

**EXHIBIT**

**“A”**

## STAFF REPORT

#1

Request of **City of Florence (owner)** for a Zoning Map Amendment from Public Facilities/Planned Development/Parkway Corridor Study Overlay (PF/PD/PO) to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) for an approximate 1.06 acre site located at 8275 Ewing Boulevard, Florence, Kentucky. The request is for a zone change to allow medical, dental, optical and veterinary clinics and professional offices that provide medical, dental, optical and veterinary administrative services in an existing building.

April 7, 2021

### REQUEST

- A. The submitted request is to rezone approximately 1.06 acres from PF/PD/PO to C-2/PD/PO.
- B. The applicant is proposing to allow licensed practitioners, providing treatment on an outpatient basis, of physicians, dentists, optometrists, physical therapists, chiropractors, or veterinarians to occupy the existing building. The submitted request would allow: (1) laboratories to test patient samples and/or make medical appliances for patients that are treated on site; and (2) professional offices that provide medical, dental, optical and veterinary administrative services such as medical billing, data collection and records retention, and the processing of medical insurance claims.
- C. The applicant is specifically prohibiting non-medical or relaxation massage parlors, drug treatment facilities, call centers and/or professional office services that are not directly related to medical, dental, optical and veterinary practices.

### SITE HISTORY - Site

1960 –

1969 Based on information contained in the Boone County GIS, the site, and the area now occupied by Ewing Boulevard, was occupied by an approximate 11,000 square foot commercial/utility use (Union Light Heat and Power).

1986 In February 1986, the City of Florence adopted the Parkway Corridor Study.

1986 Based on information contained in the Boone County GIS, the site was zoned C-2/PD.

1992 –

1994 Based on information contained in the Boone County GIS, the majority of a commercial/utility structure was demolished for the construction of Ewing Boulevard.

1998 On December 23, 1998, the Boone County Planning Commission approved a site plan for the development of the site as it currently exists (Social Security Administration).

- 2002 On June 30, 2002, the City of Florence adopted the 2002 zoning map, identifying the site as being zoned PF/PD.
- 2008 On October 14, 2008, the City of Florence adopted the Central Florence Strategic Plan – An Update of the Parkway Corridor Study.

#### APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
  2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
  3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 1200 (Public Facilities District) of the Boone County Zoning Regulations states that “the purpose of this article is to provide a specific zoning classification for a variety of public facilities to promote the proper location of these uses and insure their long-term continuity and compatibility with adjacent land uses.”
- C. Section 1500 of the Boone County Zoning Regulations states that intent of the PD district is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.
- D. Section 1511 of the Boone County Zoning Regulations states that uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court.
- E. Section 1020 of the Boone County Zoning Regulations states that the purpose of the

Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

F. Section 4000 of the Boone County Zoning Regulations provides for the following definitions:

1. Clinic: A facility the offers care, diagnosis and treatment of sick, or injured persons. A clinic may provide out patient surgical attention but does not include accommodations.
2. Massage Parlor or Clinic: A facility in which the practice of massage by any licensed massage therapist, hospital, physician, surgeon, chiropractor or osteopath, nurse or technician working under the supervision of the above or by trainers for athletic or medical purposes. It does not include sexually oriented businesses.
3. Medical, Dental or Optical Clinics: A facility operated by one or more physicians, dentists, optometrists, physical therapists, medical message therapists, chiropractors, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical, dental, or optical clinics may also include laboratories to test patient samples or make medical appliances for patients that are treated on site.
4. Veterinary Animal Hospital or Clinic: A facility that offers care, diagnosis, and treatment of sick, or injured animals. May include overnight accommodations on site for the treatment, observation and/or recuperation of animals. May include boarding facilities that are incidental and subordinate to the principal activity.

SITE CHARACTERISTICS

- A. The site contains approximately 1 acre and is located at the southwest corner of the intersection of Burlington Pike with Ewing Boulevard.
- B. The site has approximately 150 feet of frontage along Burlington Pike and approximately 330 feet of frontage along Ewing Boulevard.
- C. The site is currently occupied by a one-story, 11,100 square foot building (originally built for the Social Security Administration), 52 off-street parking spaces, a trash enclosure, and a curb cut onto Ewing Boulevard, approximately 270 feet south of Burlington Pike.
- D. Topographically, the site is relatively flat with an average grade of less than 2%.
- E. The site is within the 60 day/night noise level of the Cincinnati/Northern Kentucky

International Airport.

ADJACENT LAND USES AND ZONING

North: Vacant (C-3/PD/PO)  
South: City of Florence Municipal Campus (PF/PD/PO)  
East: Florence/Boone County Skate Park (PF/PD/PO)  
West: Waffle House (O-2/PD/PO)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial uses which is described as “Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  3. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
  4. Employment opportunities for a highly skilled and educated workforce shall be encouraged and promoted for the residents and businesses of Boone County (Economy Goal A, Objective 1).
  5. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  6. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
- C. Burlington Pike is a state maintained arterial street providing for two way traffic within four driving lanes (two lanes in each direction) and a center left turn lane. Ewing Boulevard is a city owned collector street providing for two way traffic within five driving lanes (one northbound right-turn only lane, one northbound through/left-turn lane, one northbound left-turn only lane, and two southbound through lanes). Sidewalks are provided along both sides of the roadways.

RELATIONSHIP TO THE CENTRAL FLORENCE STRATEGIC PLAN – An Update of the  
Parkway Corridor Study

- A. The intent of the Central Florence Strategic Plan is to further develop the city's central neighborhoods and to link existing and/or planned businesses, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center.

CONCEPT PLAN

- A. The applicant is proposing to allow licensed practitioners, providing treatment on an outpatient basis, of physicians, dentists, optometrists, physical therapists, chiropractors, or veterinarians to occupy the existing building.
- B. The submitted request would allow: (1) laboratories to test patient samples and/or make medical appliances for patients that are treated on site; and (2) professional offices that provide medical, dental, optical and veterinary administrative services such as medical billing, data collection and records retention, and the processing of medical insurance claims.
- C. The applicant is specifically prohibiting non-medical or relaxation massage parlors, drug treatment facilities, call centers and/or professional office services that are not directly related to medical, dental, optical and veterinary practices.

STAFF COMMENTS

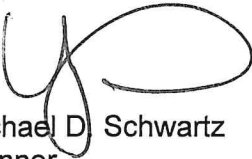
- A. Chapter 7 of the Central Florence Strategic Plan provides criteria by which the Zoning Administrator can use to determine if a change of use can utilize the administrative Tenant Finish application process or the legislative Concept Plan application process.
- B. Since the current submittal includes a concept plan, with a list of detailed permitted/prohibited uses, the provisions of the Central Florence Strategic Plan, relative to the zoning administrator's determination, become moot. As such, any change of use that is not consistent with the list of permitted uses laid out in this application, would have to go through a Change of Concept Plan process, a public hearing process which has an approximate 5 to 6 month timeframe.
- C. To provide for the most flexibility in marketing the site, it is suggested that the following conditions be included in the planning commission's action, if that action is approval:
  - 1. Any change of use shall follow the procedures outlined in the Central Florence Strategic Plan.
  - 2. The following uses shall be prohibited:
    - a. Non-medical or relaxation massage parlors
    - b. Drug treatment facilities
    - c. Call centers

- d. Professional office services that are not directly related to medical, dental, optical and veterinary practices

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Kentucky Revised Statute (KRS) 100.213, Articles 3 and Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz  
Planner

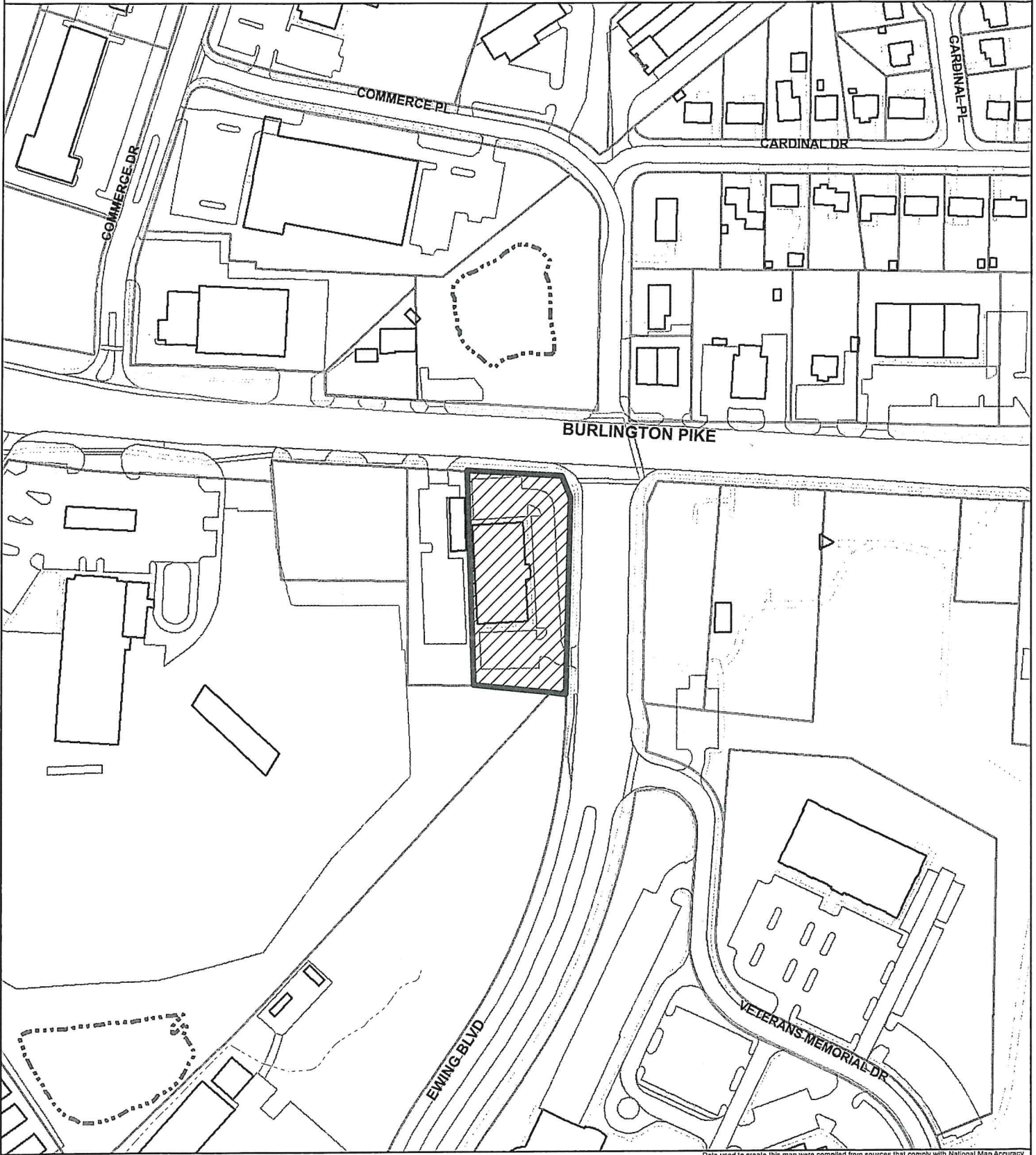
MDS/ss

Attachments:

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Noise Contour Map
- \*Application
- \*Concept Development Plan

# Vicinity Map

www.boonecountygis.com



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Map Created: 01/01/2018

**Boone**

0 100 200 400 600 800 Feet

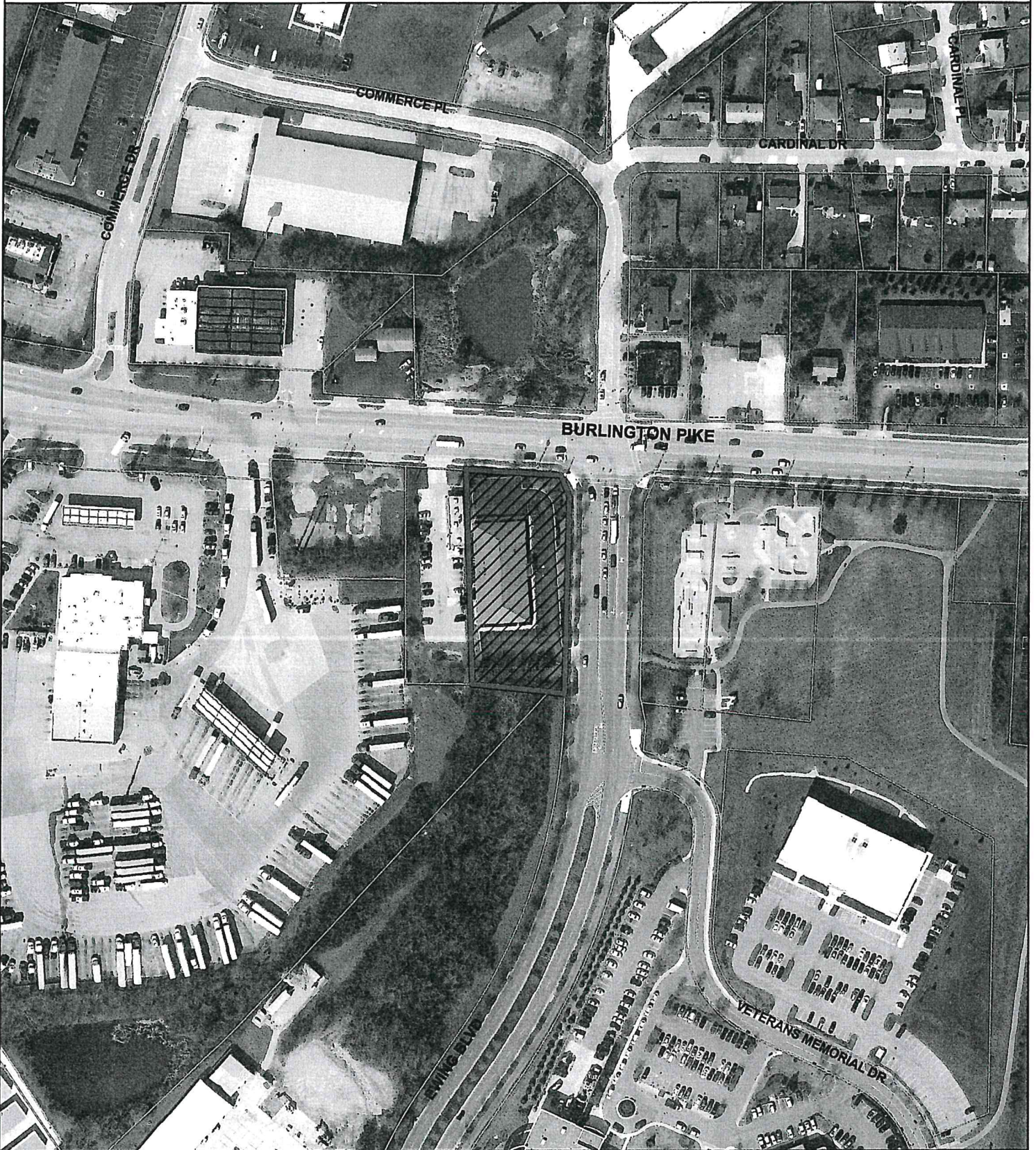
1 inch = 200 feet



Map File: 20180101.mxd  
ArcMap Document: \*.mxd

# Aerial Map

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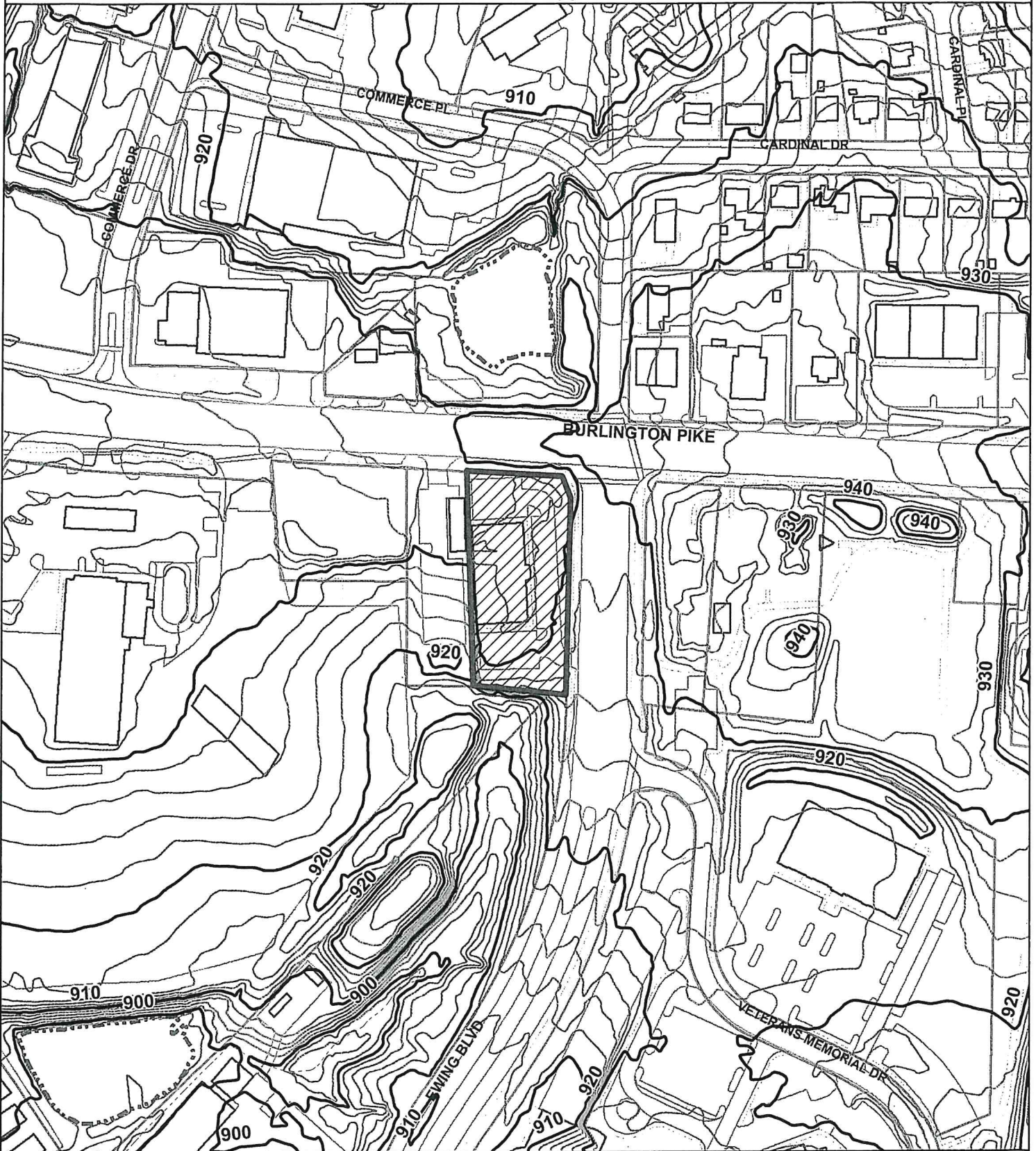
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018

Map File: E:\GIS\MapDocs\Boone GIS 101  
ArcMap Document: \*.mxd

# Topographical Map

www.boonecountygis.com



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1 inch = 200 feet

**Boone**



Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd

# Zoning Map

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**Boone County GIS - Putting Northern Kentucky on the Map**

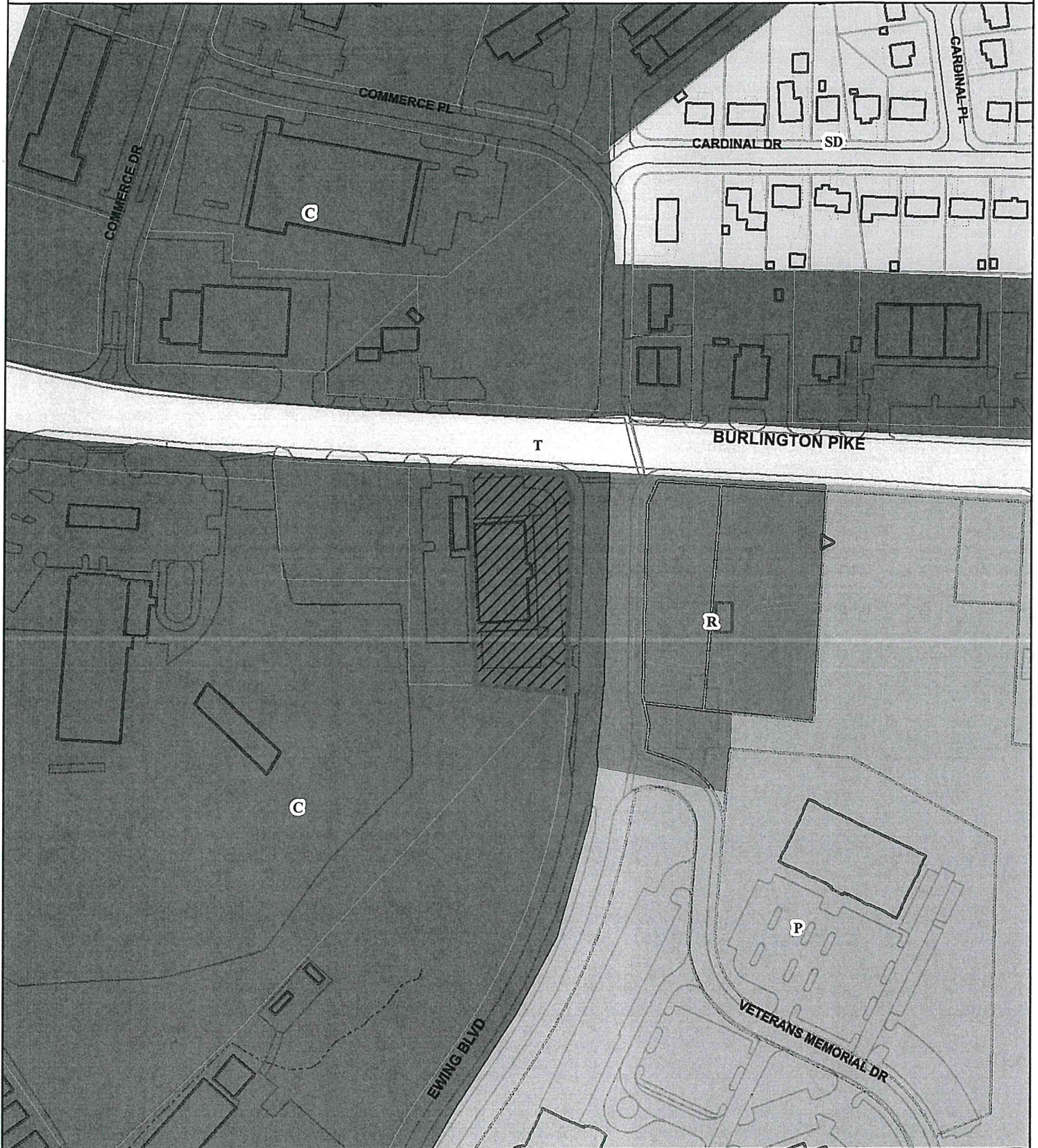


Map Created: 01/01/2018

Boone County GIS - Putting Northern Kentucky on the Map  
ArcMap Document: \*.mxd

# 2040 Future Land Use Map

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**Boone**

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1 inch = 200 feet

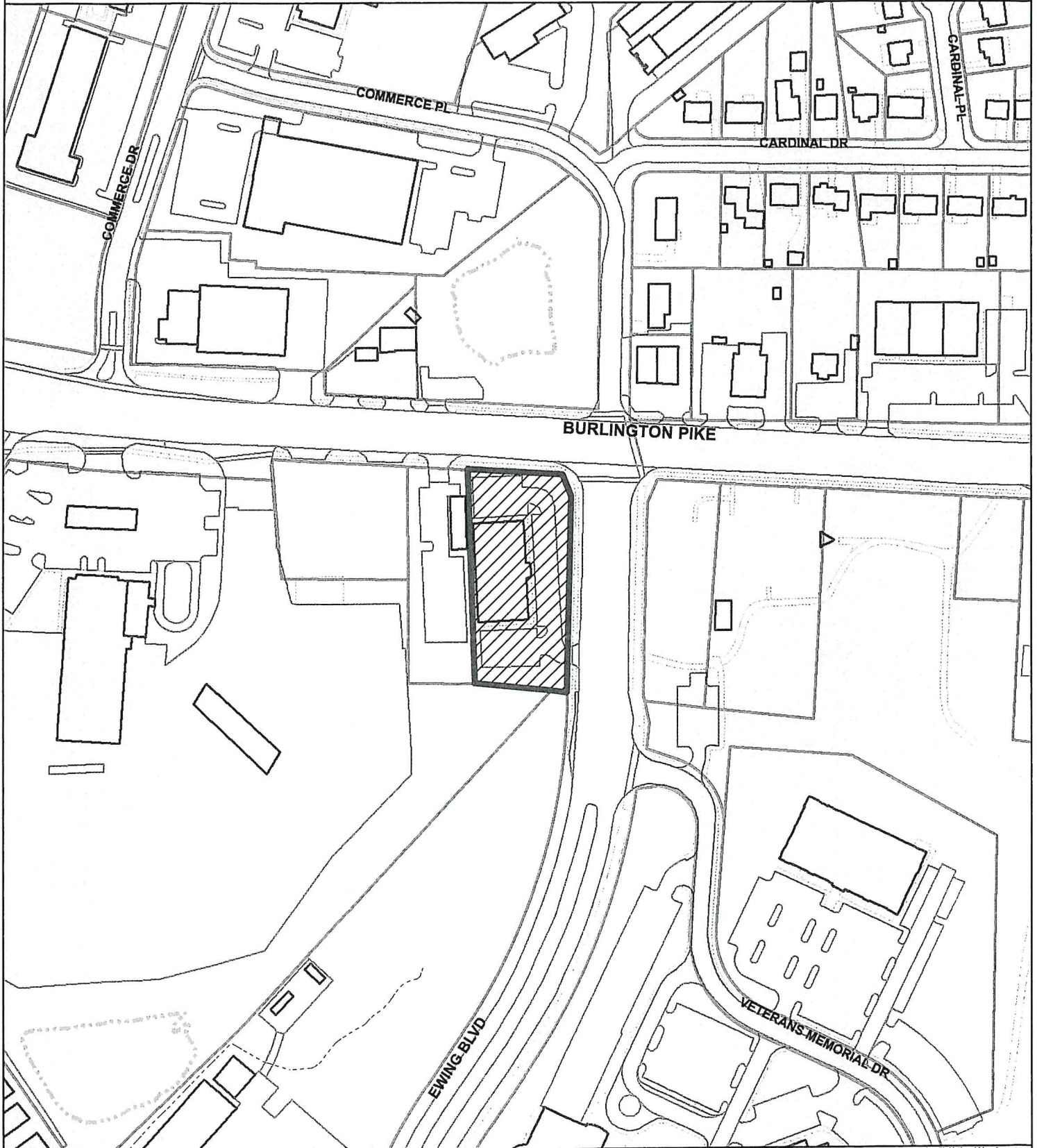


Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd

# Noise Contour Map

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1 inch = 200 feet

**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: 01/01/2018

State Plane Kentucky North 1983 1105  
ArcMap Document: \*.mxd

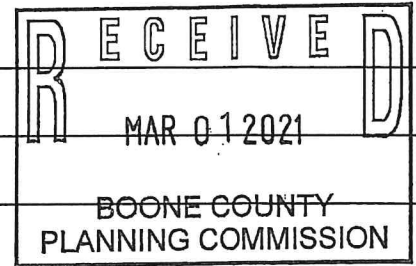
**ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION**

**Seven (7) copies of submitted drawings are required**

**An application consists of all fees paid in full, submitted drawings, and a completed application form**

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

1. Name of Project: 8275 Ewing Boulevard
2. Location of Project: 8275 Ewing Boulevard
3. Total Acreage of Project: 1.06 acres
4. Current Zoning of Property: PF/PD/PO
5. Proposed Zoning of Property (classification being requested): C-2/PD/PO
6. Proposed Use(s) (specify each use):



*Medical, dental, optical and veterinary clinics and professional office uses that provide medical, dental, optical and veterinary administrative services.*

***Examples of requested permitted uses are:***

A facility operated by physicians, dentists, optometrists, physical therapists, chiropractors, or veterinarians, all of which are licensed practitioners, providing treatment on an outpatient basis. This request would allow laboratories to test patient samples and/or make medical appliances for patients that are treated on site.

Professional office that provides medical, dental, optical and veterinary administrative services such as medical billing; data collection and records retention; process medical insurance claims; etc.

***Examples of uses excluded in this application are:***

Non-medical or relaxation massage parlors, drug treatment facilities, call centers and/or professional office services that are not directly related to the medical, dental, optical and veterinary practices.

7. Proposed Building Intensities (specify for each building):  
\_\_\_\_\_
8. Are you applying for any of the following (check all that apply):  
☐ Conditional Use Permit    ☐ Variance
9. Current Owner: City of Florence, KY

Address: 8100 Ewing Boulevard

Florence                      KY                      41042  
City                                      State                                      Zip Code

Phone Number: 859-647-8177                      Fax Number: 859-647-5411

Email: Joshua.Hunt@Florence-KY.gov

Zoning Map Amendment

10. Applicant: City of Florence, KY

Address: 8100 Ewing Boulevard

Florence KY 41042  
City State Zip Code

Phone Number: 859-647-8177 Fax Number: 859-647-5411

Email: Joshua.Hunt@florence-ky.gov

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

12. 1156 430 PIND 061.02-22-007.00  
Deed Book Page Number Group Number

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

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

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

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

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

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

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

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

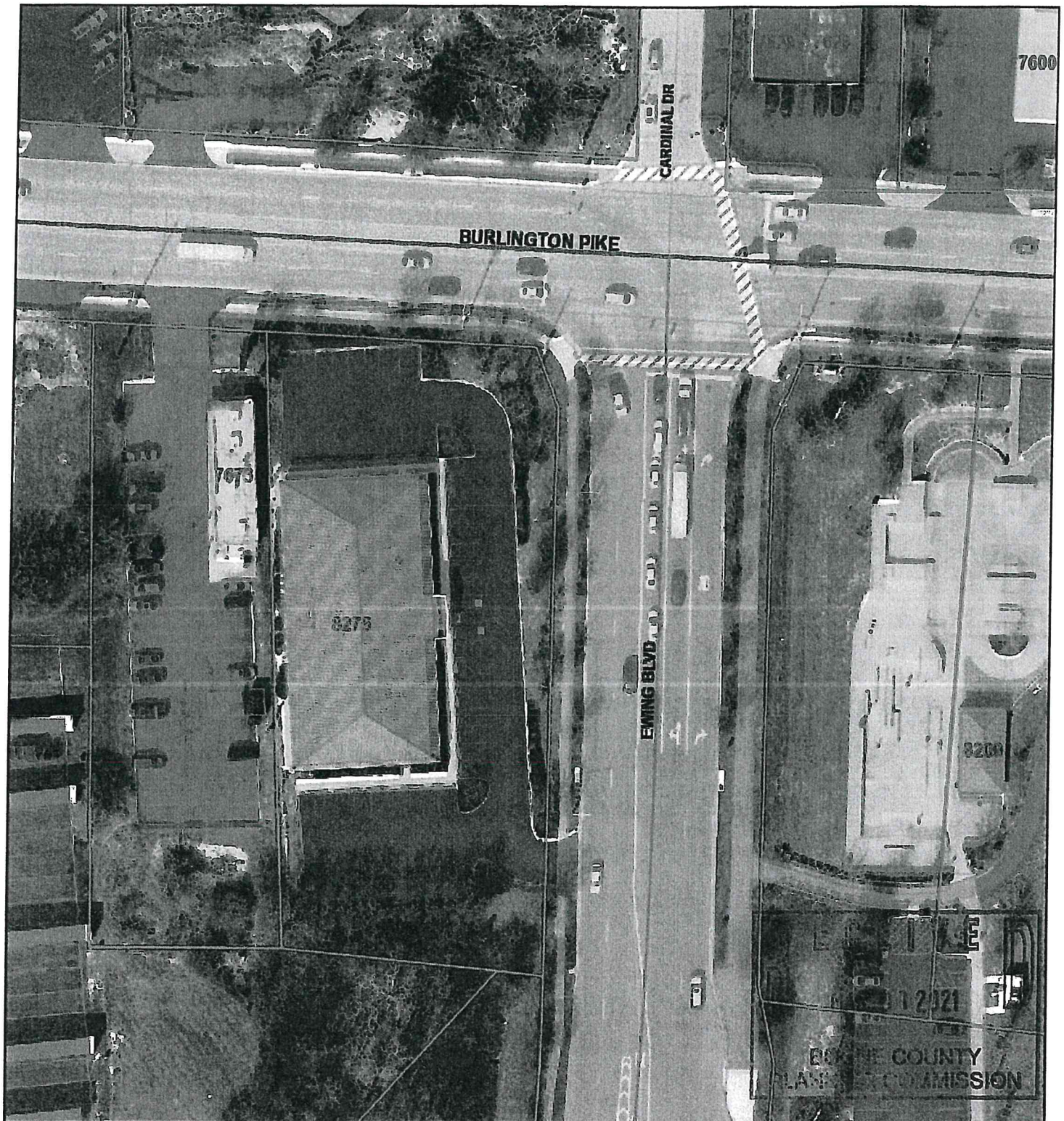
ORIGINAL Applicant's Signature: Drane E. Whalen  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 3/1/21 Fee Received: -0- Receipt #: N/A
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
  - ☐ Completed Application
  - ☐ Concept Development Plan
  - ☐ Legal Description
  - ☐ Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_
5. Staff Reviewer: MICHAEL SCHWARTZ
6. Committee Chairperson: \_\_\_\_\_
7. Scheduled Public Hearing Date: \_\_\_\_\_
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: \_\_\_\_\_
  - \_\_\_\_\_ Approved
  - \_\_\_\_\_ Approved with Conditions
  - \_\_\_\_\_ Denial
  - \_\_\_\_\_ Other
9. Resolution Number: \_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountkyky.org](mailto:plancom@boonecountkyky.org)  
[www.boonecountkyky.org](http://www.boonecountkyky.org)

# City of Florence, Kentucky



2/25/2021, 10:41:02 AM

1:1,128

## Major Streets

Arterial

Collector

Residential Streets

Building Footprints

Tax Parcels

Parcel Tract Lines

Paved Areas

Crosswalk

Roadway

Parking Lot

## Exterior Features

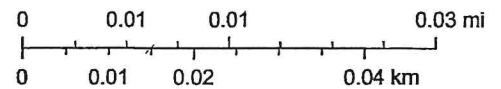
Sidewalk

Walking Trail

## Recreation Features

Skate Park

Building Site Number (Labels)



GIS Services Division, Boone County Planning Commission