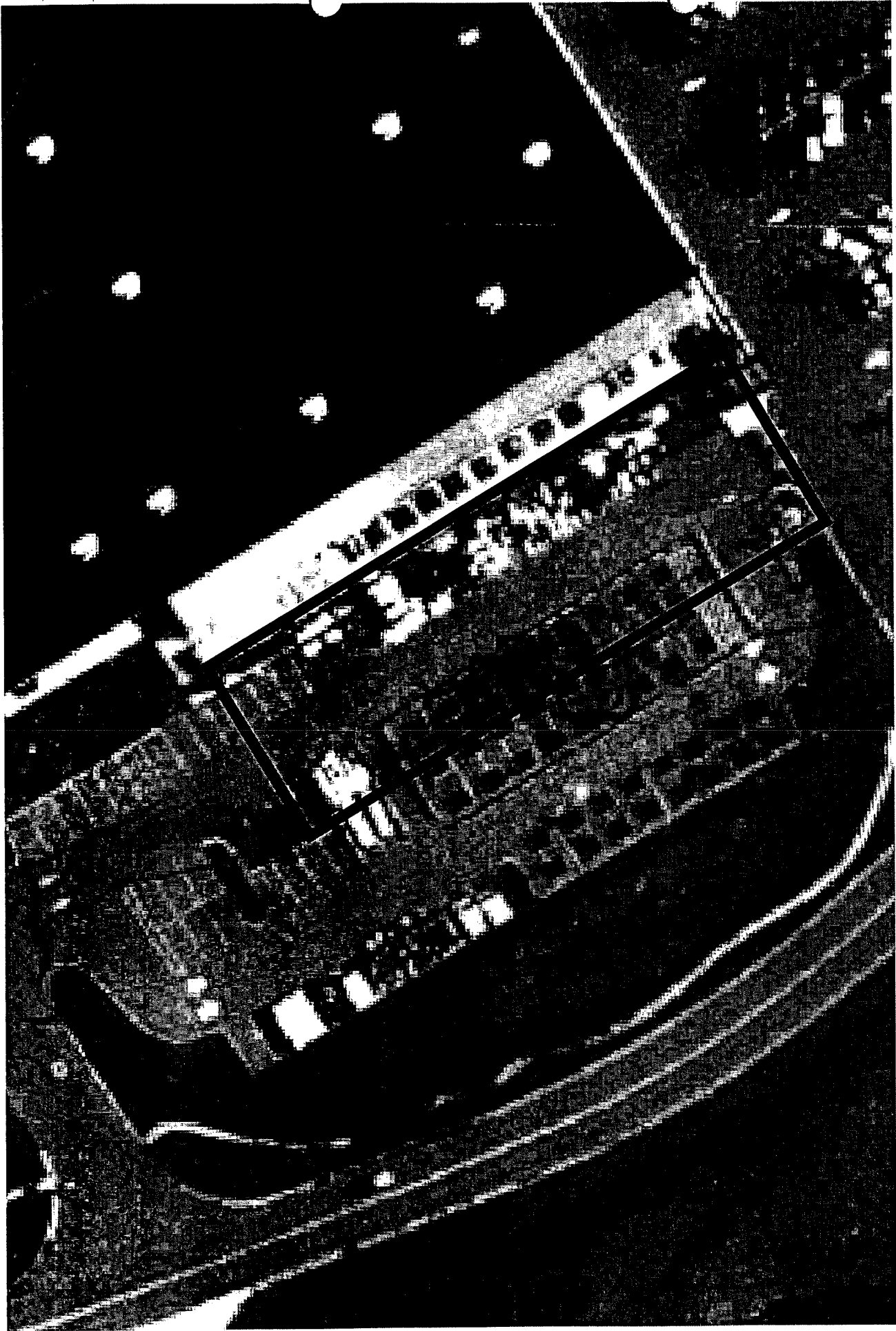
Frame King
D R G
Midg
Northern Kentucky Christian School

VICINITY MAP



A

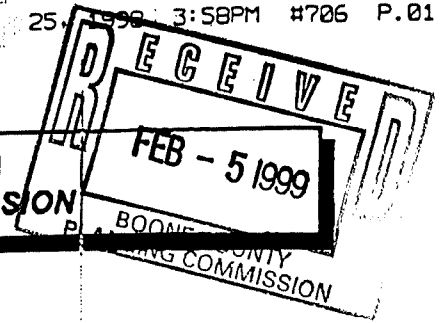
SURROUNDING ZONING



EXISTING SITE CONDITIONS

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

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 Phone Number (501) 273-8268 Fax No. (501) 273-6503
15. Address of Property Owner(s) 2001 S.E. 10th Street
Bentonville, AR 72712-6489
 City State Zip
16. Are there any existing buildings on the site? Yes
 How many? 1
17. Deed Book 510 Page No. 201 Group No. 2033B
18. Have you had a pre-application meeting with BCPC Staff? Yes, Via Telephone

(over)

- ** 1) Plan revised to permit Wal-Mart Store - 1988
 2) Permit to expand store to include parking area in the side yard - July 21, 1992
 Florence City Council June 17, 1992 Plan Commission

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
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton
- Union

21. Applicant's Signature(s) _____

22. Property Owner's Signature(s) _____

Al Egan, Const Manager Wal-Mart Supercenter

SECTION B (To be completed by BCPC Staff)

1. Date Received Feb 5, 1999 Fee Received 1178.00 R# 19395

2. Check what has been submitted:

- Application Fee Legal Description
- Concept Development Plan Addresses of Adjoining Property Owners
- No. of copies of plan received **

3. Is application complete? YES NO

4. Staff Reviewer _____

5. Committee Chairperson _____

6. Scheduled Public Hearing Date _____

7. Boone County Planning Commission Action:

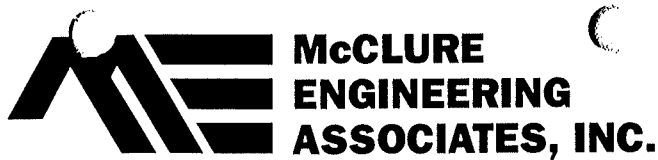
- Approved
- Approved With Conditions
- Denied

8. Other: _____

** Five (5) Copies Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.



February 4, 1999

Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

RE: 4999 Houston Road, Lot 15 Turfway Business Park
Proposed Wal-Mart garden center expansion
Change in Approved Concept Development Plan

Dear Mr. Wall

On behalf of our client, Perry Butcher and Associates whose was retained by Wal-Mart Properties, Inc. we are submitting an application for a change in an approved concept development plan. Wal-Mart desires to expand their garden from 7,578 sq.ft. to 13,180 sq.ft. The proposed expansion will result in the relocation of some landscape material. The overall landscape material quantity shall remain unchanged. There will be a reduction of 40 parking stalls and the ratio would be 1 stall for every 221 sq.ft. of gross building area. Please find enclosed the following information for review:

1. (5) Concept Development Plan Application Forms signed by Wal-Mart
2. A legal description of the Wal-Mart parcel
3. A check (No. 2443) in the amount of \$1,178.00 for plan review fees (\$1,000 flat fee, 12 x \$6 adjoining owner fee, \$75 publication fee, \$21 CLUR and 1 acre X \$10)
4. 5 blueline sets of drawings (Each set includes site plan, Garden Center partial site plan with building elevation, landscape plan). For ease of photocopying find enclosed an 11" x 17" copy of each drawing.
5. (1) Turfway Business Park Site Plan updated to include the proposed garden center expansion.

Please contact me with any questions. We will be contacting you to outline the plan review schedule and meeting times. We look forward to working with you on this expansion project.

Very truly yours,
McCLURE ENGINEERING ASSOCIATES, INC.


Laura Pigatti Williamson
Project Administrator

enclosure
wmfkyzns.wri

10/11

C

C

PUBLIC HEARING ITEM NO. 3:

Commission Members Present: Mr. Brown, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Rush, Mrs. Smith, Mr. White, and Mrs. Wilson.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

Mr. Damstrom introduced the last item on the Agenda:

1. Applicant: McClure Engineering for Wal Mart Properties, Inc., c/o Tom Shirley (owner)

Request: Change in Concept Development Plan

The request of McClure Engineering (applicant) for Wal Mart Properties Inc. c/o Tom Shirley (owner) to consider a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) Zone for a site at 4999 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow the expansion of an existing outdoor garden area.

Mr. Doug Chubin with McClure Engineering, representing Wal Mart, presented an exhibit of the site and an architectural rendering of the site. He stated that they will have the same black fencing extended over and the same architectural look. The small tower will stay where it is. He stated that any landscaping materials destroyed or damaged in construction will be replaced. One light pole will be moved about ten feet.

Mr. Newman asked if they would be taking out parking spaces and if that is a problem.

Mr. Light responded that they will cut out about forty parking spaces, but will still be in compliance with the parking requirements. He commented that this is a seasonal use and they will only put out flats of flowers when it is warm enough.

Mr. Brown questioned changing the curb cut and bringing it closer to the drive. He asked how close the curb cut is to the driveway. Mr. Light responded that it is 58 feet, which is acceptable. Less than fifty feet would not be acceptable. Mr. Brown asked if there is a place there where they could put a pick-up drive. He asked if they could encourage traffic to come in one way and out the other. Mr. Light responded that when they put the mulch bags in the parking spaces, people will not be

able to turn around in the 24-foot wide aisle and will have to go out the access drive at the back.

Mr. Brown asked if people will have to go in the main entrance to purchase.

Mr. Chubin stated that there will be a remote cash register outside. He stated that people will come in the first entrance they see from Spiral Drive. He noted that there will be some people who will buy general merchandise and then get in their car and come to this area.

Mr. Brown asked if they could design the access to be right-in only from the main parking area. He asked if the semis will come in that way. Mr. Light responded "no" and stated that they will come in the back service drive. The traffic is predominantly automobile traffic.

Mr. Chubin stated that it is a one-way drive aisle. He stated that there will be parking in that area when it is not being used for seasonal storage.

Mr. Darik Brown, the new store manager, stated that primarily the people who park there are store associates.

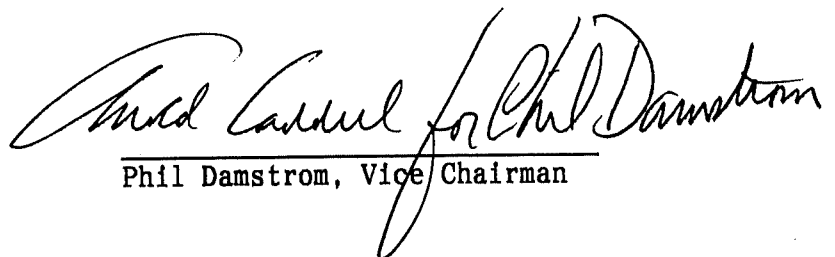
Mr. Brown stated that he is concerned about traffic and people trying to get back there, as well as it being only 58 feet and people coming in. He stated that these issues can be addressed at the Committee Meeting.

There was no one present in the audience other than Mr. Chubin and Mr. Darik Brown.

Mr. Damstrom asked if there were any additional comments or questions from the Commissioners. There being none, Mr. Damstrom stated that the Committee Meeting for this item will be on April 1, 1999 at 5 PM in the second floor conference room. This item will be on the Agenda for the Business Meeting on April 21, 1999 at 7:30 P.M..

Mr. Damstrom closed this Public Hearing at 9:40 PM..

APPROVED:


Phil Damstrom, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
April 21, 1999
7:30 P.M.

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Larry Brown
Mr. Arnold Caddell, Chairman
Mr. Phil Damstrom, Vice Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Ries
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Newman
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner

Mr. Costello stated that a traffic count was done a few years ago when the turn lane was put in by Flying J. He does not recall the numbers. He stated that there was a requirement for an exclusive right turn lane to allow local traffic to go south on Walton-Verona Road. He stated that the traffic has increased since Flying J has opened.

There being no further comments, the Chairman asked for a vote on the motion made by Mr. Viox which found Mrs. Arnett, Mr. Brown, Chairman Caddell, Mr. Damstrom, Mr. Hicks, Mr. Knock, Mr. Ries, Mrs. Smith, Mr. Viox, Mr. White, and Mrs. Wilson in favor. Mr. Zimmer was opposed. The motion carried by a vote of 11 to 1.

Mr. Viox stated that he has a conflict in regard to Agenda Item #3. He does not represent Wal-Mart, but the plan that is being changed is part of the shopping center in which he was involved originally. Mr. Viox left the room at this time.

3. Change in Concept Development Plan

The request of McClure Engineering (applicant) for Wal Mart Properties Inc. c/o Tom Shirley (owner) to consider a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) for a site at 4999 Houston Road, Florence, Kentucky. The request is for a change in Concept Development Plan to allow the expansion of an existing outdoor garden area.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

There being no discussion, Mr. Knock moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion. A vote on the motion found all voting members in favor. Mr. Viox was not present and did not vote. The motion carried.

NEW BUSINESS:

The Chairman asked Counselor Wilson to address the three applications from the same applicant (Martin Marietta).

Counselor Wilson stated that Attorney Richard Meyer was present and is with the law firm that represents the applicant. Counselor Wilson stated that the issue relates to sub-surface mining. In the 1996 county-wide update, sub-surface mining was not in the zoning text (we had surface mining, but not sub-surface mining). He stated that the lawsuit is still pending. During the pending of the lawsuit, a text amendment was passed that put sub-surface mining in the text -- but there is no property zoned I-4 on the zoning map. These applications are to determine how I-4 in some form (straight I-4 zoning, I-4 zoning with a Variance, or I-4/PD) can be placed on property the applicant is interested in

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Brown, Chairman

DATE: April 21, 1999

RE: The request of McClure Engineering (applicant) for Wal Mart Properties Inc., c/o Tom Shirley (owner) to consider a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) for a site located at 4999 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow the expansion of an existing outdoor garden area.

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the applicant has adequately demonstrated that the proposed expansion of the outdoor garden center is appropriate.
2. The Committee has concluded that the proposed Concept Development Plan is in general agreement with the Goals and Objectives of the Houston-Donaldson Study. In addition, the Committee has concluded that the request is in general agreement with the Goals and Objectives of the 1995 Boone County Comprehensive Plan, which were consulted in the evaluation of this request as prescribed by the "Goals and Objectives" section (page 6) of the Houston-Donaldson Study.
3. The Committee has concluded that the attached conditions are necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. Redesigned parking lot to the west of the proposed garden center expansion will be one way traffic flow from south to north with above ground signage and striping on the pavement.

2. There will be no outside storage of merchandise (except for items displayed on the sidewalk) from November 1 to March 1.

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.

Larry Brown

Larry Brown, Chairman

For Against _____
Abstain _____ Absent _____

Mark Hicks

Mark Hicks

For Against _____
Abstain _____ Absent _____

Don McMillian

Don McMillian

For Against _____
Abstain _____ Absent _____

Bill Viox

For _____ Against _____
Abstain Absent _____

Lisa Wilson

Lisa Wilson

For Against _____
Abstain _____ Absent _____

TOTAL: 4 FOR 0 AGAINST 1 ABSTAIN 0 ABSENT

PUBLIC HEARING ITEM NO. 3:

Commission Members Present: Mr. Brown, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Rush, Mrs. Smith, Mr. White, and Mrs. Wilson.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Susan Cabot, Historic Preservation; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

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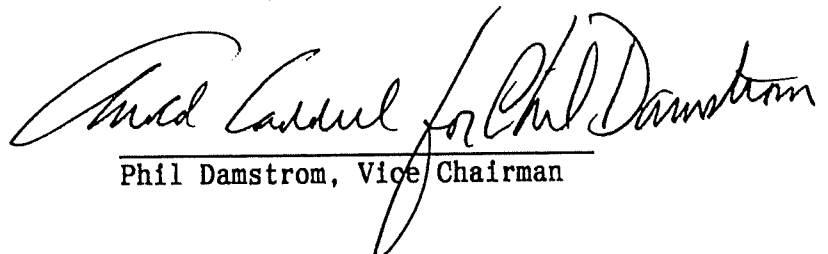
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Mr. Damstrom closed this Public Hearing at 9:40 PM..

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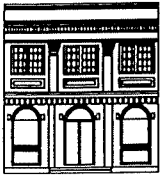

Phil Damstrom, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

April 12, 1999

Mr. Tom Shirley
Wal-Mart Properties, Inc.
2001 S.E. 10th Street
Bentonville, AR 72712-6489

RE: Conditions of Approval for the Change in Concept Development Plan to allow the expansion of an existing outdoor garden area in a Commercial Two/Planned Development (C-2/PD) zone for a site located at 4999 Houston Road, Florence, Kentucky.

Dear Mr. Shirley:

The following represents the conditions of approval for the above referenced application as agreed by the Boone County Planning Commission's Zone Change Committee. If you as the owner agree to these conditions please indicate so by providing your signature on the agreement stated at the end of this letter.

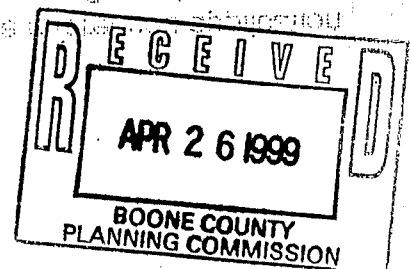
Conditions

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2. There will be no outside storage of merchandise (except for items displayed on the sidewalk) from November 1 to March 1.

Sincerely,

Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL/pr



Mr. Tom Shirley
Wal-Mart Properties, Inc.
April 12, 1999
Page 2

Agreement

I, Tom Shirley, do hereby agree to the conditions of approval stated above for the Change in Concept Development Plan to allow the expansion of an existing outdoor garden area in a Commercial Two/Planned Development (C-2/PD) zone for a site located at 4999 Houston Road, Florence, Kentucky.



Tom Shirley (owner)

4/19/99

(date)

DESCRIPTION

Lot 15, Turfway Business Park

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

BEGINNING at a point in the northwesterly right-of-way line of Houston Road, said point also being S 57-03-27 W 348.49 feet and S 73-03-59 W 30.72 feet from the common front corner of Lots 17 and 13-A of Turfway Business Park, and running thence; E 73-03-59 W; along the northwesterly right-of-way line of Houston Road, a distance of 120.35 feet, to a point thence S 55-08-13 W continuing along the aforementioned northwesterly right-of-way line, a distance of 209.55 feet, to a point, thence N 30-56-33 W, a distance of 46.88 feet, to a point, thence N 59-03-27 E a distance of 35.00 feet, to a point, thence N 30-56-33 W a distance of 130 feet, to a point, thence S 59-03-27 W, a distance of 220 feet, to a point in the northeasterly right-of-way line of Spiral Drive, thence N 30-56-33 W, along the northeasterly right-of-way line of Spiral Drive, a distance of 5 feet, to a point, thence northwesterly, continuing along the northeasterly right-of-way line of Spiral Drive as it curves toward the west, a chord bearing of N 46-37-32 W, a chord distance of 80.91 feet, an arc distance of 81.93 feet (radius of 149.66 feet), to a point, thence N 62-18-30 W, a distance of 173.62 feet, to a point, thence Northwesterly, continuing along the northeasterly right-of-way line of Spiral Drive as it curves toward the north, a chord bearing of N 41-27-00 W, a chord distance of 287.01 feet, an arc distance of 293.45 feet (radius of 403.04 feet), to a point, thence N 20-35-30 W, a distance of 134.77 feet, to a point, thence N 59-03-27 E, a distance of 731.19 feet, to a point, thence S 30-56-33 E, a distance of 88.49 feet, to a point, thence S 59-36-20 E, a distance of 78.32 feet, to a point, thence S 45-53-42 E, a distance of 58 feet, to a point, thence S 59-03-27 W, a distance of 198.53 feet, to a point, thence S 30-56-33 E, a distance of 16.75 feet, to a point, thence S 59-03-27 W, a distance of 60 feet, to a point, thence S 30-56-33 E, a distance of 140 feet, to a point, thence N 59-03-27 E, a distance of 8 feet, to a point, thence S 30-56-33 E, a distance of 62 feet, to a point, thence N 59-03-27 E, a distance of 118 feet, to a point, thence S 30-56-33 E, a distance of 405.60 feet, to the place of beginning and continuing 10.359 acres more or less.

ORDINANCE NO. 0-10-99

AN ORDINANCE ADOPTING AND APPROVING THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT AS A CHANGE IN CONCEPT DEVELOPMENT PLAN TO ALLOW THE EXPANSION OF AN EXISTING OUTDOOR GARDEN AREA FOR THE WAL MART STORE LOCATED AT 4999 HOUSTON ROAD, FLORENCE, KENTUCKY, IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE. (WAL MART PROPERTIES, INC. PROPERTY)

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 has recommended that a request for utilization of an underlying zone as a change in concept development plan be approved, with conditions, for a site located at 4999 Houston Road in the City of Florence, Kentucky zoned Commercial Two/Planned Development (C-2/PD), subject to a development plan, the purpose of this change to allow the expansion of an existing outdoor garden area, and

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

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

SECTION I

That the request for the real estate which is more particularly described in Exhibit "A" shall be and is hereby approved for the utilization of an underlying zone as a change in concept development plan for the site located at 4999 Houston Road in the City of Florence, Kentucky zoned Commercial Two/Planned Development (C-2/PD) to allow the expansion of an existing outdoor garden area at the existing Wal Mart Store, and that this change in utilization of the underlying zone and change in concept development plan is subject to the development plan as submitted, with agreed conditions.

SECTION II

This approval is granted subject to the conditions, terms and provisions of the Boone County Planning Commission, including the Committee Report made a part of that recommendation, and all other provisions comprising the development plan herein, a copy of that recommendation and Committee Report being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-99-009-A of the Boone County Planning Commission along with the referenced Exhibits to that Resolution.

SECTION III

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 following conditions, which have been agreed to by the property owners/applicant. These additional conditions are:

1. The redesigned parking lot to the west of the proposed garden center expansion will be one-way traffic flow from south to north with aboveground signage and striping on the pavement.
2. Outside storage shall be screened ^{in accordance with the landscape} ~~from public view~~ requirements set forth in the Boone County Zoning Regulations.
3. There will be no outside storage to the west of the proposed garden center expansion from October 1 to the following March 1.



June 22, 1999

Mayor and Council
City of Florence
8100 Ewing Boulevard
Florence, Kentucky 41042-7588

RE: Amended Letter of Concurrence
Wal-Mart Store No. 1510 - Garden Center Expansion
Florence, Kentucky

To the Mayor and Council of the City of Florence:

Previously we issued a letter dated June 7, 1999 concurring with the conditions set forth for approval of the garden center expansion for the Wal-Mart store in Florence, Kentucky. This letter is an amendment to this previously issued letter.

On behalf of Wal-Mart Stores, Inc. and Perry L. Butcher & Associates, we accept the requirements as stated in Section III of the "Ordinance adopting and approving the utilization of an underlying zone in planned development as a change in concept development plan to allow the expansion of an existing outdoor garden center area for the Wal-Mart store located at 4999 Houston Road, Florence, Kentucky, in a commercial two/planned development (C2/PD) zone" as stated herein.

1. The redesigned parking lot to the west of the proposed garden center expansion will be one-way traffic flow from south to north with above ground signage and striping on the pavement.
2. Outside storage which is adjacent to the proposed garden center expansion shall be screened in accordance with the landscape requirements set forth in the Boone County Zoning Regulations.
3. There will be no outside storage to the west of the proposed garden center expansion after October 1 of each year nor before March 1 of each year.

Very truly yours,
McCLURE ENGINEERING ASSOCIATES, INC.
(as agents for Wal-Mart Stores, Inc. and Perry L. Butcher & Associates)

Douglas W. Chubin, P.E.
Project Manager

FLORENCE CITY COUNCIL

MINUTES - REGULAR MEETING

JUNE 22, 1999

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, June 22, 1999 at 7:00 p.m. in the Florence Government Center with Mayor Diane Whalen presiding in the Chair.

Mayor Whalen called the meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following members registered present: Melodee Merrell, Dr. Julie Metzger, David A. Osborne, Linda Schaffer and Dale Stephens. Larry Brown was absent.

Also present were City Coordinator Jeffrey P. Koenig, City Attorney Hugh O. Skees, Finance Director Ronald Epling, Police Chief Thomas Kathman, Assistant Police Chief Thomas Szurlinski, Lt. Damian Stanton, Lt. Timothy Chesser, Det. Buddy Schwabe, Det. Linny Cloyd, Sgt. Mark Knipper, Sgt. John Davis, Ptl. Bruce McVay, Fire/EMS Chief Richard Albers, Public Services Project Manager Rodney Crice, Roger W. Rolfes, City Clerk Betsy R. Conrad and Assistant City Clerk Marlene Brown.

Public Hearing - Municipal Aid Roads Funds (MARF) (See attached minutes)

Mayor Whalen called for a motion to approve the minutes of June 8, 1999, Regular Meeting of Council. City Clerk Betsy R. Conrad, advised of an addition to page four to elaborate on the requirements that Council placed on the approval of Ordinance No. O-11-99 (George and Shirlee Whitson Property) and noted that Council had received a copy of this addition, which had inadvertently been left out. Councilmember Metzger so moved, with second from Councilmember Schaffer. Council approved by unanimous vote.

Mayor Whalen called for a motion to approve the minutes of June 15, 1999, Special Meeting of Council. Councilmember Merrell so moved, with second from Councilmember Metzger. Council approved by unanimous vote.

Mayor Whalen called for a motion to approve the recommended appointment of Thomas E. Kathman as Chief of Police. Councilmember Merrell so moved, with second from Councilmember Stephens. Council approved by unanimous vote.

Mayor Whalen administered the Oath of Office to Chief Thomas E. Kathman and presented him with the emblems of his office. Chief Kathman introduced his family and thanked the Mayor and Council.

Mayor Whalen administered the Oath of Office to Assistant Chief Thomas E. Szurlinski and presented him with the emblems of his office. Assistant Chief Szurlinski introduced his family and thanked the Mayor and Council.

Mayor Whalen presented a plaque of appreciation to City Coordinator, Roger W. Rolfes for his service to the City of Florence, Kentucky as a Councilmember from January 1976 - December 1981; Mayor from January 1982 - June 1991 and as City Coordinator from July 1991 to June 1999.

Mayor Whalen recognized Pam Millay a member of the Boone County Jaycees. Ms. Millay related that the Jaycees in cooperation with the City of Florence recently held a Memorial Day Essay

difficult to argue that the City is setting a precedence and advised that each case would have to be decided on its own merits.

Mayor Whalen called for a Roll Call vote. Voting Yes: Councilmembers Merrell, Metzger, Schaffer and Stephens. Voting no: Councilmember Osborne. Council approved by a vote of four (4) to one (1).

Mayor Whalen presented the following Ordinance for second reading:

ORDINANCE NO. O-12-99: AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY ADOPTING THE OFFICIAL BUDGET FOR THE 1999-2000 FISCAL YEAR OF THE CITY.

Mayor Whalen then read the following summary of the Ordinance: This Ordinance adopts the fiscal year 1999-2000 budget of the City including the General Fund, the Capital Improvement Fund, the Municipal Aid Road Fund, the Local Government Economic Assistance Fund, and the Asset Forfeiture Fund. Budgeted resources and expenditures are as follows:

1999-2000 BUDGET	General Fund	Capital Improvement Fund	Municipal Aid Road Fund	Local Gov't Econ. Aid Fund	Asset Forfeiture Fund
RESOURCES AVAILABLE:					
Estimated Revenues & Transfers	14,321,200	2,839,500	310,000	56,200	121,300
Fund Balance Beginning Balance	2,337,700	1,414,300	132,800	(14,200)	-0-
TOTAL RESOURCES AVAILABLE FOR APPROPRIATION:	16,658,900	4,253,800	442,800	42,000	121,300
TOTAL EXPENDITURES AND TRANSFERS:	14,698,900	3,955,000	318,600	42,000	121,300
Estimated Fund Balance at Year End	1,960,000	298,800	124,200	-0-	-0-
TOTAL BUDGET	16,658,900	4,253,800	442,800	42,000	121,300

Councilmember Stephens moved, with second from Councilmember Schaffer, that Ordinance No. O-12-99 be approved on second reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Whalen presented the following Ordinance for first reading:

ORDINANCE NO. O-13-99: AN ORDINANCE AMENDING THE POLICE DEPARTMENT POSITIONS SECTION OF THE COMPENSATION PLAN FOR CITY OFFICERS AND EMPLOYEES (LAST AMENDED BY ORDINANCE NO. O-2-99) AS IT RELATES TO THE POSITION OF ASSISTANT CHIEF.

Mayor Whalen then read the following summary of the Ordinance: This Ordinance amends the Compensation Plan for City Officers and Employees to provide that requirements for the Assistant Chief's position shall be a minimum of two (2) years in grades 10-15 and be selected for the position opening.

Councilmember Merrell moved, with second from Councilmember Stephens, that Ordinance No. O-13-99 be approved on first reading and be held for second and final reading at next meeting of Council. Council approved by unanimous vote.

Mayor Whalen presented the following Ordinance for first reading:

MAYOR'S REPORT:

Mayor Whalen recognized Betsy R. Conrad, who announced that five homes have been selected for the City of Florence Garden Tour. She related that the Garden Tour will take place this Sunday, June 27th from 2:00 to 5:00 p.m. She noted that the entries will be recognized and receive a plaque at the Florence Y'ALL Festival on Monday, September 6th and a special award will be given the entry who receives the most votes.

Mayor Whalen announced the second quarterly joint meeting with the Boone County Fiscal Court. She advised this meeting will be next Tuesday at the Ellis Building at the corner of Camp Ernest Road and Kentucky 18 with dinner at 6:30 p.m. and the meeting at 7:30 p.m.

Mayor Whalen recognized and congratulated the Boone County GIS on receiving a National award from the Environmental Systems Research Institute.

Mayor Whalen announced that the Vietnam Veterans' moving wall will be coming to Northern Kentucky next Monday, June 28th. She advised that it will be on display at the Crestview Hills Mall through Monday, July 5th.

Mayor Whalen asked Council to let Kim Hardin know as soon as possible if they plan on attending the Northern Kentucky Chamber of Commerce Annual Meeting.

Mayor Whalen also asked Council to review a Municipal Order No. MO-2-90 which established procedures for handling recommendations from the Planning Commission and noted this would be discussed at the Planning Caucus on July 6th.

Mayor Whalen recognized Mr. Koenig, who related that the Northern Kentucky Chamber of Commerce has requested the City of Florence to host two "Business/Government Exchange" meetings. He advised that the meetings will take place at the Florence Government Center on Thursday, July 8th and Thursday, August 5th from 11:00 a.m. to 1:00 p.m.

Mayor Whalen recognized Mr. Rolfes, who related that Cincinnati Bell has been successful in negotiating with Air Touch and Air Touch will be coming to the Tower.

Mr. Rolfes updated Council on the Government Center building project and noted an overrun of approximately \$150,000 which he stated was only about 1.7% of the project. He advised that the bulk of this overrun was due to the inordinate amount of time it has taken to bring this project to closure because of the HVAC problems, etc. Mr. Rolfes advised the equipment has been ordered and is expected to be installed shortly after the 4th of July.

Mr. Rolfes reported that this \$150,000 should be able to be taken from this year's budget as a positive cash flow surplus. He also reported that the leases should create a positive cash flow of almost \$40,000 per year.

Mr. Rolfes thanked the people of Florence, the staff and his family for all their help and support over the past 23 1/2 years as he served the City of Florence.

Mayor Whalen asked if anyone on Council desired recognition; Councilmember Osborne expressed his appreciation to Mr. Rolfes.

Councilmember Stephens also expressed his appreciation to Mr. Rolfes and asked Mr. Rolfes if the City was moving toward adding the second-story to the One Stop Building. Mr. Rolfes advised that