

RESOLUTION R-23-009-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF 7841 MALL ROAD LLC, PER JERRY ATKINS (APPLICANT/OWNER) FOR A CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 0.99 ACRE AREA LOCATED AT 7841 MALL ROAD, FLORENCE, KENTUCKY, WHICH IS ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT/MALL ROAD OVERLAY (C-2/PD/MR), FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Concept Development Plan and a Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Concept Development Plan and Zoning Map Amendment for a Special Sign District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a Concept Development Plan and Zoning Map Amendment for the real estate, which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Concept Development Plan and Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky. The real estate, which is the subject of this request for a Concept Development Plan and Zoning Map Amendment to establish a Special Sign District is in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone, is more particularly described in DEED BOOK 1169, PAGE NO. 555 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Zoning Map Amendment to establish a Special Sign District request are the Findings of Fact and Conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval, with conditions, for this request based on the Findings of Fact and Conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Concept Development Plan and Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.


PASSED AND APPROVED ON THIS 15TH DAY OF MARCH, 2023.

APPROVED:



CHARLIE ROLFSEN
CHAIRMAN

ATTEST:



TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR/tlb

EXHIBIT

“A”

STAFF REPORT

#2

Request of **7841 Mall Road LLC, per Jerry Atkins (applicant/owner)** for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

February 1, 2023

REQUEST

- A. The first part of the submitted request is for a Concept Development Plan for the redevelopment of the site in question. The proposal is to modify the off-street parking area by removing the spaces directly in front of the building and adding new spaces within the right-of-way of Mall Road.
- B. The second part of the submitted request is for a Zoning Map Amendment for a Special Sign District. The proposal is to provide building mounted signage on two (2) building facades and to install two (2) free standing signs on each side of the building.

SITE HISTORY

- 1974-1981 Based on information contained in the Boone County GIS, the site was originally developed.
- 1989-2011 The Boone County Planning Commission approved seven (7) sign permits.
- 1994-1997 Based on information contained in the Boone County GIS, the site was redeveloped.
- 1996 Based on information contained in the Boone County GIS, the site was zoned C-2.
- 1996 On December 6, 1996, the Boone County Planning Commission approved a Site Plan for a new building and parking lot.
- 2010 On April 6, 2010 and December 2, 2010, the Boone County Planning Commission approved Minor Site Plans for curbs, ramps, and a new building façade.
- 2011 On August 10, 2011, the Florence Board of Adjustment approved a variance to allow additional signage, subject to two (2) conditions.
- 2012 On March 13, 2012, Florence City Council adopted The Mall Road District Study and zoned the site C-2/PD/MR.
- 2017 On March 14, 2017, the Boone County Planning Commission approved a Design Review/Minor Site Plan for a rebranding of the building façade.
- 2023 On January 19, 2023, a Minor Site Plan was approved for new building facades, the removal of off-street parking spaces directly in front of the building, and the

construction of a new pedestrian area directly in front of the building.

APPLICABLE REGULATIONS

- A. Section 1509 of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development district.
- B. Section 1506 of the Boone County Zoning Regulations identifies the criteria that is to be used when reviewing a proposal within the Planned Development district.
- C. Section 1002.A 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."
- D. Section 3410.A.1 of the Boone County Zoning Regulations states that individual property owners, upon recommendation by the Planning Commission, may establish a special sign district to insure the proper development of special areas of the County.
- E. Section 3410.A.2 of the Boone County Zoning Regulations states that the effect of a special sign district shall be to modify, according to standards established by the Commission, the requirements, regulations, and the procedures for signs in the area included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.
- F. Section 3410.C of the Boone County Zoning Regulations identifies the criteria that is to be used when reviewing a proposal for a Special Sign District.

SITE CHARACTERISTICS

- A. The approximate 1 acre site is located at the southwest corner of the intersection of Mall Road with Cayton Road.
- B. The site has approximately 185 feet of frontage along Mall Road, approximately 207 feet of frontage along Connector drive, and approximately 213 feet of frontage along Cayton Road.
- C. The site currently occupied by a 7,500 square foot retail/service building and a 56 space off-street parking lot.

- D. Access to the site is currently provided from an existing curb cut onto Connector Drive.
- E. The topography of the site is relatively flat, with the exception of an existing detention facility located in the northwest corner of the property.
- F. The site is located within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONING

- North: Retail/service strip building (C-2/PD/MR)
- South: Skyline Chili (C-2/PD/MR)
- East: Florence Mall (C-2/PD/MR)
- West: Florence Chiropractic Center (C-2/PD/MR)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County Plan 2040 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. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 - 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. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
 - 7. 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).
 - 8. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

C. The following is an excerpt from Our Boone County Plan 2040:

1. The Mall Road area was recommended (through the 2002 Mall Road Corridor Study) to become a new urbanism corridor. The current planning effort for the area, the Mall Road District Study, calls for a dense, well designed urban style of development that should occur over time. Residential development may be a part of this urban area, but should be located to minimize noise impacts from the interstate and airport. The entire area of Steinberg Drive, Rosetta Drive, Connector Drive, and the I-75 Mall Road ramps should be planned in detail to provide mixed use development that includes a good road connection and traffic circulation between the Pleasant Valley Road corridor and I-75. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's transit hub on Mall Rd.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

Attention must be given to the changing nature of retail and how it relates to the future of Florence Mall and other retail centers and stores. On-line retail continues to increase and the effect it is having on suburban malls, big box retailers, and other national retail chains cannot be ignored. Consideration must be given to how these stores may be able to reinvent themselves and continue as retail-based destinations that focus on experience-based shopping.

The visual appearance of commercial areas in general and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process. The Mall Road District Study recommends a new direction for Mall Road that included the potential for more entertainment uses, high rise condominium, mixed use, and residential development. This is currently being implemented as part of the Mall Road District Study (Land Use, Description and Purpose of Land Use Maps, 14 Florence Commercial, page 126).

D. The following is an excerpt from Our Boone County Plan 2040:

1. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).
 2. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
- E. Mall Road is identified as a city maintained divided arterial street providing for two-way traffic within five driving lanes (two lanes in each direction with a center left turn lane). Sidewalks are provided along both sides of the roadway.

Cayton Road is identified as a city maintained collector street. Immediately adjacent to the site in question, Cayton Road has two (2) westbound lanes, an eastbound exclusive left-turn lane, an eastbound combined through/right-turn lane, and an eastbound exclusive right-turn lane. Sidewalks are provided along both sides of the roadway.

Connector Drive is identified as a city maintained local street. Immediately adjacent to the site in question, Connector Drive has one (1) southbound lane, a northbound combined through/right-turn lane, and a northbound center left-turn lane. A sidewalk is provided along the east side of the roadway.

RELATIONSHIP TO THE MALL ROAD DISTRICT STUDY

- A. The site is within Subarea 6.
- B. The parking standards for commercial establishments in multi-tenant buildings that are less than 25,000 square feet is three (3) spaces per one thousand (1,000) gross square feet of floor area.
- C. The study states that landscaping shall be provided in accordance with Section 3605 of the zoning regulations.
- D. The Mall Road Special Sign District allows the following:
 - 1. Architectural free standing sign:
 - a. One architectural free standing sign
 - b. 20' maximum height
 - c. 200 square feet maximum sign area
 - d. Base to be constructed of materials, colors, and design details which match or correlate to the principal structure
 - 2. Building mounted signs
 - a. One (1) sign per façade or per tenant space
 - b. Maximum of three (3) facades
 - c. 416 square feet of sign area on either the front façade or the rear façade and 145 square feet of sign area on each of the side facades
 - d. Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon, or LED

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following, which are part of the previously approved Minor Site Plan:
 - 1. Use of the existing building for two (2) tenants.
 - a. AT&T, having a tenant space width of 56'-4".

- b. Lens Crafters, having a tenant space width of 48'-0".
 2. Removal of 13 off-street parking spaces directly adjacent to the existing building.
 3. Construction of a pedestrian plaza directly adjacent to the front of the existing building.
 - B. The submitted Concept Development Plan indicates the following, which is part of this submittal:
 1. Removal of some of the existing landscaping along Mall Road.
 2. Construction of 12 off-street parking spaces parallel to Mall Road, partly within the Mall Road right-of-way.
 3. Installation of new landscaping along Mall Road, Connector Drive, and along the front of the existing building.
 4. Removal of the existing AT&T sign from the rear (west) façade.
 5. Installation of the following signage:
 - a. AT&T – 91.25 square foot sign on the front (east) building façade.
 - b. Lens Crafters and Eye Exams – 113.03 square foot sign on the front (east) building façade.
 - c. AT&T – 52.29 square foot sign on the side (south) façade.
 - d. A free standing sign on the north and south sides of the building having:
 - (1) A mesh screening.
 - (2) A height of 22.63 feet.
 - (3) A sign area of 40.50 square feet.
 - B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following (some of these requirements can be adjusted by the Planning Commission and City Commission and legislative body pursuant to the Planned Development (PD) regulations):
 1. Section 2604.J.3.a of the Boone County Zoning Regulations requires three (3) parking spaces to be provided for every 1,000 square feet of gross floor area of the building. Based on a 7,500 square foot building, a minimum of twenty-three (23) parking spaces need to be provided.

Section 2604.J.6 of the Boone County Zoning Regulations states that the maximum number of parking spaces which may be provided is thirty (30) percent greater than the required minimum number. Based on the minimum twenty-three (23) spaces that are required, a thirty (30) percent increase would be an additional seven (7) spaces, bringing the maximum allowable number of spaces to thirty (30).

The submitted plan indicates a total of forty-two (42) off-street parking spaces.
 2. Section 2604.K of the Boone County Zoning Regulations requires street trees, of a specific type, to be spaced thirty-five (35) to forty (40) feet apart (on center).

The submitted plan shows a type of tree that is not listed in Section 2604.K.

Additionally, the trees are spaced more than forty (40) feet apart (on center).

3. Section 3407.7 of the Boone County Zoning Regulations provides the regulations for signage within the Mall Road Overlay district. Section 3408.1 provides the regulations for building mounted signage. The following table provides a summary of what signage is allowed, what signage has previously been approved by the Board of Adjustment, and what signage is proposed as part of this application.

	Allowed By Regulations	Approved By Board of Adjustment	Proposed
Architectural Free Standing			
Height	20'	N.A.	22.63'
Number	1	N.A.	2
Sign Area	200 sq. ft.	N.A.	40.50 sq. ft.
Base	Materials, Colors, and Design Details That Match The Principal Structure	N.A.	Mesh Screen
Building Mounted			
Type	Channel Letters, Sandblasted Wood, Individual Pin Mounted Letters, Neon Copy, Neon, or LED	N.A.	Unknown
Sign Area			
Front (east façade)	112 sq ft. and 96 sq. ft.	441.11 sq. ft.	91.25 sq. ft. and 113.03 sq. ft.
Side (north façade)	72 sq. ft.	N.A.	N.A.
Side (south façade)	72 sq. ft.	N.A.	52.29 sq. ft.

4. Section 3410.C of the Boone County Zoning Regulations identifies the criteria that is to be used when evaluating a Special Sign District.

The submitted plan generally conforms to the criteria items.

5. Section 3620 of the Boone County Zoning Regulations requires a Buffer Yard A to be provided along street frontages. Section 3645 states that a Buffer Yard A shall have a minimum width of ten (10) feet.

The submitted plan indicates that there will be no Buffer Yard on private property and the proposed parking area will extend into the public right-of-way.

STAFF CONCERNS

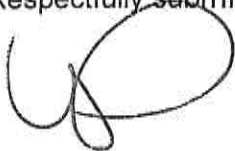
- A. The following list provides a summary of those requirements that are being requested to be waived/alterd using the PD district regulations:
 1. Increase the maximum number of allowed off-street parking spaces from thirty (30) to forty-two (42).
 2. Allow a species of tree to be planted along Mall Road that is not specifically identified in the zoning regulations.

3. Increase the spacing of trees along Mall Road above the maximum spacing of forty (40) feet on center.
 4. Increase the maximum height of a free standing sign from twenty (20) feet to 22.63 feet.
 5. Increase the number of allowed free standing signs from one (1) to two (2).
 6. Allow a free standing sign to not have a base.
 7. Reduce the Buffer Yard width along Mall Road from ten (10) feet to zero (0) feet.
 8. Allow private development to occur within a public right-of-way.
- B. The distance between the existing parking lot and the Mall Road pavement is forty-nine (49) feet. The distance between the proposed parking lot and the Mall Road pavement will be twenty-nine (29) feet.
- C. The submitted plans have a notation stating, 'encroachment approved by COF'. No documentation has been submitted to verify that an encroachment permit has been approved by the City of Florence.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Articles 3, 15, and 26 of the Boone County Zoning Regulations, Section 1514 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
Director, Zoning Services

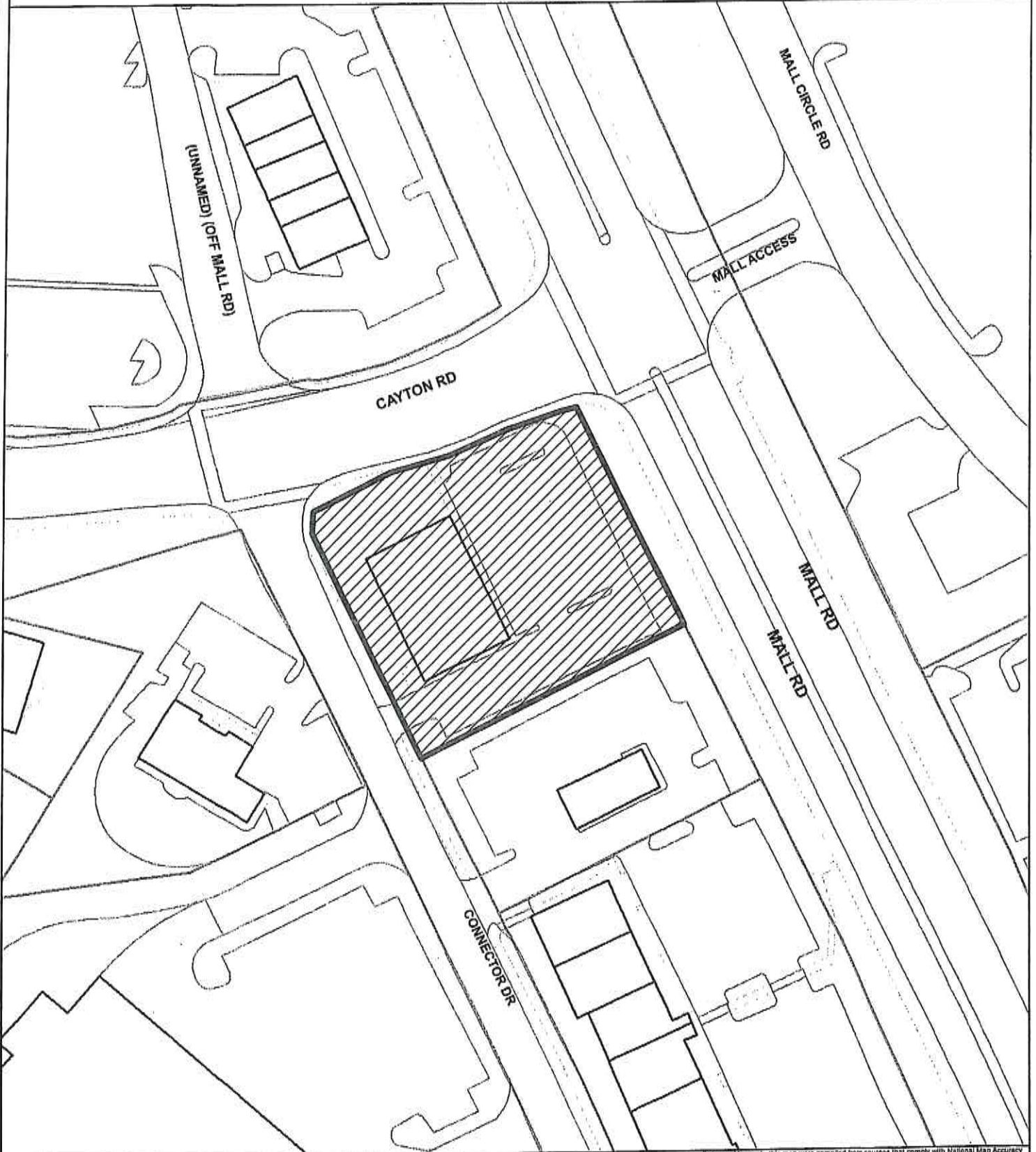
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Attachments:

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

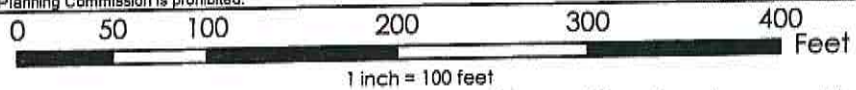
Vicinity Map

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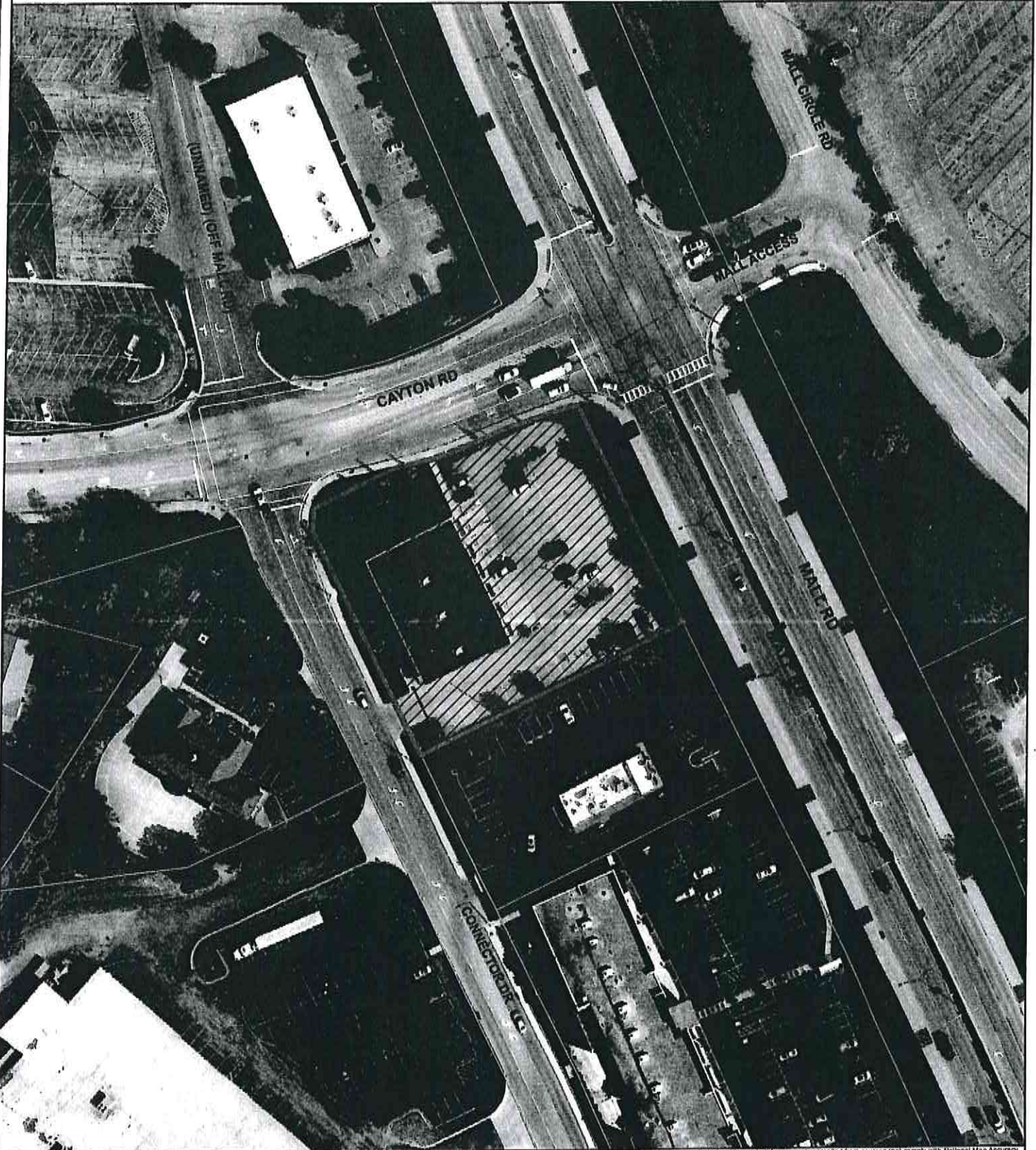


Boone County GIS - Putting Northern Kentucky on the Map

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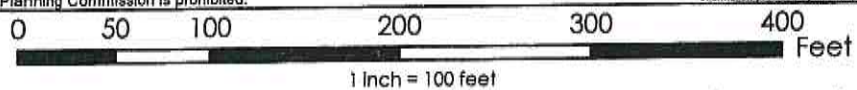
Aerial Map

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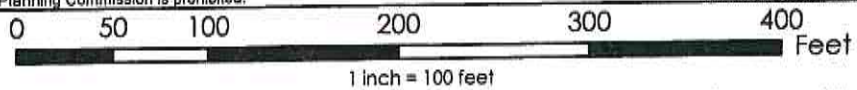
Topographical Map

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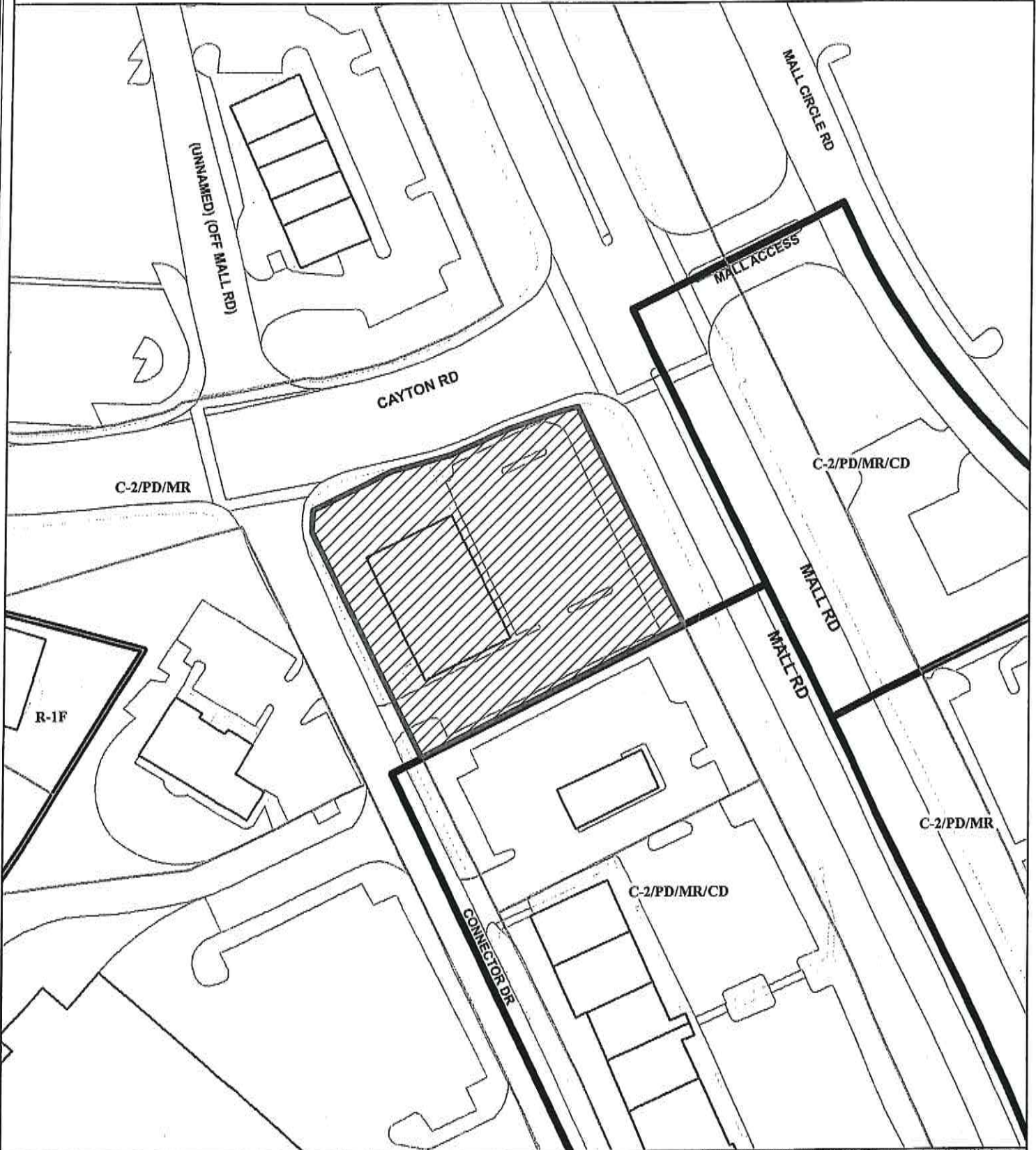


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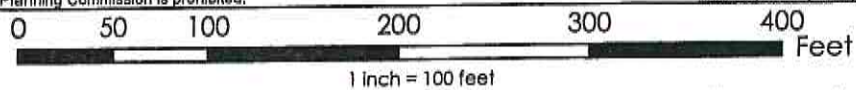
Zoning Map

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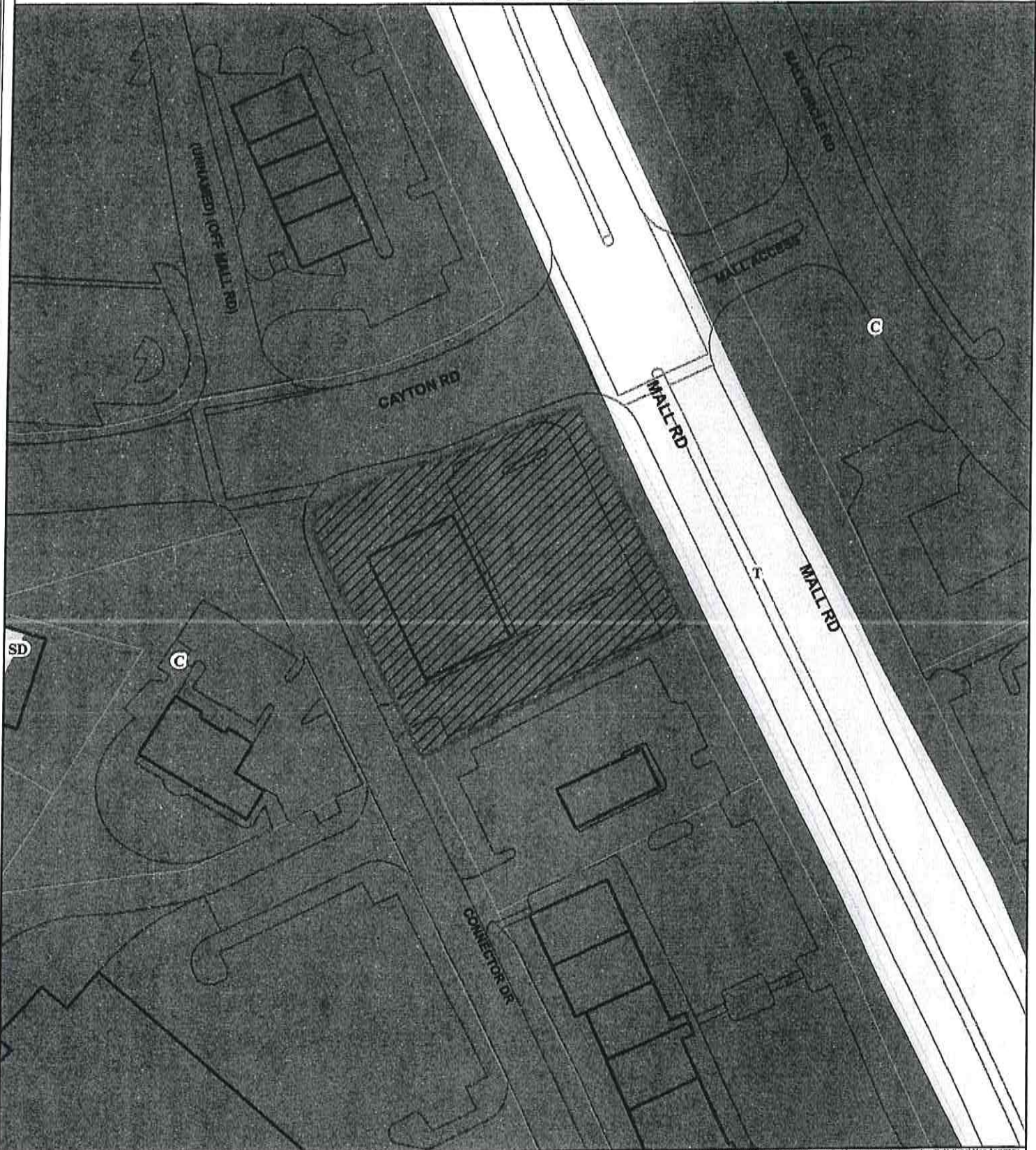


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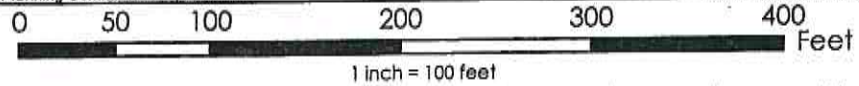
2040 Future land Use Map

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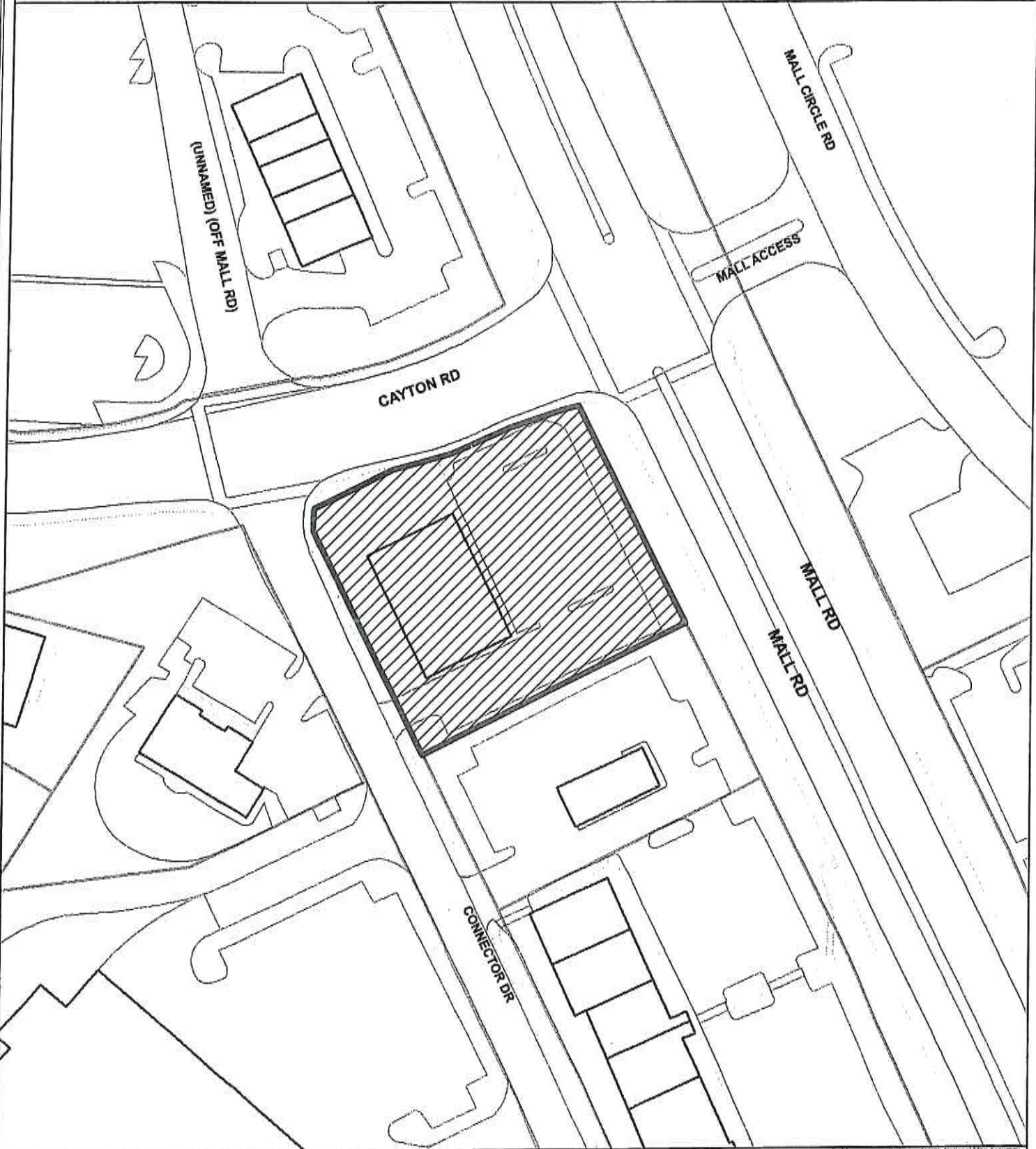
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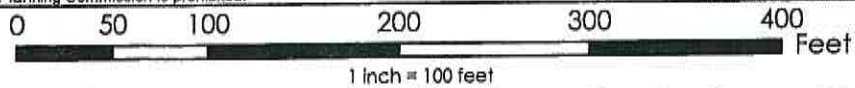
Noise Contour Map

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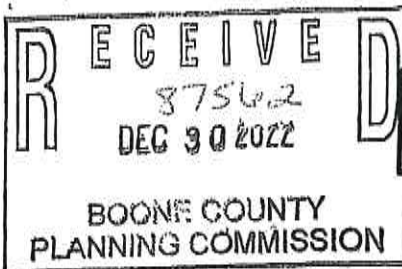


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CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

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. Type of review (check one):
[X] 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)
[] Long Range Planning Committee Review (as stated in the Union Town Plan)
[] Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
[] Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
[] Zoning Administrator Review (as stated in the Mall Road District Study)
[] Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)

2. Name of Project: 7841 Mall Road
3. Location of Project: 7841 Mall Road Florence, KY
4. Total Acreage of Project: 0.99
5. Current Zoning of Property: C-2/PD/MR
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission [X] Yes [] No
If yes, indicate the name of the study: Mall Road District

8. Proposed Use(s) (specify each use):
Commercial: AT&T, Lens Crafters
Special Sign District

9. Proposed Building Intensities (specify for each building):
AT&T = 4,000 SF Lens Crafters = 3,500 SF (7,000 SF Total)

10. Have you submitted a Concept Development Plan: [X] Yes [] No

11. Are you applying for any of the following (check all that apply): Front Buffer Yard
[] Conditional Use Permit [X] Variance

12. Current Owner: 7841 Mall Road LLC

Address: PO Box 498037
Cincinnati Ohio 45249
City State Zip Code

Phone Number: (513) 608-8597 Fax Number:

Email: jerry.atkins@bwe.com

13. Applicant: Jerry Atkins

Address: PO Box 498037

Cincinnati Ohio 45236
City State Zip Code

Phone Number: (513) 608-8597 Fax Number: _____

Email: jerry.atkins@bwe.com

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: One

15. 1169 555 2040A
Deed Book Page Number Group Number

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

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

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- | | |
|---|---|
| <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 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 | |

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

19. 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 2/16/23

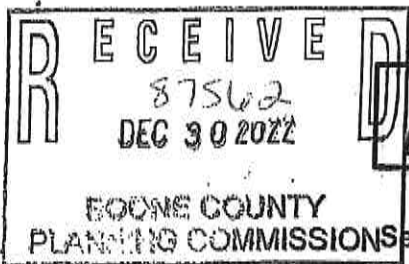
ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) Gerald E Atkins

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) Gerald E Atkins

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

1. Date Received: 12/30/22 Fee Received: \$4,336 Receipt #: 87562
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: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other

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@boonecountyky.org
www.boonecountyky.org



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: 7841 Mall Rd
2. Location of Project: 7841 Mall Rd. Florence, KY
3. Total Acreage of Project: 0.99
4. Current Zoning of Property: C-2/PD/MR
5. Proposed Zoning of Property (classification being requested): Special Sign District
6. Proposed Use(s) (specify each use): Commercial: AT&T, Lens Crafters Special Signs.
7. Proposed Building Intensities (specify for each building): AT&T = 4000 SF, Lens Crafters = 3,500 SF
8. Are you applying for any of the following (check all that apply): [] Conditional Use Permit [] Variance
9. Current Owner: 7841 Mall Road LLC
Address: Po Box 498037
Cincinnati Ohio 45249
Phone Number: (513) 608-8597
Email: jerry.atkins@bwe.com
10. Applicant: Jerry Atkins
Address: Po Box 498037
Cincinnati Ohio 45236
Phone Number: (513) 608-8597
Email: jerry.atkins@bwe.com
11. Are there any existing buildings on the site: [X] Yes [] No
If yes, indicate how many: One

12. 1169 555 2040A
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

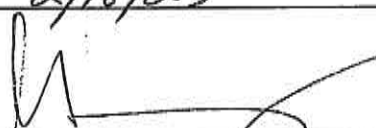
15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

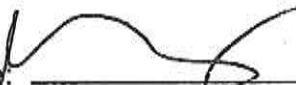
- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input 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: _____ |
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ORIGINAL Property Owner's Signature: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) Gerald E. Atkins

ORIGINAL Applicant's Signature: 
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7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

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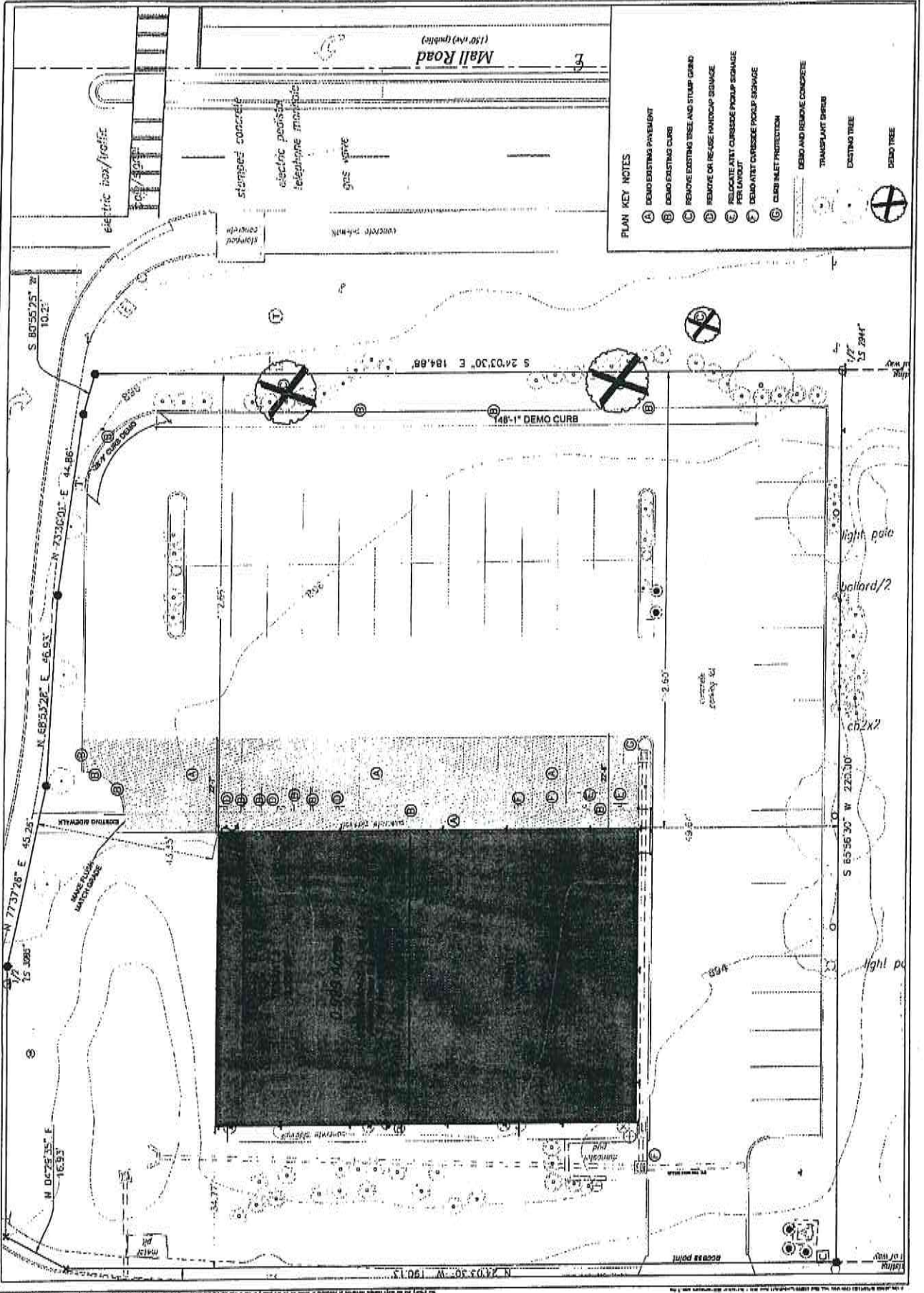


VIOXX & VIOX
 Civil Engineers, Surveyors and Landscape Architects
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 www.vioxx.com



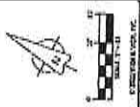
7841 MALL ROAD SITE PLAN SUBMITTAL
 7841 MALL RD FLORENCE, KY 41042
 EXISTING CONDITIONS AND DEMO

DATE	NO.	DESCRIPTION

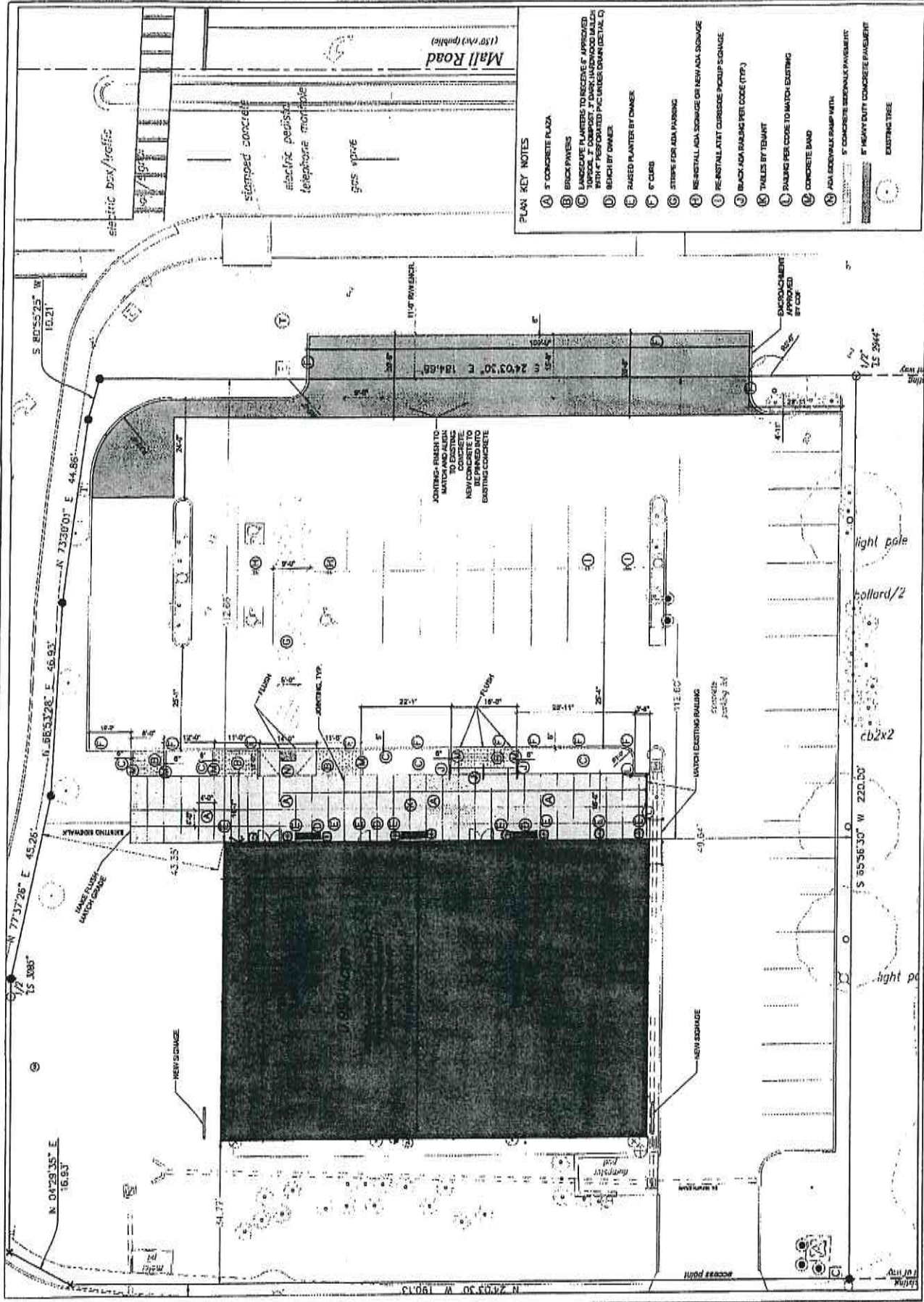


- PLAN KEY NOTES**
- (A) DEMO EXISTING PAVEMENT
 - (B) DEMO EXISTING CURB
 - (C) REMOVE EXISTING TREE AND STUMP GRAB
 - (D) REMOVE OR REUSE HANDICAP SIGNAGE
 - (E) RELOCATE ART CURBSIDE PICKUP SIGNAGE PER LAYOUT
 - (F) DEMO ART CURBSIDE PICKUP SIGNAGE
 - (G) CURB PAINT PROTECTION
 - (H) DEMO AND REMOVE CONCRETE
 - (I) TRANSPLANT TREES
 - (J) EXISTING TREE
 - (K) DEMO TREE

THIS PLAN AND ALL INFORMATION CONTAINED HEREON IS THE PROPERTY OF VIOXX & VIOX. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF VIOXX & VIOX. THE USER OF THIS PLAN AGREES TO HOLD VIOXX & VIOX HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN AGREES TO INDEMNIFY AND HOLD VIOXX & VIOX HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN.



- PLAN KEY NOTES**
- (A) 5" CONCRETE PLAZA
 - (B) BRICK PAVINGS
 - (C) LANDSCAPE PLANTING TO RECEIVE 5" APPROVED 12" DIA. UNPAVED WOOD MULCH WITH 4" PERFORATED POLYMER SAND (PPS) (SEE SPEC. SECTION 02110)
 - (D) BENCH BY OWNER
 - (E) RAISED PLANTER BY OWNER
 - (F) CURB
 - (G) STRIPE FOR ADA PARKING
 - (H) RE-INSTALL ADA SIGNAGE OR NEW ADA SIGNAGE
 - (I) RE-INSTALL ADA CURBSIDE PICKUP SIGNAGE
 - (J) BACK ADA SIGNAGE PER CODE (IF APPLICABLE)
 - (K) TABLES BY OWNER
 - (L) PAVING PER CODE TO MATCH EXISTING
 - (M) CONCRETE BAND
 - (N) ADA ACCESSIBLE RAMP WITH 1:12 SLOPE
 - (O) 5" CONCRETE SIDEWALK PAVEMENT
 - (P) 5" HEAVY DUTY CONCRETE PAVEMENT
 - (Q) EXISTING TREE



JOINTS - RUSH TO MATCH AND ALIGN TO EXISTING CONCRETE. NEW CONCRETE TO BE Poured INTO EXISTING CONCRETE.

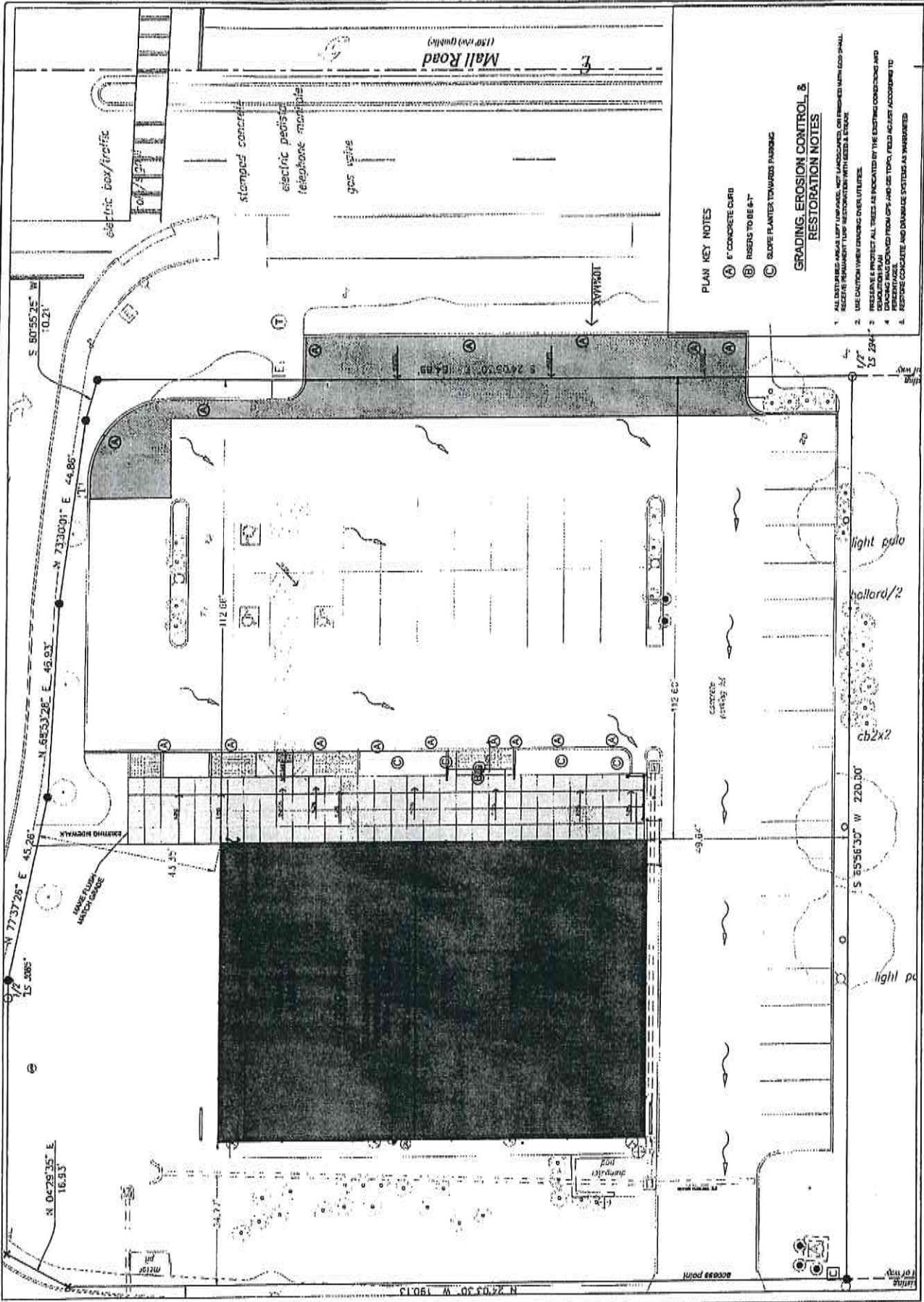


VOX & VOX
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 700 East Avenue, Suite 100, Lexington, KY 40502
 606-253-1234
 www.voxandvox.com




7841 MALL ROAD SITE PLAN SUBMITTAL
 7841 MALL RD FLORENCE, KY 41042
 GRADING PLAN

DATE	DESCRIPTION

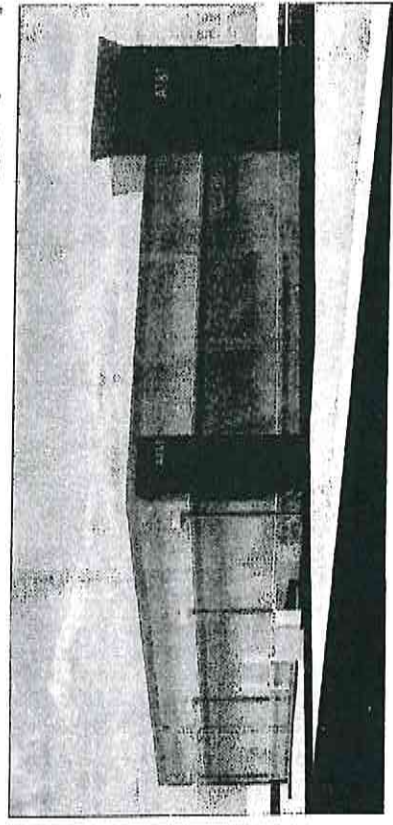


C4

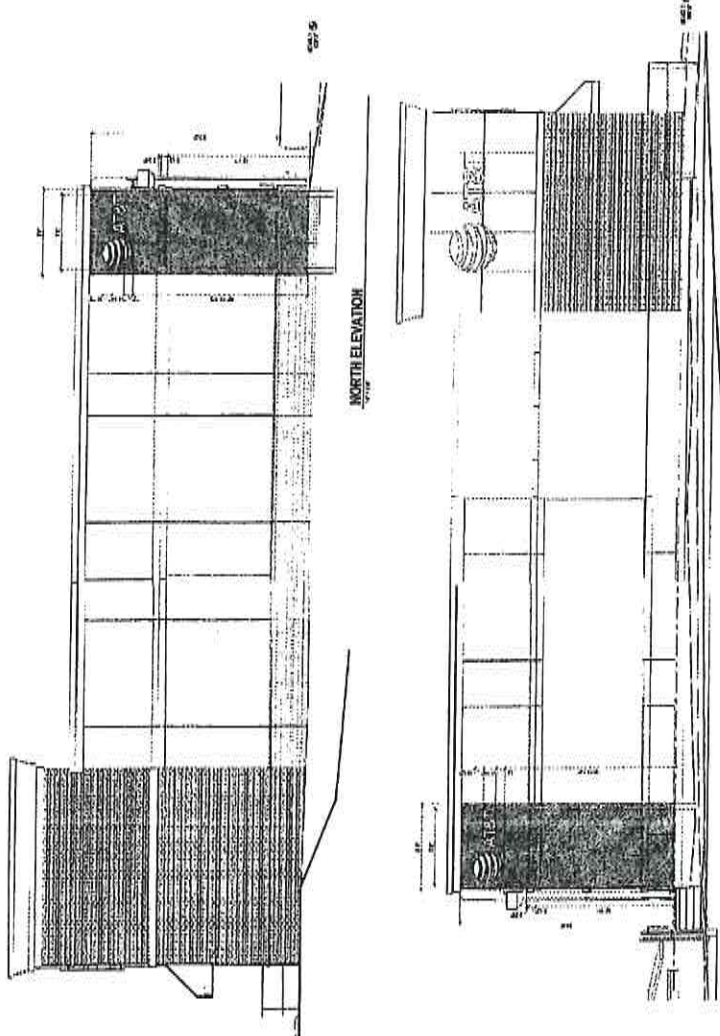


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PO Box 12345 + Florence, KY 41042
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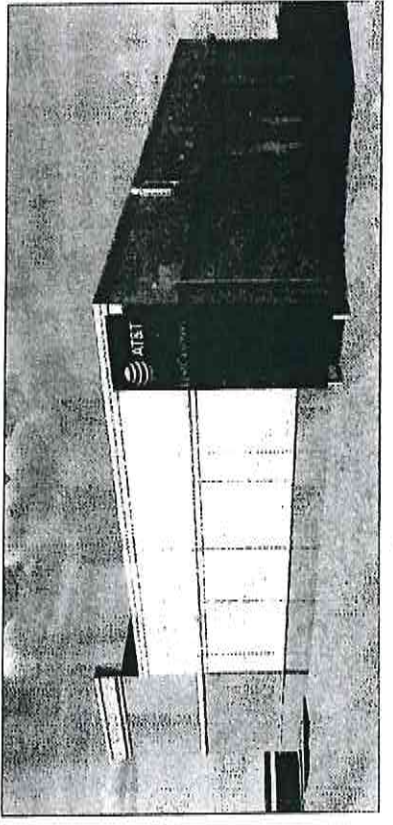
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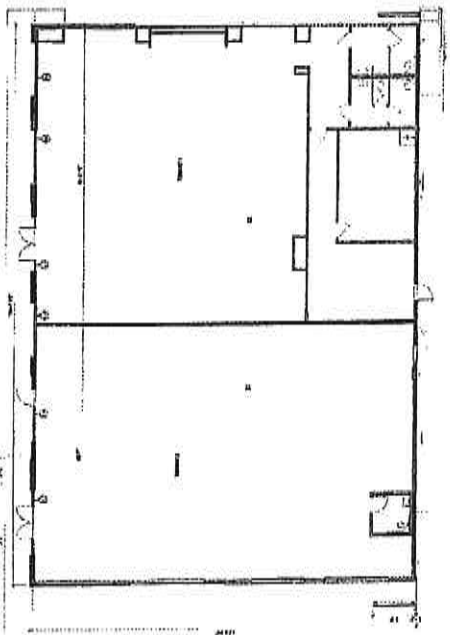
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



NEW CONSTRUCTION FLOOR PLAN

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:54 p.m.

CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Michael Schwartz, Staff

2. Request of **7841 Mall Road LLC, per Jerry Atkins (applicant/owner)** for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The request involves two parts: a Change in Concept Development and a Zoning Map Amendment for a Special Sign District. The site is located at the intersection of Cayton Road and Mall Road. It has 3 frontages – 185 feet along Mall Road, 207 feet along Connector Drive and 213 feet along Cayton Road. Mr. Schwartz described the site history. The site is located within the Mall Road District and information is provided on Page 6 of the Staff Report. The site is occupied by a 7,500 square foot retail/service building with 56 parking spaces. Access is currently provided by Connector Drive. Mr. Schwartz showed photographs of the site and adjoining properties. The site is currently zoned C-2/PD/MR. Page 2 of the Staff Report contains the applicable zoning regulations. The site is located in the 55 DNL for aircraft noise. The Future Land Use Map designates the site for Commercial (C) uses. Pages 3-5 of the Staff Report include references to the Comprehensive Plan. Mall Road is a city maintained road as well as Cayton Road and Connector Drive. Mr. Schwartz showed a photograph of the existing parking lot and Mall Road. This is important because the applicant is requesting to use some of the Mall Road right-of-way since some of the existing parking spaces will be removed due to a minor redevelopment in front of the building. This is identified in the previously approved Minor Site Plan. The existing building will also be refaced. Two free standing signs are also being sought. A Special Sign District is required because only one is allowed. Additional landscaping is planned in front of the building and along Mall Road and Connector Drive. Mr. Schwartz showed various building elevations. The applicant is proposing to remove the signage on the back of the building and replace it with new free standing signs on the sides of the building. These signs are 22.3 feet in height and 40.50 square feet in sign area. They have a mesh screening and are offset from the building about a foot. Normally, two signs are not allowed by code. In the Staff Report, there is a table that describes what exists, what is allowed and what is proposed. On Page 8 of the Staff Report, there are a list of items that are being proposed to be modified. Finally, Staff would like to know whether the City has already indicated that they would issue an encroachment permit.

Chairman Rolfsen asked if AT&T was going to stay in the building? Mr. Schwarz replied yes but was going to move to the other side of the building and only rent half the amount of space. Lens Crafters would move from the Florence Mall to the other vacant tenant space.

Mr. Lunnemann stated that the project is really dependent on whether the City allows the applicant to use the right-of-way for landscaping or parking. To date, the Staff has not received confirmation from the City that they are okay with the applicant's proposal.

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

Mr. Jerry Atkins, applicant, stated that he acquired the building in June, 2021. He tried to acquire it when he developed the Mall Road Shoppes of Florence. He described the history of the area and his work. They are a long-term owner of properties. He spends more money on flowers than Florence Mall. He would like to make the AT&T building to match the Mall Road Shoppes building.

He has worked with Skyline Chili to redo their building. The sidewalk next to the existing building is unsafe. It is too narrow and cars park over it. The City of Florence supports the proposed plan. He will also plant high grass and flowers around the detention pond. On the Starbucks project, his company got permission to use the right-of-way in order to create better circulation. The problem with the site is that it has a back and a front that is seen by the public. To get into the building, you go through the back. If you are driving from Connector Road, one doesn't know the name of the building. There is no signage. Thus, the need for signage for 2 tenants. It is tastefully done. The cylinder sign will be removed from the site. AT&T will rent 4,000 square feet and 3,500 square feet is for Lens Crafters. The side of the building will look better with the signs and additional landscaping.

Mr. Brock MacKay read an email from Mr. Josh Hunt supporting the use of the Mall Road right-of-way.

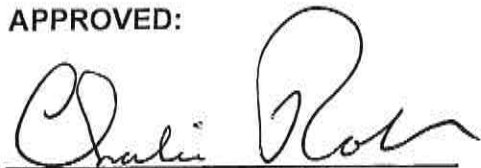
Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no one else, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Harper noted that the lack of signage on Connector Drive is a problem for the public. Whether the proposed type of signs are approved or not, it is a problem.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:18 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
MARCH 1, 2023
7:00 P.M.**

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's March 1, 2023 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mr. David Hincks
Mr. Bob Schwenke
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

None

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mrs. Alaina Hagenseker, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the February 15, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? Mr. Costello noted a correction on Page 7 of the February 15, 2023 Public Hearing Minutes, the second complete paragraph. A sentence should be added after the first sentence. It should read, "Mr. Morgan replied that he would follow up with the Airport."

Mrs. Kegley moved to approve the Minutes subject to the change stated by Mr. Costello. Mrs. Goetting seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between February 2, 2023 and March 1, 2023.

EXPENSES:

Accounting Fees	\$ 978.40
Attorney Fees	5,400.00
Auto Expense	80.77
Consultant/Professional Svcs Fees	3,131.25
Filing Fees (CLURS)	900.00
Legal Ads/Recruitment	340.44
Miscellaneous Expense	232.54
Office & Board Meeting Supplies	856.80
Office Equipment / Expense	318.78
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	689.00
Professional Development	<u>653.88</u>
TOTAL:	\$ 14,081.86

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,337.98
Health/Dental/Life/LTD	12,832.06
Retirement – BCPC Portion	22,514.32
Salaries – Staff Expenses	86,497.38
Salaries – BCPC & BOA	<u>1,615.00</u>
TOTAL:	\$129,796.74
GRAND TOTAL:	\$143,878.60

Ms. Gulick moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mrs. Goetting seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff

1. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an

approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Jim Bertrum, Engineer, stated that he was available to answer any questions.

Seeing no further comment, **Ms. Gulick moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Szurlinski seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, David Hincks, Chairman, Alaina Hagenseker, Staff

2. Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Rick Lunnemann, Chairman, Michael Schwartz, Staff

3. Request of **7841 Mall Road LLC, per Jerry Atkins (applicant/owner)** for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. There is a signed Committee sheet. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

4. Floor & Décor – Houston Road

Staff Member, Alaina Hagenseker, referred to a PowerPoint presentation. The Committee met prior to the Business Meeting to review the building materials and colors to make sure they comply with the regulations. Staff met with the applicant several times and revised their plans. The Committee recommended approval based on meeting the requirements of the Houston-Donaldson Study. The site is located on Houston Road next to Lowe's. The site was part of an overall plan for Turfway Square.

Mr. Tilton McCoy, Floor & Décor, stated that Phase I of the development will include their store and Phase 2 will include the outlots bordering Houston Road. They hope to start grading the site later this month.

Mr. Costello asked if the proposed project met all the original conditions for the site? Mrs. Hagenseker replied yes. Will they meet the buffer line requirement. The idea was not to be able to see the building from I-75. What about the existing free-standing sign? Will they use it?

Mr. Aaron Douglas, Floor & Décor, responded that the pylon sign on the highway is pretty full but they will look at doing something. It is not critical for them to open and operate their store.

Mr. Lunnemann moved to approve the request as presented by Mrs. Hagenseker. Mr. Szurlinski seconded the motion and it passed unanimously.

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

5. Bosch – 15 Spiral Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The proposed addition is on the back of the building. It will sit back approximately 520 feet from Aero Parkway. The original building was built in the early 1990s and the materials used then do not meet the current Houston-Donaldson Study requirements. The proposed addition will match the same materials and colors used when the building was first built. The 3,200 square foot addition will be used for additional storage.

Mr. Lunnemann moved to approve the request as presented by Mr. Schwartz. Mr. Richardson seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

6. Request of **Terrace Townhomes, LLC, per Brad Trauth (applicant)** for **Terrace Development Co., LLC, per Phil Drees (owner)** for a Zoning Map Amendment from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The request is to allow the development of six (6) attached single-family residential units (this is an amended application that was deferred from March 1, 2023).

ZONING MAP AMENDMENT, Michael Schwartz, Staff

7. Request of **Dinsmore Homestead Foundation Inc, per Barbara Bardes (applicant)** for **Dinsmore Homestead Foundation Inc, per Barbara Bardes and County of Boone, per Jeff Earlywine, County Administrator (owners)** for a Zoning Map Amendment from Conservation (CONS) to Conservation/Planned Development (CONS/PD) for an approximate 9.2 acre area located along the northwest side of Burlington Pike, between Middle Creek Road and Bellevue Road, approximately 650 feet southwest of Middle Creek Road, and being part of the properties located at 5656 Burlington Pike and 5700 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow the development of a heritage center building and an off-street parking area.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

8. Request of **Black and Veatch, per Breanne Mocaby, on behalf of Electrify America (applicant)** for **Meijer Stores Limited Partnership, per Matt Levit (owner)** for a Change of Concept Development Plan in an Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 0.28 acre portion of the 26.32 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change of Concept Development Plan to allow an electric vehicle charging station.

Ms. Gulick moved to schedule the Public Hearing for Items #6, #7 and #8 on April 5, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.

H. Executive Director's Report:

Mr. Kevin Costello, AICP, referred to his February 22, 2023 memo regarding the Addendum to the Professional Services Contract with enCode Plus. He explained that Staff is gearing up for the 5 year update of the Comprehensive Plan. The Memo explains the services and products offered by enCode Plus. It is the same firm that the Planning Commission used in 2019 to create new format for the 2020 Zoning Update. That format is also being used for the 2023 update of the Subdivision Regulations. The Addendum covers developing a new format for the preparation

and adoption of the Comprehensive Plan update. It also includes creating a new project website.

As a result, Mr. Turner moved to authorize the Executive director to sign the Addendum to the original software license agreement with enCode Plus at a total cost of \$16,750. Mr. Richardson seconded the motion and it passed unanimously.

I. Committee Reports:

- Airport (Randy Bessler)
No Report
- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report
- Executive
No Report

J. Chairman's Report:


**K. OKI Report: (Randy Bessler)
No Report**

L. Other:

M. Adjournment:

There being no further business to come before the Planning Commission, **Ms. Gulick moved to adjourn the meeting. Mrs. Steele seconded the motion and it passed unanimously. The meeting was adjourned at 7:29 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: March 1, 2023

RE: Request of **7841 Mall Road LLC, per Jerry Atkins (applicant/owner)** for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

REMARKS:

1. We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the above referenced Change in an Approved Concept Development Plan based on the following findings of fact:

FINDINGS OF FACT:

1. The Committee concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
 - a. The 2040 Future Land Use Map designates the site for Commercial (C) uses. This future land use classification is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." (pg. 98).

The submitted plan indicates the continued use of the site for retail/service uses.

- b. The Land Use Element contains the following passage:

The Mall Road area was recommended (through the 2002 Mall Road Corridor Study) to become a new urbanism corridor. The current planning effort for the area, the Mall Road District Study, calls for a dense, well designed urban style of development that should occur over time. Residential development may be a part of this urban area, but should be located to minimize noise impacts from the interstate and airport. The entire area of Steinberg Drive, Rosetta Drive, Connector Drive, and the I-75 Mall Road ramps should be planned in detail to provide mixed use development that includes a good road connection and traffic circulation between the Pleasant Valley Road corridor and I-75. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Church Road. However, the highway-

scaled, automobile oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's transit hub on Mall Rd.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

Attention must be given to the changing nature of retail and how it relates to the future of Florence Mall and other retail centers and stores. On-line retail continues to increase and the effect it is having on suburban malls, big box retailers, and other national retail chains cannot be ignored. Consideration must be given to how these stores may be able to reinvent themselves and continue as retail-based destinations that focus on experience-based shopping.

The visual appearance of commercial areas in general and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process. The Mall Road District Study recommends a new direction for Mall Road that included the potential for more entertainment uses, high rise condominium, mixed use, and residential development. This is currently being implemented as part of the Mall Road District Study (Land Use, Description and Purpose of Land Use Maps, 14 Florence Commercial, page 126).

The submitted plan indicates that the existing building will be divided into two tenant spaces and will provide for a safer pedestrian walkway in front of the building. By doing so, the existing parking area needs to be relocated.

2. The proposal is in agreement with the following Goals and Objectives:
 - a. 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).
 - b. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

7841 Mall Road

March 1, 2023

Page 3

- c. 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).
- d. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
- e. 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).
- f. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
- g. 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).
- h. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

The submitted plan will allow for the safe and efficient re-design of the site.

3. The Committee has concluded that the proposed Special Sign District meets the criteria for approval, as provided for in Section 3410.C of the zoning regulations.

Due to the location of the site, and that it has frontage along three (3) streets, the proposed signage will provide the necessary wayfinding for motorists while not detracting from the appearance of adjacent areas.

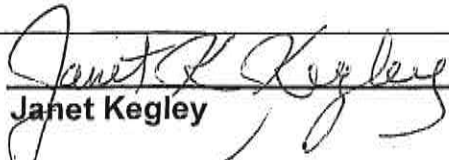
4. The Committee concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the conditions:

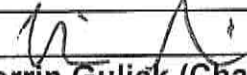
CONDITIONS:

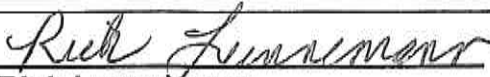
1. Street tree landscaping along Cayton Road and Connector Drive shall meet the minimum requirements of the zoning regulations.
2. Subject to the approval of the City of Florence, the plant material for a Buffer Yard A shall be provided along Mall Road.
3. An encroachment permit from the City of Florence shall be required for any development within the Mall Road right-of-way.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
7841 Mall Road
March 1, 2023
Page 4

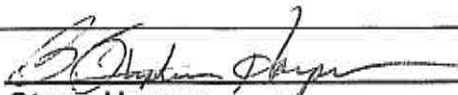
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.


Janet Kegley
For Project Absent
Against Project
Abstain Deferred

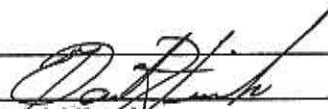

Corrin Gulick (Chairwoman)
For Project Absent
Against Project
Abstain Deferred


Rick Lunnemann
For Project Absent
Against Project
Abstain Deferred

Kathy Clark (Alternate)
For Project Absent
Against Project
Abstain Deferred


Steve Harper
For Project Absent
Against Project
Abstain Deferred

Steve Turner (Alternate)
For Project Absent
Against Project
Abstain Deferred


David Hincks
For Project Absent
Against Project
Abstain Deferred

Jackie Steele (Alternate)
For Project Absent
Against Project
Abstain

TOTAL: DEFERRED FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Corrin Gulick, Chairwoman
DATE: February 15, 2023

REMARKS:

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

CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Rick Lunnemann, Chairman, Michael Schwartz, Staff

2. Request of **7841 Mall Road LLC, per Jerry Atkins (applicant/owner)** for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:54 p.m.

CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Michael Schwartz, Staff

2. Request of 7841 Mall Road LLC, per Jerry Atkins (applicant/owner) for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The request involves two parts: a Change in Concept Development and a Zoning Map Amendment for a Special Sign District. The site is located at the intersection of Cayton Road and Mall Road. It has 3 frontages – 185 feet along Mall Road, 207 feet along Connector Drive and 213 feet along Cayton Road. Mr. Schwartz described the site history. The site is located within the Mall Road District and information is provided on Page 6 of the Staff Report. The site is occupied by a 7,500 square foot retail/service building with 56 parking spaces. Access is currently provided by Connector Drive. Mr. Schwartz showed photographs of the site and adjoining properties. The site is currently zoned C-2/PD/MR. Page 2 of the Staff Report contains the applicable zoning regulations. The site is located in the 55 DNL for aircraft noise. The Future Land Use Map designates the site for Commercial (C) uses. Pages 3-5 of the Staff Report include references to the Comprehensive Plan. Mall Road is a city maintained road as well as Cayton Road and Connector Drive. Mr. Schwartz showed a photograph of the existing parking lot and Mall Road. This is important because the applicant is requesting to use some of the Mall Road right-of-way since some of the existing parking spaces will be removed due to a minor redevelopment in front of the building. This is identified in the previously approved Minor Site Plan. The existing building will also be refaced. Two free standing signs are also being sought. A Special Sign District is required because only one is allowed. Additional landscaping is planned in front of the building and along Mall Road and Connector Drive. Mr. Schwartz showed various building elevations. The applicant is proposing to remove the signage on the back of the building and replace it with new free standing signs on the sides of the building. These signs are 22.3 feet in height and 40.50 square feet in sign area. They have a mesh screening and are offset from the building about a foot. Normally, two signs are not allowed by code. In the Staff Report, there is a table that describes what exists, what is allowed and what is proposed. On Page 8 of the Staff Report, there are a list of items that are being proposed to be modified. Finally, Staff would like to know whether the City has already indicated that they would issue an encroachment permit.

Chairman Rolfsen asked if AT&T was going to stay in the building? Mr. Schwarz replied yes but was going to move to the other side of the building and only rent half the amount of space. Lens Crafters would move from the Florence Mall to the other vacant tenant space.

Mr. Lunnemann stated that the project is really dependent on whether the City allows the applicant to use the right-of-way for landscaping or parking. To date, the Staff has not received confirmation from the City that they are okay with the applicant's proposal.

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

Mr. Jerry Atkins, applicant, stated that he acquired the building in June, 2021. He tried to acquire it when he developed the Mall Road Shoppes of Florence. He described the history of the area and his work. They are a long-term owner of properties. He spends more money on flowers than Florence Mall. He would like to make the AT&T building to match the Mall Road Shoppes building.

He has worked with Skyline Chili to redo their building. The sidewalk next to the existing building is unsafe. It is too narrow and cars park over it. The City of Florence supports the proposed plan. He will also plant high grass and flowers around the detention pond. On the Starbucks project, his company got permission to use the right-of-way in order to create better circulation. The problem with the site is that it has a back and a front that is seen by the public. To get into the building, you go through the back. If you are driving from Connector Road, one doesn't know the name of the building. There is no signage. Thus, the need for signage for 2 tenants. It is tastefully done. The cylinder sign will be removed from the site. AT&T will rent 4,000 square feet and 3,500 square feet is for Lens Crafters. The side of the building will look better with the signs and additional landscaping.

Mr. Brock MacKay read an email from Mr. Josh Hunt supporting the use of the Mall Road right-of-way.

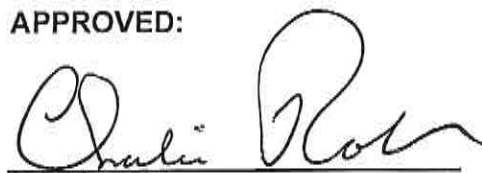
Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no one else, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Harper noted that the lack of signage on Connector Drive is a problem for the public. Whether the proposed type of signs are approved or not, it is a problem.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:18 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director