

RESOLUTION R-21-006-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF FARMVIEW COMMONS LLC (APPLICANT) FOR ERPS, INC. (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR AN APPROXIMATE ±11.82 ACRE SITE LOCATED ON THE NORTHEAST CORNER OF THE U.S. 42/FARMVIEW DRIVE INTERSECTION AND THE SOUTHEAST CORNER OF THE OLD U.S. 42/FARMVIEW DRIVE INTERSECTION, FLORENCE (±10.80 ACRES) AND UNION (±1.14 ACRES), KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE KENTUCKY AND THE CITY OF UNION, UNION, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ±11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, 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, and the City of Union, Union, 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 a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ±11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky.

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

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ±11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky.

The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOKS: 517, 425 PAGE NOS: 158, 301, respectively (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 Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ± 11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky, findings of fact 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."

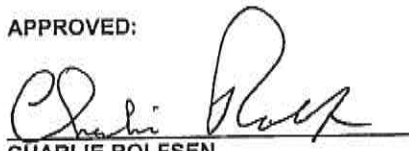
The Committee recommended approval, with conditions, for this request based on the findings of fact as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ± 11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, and the City of Union, Union, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 19TH DAY OF MAY, 2021.

APPROVED:


CHARLIE ROLFSEN
CHAIRMAN

ATTEST:


TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR/tlb

EXHIBIT

“A”

STAFF REPORT

Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

February 3, 2021

PROPOSAL

This application is for a Change in Concept Development in a Commercial Two/Planned Development (C-2/PD) zone. The majority of the property consists of an approximate 10.8 acre tract that is in the City of Florence. The remainder is an approximate 1.14 acre tract located along the site's Farmview Drive frontage that is in the City of Union (11.94 total acres is slightly different than the 11.82 acre figure stated on the current application).

The 10.8 acre tract was part of a Zoning Map Amendment and Concept Development Plan for a 321 acre area on both sides of US 42 (Plantation Pointe North) that was conditionally approved by the City of Florence in 1996. This tract is identified as "Area 12" on the 1996 Concept Development Plan. The 10.8 acre tract is also subject to a Change in Concept Development Plan that was conditionally approved in 2014 to modify a 35 foot maximum building height condition for the subject area. A zone change from RSE to C-2/PD was approved concurrently in 2014 for the 1.14 acre tract, subject to the same conditions and 1996 Concept Development Plan which applied to the 10.8 acre tract (approval documents are attached).

The submitted Concept Development Plan outlines two options ("A" and "B") for the development of the property. Both options have the same, main internal circulation plan with a shared east-west driveway that runs between Farmview Drive and the existing driveway that runs along the east boundary between US 42 and Old US 42. A shared north-south driveway is proposed between the east-west route and Old US 42. Sidewalks are shown along both sides of the east-west driveway and along one side of the existing driveway which runs along the east boundary (between the proposed east-west driveway and US 42). The access point on Farmview Drive is proposed to be restricted to right-in/right-out movements only. Direct access for all lots is from the internal driveways in both plan options.

A synopsis of the two Concept Development Plan options is as follows.

Option A

Lot 1 (0.97 Acres): 4,000 square foot building for commercial uses, including eating and drinking establishments.

Lot 2 (0.90 Acres): 5,360 square foot building for commercial uses, including eating and drinking establishments.

Lot 3 (0.88 Acres): 5,400 square foot building for commercial uses, including eating and drinking establishments.

Lot 4 (1.12 Acres): 8,000 square foot building for commercial uses, including eating and drinking establishments.

Lot 5 (1.30 Acres): 8,000 square foot building for commercial uses, including eating and drinking establishments.

Lot 6 (5.00 Acres): A building with a 25,866 square foot footprint for an elderly housing facility, multi-family housing, or medical offices. This is potentially a multi-story building.

Lot 7 (1.65 Acres): Storm water detention and open space amenity with a seating area.

The parking areas for the US 42 frontage lots (Lots 1 through 5) are proposed to be interconnected with shared driveways along the interior property lines. The internal landscape buffer yards are adjusted to accommodate these shared driveways. Drive-through facilities are shown on Lots 1, 3, 4, and 5.

Option B

Lot 1 (1.62 Acres): 6,153 square foot car wash building.

Lot 2 (1.00 Acres): 5,200 square foot building for commercial uses, including eating and drinking establishments.

Lot 3 (1.26 Acres): 8,000 square foot building for commercial uses, including eating and drinking establishments.

Lot 4 (1.30 Acres): 8,000 square foot building for commercial uses, including eating and drinking establishments.

Lot 5 (5.00 Acres): A building with a 25,866 square foot footprint for an elderly housing facility, multi-family housing, or medical offices. This is potentially a multi-story building.

Lot 6 (1.65 Acres): Storm water detention and open space amenity area with a seating area.

For Option B, the parking areas for three of the US 42 frontage lots (Lots 2 through 4) are proposed to be interconnected with shared driveways along the interior property lines. The internal landscape buffer yards are adjusted to accommodate these shared driveways. Drive-through facilities (aside from the car wash) are shown on Lots 2, 3, and 4.

The broader "commercial" use category stated on the Concept Development Plan options is proposed to include the uses approved for Area 12 in the 1996 Concept Development Plan, "automotive retail services," and drive-through facilities for eating and drinking establishments and retail uses (except for banks, drive-through facilities are not included on the 1996 list). Other proposed uses that are not included in the approved 1996 use list include a car wash, elderly housing facility ("senior multi-family residential" as stated in the application materials), and multi-family residential.

Monument signs are proposed at the southeast and southwest corners of the overall site along US 42, and at the Old US 42 entrance (three total). A 20 foot wide landscape area is proposed along the US 42 frontage on both plan options. Landscape perimeters are shown around each lot and landscape islands/peninsulas are shown in the vehicular areas. A potential retaining wall is shown along the west boundary of Lot 1 on both plan options.

An architectural concept with illustrative vignettes was submitted. The concept shows a wholly brick structure with detailing on all facades and black storefront units, black fabric awnings, and black standing seam metal roofing. The architectural design requirements which were adopted per the 1996 conditions of approval require a pitched roof over the entire structure (a later exception was adopted for buildings which were greater than 100' X 200'). The architectural concept illustrates a substantially flat roofed structure with a gabled roof form on one end. The applicant's narrative requests "that the pitched roof requirement be reduced so that each building has some pitched roof element, but not the entire roof."

The application also requests that a 50 foot maximum building height be permitted on the entire site. Condition 1 of the 1996 approval limited building height in this area to 35 feet. Condition 2 of the 2014 approvals states that "lots with frontage on 'new' US 42 can have a 50 foot building height and that the building height for the lots with frontage along Old US 42 will remain 35 feet with the provision that architectural details/features can extend above to a maximum of 50 feet from grade."

Public water and sanitary sewer service are proposed. The application materials, including the Concept Development Plan sheets, two narratives, and Traffic Impact Study excerpts, are attached.

SITE HISTORY

- 1996 A Zoning Map Amendment and Concept Development Plan for a 321 acre area on both sides of US 42 (Plantation Pointe North), which includes the 10.8 acre tract, was conditionally approved by the City of Florence. This tract is identified as "Area 12" on the 1996 Concept Development Plan.
- 2014 A Change in Concept Development Plan to modify the previous building height condition for the 10.8 acre tract was conditionally approved by the City of Florence. Concurrently, a zone change from RSE to C-2/PD was conditionally approved for the 1.14 acre tract.

The approval documents for these applications are attached.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following:

- A. A residential condominium development (Village at South Fork Creek) is located to the north on the opposite side of Old US 42 (UR-1). A farm tract with a detached single family dwelling and several outbuildings is located to the northeast (SR-1). A subdivision of detached single family dwellings and attached dwellings (Farmview) is located to the northwest (SR-1/PD).
- B. A medical office building and a bank are located to the east (C-2/PD).
- C. Commercial and office uses are located to the south, southeast, and southwest on the opposite side of US 42 (C-2, C-2/PD, and O-1/PD).
- D. A wooded area (expanded road right-of-way) is located to the immediate west on the opposite side of Farmview Drive (RSE) and a medical office building is located further to the west (O-1).

SITE CHARACTERISTICS

The site contains 11.82 acres and has approximately 855 feet of frontage on US 42, approximately 295 feet of frontage on Farmview Drive, and approximately 1,175 feet of

frontage on Old US 42. The topography of the site is fairly level overall with steeper slopes in the northeast corner and along the Old US 42 and Farmview Drive frontages. The high point is at the southeast corner of the site at approximately el 855, and the low point is along Old US 42 adjoining the intersection with Rio Grande Circle at approximately el 816. The site contains no structures and has existing tree cover along the Old US 42 frontage.

Soil types on the site include Faywood silty clay (FdD3) and Rossmoyne Silt Loam (RsC). Public water and sanitary sewer mains exist in several locations around the site. Section 3210 "Functional Roadway Classification" of the Boone County Zoning Regulations identifies US 42 as an arterial roadway. Farmview Drive and Old US 42 are identified as local streets in the Planning Commission's GIS system.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Our Boone County Plan 2040 Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the site and general area.

- A. Mixed-use development, that has commercial uses focused along U.S. 42 and varying types of residential uses, should occur southwest of its intersection with Pleasant Valley Road. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union ("13. Pleasant Valley," p. 124).
- B. This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2040 Future Land Use Map and also affect the Boone County Zoning Regulations.

The U.S. 42 corridor should experience commercial growth on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial ("20. Union," p. 137).

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," p. 95).
- B. Different residential development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists (or is planned) to support the development ("Development Layout, Lot Sizes, and Setbacks," p. 95).
- C. 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. ("Buffering," p. 95).
- D. 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 ("Landscaping," p. 96).

- E. 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 ("Landscaping," p. 96).
- F. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and sight distance for access points, adequate spacing between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service. In addition, the amount of travel time saved for services relying on routing (such as school buses, waste collection, mail, and other delivery services) is invaluable, not to mention the importance of simply connecting neighborhoods and people to each other. More importantly, the connectivity between developments promotes safety as emergency response vehicles have multiple ways of gaining access to a property during an emergency ("Access Management," p. 96).
- G. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways ("Transportation and Pedestrian Network," p. 97).
- H. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or

distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view ("Design, Signs, and Cultural Resource Preservation," p. 97).

The Demographics Element provides the following statements that relate to the proposal.

- A. Constant monitoring and analyzing the demographics of a population will give understanding as to the needs of the residents of Boone County. By doing this, the possibility of inadvertently discriminating against or not meeting the needs of any segment of the population is avoided as it becomes more diverse racially and ethnically. It is clear that Boone County's population will continue to grow older. Therefore, appropriate housing must be provided for the growing elderly population near transit, commercial areas, and public facilities and be consistent with the desires of that segment of the population. This can be addressed by providing multi-family dwellings such as apartments, condominiums, assisted living complexes, and even smaller 1-story single family homes or "granny flat" accessory units to single family homes.

Furthermore, by continuing to monitor the composition of the population, Boone County will be more prepared to provide proper and adequate amenities that encourage them to stay in the county rather than moving elsewhere for their needs to be met. Knowing the makeup of the population will assist in providing the appropriate housing, employment, and retail shopping opportunities to meet their needs at the countywide level as well as within specific areas within the county as development plans and zone change requests are reviewed ("Identify the Needs of the Population," p. 19).

- B. A variety of multi-family housing options should include apartments, townhouses, patio homes, condominiums, nursing homes, and retirement housing all ranging greatly in price per unit to accommodate a wide range of relative affordability. These types of units are increasing in demand beyond the established urban areas such as Florence and should be encouraged to occur in the unincorporated portions of Boone County as viable options for both the building community and the prospective resident, especially as the county's land values rise ("Housing Types and Locations," p. 19).
- C. New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban

(and suburban) areas of Boone County would encourage mixing of different income levels ("Housing Types and Locations," p. 19).

- D. Established single-family housing areas should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided to ease the transition. Duplexes are often more successful than multi-family housing in blending in with single-family residential surroundings. Therefore, when buffering is minimal between single-family housing areas and proposed multi-family units, an appropriate transitional area of duplexes may be designed ("Housing Types and Locations," p. 20).
- E. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters ("Housing Types and Locations," p. 20).
- F. Mixed-use, planned developments that can provide a mix of housing options, commercial opportunities, offices, public uses, recreational uses, and multiple transportation options (i.e. transit, pedestrian, park-and-ride) could be one strategy for meeting this demand for higher density. Areas of employment growth in Boone County should experience development pressure for housing options relative in affordability to the jobs and shopping opportunities being created in the area ("Affordability," p. 20).
- G. In conclusion, it is essential that the makeup of Boone County's population be accurately identified in order to make sure that all resident needs and housing opportunities are met and balanced with affordability, proximity to employment and commercial centers, access to educational resources, and proximity to public transportation as needed. Residential development has occurred at a lower density than planned in the Future Land Use Plan over the last several comprehensive plan updates in Boone County and the development has predominantly been in a limited variety of product, typified by mid-to high-range single-family subdivisions at approximately three units per acre. The demand for this product should remain fairly strong throughout the 25 year planning horizon; however, Boone County needs to be open to changes in the market as well as type and design of housing options in the coming years as the demographics of the county evolve (p. 21).

The Our Boone County – Plan 2040 Goals and Objectives include the following pertinent statements.

- A. Mixing of residential and other land uses shall be encouraged where appropriate ("Overall," Objective 3).
- B. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems ("Overall," Objective 3).
- C. The unique characteristics of the legislative units and their different development and infrastructure needs should be recognized and accommodated ("Overall," Objective 5).
- D. The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed ("Demographics," Goal A, Objective 2).
- E. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population ("Demographics," Goal A, Objective 3).
- F. 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).
- G. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs. [Unincorporated Boone County, City of Union, City of Walton only].

A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs. The City of Florence acknowledges the need for affordable housing opportunities, but also desires an equal balance of housing options to maintain a diverse city. [City of Florence only] ("Demographics," Goal B, Objective 1).

- H. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density ("Demographics," Goal B, Objective 4).
- I. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed transportation nodes and shall be designed to establish neighborhoods with a mix of retail, public, and recreational uses ("Demographics," Goal B, Objective 6).

- J. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features ("Demographics," Goal B, Objective 8).
- K. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical. [Unincorporated Boone County, City of Union, City of Walton only].

Development shall utilize existing topography and vegetation (including mature trees) and preserve the existing character of the land. [City of Florence only] ("Environment," Objective 7).
- L. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses ("Economy," Goal B).
- M. 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).
- N. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems ("Economy," Goal B, Objective 1).
- O. 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).
- P. 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).
- Q. Development of mixed use designed to lessen vehicle travel shall be encouraged ("Transportation," Goal A, Objective 8).
- R. New connector streets shall be developed where needed and feasible to lessen the dependence on arterial, collector, and local streets ("Transportation," Goal B, Objective 5).

- S. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," Goal B, Objective 6).
- T. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, major streets and interstates, public facilities, and parks ("Transportation," Goal B, Objective 8).
- U. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and with the regional multi-modal transportation system ("Transportation," Goal B, Objective 9).
- V. Developers of planned, mixed-use neighborhoods shall design such projects so that residential, retail, office, and compatible light-industrial land uses can be served by transit stations or stops, pedestrian and bicycle facilities, open space, and public uses ("Transportation," Goal C, Objective 4).
- W. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed-use districts ("Transportation," Goal C, Objective 7).

STAFF COMMENTS

1. COMPREHENSIVE PLAN

The governing bodies need to consider the Comprehensive Plan as it relates to this request (cf., Planned Development Criterion #11 in Section 1514 of the Boone County Zoning Regulations). The Our Boone County Plan 2040 Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element's "13. Pleasant Valley" section (p. 124) states the following regarding this area:

Mixed-use development, that has commercial uses focused along U.S. 42 and varying types of residential uses, should occur southwest of its intersection with Pleasant Valley Road. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building

layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.

The subject site is in the immediate vicinity of Farmview Subdivision and is located on the municipal boundary (i.e., the site is in both jurisdictions), thus, the “smaller-scaled office and institutional uses” directive is applicable to this location. Facts to consider relative to this issue include:

- A. The proposed Concept Development Plan illustrates retail/commercial lots along the US 42 frontage.
- B. Most of the proposed retail/commercial lots include drive-through facilities.
- C. A car wash is proposed for Lot 1 on the Option B plan.
- D. The use options for the northern lot on Old US 42 (elderly housing facility, multi-family housing, and medical office) reasonably correspond to the “smaller-scaled office and institutional uses” description from a use or function standpoint. Issues related to scale and compatibility are discussed below.
- E. A fairly broad of range of retail/commercial uses is already permitted on the site per the 1996 Concept Development Plan (note that except for banks, the current approvals exclude drive-through facilities).
- F. The layout of the current proposal (both plan options) shares some core traits with the 2014 Concept Development Plan, although the current proposal has more frontage lots along US 42.

The Comprehensive Plan’s text for the area on the opposite side of US 42 (“20. Union,” p. 137) acknowledges that the overall area will “experience considerable residential growth.” This section states (largely in relation to the 2000 Union Town Plan), “This section should experience considerable residential growth due to Union’s current residential nature, growth associated with the City of Florence, and improvements to U.S. 42,” and “the U.S. 42 corridor should experience commercial growth on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities.”

The Demographics Element (“Identify the Needs of the Population,” p. 19) discusses the provision of “proper and adequate amenities” for county residents “that encourage them to stay in the county rather than moving elsewhere for their needs to be met.” In this context, the Element mentions, “appropriate housing,

employment, and retail shopping opportunities to meet their needs at the countywide level as well as within specific areas within the county as development plans and zone change requests are reviewed." While the Demographics Element advocates the provision of the stated amenities and services, the Goals and Objectives emphasize placing businesses in suitable and appropriate locations, compatibility with surrounding land uses, and buffering ("Economy," Goal B and "Economy," Goal B, Objectives 1, 2, and 3).

The Demographics Element includes the following sections which pertain to mixed-use and higher density residential development in general terms. Relative to the elderly housing facility and multi-family residential options proposed for the northern lot which fronts on Old US 42, a dwelling unit density figure is not stated in the application materials.

- A. A variety of multi-family housing options should include apartments, townhouses, patio homes, condominiums, nursing homes, and retirement housing all ranging greatly in price per unit to accommodate a wide range of relative affordability. These types of units are increasing in demand beyond the established urban areas such as Florence and should be encouraged to occur in the unincorporated portions of Boone County as viable options for both the building community and the prospective resident, especially as the county's land values rise ("Housing Types and Locations," p. 19).
- B. New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban (and suburban) areas of Boone County would encourage mixing of different income levels ("Housing Types and Locations," p. 19).
- C. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters ("Housing Types and Locations," p. 20).

- D. Mixed-use, planned developments that can provide a mix of housing options, commercial opportunities, offices, public uses, recreational uses, and multiple transportation options (i.e. transit, pedestrian, park-and-ride) could be one strategy for meeting this demand for higher density. Areas of employment growth in Boone County should experience development pressure for housing options relative in affordability to the jobs and shopping opportunities being created in the area ("Affordability," p. 20).

Several of these statements are reinforced by the Comprehensive Plan's Goals and Objectives which are outlined in the body of this report, including providing opportunities for varying types of dwelling units. Proper buffering and the retention of existing vegetation are also mentioned in the Goals and Objectives and the Future Land Use Development Guidelines. Appropriate transitional uses or progression of densities are discussed in a general sense in the Future Land Use Development Guidelines.

2. PD OVERLAY ZONE CRITERIA AND DEVELOPMENT STANDARDS

Staff offers the following comments regarding the criteria set forth in Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.

1. Mixed Use Development and Pedestrian Orientation: This criterion states, "Planned developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites." This criterion also states, "In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile."

The proposed schemes are more aptly described as multi-use developments than mixed use developments. Both plan options are largely oriented to automobiles versus pedestrians (multiple drive-through facilities on each option, continuous row of parking along US 42, car wash proposed on Option B, etc.), thus, it does not particularly correspond to this criterion.

The building on the rear lot of both plan options (potentially a multi-story elderly housing facility, multi-family residential, or medical office building) would help diversify uses in the development and function as a transitional use to the residential areas on the north side of Old US 42. The applicant's narrative states that "the lots reserved for eating and drinking establishments will include outdoor

patios seating areas (sic) for the patrons. These patios will be situated in front of the proposed buildings and visible from U.S. 42." The patios mentioned in the narrative are not shown on the Concept Development Plan and the layouts presented maximize use of the lots in question leaving little space for outdoor seating. In principle, outdoor seating areas at or near street frontages contribute to the creation of a pedestrian oriented environment.

Sidewalks exist along the site's US 42 and Farmview Drive frontages, and are proposed along both sides of the east-west driveway and along one side of the existing driveway which runs along the east boundary (between the proposed main east-west driveway and US 42). Sidewalk links between building entrances, parking areas, and adjoining streets are required by Section 3327 of the zoning regulations which could result in the loss of several parking spaces overall. To more fully meet this criterion, Staff recommends that a sidewalk be provided on at least one side of the main north-south internal driveway that runs between the two northern lots.

2. Compatibility of Uses: This criterion states that "measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites." Staff has identified the following issues related to this criterion.

- A. Building Height: This application requests that a 50 foot maximum building height be permitted on the entire site. Condition 1 of the 1996 approval limited building height in this area to 35 feet. Condition 2 of the 2014 approvals states that "lots with frontage on 'new' US 42 can have a 50 foot building height and that the building height for the lots with frontage along Old US 42 will remain 35 feet with the provision that architectural details/features can extend above to a maximum of 50 feet from grade." In short, the current request would allow the northernmost building lot (proposed for elderly housing facility, multi-family residential, or medical office building) to have a 50 foot maximum building height in addition to the US 42 frontage lots.

The building pad elevation for the northernmost lot is approximately 26 feet higher than the surface elevation of the Old US 42/Rio Grande Circle intersection, meaning that a multi-story building will be visible from the properties on the north side of Old US 42. Due to this issue, Staff recommends that the applicant provide cross section drawings which show the relationship between the subject site (including the landscape buffer and freestanding light masts) and the properties on the north side of Old US 42 for the Zone Change Committee to evaluate. Notable factors for this issue include architectural design and retention of a significant amount of the

existing vegetation along the Old US 42 frontage (discussed under #5 below).

- B. Uses: The broader “commercial” use category stated on both Concept Development Plan options is proposed to include the uses approved for Area 12 in the 1996 Concept Development Plan. Other proposed uses that are not included in the approved 1996 use list include a car wash, elderly housing facility (“senior multi-family residential” as stated in the application materials), multi-family residential, and drive-through facilities for eating and drinking establishments and retail uses. With the exception of banks, drive-through facilities were excluded from the 1996 list. For reference, car washes and multi-family dwellings are normally conditional uses in the underlying C-2 zone.

The applicant's narrative states that “automotive retail services such as car washes” are proposed. The term “car wash” is readily understood and is shown on Lot 1 of Option B, but the “automotive retail services” description needs explanation since it is apparently intended to include other auto related uses in addition to the car wash. Based on the Comprehensive Plan's direction for this area, the office and residential character of the immediately adjoining properties on the north side of US 42, and the fact that the site is at the entry to a substantial, established residential neighborhood, Staff recommends that the car wash, with a large, open paved area and highway character, be substituted with an ‘enclosed’ commercial building and use(s). Additionally, the Florence City Administration expressed disagreement with the proposed car wash (1/25/21 email from Josh Hunt, Business & Community Development Director, is attached). To help facilitate compatibility with the adjoining residential developments, Staff recommends that the building on this lot (Lot 1 on both options) be sited near the intersection with no vehicular areas (parking, driveways, drive-through queue lanes, etc.) between the building and adjoining street frontages.

Drive-through facilities are shown for four of the five US 42 frontage lots on Option A (Lots, 1, 3, 4, and 5) and three of the four US 42 frontage lots on Option B (Lots, 2, 3, and 4). The Concept Development Plan demonstrates basic compliance with the standards in Section 3155 “Drive-Through Facilities” of the zoning regulations, but insufficient information has been provided at this point to determine whether or not all detailed requirements have been met. Based on recent, local experience with drive-through facilities, the proposal has the potential to generate significant traffic congestion with back-ups onto the internal driveways and the main east-west driveway. Drive-through facilities were considered in the trip

generation estimates in the Traffic Impact Study for restaurants and banks, but the estimates do not appear to acknowledge pick-up only style facilities. The Florence City Administration noted several concerns with a high turnover fast food use and drive-through facilities (refer to attached 1/25/21 email from Josh Hunt, Business & Community Development Director). Staff recommends that the governing bodies further evaluate the overall number of drive-through facilities, their locations, and the style of facility (full service/ fast food restaurant type versus pick-up/call ahead facility akin to a pharmacy or dry cleaner).

As stated above, the building on the rear lot of both plan options (potentially a multi-story elderly housing facility, multi-family residential, or medical office building) would help diversify uses in the development and function as a transitional use to the residential areas on the north side of Old US 42. The issues Staff has identified with the development of this lot pertains to building height (discussed immediately above), architecture (discussed under #7 below), and lighting (discussed immediately below) versus with the proposed uses (functions) themselves, although it is acknowledged that the potential number of units in this building and the corresponding dwelling unit density is not stated.

Additionally, the applicant needs to explain the building intensity assumptions for the rear lot. The building footprint scales to 25,866 square feet, which is 103,464 gross square feet for a four story building and 129,330 gross square feet for a five story building. Unless a density bonus is approved through this process (50% maximum per Section 1512 "Intensity"), the maximum building size permitted on this lot per the underlying C-2 zone intensity standards is 75,000 gross square feet.

- C. Lighting: Lighting is not addressed in the application materials. To avoid a highway commercial appearance, Staff recommends that any freestanding light masts in vehicular areas have a maximum height of 15 feet – limiting the mast height is most critical for (both plan options) Lot 1 and the north side of the northernmost building which faces the residential areas on the opposite side of Old US 42 (this issue is mentioned relative to cross section drawings in the building height discussion above). Staff also recommends that consistent, architectural grade masts and fixtures which correlate to the architectural theme be used throughout the development. Lighting is also subject to the standards in Section 3316 "Lighting" of the zoning regulations.

3. Open Space: This criterion states, "Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of

parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc.”

The northwestern lot at the Farmview Drive/Old US 42 intersection is proposed to be used for a detention basin and open space with a seating area on both plan options. This lot contains 1.65 acres, which is approximately 14 percent of the overall site area. Regarding the detention basin, the applicant’s narrative states, “This pond will be an amenity for the residents and visitors of the senior housing and will also improve the viewshed for those pedestrians who use the public seating area across the road.”

At the conceptual level, this lot will also serve as a buffer or transitional area for the existing residents to the north/northwest of the site. The applicant needs to further explain or illustrate the intended design to demonstrate how it will function as an open space amenity. Based on the applicant’s stated objectives and the location, Staff recommends that it be designed as an informal park setting. The applicant’s narrative also mentions outdoor seating areas for patrons at the eating and drinking establishments in reference to this criterion. Additional information needs to be provided in order to determine if these areas appropriately correspond to this criterion. As currently shown on the Concept Development Plan, little space is available for outdoor seating on the US 42 frontage lots.

4. Multi-Modal Transportation System: Sidewalks are discussed under #1 above. Bike racks are required by Section 3327 of the zoning regulations. Per TANK’s web site, there is no transit route in proximity to this site.

5. Preservation of Existing Site Features: Aside from the Old US 42 frontage, the site is largely cleared. The applicant’s narrative states, “The nearly 12-acre site is mostly vacant, however there is a significant line of existing mature trees along Old U.S. 42. As many of those trees will be preserved as possible.” As scaled in the Planning Commission’s GIS system, this area is nominally 40 to 50 feet wide. Staff recommends that the existing vegetation be kept substantially intact except where improvements are shown on the Concept Development Plan (building, parking lot, access drive, utilities, etc.). Retention of this vegetation could potentially fulfill the street frontage landscaping requirements along Old US 42 and will contribute to the buffer mentioned under #2 above in reference to the building height issue and requested cross section drawings. Vegetation may need to be replaced where the plan necessitates more extensive grading or retaining walls. For reference, the northeast and northwest corners of the northernmost parking lot are setback approximately 20 feet from the Old US 42 right-of-way.

6. Landscaping: Landscape areas are conceptually shown on the Concept Development Plan. The applicant’s narrative states, “The applicant will comply

with all current regulations, as well as the landscape requirements included as part of the 1996 Plantation Pointe Concept Plan.” The key landscape requirement from the 1996 Concept Development Plan is the provision of a 20 foot wide landscape area along the US 42 frontage, which is shown on both plan options.

Unless exceptions are granted through the approval of the current application, all applicable landscaping requirements will need to be met. The following landscaping issues have been identified.

- A. The perimeter buffer yards largely meet Article 36 of the zoning regulations, however, sidewalks are shown encroaching in the required buffer yards: along the rear property lines of the US 42 frontage lots on Option A; in the southeast corner of the overall development on both plan options; and along the north side of the main east-west driveway (east part of the northern lot – both plan options).
- B. All applicable internal vehicular area landscaping requirements in Section 3625 will need to be met. This is contingent on the final site and parking design for the individual lots (note that the shared buffer yard requirements per Section 3645 can potentially affect the island/peninsula placement, particularly along US 42 frontage).
- C. The buffer yards along the interior (side) property lines for the US 42 frontage lots on both plan options have been adjusted to accommodate shared driveways.
- D. The retention of existing vegetation along the Old US 42 frontage is discussed under #5 above.

7. Architecture: This criterion states, “Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it.” This criterion also outlines specific examples that may be used.

This site is not “subject to architectural requirements through adopted overlay districts or land use studies,” but it is subject to the architectural guidelines that were adopted per the conditions of approval for the 1996 Zoning Map Amendment/Concept Development Plan (conditions and guidelines are attached). The existing commercial buildings in Plantation Pointe North on the opposite side of US 42 (and along Cavalry Drive) were developed pursuant to these guidelines.

An architectural concept with illustrative vignettes was submitted with this application. The concept shows a wholly brick structure with detailing on all facades and black storefront units, black fabric awnings, and black standing seam metal roofing. The architectural design requirements which were adopted per the 1996 conditions of approval require a 4/12 minimum pitched roof over the entire structure (a later exception was adopted for buildings which were greater than 100' X 200' - this does not apply to the current proposal), and green roofing consisting of heavy weight dimensional shingles or metal. The architectural concept illustrates a substantially flat roofed structure with a gabled roof form on one end. The applicant's narrative requests "that the pitched roof requirement be reduced so that each building has some pitched roof element, but not the entire roof." The stated rationale is "for the placement of mechanical equipment."

First, the applicant needs to clarify if the submitted architectural concept would apply to all buildings in the development, which would result in a high degree of consistency. Second, the overall aesthetic in the architectural concept follows several of the examples outlined in this criterion and is largely compatible with surrounding commercial and office structures. However, Staff has not identified a rationale from a compatibility standpoint to relax the pitched roof requirement in the current guidelines, especially when considering the site's location and the design of the surrounding structures. Pitched roofs, such as gable or hip styles, have a 'softer' aesthetic which is more appropriate at the entrance to a large residential area. Third, an architectural finish is recommended for any retaining walls.

The Florence City Administration commented that "the architectural materials, provided in the submittal packet, align with the City's vision for this development" (refer to attached 1/25/21 email from Josh Hunt, Business & Community Development Director).

8. Historic and Prehistoric Features: Staff is not aware of any historic or prehistoric features on the site.

9. Signage: This criterion states, "A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects."

The applicant's narrative states, "The applicant will comply with all current regulations, as well as the signage requirements included as part of the 1996 Plantation Pointe Concept Plan. The free-standing monument signs will visually

correlate to the planned architectural theme of the development. The monument signage locations are noted on the attached concept plans."

Monument signs are proposed at the southeast and southwest corners of the overall site along US 42, and at the Old US 42 entrance (three total). Condition 1 of the Florence City Council's 1996 approval states, "Free standing signs for any commercial or office use shall be monument-style which may not exceed sixty (60) square feet in area or ten (10) feet in height." Based on the commitments made in the application materials, Staff has no comment on the proposed monument signs. Building mounted signage is not addressed in the application materials. Staff recommends that a consistent type of building mounted signage be used in the development, such as channel letter and/or similar pin mounted (individual letters) signs (no board or box cabinet signs, LED accent bands, etc.). Channel letter signs are prevalent in the surrounding area on buildings which have an aesthetic similar to the proposed architectural concept.

10. Transportation Connections and Entry Points: The main east-west and north-south driveways function as a local street system and connect the site to the major road network while avoiding a new access point on US 42. Sidewalks and sidewalk connections are discussed under #1 above.

This criterion also discusses the demarcation of entry points through the use of landscaping, architectural or sculptural elements, etc. This criterion is comfortably met for the access point on Old US 42 through the provision of the proposed monument sign. The applicant should explain how this criterion will be met for the access points proposed on the east and west sides of the site.

11. Conformance with Comprehensive Plan: The Comprehensive Plan is discussed above.

3. TRAFFIC IMPACT STUDY

As stated above, a Traffic Impact Study (TIS) was submitted with this application (excerpts are attached). Regarding the TIS, the Kentucky Transportation Cabinet, District 6, forwarded the question to the applicant's traffic engineer, "are WB right turn lanes warranted at Old US 42 or Farmview signals. I didn't see that analysis in the report. Looks like the warrants are just for the internal access points" (1/25/21 email from Linzy Brefeld, P.E., Transportation Engineer Supervisor, is attached).

The Florence City Administration commented that "the City will refer to KYTC on how the proposed traffic study will impact the traffic signals on 42. Are any signal timing improvements required due to the traffic study?" (see attached 1/25/21 email from Josh Hunt, Business & Community Development Director). The

Florence City Administration also stated, "The City has evaluated the curb cut connection to Farmview Drive, at this time we will permit the connection. The City reserves the right to re-evaluate this connection if any future proposal exceeds the traffic count numbers as provided in the study."

As mentioned in the "2. Compatibility of Uses" section above, the Planning Commission's staff shares the Florence City Administration's traffic and circulation concerns regarding drive-through facilities. Additionally, the "Findings" section of the TIS states, "The turn lane warrants completed show an exclusive northbound left turn lane from Elizabeth Way to westbound on Access Drive 2 is warranted. The turn lane storage calculations indicate a 125' (plus 50' taper) northbound left turn lane shall be built at the intersection" (p. 34). However, this improvement is not apparent on the graphic plan options and is not included in the TIS's "Recommendations" section (p. 39). This needs to be clarified.

4. OUTSIDE AGENCY COMMENTS

- A. Randy Childress, Fire Marshal with the Florence Fire/EMS Department, has stated that he has no comments on the proposal.
- B. Detailed comments on a variety of issues were provided by the Florence City Administration (1/25/21 email from Josh Hunt, Business & Community Development Director, is attached). Staff recommends that the applicant be prepared to discuss these comments at the Zone Change Committee meeting.
- C. David Plummer, CAO with the City of Union, noted the need for the respective land acreages and buildings to be evaluated for proper tax assessments within each jurisdiction as the development progresses.

Staff has requested comments on the proposal from Boone County Schools and the Union Fire Protection District. Such comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review.

5. DEVELOPMENT STANDARDS

For the applicant's information, an exhaustive site plan type review was not conducted due to the conceptual nature of the proposal. However, Staff did identify a potential issue with the number of parking spaces indicated on the plan. Specifically, the seat counts inherent in the parking figures noted on the Concept Development Plan for eating and drinking establishments are relatively low. The number of spaces required by Section 3325 "Parking Space Requirements" of the

zoning regulations will need to be provided. Unless exceptions are approved through this process per Section 1500 "Intent" (PD overlay zone) of the zoning regulations, the project will need to meet all applicable standards at the Subdivision and Site Plan stages.

CONCLUSION

The Boone County Planning Commission, Florence City Council, and Union City Commission need to evaluate the application in terms of the Our Boone County – Plan 2040 (the adopted Comprehensive Plan), Article 15 "Planned Development District" of the Boone County Zoning Regulations, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



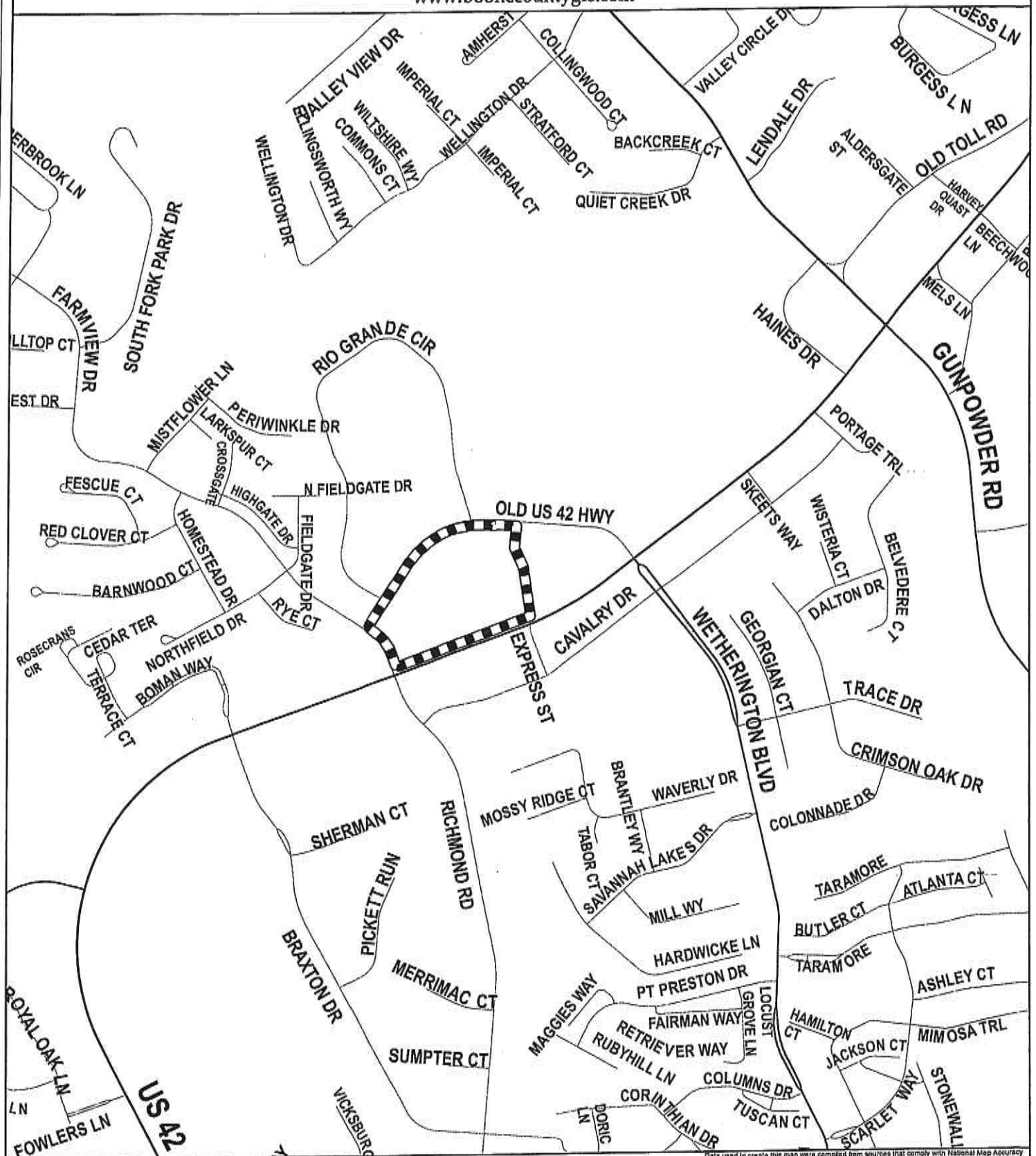
Kevin T. Wall, AICP
Director, Zoning Services

Attachments:

- Location map
- Air photo map with zoning
- 2040 Future Land Use Map excerpt
- Natural Features map
- 1996 Concept Development Plan excerpts, 7/17/96 Committee Report, and 9/10/96 Florence City Council minutes
- Design Guidelines for Commercial/Office Area in Plantation Pointe North
- 2014 Concept Development Plan, 5/7/14 Committee Report, City of Florence Summary Ordinance 0-17-14, and 9/4/14 email from Kathy Porter, Union City Clerk/Treasurer
- 1/25/21 email from Josh Hunt, Business & Community Development Director, City of Florence
- 1/25/21 email from Linzy Brefeld, P.E., Transportation Engineer Supervisor, KYTC District 6
- Application materials including Concept Development Plan sheets, project narratives, and Traffic Impact Study excerpts

Location

www.boonecountygis.com



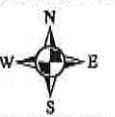
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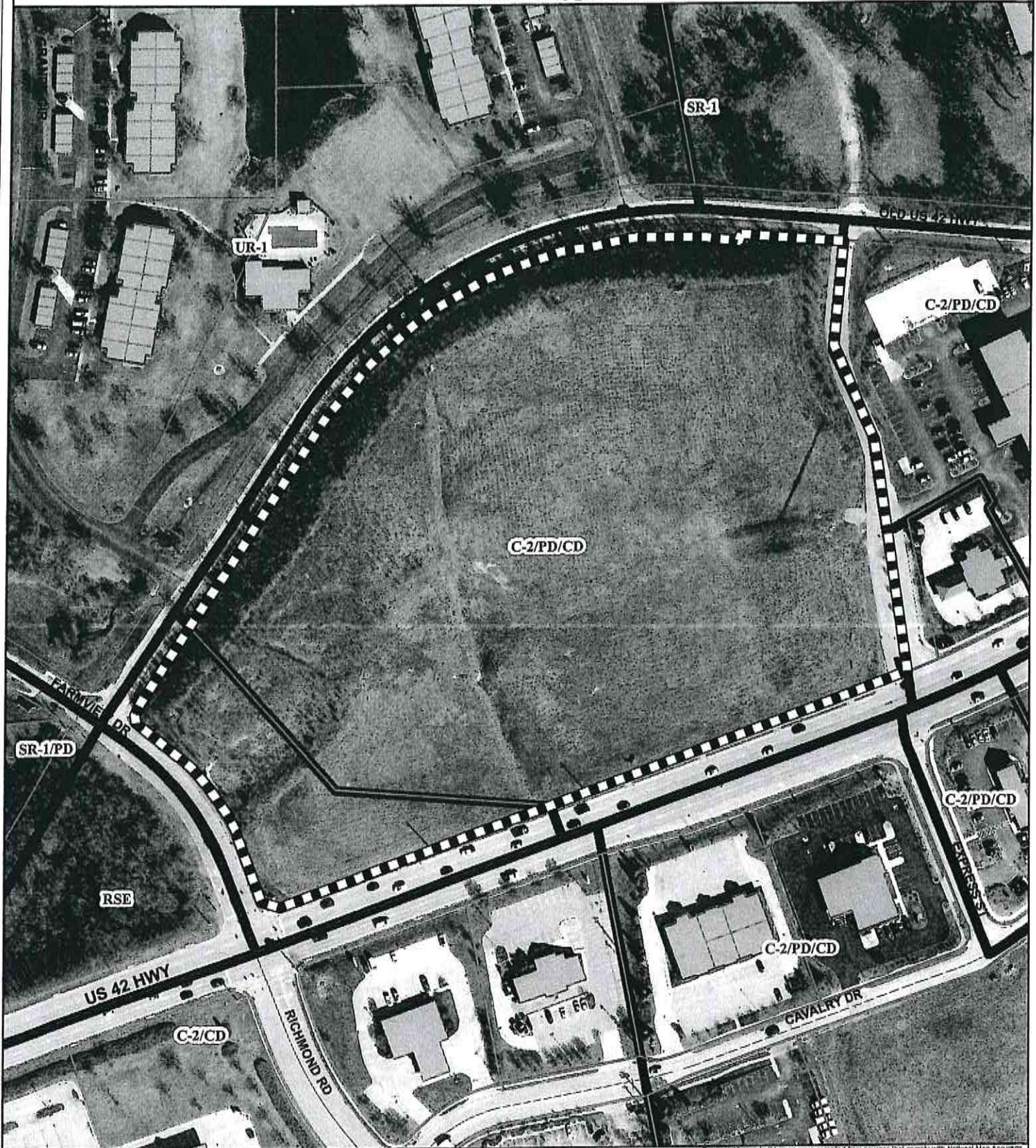
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021

Map Document: .mxd

Zoning

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1 inch = 167 feet

Boone County GIS - Putting Northern Kentucky on the Map

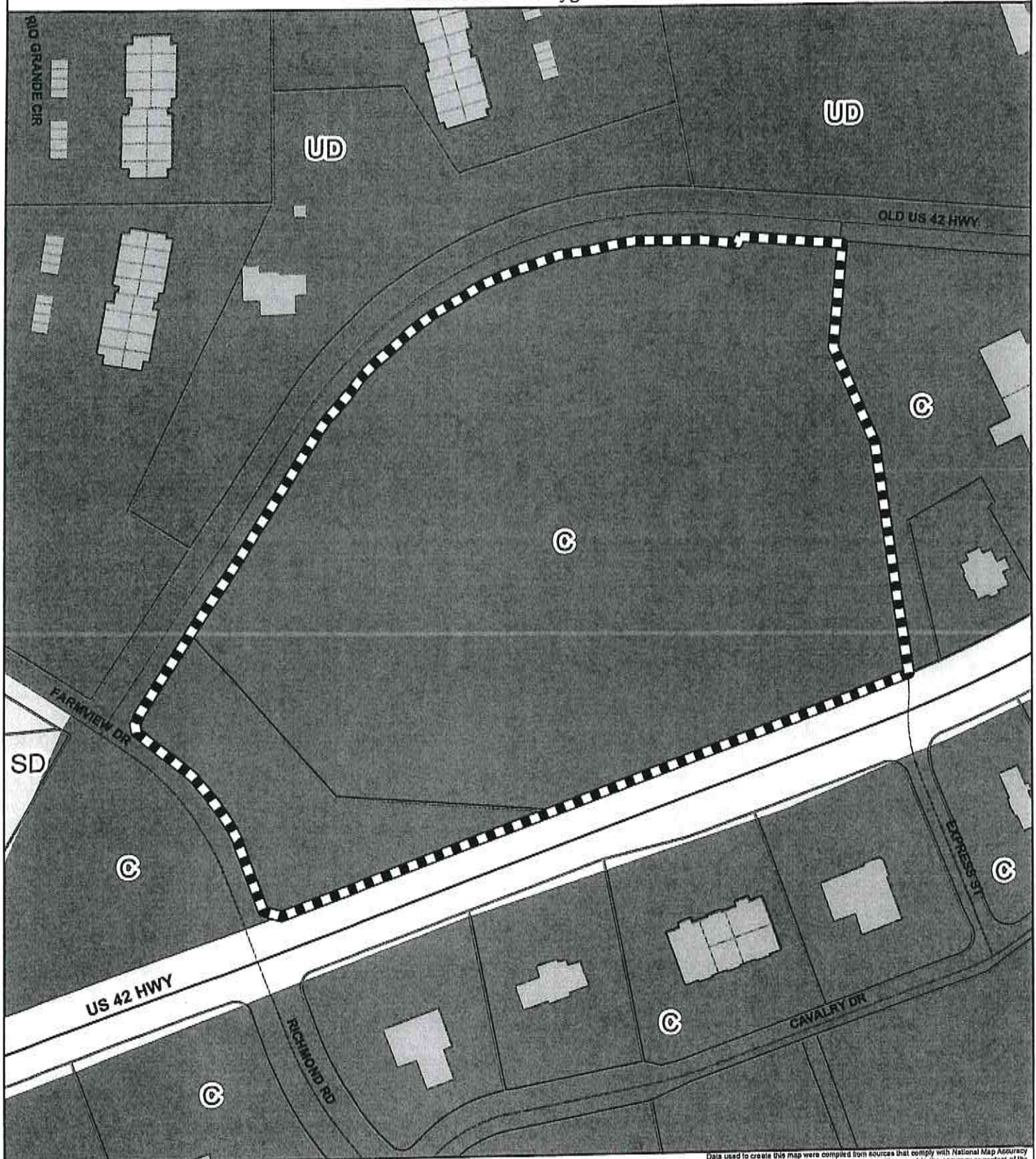


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2040 Future Land Use

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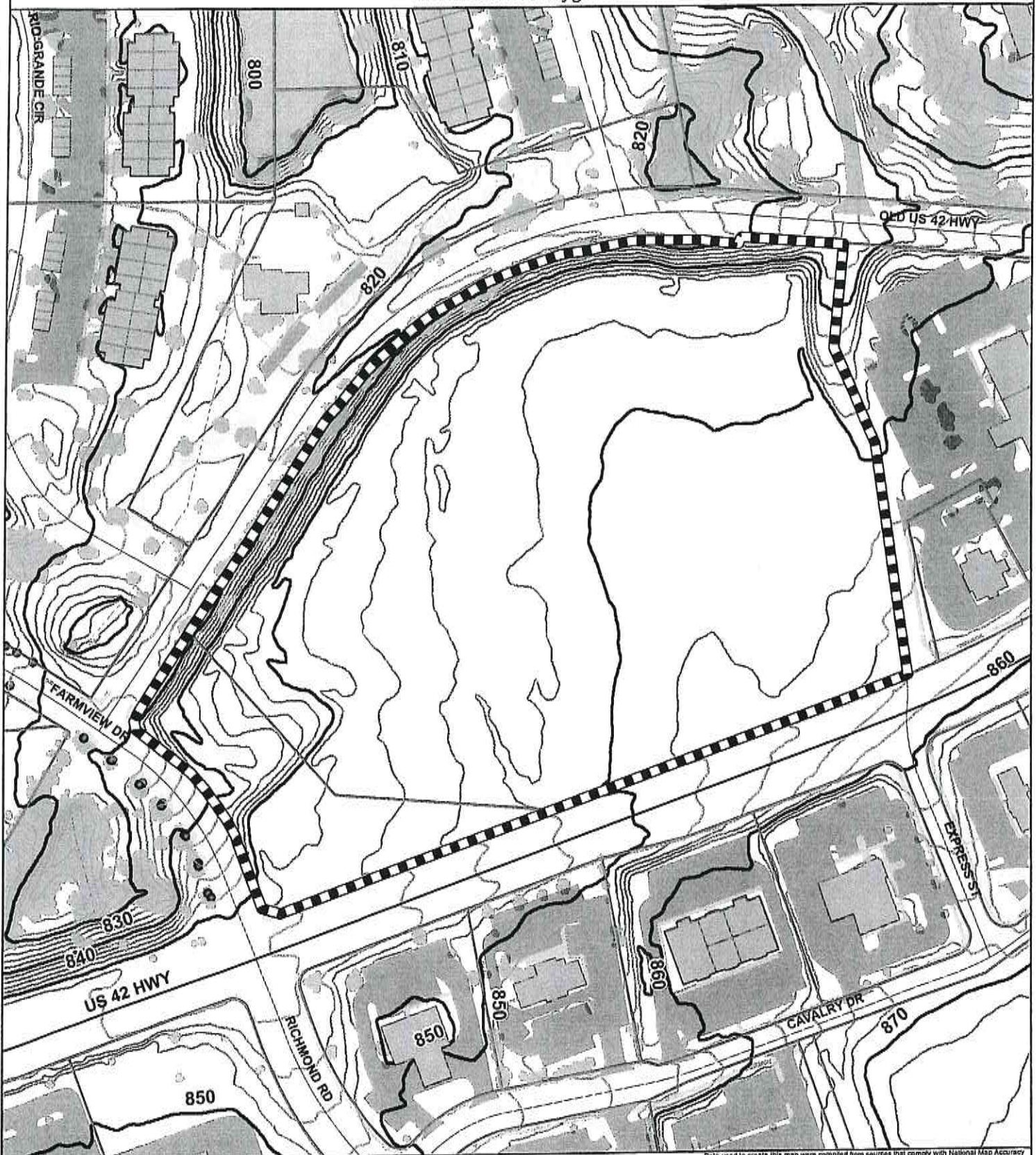
Boone County GIS - Putting Northern Kentucky on the Map



Map File: 6.mxd to 6.mxd 10/10/2021
ArcMap Document: 6.mxd

Natural Features

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1996 CONCEPT DEVELOPMENT PLAN

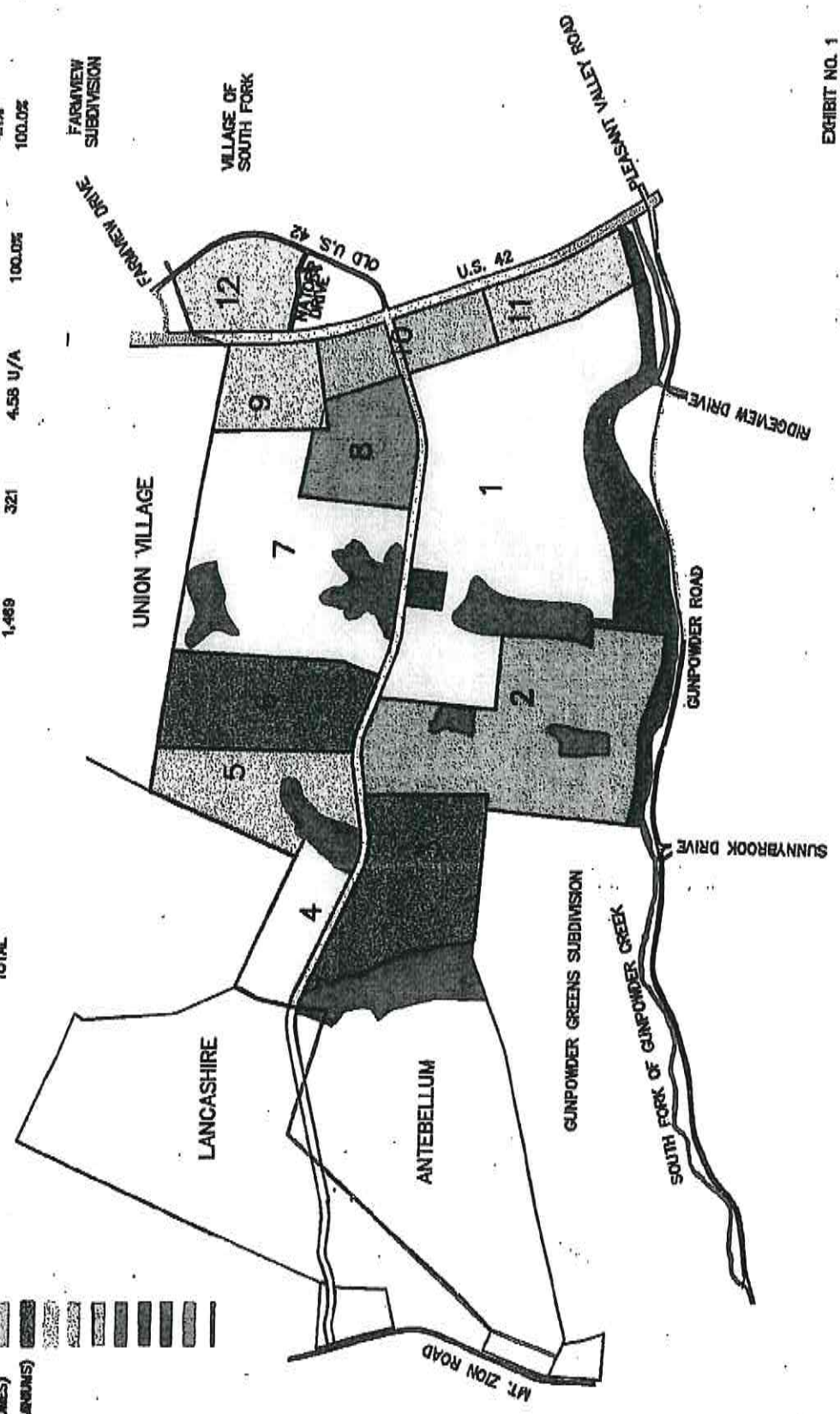
CONCEPT DEVELOPMENT PLAN PLANTATION POINTE - NORTH CITY OF FLORENCE

LEGEND

- SINGLE FAMILY DETACHED
- SINGLE FAMILY ATTACHED (TOWNHOMES)
- SINGLE FAMILY ATTACHED (CONDOMINIUMS)
- MULTI-FAMILY
- COMMERCIAL
- OFFICE
- LAKES
- OPEN SPACE
- COMMUNITY SWIMMING POOL
- ELEMENTARY SCHOOL
- CITY LIMITS

SUMMARY BY LAND USE

	NUMBER OF UNITS (ACRES)	APPROX. AREA	DENSITY UNITS/ACRE	% OF TOTAL UNITS	% OF TOTAL LAND AREA
SINGLE FAMILY-DETACHED	455	130	3.5 U/A	31%	40.5%
SINGLE FAMILY-ATTACHED (TOWNHOMES)	270	45	6.00 U/A	18.4%	14%
SINGLE FAMILY-ATTACHED (CONDOMINIUMS)	552	48	12.00 U/A	37.8%	14.3%
MULTI-FAMILY	192	16	12.00 U/A	13%	5%
COMMERCIAL/OFFICE	—	42.5	—	—	13.2%
COMMUNITY SWIMMING POOL	—	1.5	—	—	0.5%
OPEN SPACE & LAKES	—	20	—	—	6.2%
COLLECTOR ROAD R.O.W.	—	7	—	—	2.2%
ELEMENTARY SCHOOL SITE	—	13	—	—	4.1%
TOTAL	1,469	321	4.58 U/A	100.0%	100.0%



3. Area 12 has an area of approximately 10.6 acres and is the island located between new U.S. 42, old U.S. 42, Natorp Drive, and Farmview Drive. The development of Area 12 will be limited to the following C-2 uses:

- 1) Eating and drinking places including alcoholic beverages, but excluding drive-thru;
- 2) Grocery stores and supermarkets;
- 3) Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
- 4) Fruit and vegetable stores; bakeries, candy, nut, and confectionery stores;
- 5) Convenience stores;
- 6) Liquor, beverage, drug, and proprietary stores;
- 7) Banking services (including drive-thru facilities) savings and loan associations, credit unions, and other credit services;
- 8) Insurance carriers and agents; brokers and services;
- 9) Physician, dental, optical goods and services; including medical and dental laboratories;
- 10) Veterinary services and pet grooming services but not including the boarding of animals;
- 11) Beauty and barber services and tanning salons;
- 12) Nursery and day care centers;
- 13) Laundering and dry cleaning and dyeing services including self-service;
- 14) Alteration and garment repair and custom tailoring;
- 15) Shoe repair, shoe shining, and hat cleaning services;
- 16) Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
- 17) Jewelry stores;
- 18) Radio, T.V., music supplies, cameras, photographic supplies, and specialty household appliances;
- 19) Art, craft, and hobby supplies and products, gifts and novelties;
- 20) Books, stationery, newspapers and magazines;
- 21) Florist excluding greenhouses;
- 22) Sporting goods including bicycles;
- 23) Draperies, curtains, upholstery, and floor coverings;
- 24) Paint, glass, and wallpaper stores;
- 25) Photofinishing services;

- 26) Recreation centers, gymnasiums, clubs, and similar athletic uses;
- 27) Gasoline service stations;
- 28) Churches, synagogues, temples, and other places of religious assembly for worship;
- 29) Real estate operators, agents, lessors, and real estate sub-dividing and developing services, operative builders and related services;
- 30) Accounting, auditing, and bookkeeping services;
- 31) Business and personal credit services and title services;
- 32) Security brokers, dealers, and flotation services and finance companies;
- 33) Holding and investment services;
- 34) Photographic services;
- 35) Direct mail and advertising services;
- 36) Stenographic services and other duplicating and mailing services;
- 37) News syndicate service and employment services;
- 38) Research, development, and testing services of an office nature;
- 39) Business and management consulting services and associations;
- 40) Motion picture, audio-visual, and similar media production and distribution services;
- 41) Legal, engineering, architectural, education and scientific research services;
- 42) Welfare and charitable administration offices;
- 43) Professional membership organizations, labor organizations, and civic associations;
- 44) Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting, or receiving towers or similar unattached, erected equipment;
- 45) The administration, management, and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organizations, incorporations, companies, associations, and such uses. Includes all integral stenographic reproduction, mailing, research, sales, and similar office functions as determined by the Zoning Administrator.
- 46) Business colleges or schools;
- 47) Recreation centers, gymnasiums, and other related recreational facilities;

- 48) Retail and sales of drugs and proprietary goods;
- 49) Medical clinics - out-patient services;
- 50) Additional Principally Permitted Uses that may be added to the current list of Principally Permitted Uses for the Commercial Two (C-2) zoning classification will become a permitted use if the Zoning Administration determines that the additional use is compatible with the existing permitted uses.

Accessory Uses: Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district include:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens, and other natural exhibitions;
 - c. Stages and similar assembly areas;
- 2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 3. Directional and incidental signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction;
- 6. Storage, uncrating, or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which tend to enlarge or overpower the activities of permitted uses;
- 7. Retail sale of motor fuels;
- 8. Automatic teller services.

Intensity: No individual commercial use within any structure shall exceed 50,000 square feet.

- F. Office use will be located on approximately 11 acres along U.S. 42 and being split by Weatherington Boulevard. This area is identified as Area 10 on the concept plan map. The following O-1 uses will be permitted to be developed in Area 10 (Exhibit No. 1):

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: July 17, 1996

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for ERPS, Inc., Thomas D. Erpenbeck, and Catherine E. Erpenbeck (owners) for a Zoning Map Amendment on a 321 acre site located on both sides of U.S. 42 and to the east of Union Village Subdivision, Florence, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Office One/Planned Development (O-1/PD), and Commercial Two/Planned Development (C-2/PD) in order to allow a mixed-use residential/commercial development, **Plantation Pointe - North.**

REMARKS:

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

Findings of Fact

1. The residential aspects of the request are in agreement with the adopted Boone County Comprehensive Plan Future Land Use Map which indicates the area as Suburban Density Residential and High Suburban Density Residential.
2. The Committee concludes that due to the developing character and growing needs of the area, due to the fact that US 42 has been upgraded to a five lane highway adjacent to the site, and due to the fact that a commercial subdivision is being developed immediately to the west, a mixed-use development, as sought by the Boone County Comprehensive Plan, that includes a variety of commercial uses as well as a variety of residential uses is appropriate for the site in question.
3. The Committee concludes that although commercial uses are appropriate, these uses must be limited in scope and compatible with the existing physical character of the site in question and the adjoining areas. The Committee also concludes that it is appropriate for the range of uses permitted, and their corresponding intensities, to become more limited around the proposed intersection of US 42 and Wetherington Boulevard (extended) as to discourage the future uninterrupted commercial development along US 42 to the center of Union, as sought by the Boone County Comprehensive Plan.

4. The Committee concludes that given the Findings of Fact numbered 1, 2, and 3 above, the current zoning is inappropriate and the proposed zoning is more appropriate.
5. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the Boone County Comprehensive Plan as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" and Article 16 "Employment Planned Development District (EPD), Residential Planned Development District (RPD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions. It is further understood that the development shall otherwise follow the provisions stated in the submitted Concept Development Plan that served as a basis for the recommendation contained in this Committee Report.

Conditions

1. No building within Area 12 shall exceed 35 feet in height.
2. Design guidelines that address general qualitative (versus quantitative) architectural, landscape, site (including general site arrangement and representative examples of site furniture and appurtenances), and signage design elements for the commercial and office uses and pool facility shall be submitted for review and approval by the Zone Change Committee prior to the submittal of any review application for said uses. The commercial uses shall be regulated by the design guidelines, in addition to any other site plan requirements, through the Site Plan procedure.

The guidelines shall include general statements of intent which describe development standards within the non-commercial phases that may deviate from the letter of the Subdivision Regulations and/or Zoning Regulations.
3. The design guidelines for the commercial and office uses shall outline a consistent architectural theme and shall include architectural elements that are vernacular in nature; i.e., influenced by traditional Boone County architectural forms, materials, and details. The character created by the design guidelines as a whole shall be compatible with the existing rural landscape and the horse farms in the area.
3. A. All residential uses designated as single family attached in the Concept Development Plan shall be owner occupied.

4. Freestanding signs for any commercial or office use shall be monument style which may not exceed 60 square feet in area or 10 feet in height. With the exception of the style, size, and height restrictions for freestanding signs as noted herein, the current signage regulations within the Zoning Regulations shall regulate signage on the site unless alternate regulations are approved through the design guidelines. Alternate size and height limitations for freestanding signs may also be proposed through the design guidelines.
5. The HOA open space areas and public walkways shall be constructed along with, and considered a part of, the infrastructure for the applicable phase and reviewed as part of the applicable Improvement Plan. A site plan application for the pool facility must accompany the Improvement Plan submittal for the applicable phase. The pool facility shall be constructed prior to the issuance of 410 Zoning Permits for new single family residences within the entire Plantation Pointe development; the 410 figure includes the Lancashire and Antebellum phases of Plantation Pointe which are not subject to the current application.
6. The development shall provide the following street connections:
 - A. A connection between Area 4 and the adjoining property immediately to the west (Seltman property).
 - B. A connection between Area 9 and the commercial area in Union Village Subdivision, and a connection between Area 9 and Area 10 within the proposed development.
 - C. A connection between Area 10 and Area 11 within the proposed development.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Barry Neltner, Chairman	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input checked="" type="checkbox"/>

William Bailey	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

COMMITTEE REPORT - Plantation Pointe - North
July 17, 1996

Page 4

Fred Burch
Fred Burch
For ☒ Against ☐
Abstain ☐ Absent ☐

Arnold Caddell
Arnold Caddell
For ☒ Against ☐
Abstain ☐ Absent ☐

Phil Damstrom
Phil Damstrom
For ☒ Against ☐
Abstain ☐ Absent ☐

Robert Millay
Robert Millay
For ☒ Against ☐
Abstain ☐ Absent ☐

TOTAL: 5 FOR AGAINST ABSTAIN ABSENT 1

FLORENCE CITY COUNCIL
MINUTES - REGULAR MEETING

SEPTEMBER 10, 1996

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, September 10, 1996 at 7:00 p.m. in the Florence Municipal Building with Mayor Evelyn Kalb presiding in the Chair.

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

The roll was called and the following members registered present: Mel Carroll, Carl Howard, Dr. Ferd Metzger, David A. Osborne and Linda Schaffer. Absent was Robert O. Hay.

Also present were City Attorney Hugh O. Skees, Finance Director Ronald Epling, Public Services Director Jeffrey Koenig, Police Chief Paul Buelterman, Don Roberts, Pete Stark, Diane Whalen, Ray Erpenbeck and City Clerk Betsy R. Conrad.

Mayor Kalb called for a motion to approve the minutes of August 27, 1996, Regular Meeting of Council. Councilmember Howard so moved, with second from Councilmember Metzger and unanimous approval of Council.

Mayor Kalb presented the following Ordinance for second reading:

ORDINANCE NO. O-17-96: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF 321 ACRES LOCATED ON BOTH SIDES OF U. S. HIGHWAY 42 AND TO THE EAST OF UNION VILLAGE SUBDIVISION, FLORENCE, KENTUCKY, AND TO UTILIZE THE UNDERLYING ZONE, THIS REZONING BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL ONE (SR-1) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD), OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD), AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO ALLOW A MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT, SUBJECT TO AN AGREED DEVELOPMENT PLAN. (ERPS, INC. - PLANTATION POINTE - NORTH)

Mayor Kalb then read the following Summary of the Ordinance: By enactment of this Ordinance, the development of Plantation Pointe is approved, subject to an agreed development plan. Plantation Pointe is a mixed development of residential and commercial uses.

Councilmember Metzger moved, with second from Councilmember Howard, that Ordinance No. O-17-96 be approved on second reading with two additional conditions and be published in accordance with the law. Attorney Skees advised that the two additional conditions needed to be read into the record. Mayor Kalb read a letter dated September 10, 1996 referring to the August 27, 1996, Council meeting confirming that as part of the Plantation Pointe-North zone change, ERPS, Inc. agreed to the following conditions:

- 1) Free standing signs for any commercial or office use shall be monument-style which may not exceed sixty (60) square feet in area or ten (10) feet in height. All other signage shall be controlled by the signage regulations within the Zoning Regulations.
- 2) All vacant lots within the developing projects shall be kept graded and cut.

Councilmember Metzger related that this development proposal has been reviewed for over a year, has gone through the Public Hearing process and is much changed from the original plan that was turned down a year ago. He noted additional conditions and a reduction in multi-family and commercial development. Mayor Kalb called for roll call vote. Voting Yes: Councilmembers Howard, Schaffer, Metzger and Osborne. Voting No: Councilmember Carroll. Council approved by a vote of four (4) to one (1).

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

July 23, 1999

Mr. Raymond Erpenbeck, P.E.
Raymond Erpenbeck Consulting Engineers
4205 Dixie Highway
Elsmere, KY 41018

FAX: 342-5852

RE: Design Guidelines for Commercial/Office Area in Plantation Pointe North

Dear Mr. Erpenbeck:

As you are aware, the amended design guidelines for the above referenced project were reviewed by the Planning Commission's Zone Change Committee on July 22, 1999. These guidelines were amended with the addition of explanatory graphics. As you will recall, the Zone Change Committee had previously approved the original guidelines (text only, no graphics) with the condition that each individual development within the commercial section of the subdivision be reviewed by the Committee for conformance with the guidelines. This condition was added because no illustrative graphics were included in the original guidelines. Upon review of the amended guidelines, the Committee agreed to lift this condition. Thus, the architectural review will be conducted by the Planning Commission's staff through the site plan process. Please call me if you have any questions or need any clarifications.

Sincerely,

Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

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EXHIBIT "D"

DEVELOPMENT CRITERIA

PLANTATION POINTE - COMMERCIAL

I SPACE ALLOCATIONS AND DIMENSIONAL STANDARDS

1.1 Building-to-Land Ratio:

The ratio of building coverage to the Lot area will be subject to the approval of the DRC, but in no case may the ratio exceed fifty percent (50%). Building coverage shall mean the largest area encompassed when the exterior walls of a building are projected vertically to a horizontal surface. As used herein, the building coverage on a Lot shall include the sum total of the building coverage of all building improvements on such Lot, but shall not include any building coverage for plazas, garages, screening and retaining walls, poles, signs, water, sewer, electrical, gas and other utility lines.

1.2 Setbacks:

Except as provided in Section 1.3. below, no structure or improvement of any kind and no part thereof, shall be placed on any Lot closer to a property line or right of way/easement or service road line than the setback distances as follows:

a. Front Yard: The setback lines are hereby established as thirty (30) feet from any public right of way or private service road.

b. Side Yard: The setback line is established as fifteen (15') feet from an interior property line, however, the sum of both side yard setbacks on a Lot shall not be less than sixty (60) feet.

c. Rear Yard: The setback line is established as twenty (20) feet from a rear property line.

d. Notwithstanding the building setbacks set forth in Section 1.2 a-c, above, the building setbacks shall also conform to the Conditions of Approval set forth in the Concept Development Plan for Plantation Pointe.

e. Notwithstanding the building setbacks set forth in Section 1.2 a-c above the DRC may increase any one or more of such setback requirements where the DRC in its sole discretion determines such setback is necessary to assure desired visibility of buildings or anticipated buildings on adjoining lots or to assure proper site distance for vehicular traffic within the development.

1.3 Exceptions to Setback Requirements:

The following structures and improvements are specifically excluded from the setback provisions of Section 1.2. above:

- a. Roof overhang, subject to the specific approval of the DRC in writing.
- b. Steps, walks and driveways from the public right of way and from paving and associated curbing as permitted under Section (c) below to the improvements.
- c. Paving and associated curbing, except that vehicle parking areas shall not be permitted within ten feet (10') of the public right of way or right of ways or within ten feet (10') of the service road, nor within ten (10) feet of any interior property line or lines.
- d. Retaining walls and landscaping.
- e. Planters, not to exceed three (3) feet in height.
- f. Water lines, sewers, electrical and gas distribution facilities.

1.4 Off-Street Parking Areas:

a. No parking will be permitted on the public right of ways or service roads within the Property, and each Owner shall provide adequate off-street parking to accommodate all parking needs for employees, visitors and company vehicles on its Lot. If parking requirements increase as a result of a change in use or the number of employees, additional off-street parking shall be provided by the Owner to satisfy the intent of this Section. All parking facilities and private driveways must be approved by the DRC in accordance with Part II hereof.

b. Parking shall be permitted between the buildings and the public right-of-way and/or service road, subject to Section 1.3.c., when properly shielded by landscaping and approved by the DRC.

c. All driveways and parking areas shall be paved and curbed.

d. Off-street parking areas designated for automobile use shall not be used for trucks, commercial vehicles, and/or material storage.

1.5 Off-Street Loading Areas:

a. Loading areas shall not encroach into setback areas unless specifically approved by the DRC in writing.

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b. Loading areas located in side yards shall be set back and screened to minimize the effect from the public right-of-way and neighboring properties. No loading areas shall be permitted on the front of any building without the express written permission of the DRC, and, except where a Lot is bounded by three or more public right-of-ways, no loading areas shall be permitted on the side of any building facing a public right-of-way, unless specifically approved by the DRC in writing.

1.6 Streets-Driveways/Sidewalks-Curbing:

Streets, driveways, curbs and walks shall be constructed or altered only in accordance with plans and specifications submitted to and approved in writing by the DRC.

1.7 Easement Restrictions:

No structure or other improvement may be made on or over any underground easements, including sewer, water and utility easements or sprinkler systems, which will interfere with access to such easements or facilities. It is hereby understood that this restriction does not apply to parking lots, driveways, sidewalks or sewer, water and other utility lines.

II. ARCHITECTURAL AND AESTHETIC STANDARDS

2.1 Landscaping:

a. No plans for any building, structure or other improvements to be erected, placed or altered in or upon any Lot shall be approved by the DRC unless there shall also have been submitted separate landscape plans, satisfactory to the DRC, to include plant material and landscape construction to be installed on the Lot.

b. The front-yard setback area of each Lot shall be landscaped, and the side and rear setback areas of each lot not used for parking shall be seeded, except that the front yard and side yards of corner lots shall be landscaped. All unpaved areas of each Site not utilized for parking or buildings shall be landscaped, and no Lot shall have less than five percent (5%) thereof maintained as such unpaved and unimproved open space. Landscaping shall be used to mark entrance points and parking areas. It shall be used to shield or define service areas and property divisions, and to enhance building scale and forms. Undeveloped areas proposed for future expansion shall be planted with grass or other landscaping and maintained in a neat, well-trimmed condition. All landscaping and screening plans shall be submitted to the DRC for its prior approval.

c. Berms. Earthen berms shall have a maximum slope of three-to-one (3-to-1) unless otherwise approved by the DRC. Manholes, cleanouts or other points of

BOOK 774 PAGE 230

access to utility lines shall be preserved in the design and construction of the berms. The DRC shall be entitled to prohibit berms in landscaping plans in its sole discretion to maintain desired visibility and adequate site distance for vehicular traffic.

d. Landscape treatment shall not interfere with sight line requirements at street or driveway intersections. All landscaping shall be designed for reasonable maintenance, and all landscaped areas shall be maintained in a quality manner at all times. Paving or terracing may be used in areas where excessive maintenance would otherwise be required.

2.2 Exterior Construction, Permitted Materials, Prohibited Materials, Approved Construction Methods, Design:

Any building erected on a Lot shall conform to the following construction practices:

a. Exterior walls shall be finished on the exterior only with one or more of the following: (1) brick, architectural masonry units (excluding standard concrete block and cinder block), (2) natural stone, (3) decorative precast concrete with prior written approval of the DRC, (4) glass wall panels, provided that the DRC has given its prior written approval to the exact material, use, color and configuration of those wall panels, (5) glass materials, or (6) their equivalent as approved by the DRC. Exterior walls of metal or wood products are not permitted without the express written approval of the DRC.

Such finish building materials shall be applied to all sides of a building. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The DRC shall have the sole right to approve or disapprove materials and colors.

b. Exterior construction materials shall conform with the Conditions of Approval.

c. Building(s) shall utilize gable and/or hip roof shapes with a minimum roof slope of 4:12. Each roof shall have a gable facing roads or driveways.

Roofs shall have defined overhangs, cornice lines, dormers, or cupolas.

Roofing materials shall be heavy weight dimensional shingles or metal. Roof colors shall be medium to dark green or hunter green.

Flat roofs and mansard roofs are not allowed.

The DRC shall have the sole right to approve or disapprove all roof designs and materials.

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The DRC's final approval of all signs will be based not only on the above, but on reasonable architectural standards and overall balance as same applies to identification displays. Without limiting any of the above, the DRC must approve the manner in which any sign is constructed, lighted and mounted. All signs must also comply with all applicable zoning and other regulations.

3. Graphic Depictions: The design guidelines outlined above in the Development Criteria of Plantation Pointe - Commercial are graphically depicted on those certain drawings and sketches prepared by LBH Design located at 211 Grandview Drive, Ft. Mitchell, Kentucky 41017, copies of which are attached hereto and made a part hereof.

258836_6.DOC.1

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LBH DESIGN
MAR 15 1999

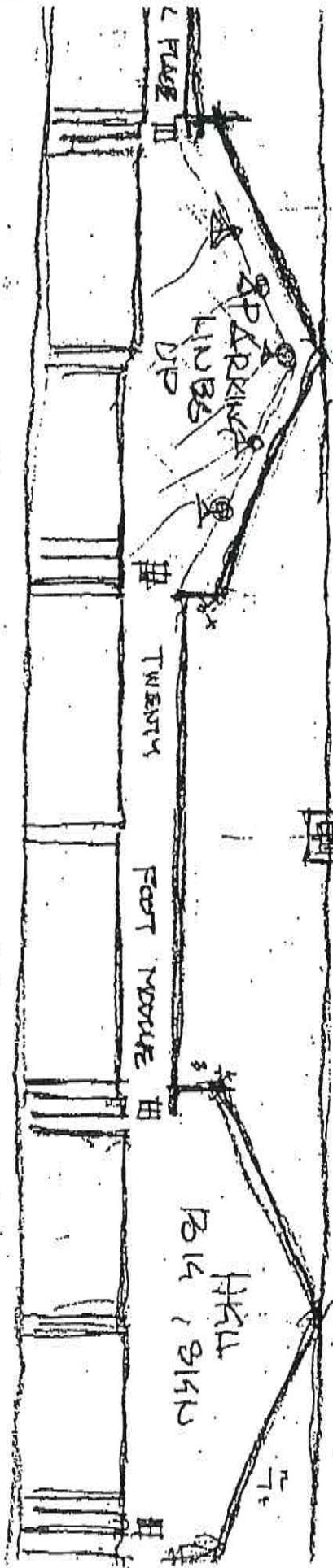
MAR 15 1999

1999

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LBH DESIGN
MAR 15 1999

LBH DESIGN
DESIGN AND LAND PLANNING
211 CANTONMENT DRIVE
SUITE 100
FT. MITCHELL, KY 40021
PHONE 578-8877 FAX 508-3445



MAY 7, 1998

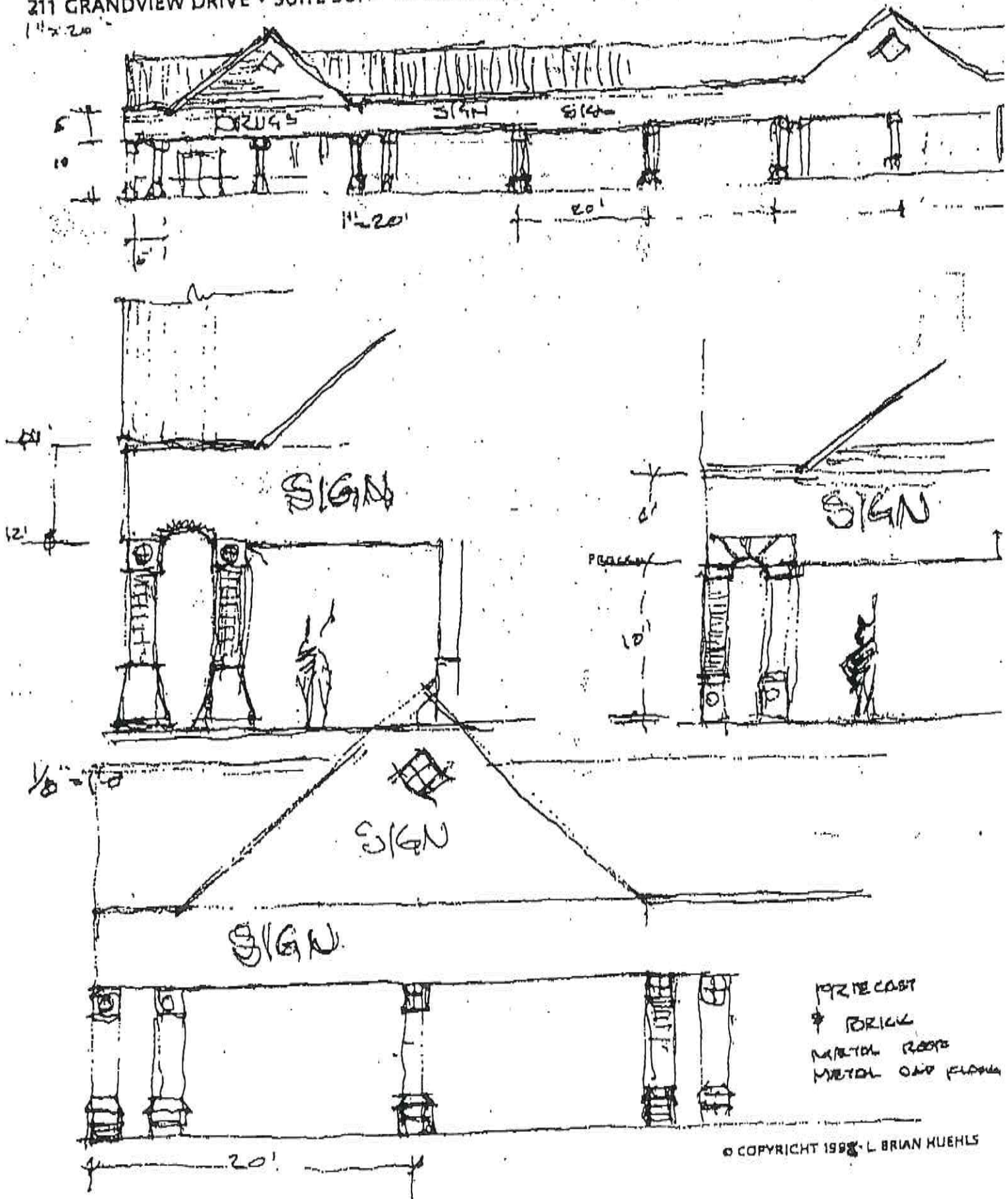
LBH DESIGN

DESIGN AND LAND PLANNING

211 GRANDVIEW DRIVE • SUITE 301 • FT. MITCHELL, KY 41017

(606) 578-8877 • FAX (606) 344-9838

L. BRIAN HUEHLS, ARCHITECT



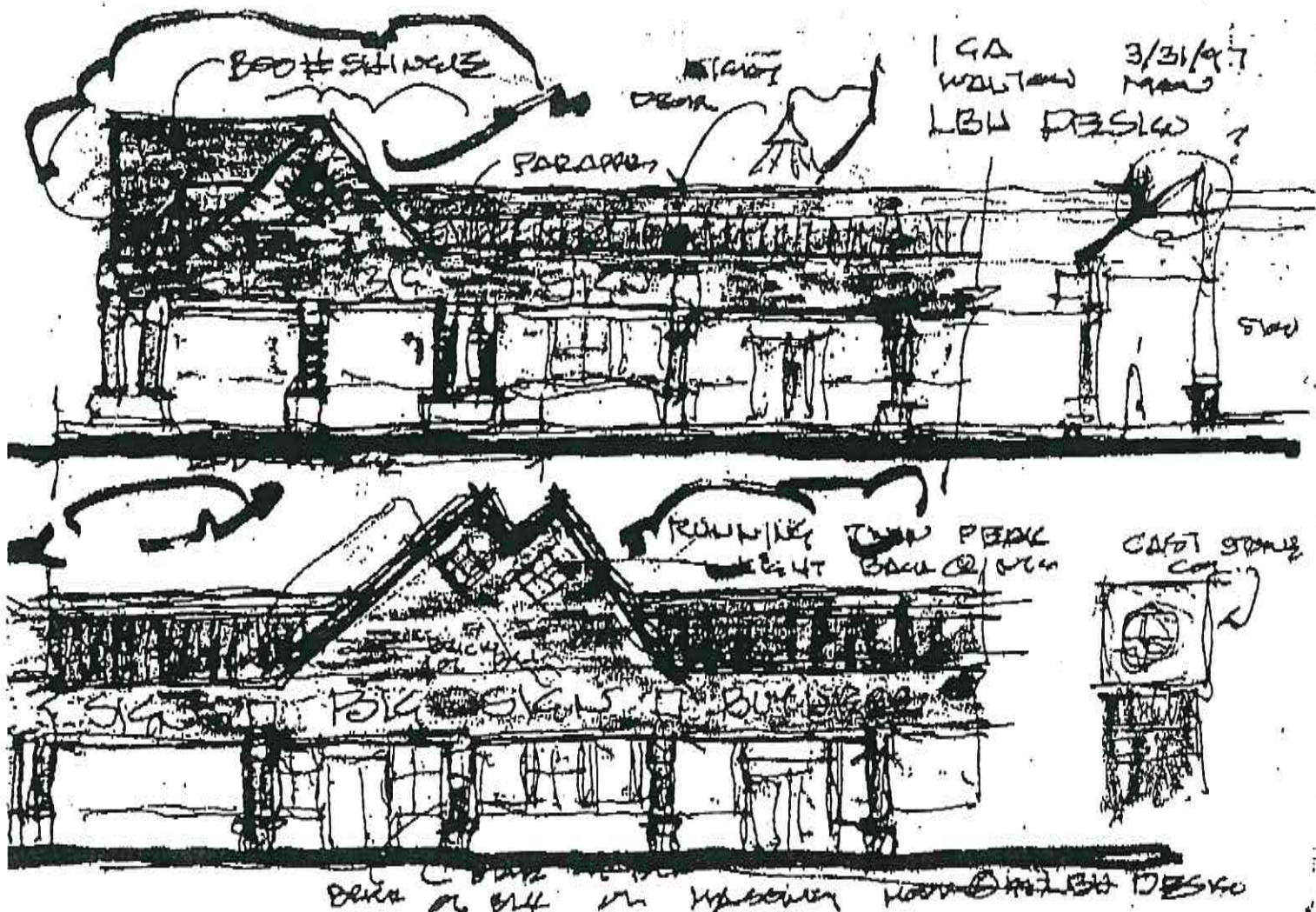
LBH DESIGN

BOOK 774 PAGE 234

DESIGN AND LAND PLANNING

L. BRIAN HUEHLS, ARCHITECT

211 GRANDVIEW DRIVE • SUITE 301 • FT. MITCHELL, KY 41017 • (606) 578-8877 • FAX (606) 344-9838

**LBH DESIGN**

JUN 09 1998

BOOK 774 PAGE 205

LBH DESIGN

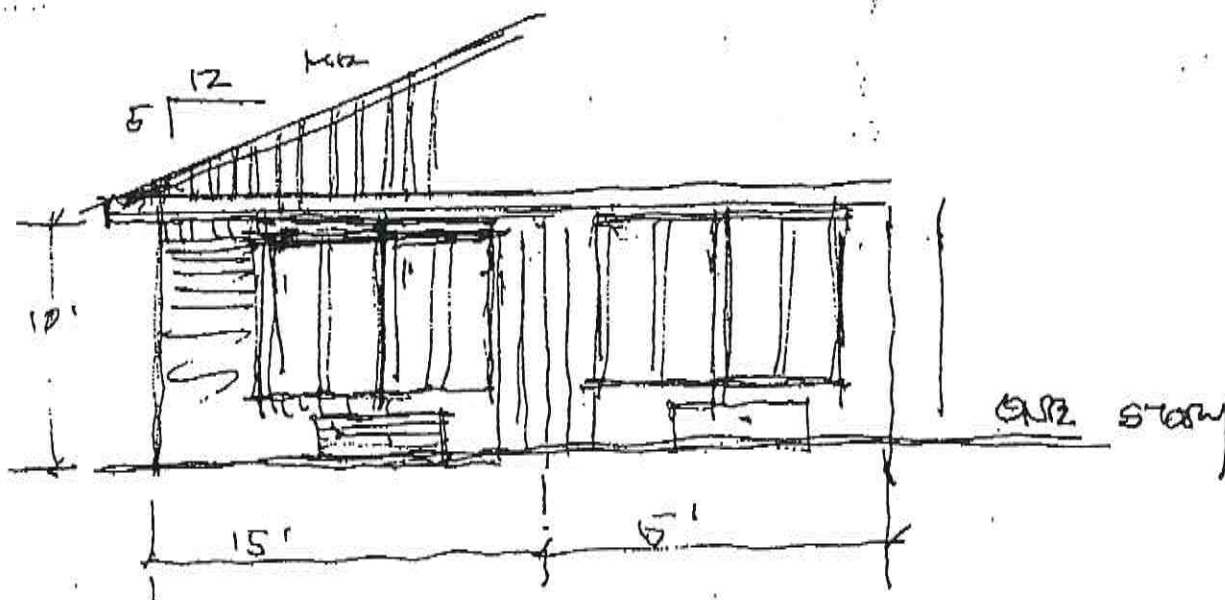
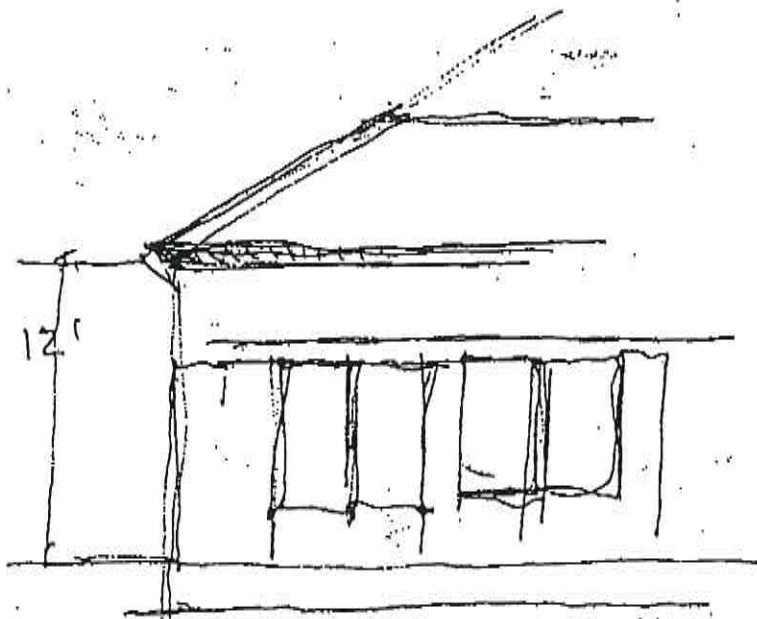
DESIGN AND LAND PLANNING

211 GRANDVIEW DRIVE • SUITE 301 • FT. MITCHELL, KY 41017 • (606) 578-8877 • FAX (606) 344-9838

MAY 27, 1998 Wk

L BRIAN HUEHLS, ARCHITECT

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\$ OFFICE



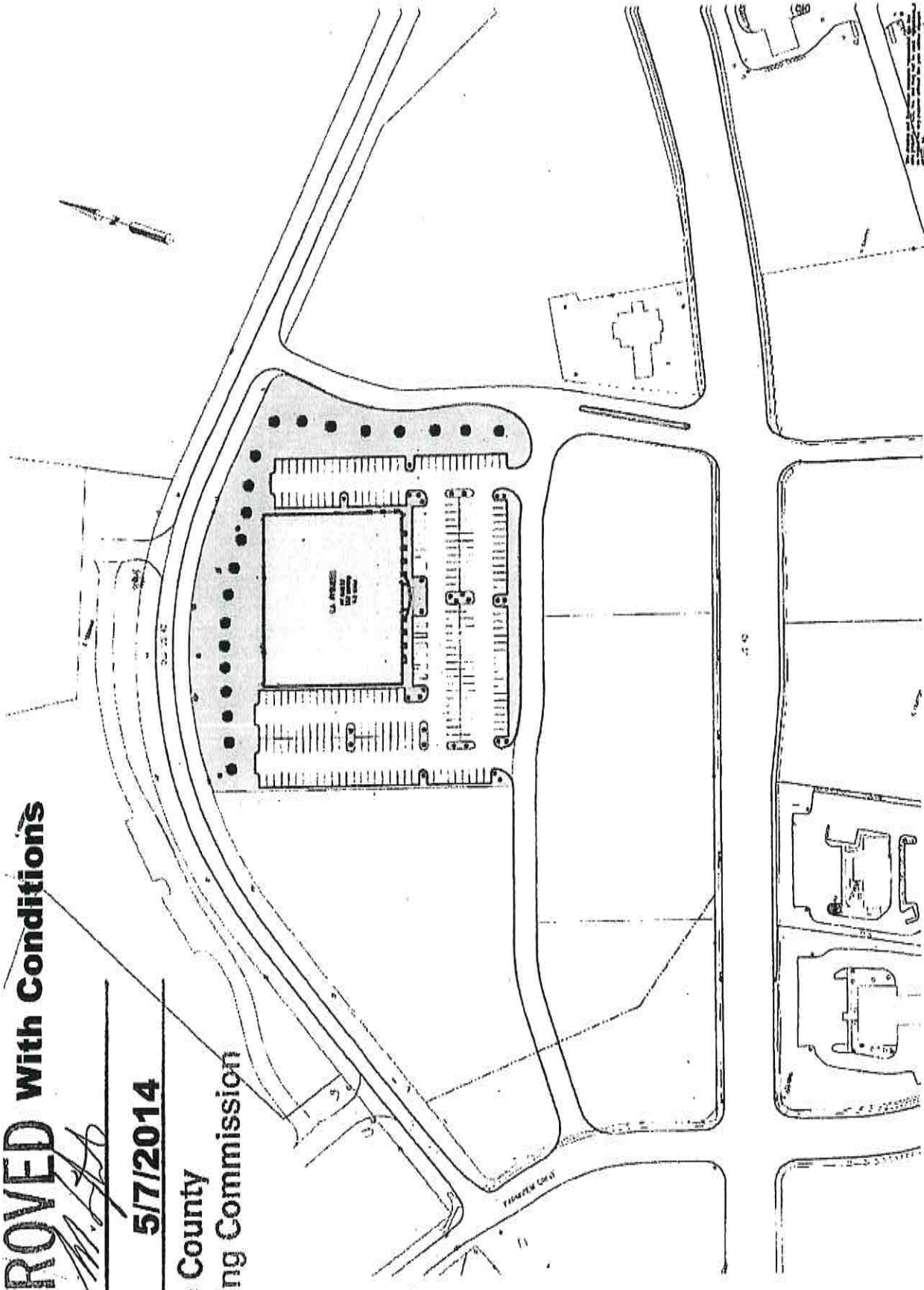
State of Kentucky, County of Boone
MARILYN K. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
was, on the 18 day of

APPROVED With Conditions

Staff M. J. [Signature]

Date **5/7/2014**

Boone County
Planning Commission



CONCEPTUAL SITE LAYOUT

APPROVED *w/conditions*

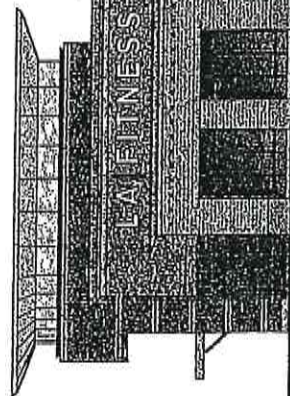
Staff *M. Smith*

Date *5/3/24*

Moone County
Planning Commission

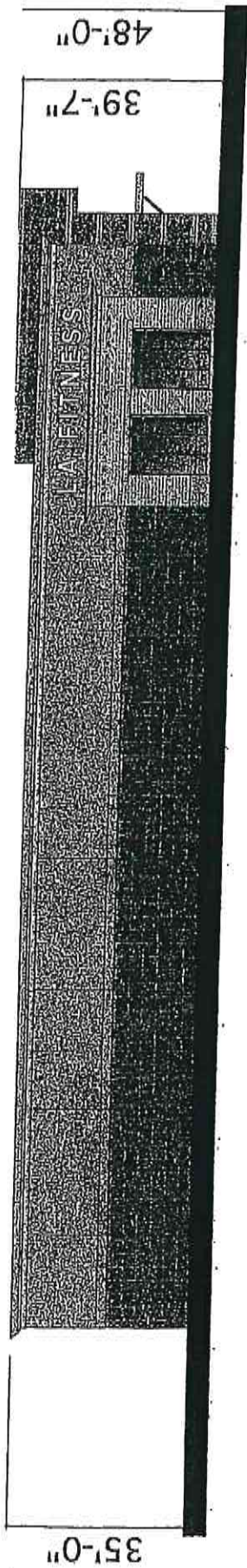


Rear Elevation

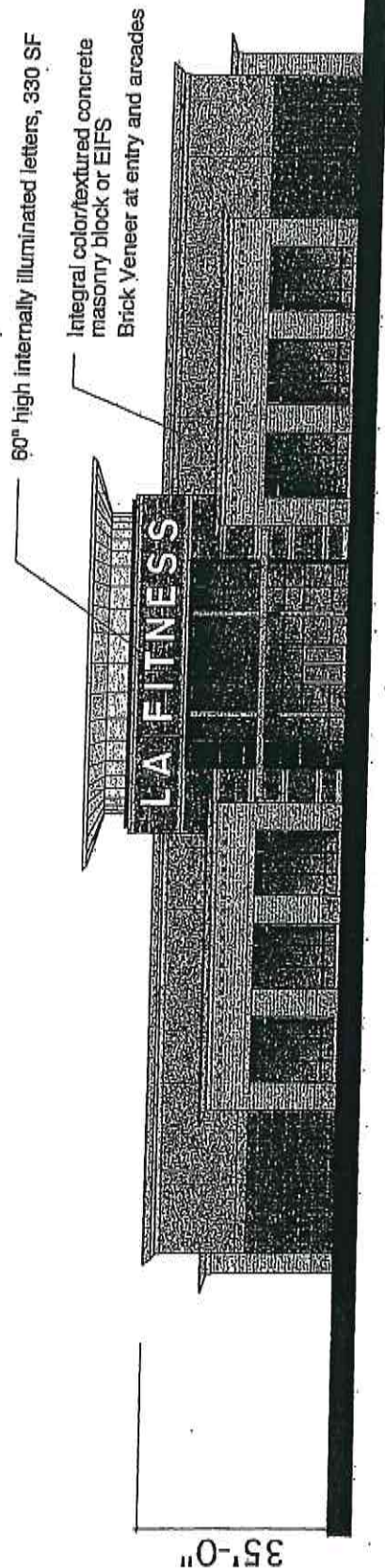


Side Elevation

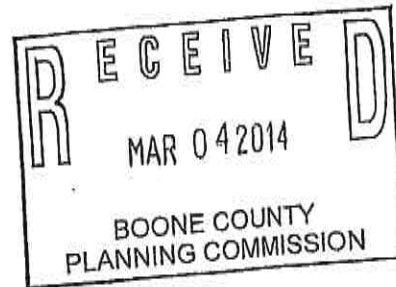
35'-0"



Side Elevation



Front Elevation



Concept Elevation

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 7, 2014

RE: Request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky. The request is to modify a previous condition of approval to increase the permissible building height to 50 feet; and request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky. The request is for a zone change to allow commercial uses.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment for the 1.14 acre tract, Union, Kentucky, is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
2. The Committee has concluded that Zoning Map Amendment for the 1.14 acre tract, Union, Kentucky, is consistent with the original and overall Concept Development Plan for Plantation Pointe.
3. The Committee has concluded that the request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract, Florence, Kentucky, is in agreement with the Business Activity Element of the 2010 Boone County Comprehensive Plan for the following reasons:

- A. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area.
- B. The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses.
- C. Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas.

The Change to the Approved Concept Development Plan allows development of the parcel while still protecting the residential neighborhood.

- 3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has 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 these conditions.

CONDITIONS

- 1. The Property Owner agrees that all of the original conditions approved by the Boone County Planning Commission and City of Florence for Area 12 from the 1996 Zoning Map Amendment will still apply unless amended below.
- 2. The Property Owner agrees that the lots with frontage on "new" US 42 can have a 50 foot building height and that the building height for the lots with frontage along Old US 42 will remain 35 feet with the provision that architectural details/features can extend above to a maximum of 50 feet from grade.

3. The Property Owner agrees that the 1.14 acre tract in the City of Union will follow all of the original conditions of approval for Area 12 from the 1996 Zoning Map Amendment as well as the building height provision outlined in Condition 2 above.

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 Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: April 16, 2014

RE: CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Kim Bunger, Chairman, Mitch Light, Staff

Request of BSM Development, LLC (applicant) for ERPS, Inc. (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky. The request is to modify a previous condition of approval to increase the permissible building height to 50 feet; and request of BSM Development, LLC (applicant) for ERPS, Inc. (owner) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky. The request is for a zone change to allow commercial uses.

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.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
BSM /ERPS, INC.
April 16, 2014

PAGE 2

Ben Brandstetter

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Greg Breetz

For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

Kim Bunger

For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

Janet Kegley

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Susan Schultz, Chairwoman

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Charlie Reynolds (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Mark Hicks (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Jim Longano (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

TOTAL: ____ DEFERRED ____ FOR PROJECT ____ ABSENT ____
____ AGAINST PROJECT ____ ABSTAIN ____

CITY OF FLORENCE, KENTUCKY

SUMMARY OF ORDINANCE NO. 0-17-14

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-17-14 on July 1, 2014. The title of this Ordinance is as follows:
ORDINANCE NO. 0-17-14

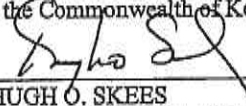
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 10.8 ACRE SITE LOCATED AT 8739 US 42, FLORENCE, KENTUCKY, TO INCREASE THE PERMISSIBLE BUILDING HEIGHT TO 50 FEET. (BSM DEVELOPMENT, LLC/ERPS, INC.)

The effect of this Ordinance is to allow an increase in the permissible building height to 50 feet in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10.8 acre site located at 8739 US 42, Florence, Kentucky.

The full text of Ordinance No. 0-17-14, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-17-14 and that it has been prepared by me on the 20th day of June, 2014, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-7407

Vicki Myers

From: Kathy Porter <cityclerk@mw.twcbc.com>
Sent: Thursday, September 04, 2014 12:42 PM
To: Vicki Myers
Cc: 'Attorney Voss'
Subject: RE: Resolution R-14-012-A
Attachments: cityclerk@mw.twcbc.com_20140904_115134.pdf

Vicki,

No, the city did not take any action on this. (I have attached a copy of the letter we received dated June 4, 2014)

Kathy L. Porter | City Clerk/Treasurer | City of Union, Kentucky | 1843 Mount Zion Road | Union, KY 41091 |
Voice: 859.384.1511 | Fax: 859.384.7760 | E-mail: cityclerk@mw.twcbc.com

From: Vicki Myers [<mailto:VMyers@boonecountyky.org>]
Sent: Thursday, September 04, 2014 9:50 AM
To: Kathy Porter, City of Union
Subject: Resolution R-14-012-A

Kathy,

Did the City of Union ever act on Resolution R-14-012-A (BSM Development) that we sent to you on June 5, 2014? If so, please send me your ordinance indicating the action taken. Thanks.

Vicki L. Myers

*Manager, Administrative Services
Boone County Planning Commission
P.O. Box 958
Burlington, KY 41005
(859) 334-2196 (P)
(859) 334-2264 (F)
vmyers@boonecountyky.org*

Kevin Wall

From: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>
Sent: Monday, January 25, 2021 8:52 AM
To: Kevin Wall
Cc: Tom Gagnon; Randy Childress; Staci Leiker
Subject: RE: Farmview Commons Change in Concept Development Plan, US 42/Farmview Drive, Florence and Union

EXTERNAL MESSAGE

Kevin – the City has the following comments:

1. As previously discussed with both the applicant and BCPC staff, the car wash use as shown in Concept Plan B, is not a use the City agrees with for this site.
2. The high-turnover fast food use is a concern. Being that a majority of the traffic will exit this site onto local streets, the City has apprehensions with peak period, high turnover uses.
3. The delineation between drive thru and pick up windows need better clarification. The City is aware of the changing nature of retail/restaurant uses and pick up services being more in demand. Stacking issues are of concern with certain users, we know from experience that there are business that create major peak period stacking issues, based on the overall amount of drive thru/pick up windows being requested, one user could majorly impact the flow for the remaining sites.
4. Who has maintenance responsibilities for St Elizabeth Way? Is the street designed for the capacity of traffic being proposed? Can the applicant include curb and gutter and provide the necessary improvements to the street to bring it to current road standards. The City would be interested in taking over ownership of this street if it is brought to current road design standards.
5. The proposed road that will connect through old US 42 appears to be a significant grade change, are there proposed retaining walls in this area? The City has concerns with how storm water runoff will be address for this section of street.
6. The architectural materials, provided in the submittal packet, align with the City's vision for this development.
7. The detention/retention facility will be required to have a decorative fence surrounding the structure.
8. The City will refer to KYTC on how the proposed traffic study will impact the traffic signals on 42. Are any signal timing improvements required due to the traffic study?
9. The City has evaluated the curb cut connection to Farmview Drive, at this time we will permit the connection. The City reserves the right to re-evaluate this connection if any future proposal exceeds the traffic count numbers as provided in the study.

Please do not hesitate to get with me if you have any questions.

Regards,

JOSHUA J. HUNT

Director, Business & Community Development

CITY OF FLORENCE, KENTUCKY

8100 Ewing Boulevard | Florence, KY 41042

P: 859.647.8168 | E: joshua.hunt@florence-ky.gov

florence-ky.gov

Kevin Wall

From: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Sent: Monday, January 25, 2021 1:06 PM
To: Kevin Wall
Subject: Re: Farmview Commons Change in Concept Development Plan, US 42/Farmview Drive, Florence and Union

EXTERNAL MESSAGE

I do have a question that I was going to send to Vlox.

Are WB right turn lanes warranted at Old US 42 or Farmview signals. I didn't see that analysis in the report. Looks like they just did the warrants for the internal access points.

Linzy Brefeld, P.E.
Transportation Engineer Supervisor
KYTC District 6
Traffic and Permits Section
Linzy.Brefeld@ky.gov
Get [Outlook](#) for iOS

From: Kevin Wall <KWall@boonecountky.org>
Sent: Monday, January 25, 2021 8:08:05 AM
To: jonlbrown@hotmail.com <jonlbrown@hotmail.com>; Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>; Joshua Hunt <Joshua.Hunt@Florence-KY.gov>; Tom Gagnon <Tom.Gagnon@Florence-KY.gov>; David Plummer <davidp@cityofunionky.org>; mmorgan@unionky911.org <mmorgan@unionky911.org>; Ford, Mike <mike.ford@boone.kyschools.us>
Subject: Farmview Commons Change in Concept Development Plan, US 42/Farmview Drive, Florence and Union

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Comments on this one?

Thanks,

kw

From: Kevin Wall
Sent: Thursday, January 07, 2021 11:35 AM
To: jonlbrown@hotmail.com; 'Brefeld, Linzy M (KYTC-D06)'; 'Joshua Hunt'; 'Tom Gagnon'; 'Randy Childress'; 'David Plummer'; 'mmorgan@unionky911.org'
Subject: Farmview Commons Change in Concept Development Plan, US 42/Farmview Drive, Florence and Union

Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

FEE CALCULATION:
\$2,000 + \$250 + \$66
+(\$20*11.82)=\$2,552.40

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

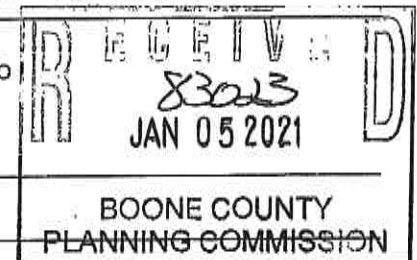
Seven (7) copies of submitted drawings are required

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):
 - ☐ 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)
2. Name of Project: Farmview Commons
3. Location of Project: Northeast Corner of US 42 & Farmview Drive
4. Total Acreage of Project: 11.82 Acres
5. Current Zoning of Property: C-2/CD/PD
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
July 17, 1996 & March 7, 2014
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission ☐ Yes ☒ No
If yes, indicate the name of the study: _____
8. Proposed Use(s) (specify each use):
The uses specified in the approved 1996 development plan amended to allow eating & drinking establishments and retail establishments to include drive-through and drive-up facilities to allow for elderly housing facilities, multi-family housing & automobiles.

9. Proposed Building Intensities (specify for each building):
Proposed Max Intensity for Total Site = 120,000+/- sf / 11.82 acres = 10,152 sf/acre
10. Have you submitted a Concept Development Plan: ☒ Yes ☐ No
11. Are you applying for any of the following (check all that apply):
 - ☐ Conditional Use Permit
 - ☐ Variance
12. Current Owner: EPRS, Inc.
Address: 4205 DIXIE HIGHWAY
ELSMERE KENTUCKY 41018
City State Zip Code
Phone Number: 859-393-7971 Fax Number: _____
Email: RHEPE@ECE-INC.NET
13. Applicant: Farmview Commons LLC
Address: 957 Traemora Place



Union KY 41091
City State Zip Code
Phone Number: 516-851-3364 Fax Number: _____
Email: hemal603@gmail.com

14. Are there any existing buildings on the site: ☐ Yes ☒ No
If yes, indicate how many: _____
15. 517 / 425 158 / 301 2047
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 checked="" 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 _____

ORIGINAL Property Owner's Signature: Raymond Engle VP
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Farmview Commons LLC / Hemalkumys Senil Member
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received: 01-5-21 Fee Received: \$2,552.⁴⁰ Receipt #: 83023
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: KEVIN WALL
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: 2/3/20
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

Farmview Commons

Farmview Commons LLC
Hemalkumar Soni
957 Traemore Place
Union, KY, 41091

January 4, 2021

Honorable Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

Re: Farmview Commons Concept Development Plan

Hon. Members of the Boone County Planning Commission:

On behalf of Farmview Commons, LLC (the "Applicant"), it is my pleasure to present to you the enclosed Concept Development Plan application ("Application") for the Farmview Commons Development at U.S. 42 and Farmview Drive in the cities of Florence and Union ("Farmview Commons"). Farmview Commons is an approximately \$35,000,000 (Thirty-Five Million Dollars) mixed-use development specifically designed to meet the needs of residents of Florence and Union with development-ready sites for a mix of convenience retail and services, eating and drinking establishments, senior living and/or medical offices.

The approximately 11.82-acre Farmview Commons site is referred to as "Area 12" in the Plantation Pointe Concept Development Plan approved by the County in 1996. The mix of approved uses and development standards that were adopted in 1996 requires updating to reflect current market demand. Specifically, the 1996 plan does not permit drive-through or drive-up eating/drinking establishments anywhere within Area 12. While limiting the location of drive-through restaurants to certain portions of the Plantation Pointe development may have been reflective of prevailing conditions in the mid-1990's, the coronavirus pandemic has greatly reinvigorated the market for drive-through and drive-up services. Drive-throughs and drive-ups are now a requirement of most eating establishments, including a growing number of dine-in restaurants. It is also a growing requirement of many retailers. Business establishments are requiring them because their customers are demanding them.

Additionally, the 1996 concept plan does not allow for carwashes on this site; another use that has grown significantly in popularity in recent years. It is without question that car wash facilities have evolved substantially since that time and have become a highly sought-after use in communities across the region.

The development that has occurred in Plantation Pointe since 1996 demonstrates that the residents of Florence and Union desire convenience, including the convenience of drive-through services. This is especially so for families with small children and seniors. Numerous drive-through businesses surround Farmview Commons and are thriving. An amended concept plan is necessary to allow for a mix of uses that reflect the current and future needs and desires of the community.

Farmview Commons will include parcels fronting U.S. 42 and Old U.S. 42, all of which will be accessed from two primary driveways and one secondary driveway. The primary driveways are on Farmview Drive and St. Elizabeth Way. The Farmview Drive access is proposed to be a right-in/right-out configuration, and the St. Elizabeth Way access is proposed to be a full access configuration. The secondary access point, which is also proposed to be a full access configuration, is proposed to be on Old US-42. The private access roads will be professionally landscaped and maintained with sidewalks on both sides, and the Farmview Drive entrance will include an attractive entrance retaining wall.

Applicant proposes the following two concepts for review and consideration:

Concept Option A (4 Drive-Throughs & 1 Automotive Use):

- Five commercial parcels fronting U.S. 42 and two parcels fronting Old U.S. 42.
- The Old U.S. 42 parcels would be developed in accordance with Option A above.
- The U.S. 42 parcels include (from west to east) an approximately 0.97-acre lot to be developed for a commercial building with a drive-through (Lot 1).
- An approximately 0.90-acre lot to be developed for a commercial building with a drive-through (Lot 2).
- An approximately 0.88-acre lot to be developed for a commercial building with drive-through (Lot 3).
- An approximately 1.12-acre lot to be developed for an approximately 8,000 square foot commercial building with a drive-through (Lot 4).
- An approximately 1.30-acre lot to be developed for a second approximately 8,000 square foot commercial building with a drive-through (Lot 5).
- One of Lots 1, 2 or 3 would be developed for an automotive use.

Concept Option B (3 Drive-Throughs & 1 Car Wash):

- Four commercial parcels fronting U.S. 42 and two parcels fronting Old U.S. 42.
- The Old U.S. 42 parcels include an approximately 1.65-acre parcel that will remain as a detention basin and an approximately 5.00-acre parcel that is proposed to be developed for approximately 100 senior living units in a four-story building of up to

50 feet in height, associated parking and a retention facility. Alternatively, the five-acre parcel could be developed for multi-family residential uses or medical office uses. The retention facility will serve as a water feature for the development.

- The U.S. 42 parcels include (from west to east) an approximately 1.62-acre lot to be used for a high-end carwash (Lot 1).
- An approximately 1.0-acre lot to be developed for commercial building with a drive-through (Lot 2).
- An approximately 1.26-acre lot to be developed for an approximately 8,000 square foot commercial building with a drive-through window (Lot 3).
- An approximately 1.30-acre lot to be developed for a second approximately 8,000 square foot commercial building with a drive-through (Lot 4).

The proposed mix of uses will help meet the demand for senior housing and drive-through food and retail convenience uses in this part of Boone County. Additional information, including a more detailed narrative addressing the Planned Development District criteria is enclosed with the Application.

We appreciate your review and consideration of the Application and look forward to an opportunity to present Farmview Commons at an upcoming meeting of the Planning Commission. Please feel free to reach out to me should you have any questions or need any additional information.

Thank you,

Hemal Soni

A handwritten signature in black ink, appearing to read 'Hemal Soni', is written over the printed name.

Additional Narrative Information for Farmview Commons

Florence, Boone County, Kentucky

Introduction:

About the Applicant: Mr. Hemal Soni founded Farmview Commons, LLC in 2020 in Union, Kentucky as a locally owned commercial and residential real estate development and management company. Mr. Soni previously worked in the retail and hospitality industries, beginning his career as a cashier at a stationery store in Long Island, New York.

After years of saving money and looking to become a first-time business owner, Mr. Soni's path took a turn twelve years ago when he moved to Verona, Kentucky. He purchased his first business called Clyde's Carryout, now called Hammy's, and started investing locally to grow the small convenience store into a full-fledged business. Along with aggressively pursuing retail development deals, Mr. Soni began construction and remodeling businesses starting with his first newly built restaurant in Verona, Kentucky. Mr. Soni currently owns multiple retail businesses such as gas stations, restaurants, liquor stores, and rental properties, all within Boone and surrounding counties. Combined operations employ close to fifty people and provide good paying and stable jobs. Everyone employed is considered a part of the family and is treated with great respect.

Being from New York, the first few years after the move was a big change, but now Mr. Soni has adapted to Kentucky and everything it has to offer. He has gained a reputation in the community for integrity, commitment, and passion and he will continue to uphold these values and build upon them with this proposed Farmview Commons project.

About the Proposed Development: Mr. Soni and Farmview Commons, LLC is proposing to develop the approximately 11.82-acre site located along U.S. 42 at the intersection of Farmview Drive primarily located in Florence, Kentucky. The approximately \$35,000,000 (Thirty-Five Million Dollars) mixed-use project will be specifically designed to meet the needs of surrounding residents with development-ready sites for a mix of convenience retail and services, eating and drinking establishments, senior living and/or medical offices. The proposed development is named Farmview Commons.

The site is located across U.S. 42 from the following commercial uses: General Electric Credit Union; Union Pediatrics and Derringer Dental Care (in one building); Skyline Chili; and Heritage Bank. Immediately to the east of the site is WesBanco and St. Elizabeth Urgent Care. The site is bounded by Farmview Drive to the west and by Old U.S. 42 to the north. Residential housing, both single-family and multi-family, are located along Farmview Drive and Old U.S. 42 in this area.

This site was once part of a larger 321-acre project known as Plantation Pointe-North. A concept plan for Plantation Pointe was adopted in 1996 to allow a mixed-use residential/commercial development. Parts of the property were rezoned from SR-1 to Residential Planned Development (RPD) and Office-1 Planned Development (O-1/PD). The site is known as "Area 12" in the Plantation Pointe Concept Plan and is currently zoned Commercial-2 Planned Development (C-2/PD).

The two attached conceptual plans provide the following options: (i) a development containing seven separate lots (Concept A); and (ii) a development containing six separate lots (Concept B). The applicant is actively marketing the Farmview Commons project and there is significant interest in the site; however,

the list of permitted uses in the 1996 Plantation Pointe Concept Plan do not allow for all the uses that the market demands in 2021.

The Plantation Pointe Concept Plan includes several conditions along with restrictions on certain permitted uses applicable to Area 12. The applicant is requesting that some of these conditions be reconsidered and amended as follows:

- Allow a maximum building height of 50 feet for lots with frontage along Old U.S. 42. In 2014, a Change of Concept Plan was submitted which allowed a 50-foot maximum building height for buildings with frontage along U.S. 42.
- Include drive-throughs and pick-up windows related to eating and drinking establishments, liquor stores, and pharmacies in the list of permitted uses.
- Include automotive retail services such as car washes in the list of permitted uses.
- Include multi-family and senior multi-family residential to list of permitted uses.
- Regarding architectural considerations:
 - Request the allowance of flat roofs for the placement of mechanical equipment.
 - Request that the pitched roof requirement be reduced so each building has some pitched roof element, but not the entire roof.

Utilities:

The project engineer met with the City of Florence's public utilities department to discuss utility needs. The proposed water and sanitary sewer extensions will be connected to the City of Florence public system. These proposed water and sewer mains will be owned and maintained by the City of Florence.

In addition, the proposed storm sewer on the site will be private. Detention and water quality facilities shall meet all City of Florence regulations. All streets within the development are to be private.

Traffic:

Please see attached Traffic Impact Study Executive Summary for more information regarding the scope of the traffic study.

Article 15: Planned Development District (PD) Criteria:

1. Mixed Use Development and Pedestrian Orientation: The 11.82-acre project known as Farmview Commons is proposed to consist of up to seven separate lots. The lots fronting on U.S. 42 (ranging from .88 acres up to 1.3 acres) are proposed for commercial uses. Lot 6 consists of 5.0 acres (3.37 developable acres) and will be reserved for senior living and/or medical office use. Lot 7 is 1.652 acres and will be left undeveloped and used for detention for the entire Farmview Commons.

The commercial development once planned for Area 12 was never constructed. However, Area 12 (Farmview Commons) is still subject to the 1996 Plantation Pointe Concept Plan and the criteria established in Article 15: Planned Development District (PD) within the current Boone County Zoning regulations. Farmview Commons will provide commercial and residential uses that will complement the surrounding area which has been developed as single-family and multi-family residential and commercial.

Lots 1-5 will front on U.S. 42 which is a major thoroughfare. The project will include sidewalks along both sides of the proposed interior east-west connector road within Farmview Commons. Those sidewalks will connect to existing sidewalks on Farmview Drive which then connect to existing sidewalks along U.S. 42. The proposed stormwater detention pond will be an added amenity for those living in the senior housing on Lot 6. The sidewalks will provide the residents a direct connection to the commercial businesses located on Lots 1-5.

2. Compatibility of Uses: As stated previously, Farmview Commons was originally planned as a larger planned development district. The commercial and residential uses planned for this site are compatible with the surrounding PD which includes single-family and multi-family residential and other commercial. Lot 6 is reserved for senior living, which is in high demand in our region. This use will be compatible with the other surrounding uses, and it will not contribute to an overall increase in traffic. As stated previously, Lot 6 is preferred to be reserved for senior living and/or medical office use.
3. Open Space: Lot 7 of Farmview Commons includes 1.65 acres of land which will remain undeveloped. This area will be used for detention for the rest of the site. A landscaped corner gateway feature, including bench seating, will be constructed at the northwest corner of the intersection of the two connector roads (on Lot 7). A pond used for stormwater detention will be constructed on the northeast side of the east-west connector (on Lot 6). This pond will be an amenity for the residents and visitors of the senior housing and will also improve the viewshed for those pedestrians who use the public seating area across the road.

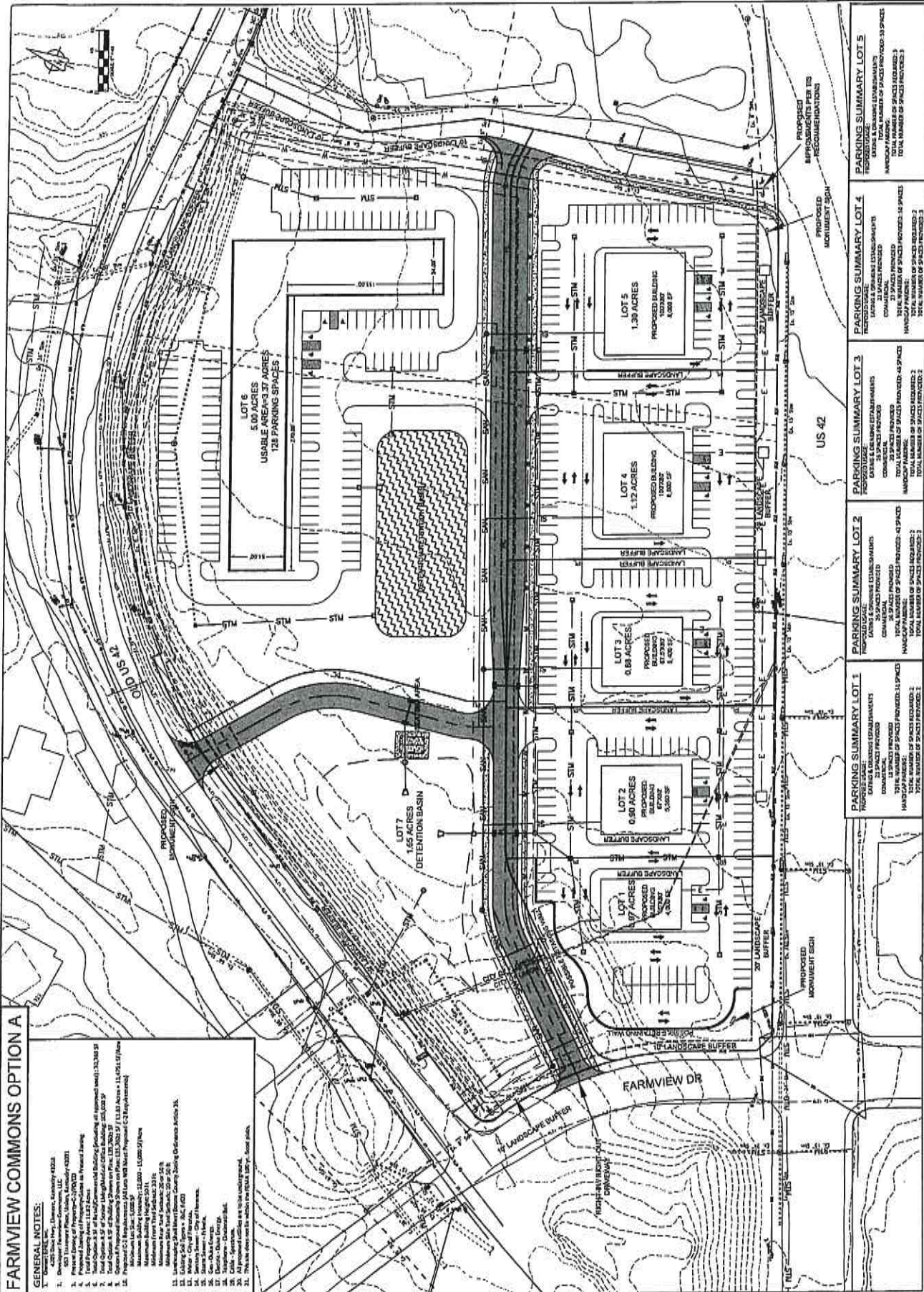
Lots 1-5 (Concept A or Lots 1-4 on Concept B) will be for proposed commercial/retail/restaurant uses with drive-through and drive-up pick-up windows. The lots reserved for eating and drinking establishments will include outdoor patios seating areas for the patrons. These patios will be situated in front of the proposed buildings and visible from U.S. 42.
4. Multi-Modal Transportation System: This site will have pedestrian sidewalk connections within the development along both sides of the interior east-west connector road. In addition, there are existing sidewalks located on the east side of Farmview Drive and along U.S. 42. This project will be easily accessed by pedestrians and bikers through the connectivity of sidewalks from U.S. 42 and Farmview Drive.
5. Preservation of Existing Site Features: The nearly 12-acre site is mostly vacant, however there is a significant line of existing mature trees along Old U.S. 42. As many of those trees will be preserved as possible. The entirety of Lot 7 (1.65 acres) will be left undeveloped and used for stormwater detention purposes.
6. Landscaping: The applicant will comply with all current regulations, as well as the landscape requirements included as part of the 1996 Plantation Pointe Concept Plan.
7. Architecture: Architecture for the proposed commercial buildings will be per the attached renderings and character boards.
8. See response to #7 above.
9. Historic and Prehistoric Features: NA

10. Signage: The applicant will comply with all current regulations, as well as the signage requirements included as part of the 1996 Plantation Pointe Concept Plan. The free-standing monument signs will visually correlate to the planned architectural theme of the development. The monument signage locations are noted on the attached concept plans.
11. Transportation Connections and Entry Points: Please refer to the pedestrian and street connections as shown in the attached concept plans. The entrance shown at Farmview Drive is proposed as a Right-in/Right-out only.

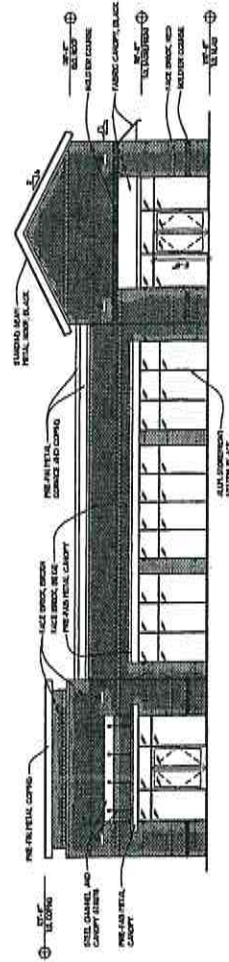
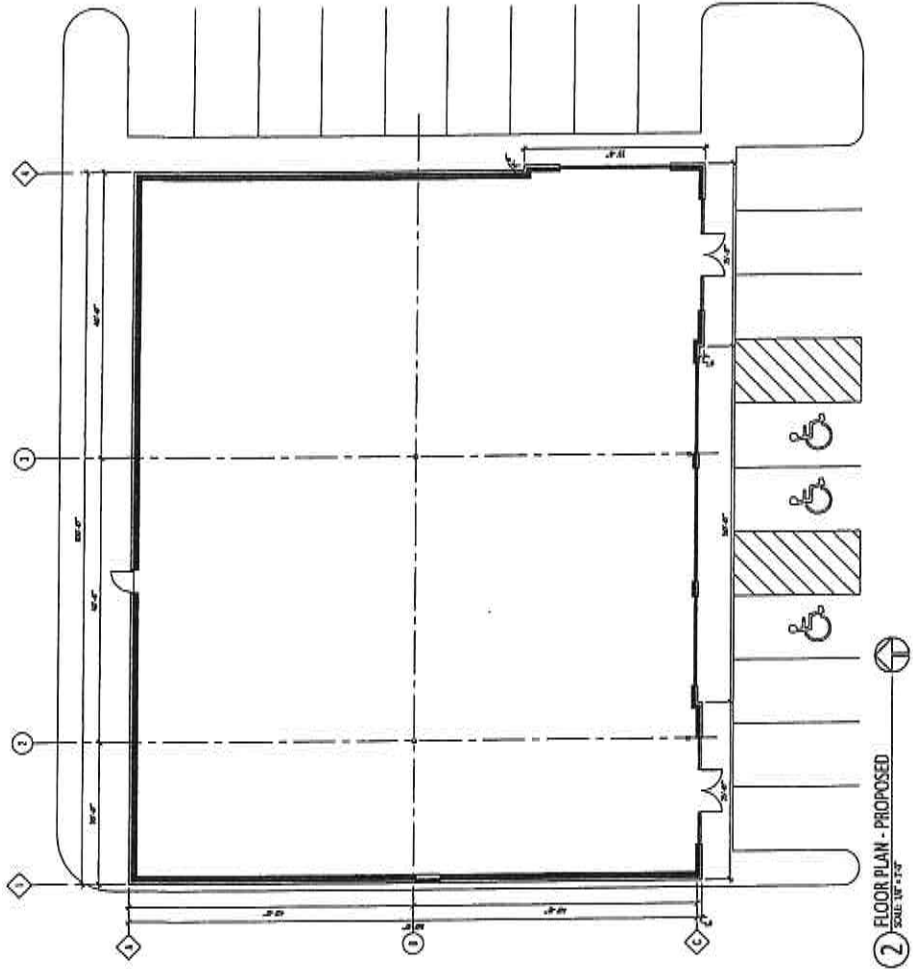
FARMVIEW COMMONS OPTION A

GENERAL NOTES:

1. Design: 4200 State Hwy, University 4200A
2. Design: 4200 State Hwy, University 4200A
3. Design: 4200 State Hwy, University 4200A
4. Design: 4200 State Hwy, University 4200A
5. Design: 4200 State Hwy, University 4200A
6. Design: 4200 State Hwy, University 4200A
7. Design: 4200 State Hwy, University 4200A
8. Design: 4200 State Hwy, University 4200A
9. Design: 4200 State Hwy, University 4200A
10. Design: 4200 State Hwy, University 4200A
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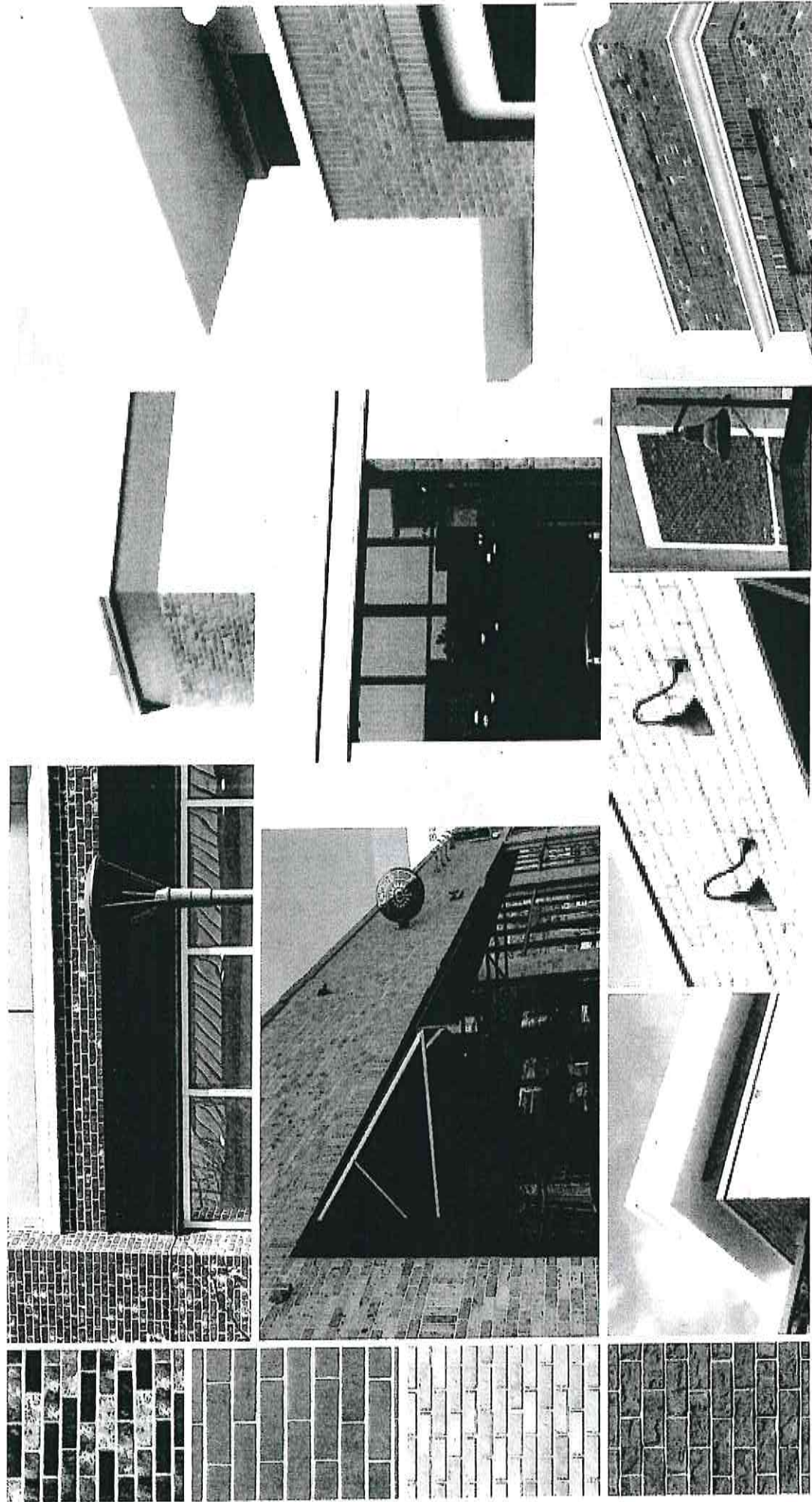


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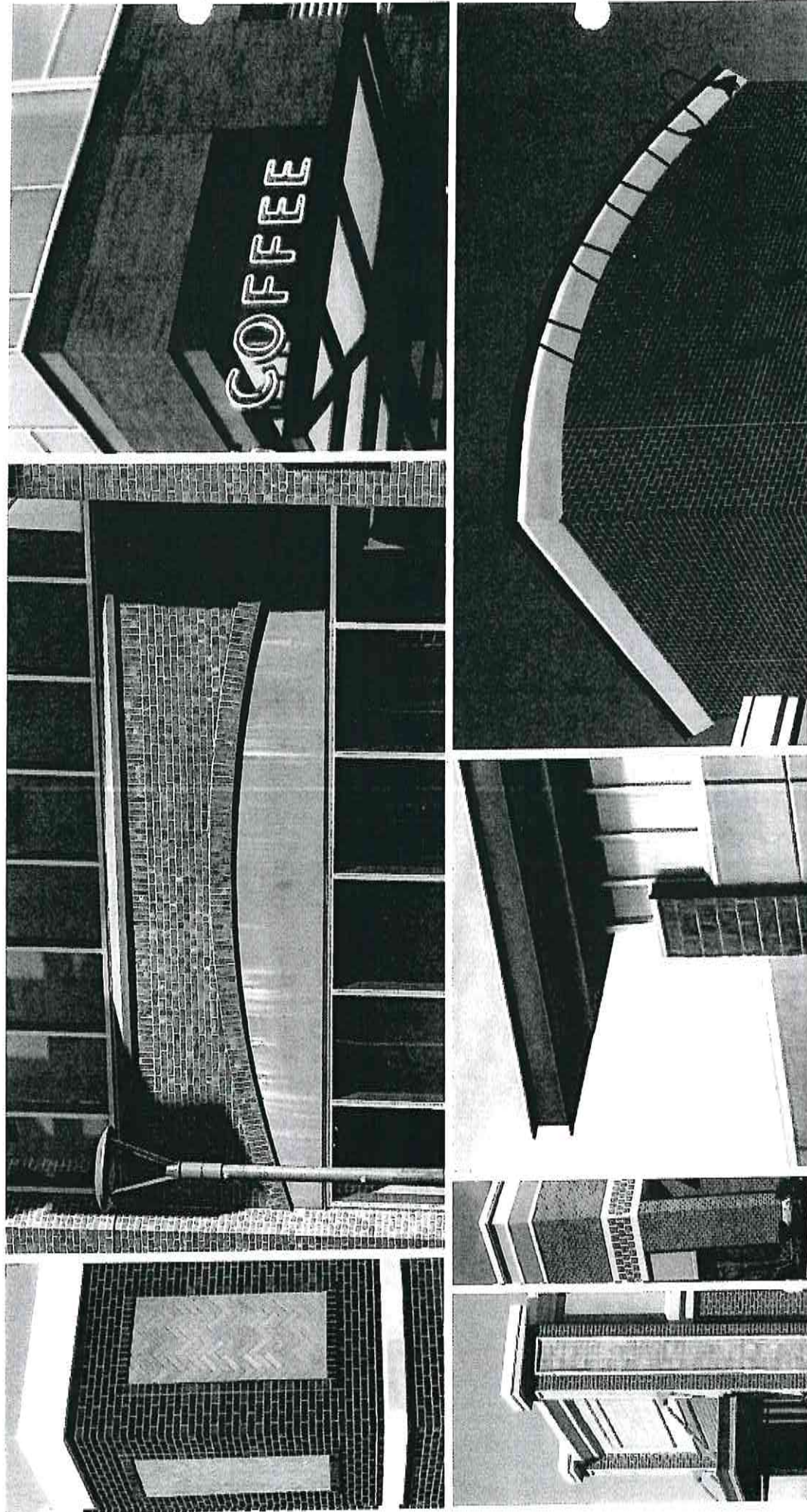
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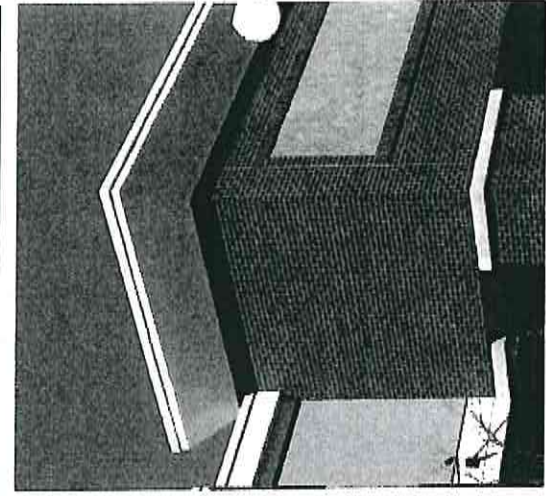
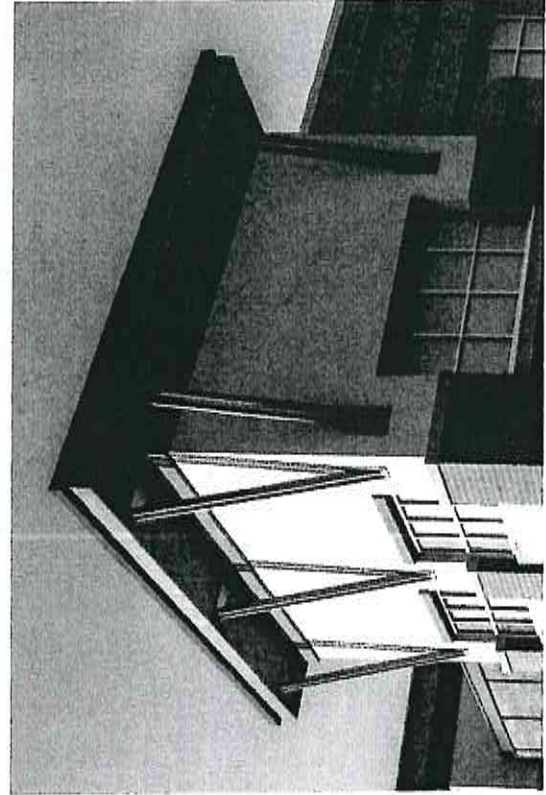
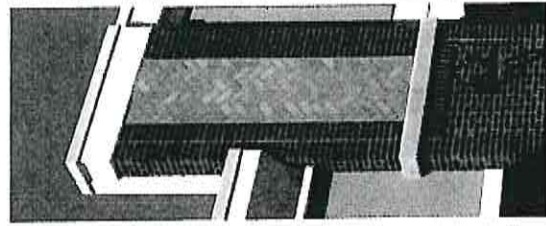
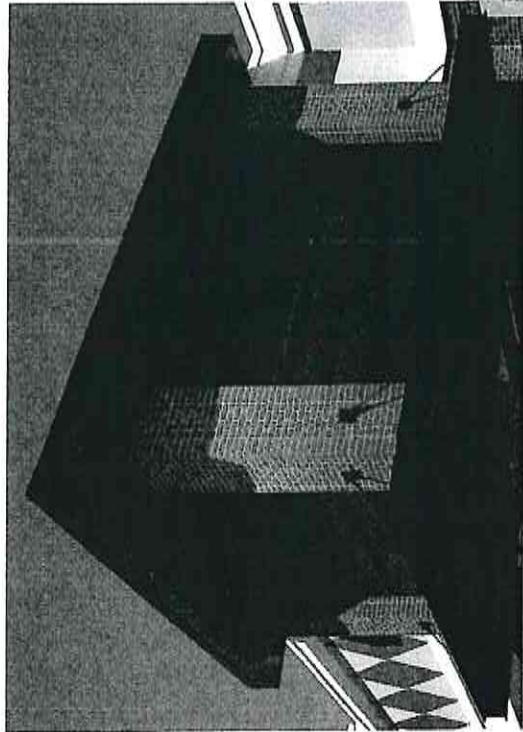
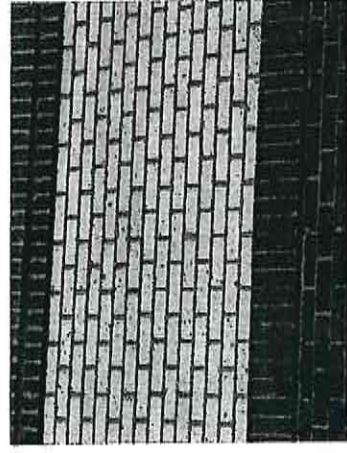
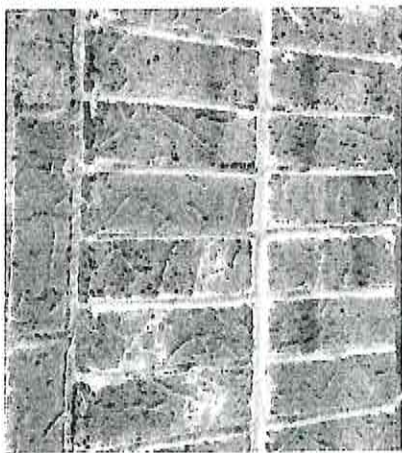
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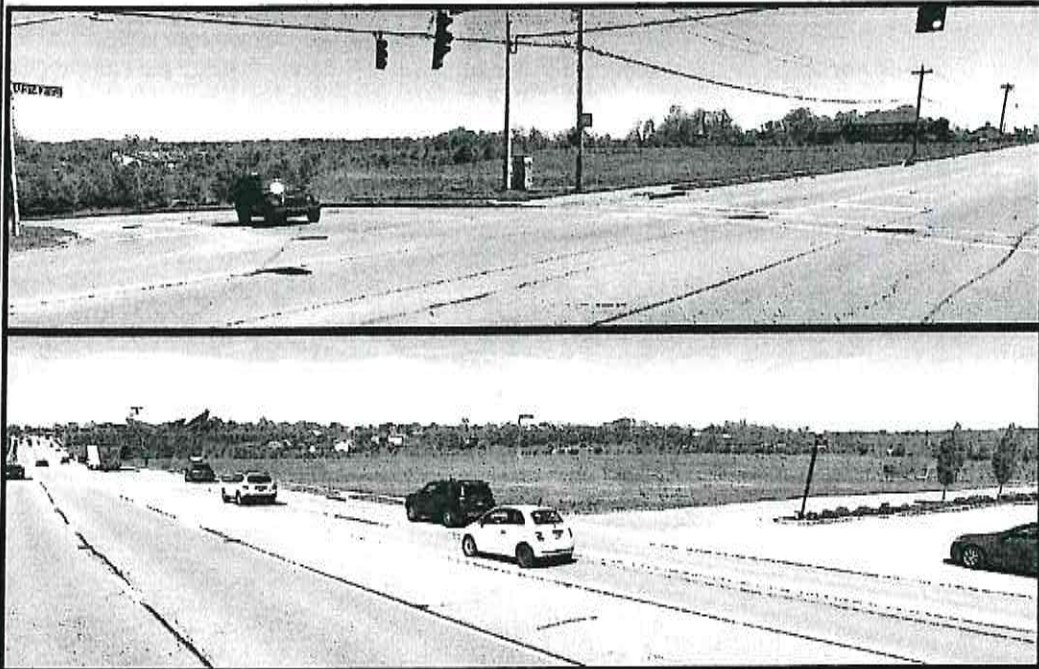
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**TRAFFIC IMPACT STUDY
MIXED-USE DEVELOPMENT
(COMMERICAL, RETAIL, OFFICE,
RESIDENTIAL)**

**US-42/Old US-42, City of Florence and Union,
Boone County, Kentucky**



Prepared for:
Farmview Commons LLC
957 Traemore Place
Union, Kentucky 41091



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects
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Engineering, LLC

Submitted: January 5, 2021

1. EXECUTIVE SUMMARY

The following provides an overview of the report and its recommendations related to the proposed development along US-42, in the City of Florence and Union, Boone County, Kentucky. The anticipated opening year of the mixed-use development is 2022. The potential uses include retail, commercial, office, and residential. Although the exact uses are currently unknown as of the date of this report, two potential use alternatives were analyzed (Options A and B). The uses chosen for trip generation calculations includes the highest trip generators for a development of this type. The mixture of uses for Option A includes a total retail/commercial building area of approximately 31,000 SF and approximately 40,000 SF of medical office. The second use mixture (Option B) includes a total retail/commercial building area of approximately 22,000 SF, an automated car wash, and approximately 40,000 SF of medical office.

The following conclusions are outlined below to mitigate the effects that the development will have on the surrounding roadways:

1. Potential construction of an additional southbound turn lane at St. Elizabeth Way/US-42 intersection, as well as a northbound turn lane at the St. Elizabeth Way and Access Drive 2 intersection.
2. Construction of a right-in/right-out access at the intersection of Farmview Drive and Access Drive 1.
3. Construction of a full access point at Old US-42 and Access Drive 3 (between the intersections Rio Grande Circle makes with Old US-42).

2. INTRODUCTION

The purpose of this Traffic Impact Study (TIS) is to describe and measure the impact of traffic generated by the proposed development on the existing public roadway system and provide a list of conclusions and recommendations required to fully mitigate such impact.

The proposed development is located along US-42 and will be enclosed to the east by US-42, to the north by St. Elizabeth Way, to the west by Old US-42, and to the south by Farmview Drive. The access points to the development are driveways on Old US-42, Farmview Drive, and St. Elizabeth Way. The access locations are shown in Figure 1 below. Per the current Kentucky Transportation Cabinet guidelines, intersections within 4800 linear feet were evaluated for existing conditions (2020), opening year Build and No-Build conditions (2022), and future Build and No-Build conditions (2032). The proposed development will consist of commercial/retail and a medical office uses. The proposed use details are included in Section 5 of this report.

Figure 1 – Development Site Location Map



3. SCOPE OF WORK

Preliminary discussions regarding the TIS scope were held with Kentucky Transportation Cabinet (KYTC) District 6, Boone County Planning Commission (BCPC), and City of Florence staff. It was determined the scope would include 7 existing intersections and 3 additional intersections resulting from the development:

- Pleasant Valley Road/Gunpowder Road & US-42 (signalized, 4-way)
- Old US-42/Wetherington Boulevard & US-42 (signalized, 4-way)
- St. Elizabeth Way/Express Street & US-42 (unsignalized, 4-way)
- Old US-42 between Farmview Drive & St. Elizabeth Way (unsignalized, 2-way)
- Farmview Drive/Richmond Road & US-42 (signalized, 4-way)
- Bowman Drive/Braxton Drive & US-42 (signalized, 4-way)
- Old Union Road/Kroger Access 1 & US-42 (signalized, 4-way)
- Fowlers Lane/Kroger Access 2 & US-42 (signalized, 4-way)
- Proposed Access 1 & Farmview Drive (unsignalized, 1-way stop-controlled)
- Proposed Access 2 & St. Elizabeth Way (unsignalized, 1-way stop-controlled)
- Proposed Access 3 & Old US-42 (unsignalized, 1-way stop controlled)

The study area is shown in Figure 1.

The following work tasks were performed as part of this study:

1. **Meeting/discussions with Project Team, KYTC, and/or public agencies** – Discussions and/or meetings were held with the various jurisdictional agencies and interested parties for the purpose of the establishment of details of scope of work and technical traffic engineering analysis methodology.
2. **Existing traffic conditions** – A site reconnaissance was conducted for the purpose of identifying aspects of ingress/egress and important roadway characteristics on the subject roadways. Included in the reconnaissance was traffic lane geometry and utilization, pavement widths, roadway characteristics, posted speed limits, traffic controls, signage, applicable Manual of Uniform Traffic Control Devices standards, and any potential safety issues related to intersection sight distance.

Existing peak hour turning movements were completed by a data collection sub-consultant (SHA Engineering) for the weekday morning (6:00 – 9:00 AM) and evening (3:00- 6:00 PM) time periods at the eight locations in October 2020.

Opening day for the Build scenarios is assumed to be year 2022. Two years of projected growth was added to the existing turning movement counts to serve as the opening day traffic volumes.

3. **New traffic volumes and distribution of trips** – Trip volumes were estimated for full Build-out of the development. These trips were calculated by using the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition, Volume 2, Part 1*. New trip turning movements for vehicles were assigned to the adjacent street system using demographic information and the existing traffic flow distribution. Additionally, pass-by and internal capture trips were determined via ITE methodology. Truck volumes were documented during

the data collection phase, and the associated percentage of truck trips were assigned to the roadway system based on their proportion of the existing traffic flow.

4. **Turn Lane Warrant Analysis** - The need for exclusive left- and right-turn lanes was investigated where proposed Access Drives 1, 2, and 3 are depicted on Figure 1.
5. **Projected Year Traffic**- The analysis was completed for existing conditions (2020), year 2022 No-Build and Build scenarios, and 10 years of projected traffic for the 2032 No-Build and Build scenarios. The No-Build traffic volumes were estimated by applying a regional growth factor to the 2020 traffic volumes. That same regional growth factor was applied to the 2022 No-Build and Build scenario to estimate the 2032 No-Build and Build scenario volumes, respectively. Based on direction from KYTC personnel, the assumed regional growth factor is 3.00%.
6. **Level of Service Analysis** – The 10 intersections in the study area were analyzed for morning and evening peak hour traffic volumes for the Build and No-Build scenarios.
7. **Traffic Impact Study Report** – This report was prepared describing the methodology used for the traffic analysis. The report includes appropriate traffic engineering analysis, conclusions, and recommendations to fully mitigate any potential adverse traffic impacts. This report fully conforms to the regulations and standards adopted by KYTC, BCPC, and City of Florence.

The final report will be submitted to KYTC, BCPC, and City of Florence for review and approval.

4. EXISTING AREA CONDITIONS

US-42 is of paramount importance for the surrounding community and the adjacent roadway network in the vicinity of the proposed development and is owned and maintained by KYTC. It is a major thoroughfare critical to the area that provides convenient access to Florence (to the north), Union (to the south), and various communities to the east and west. It provides access to a variety of collector, sub-collector, and local roads, as well. It is a four-lane undivided highway and is classified as a minor urban arterial. US-42 has a posted speed limit of 45 MPH along the stretch of the study area. Near proposed Access 1, the topography descends towards Old US-42. The same goes for the north end of the development along St. Elizabeth Way near proposed Access 2, but the descent is less drastic. The elevation at the Farmview Dr/Old US-42 intersection is about 20 feet lower than the elevation at the St. Elizabeth Way/Old US-42 intersection, and Old US-42 ascends gradually from Farmview Drive to Old US-42. The proposed location of Access 3 is about halfway between the two intersections that Rio Grande Circle makes with Old US-42. Farmview Drive, St. Elizabeth Way, and Old US-42 are two-lane roadways with a posted speed limit of 25 MPH. According to the Boone County GIS roadway map, Farmview Drive and a small portion of Old US-42 (near Farmview Drive) are owned and maintained by the City of Union, most of Old US-42 is owned and maintained by the City of Florence, and St. Elizabeth Way is privately owned and maintained. Preliminarily, it is anticipated that there will be sufficient sight distance when looking left and right from Access 1, 2, and 3. The sight distance is based on a length of 280 feet. The study limits along US-42 include the intersections US-42 makes with Pleasant Valley Road/Gunpowder Road, Old US-42/Wetherington Boulevard, St. Elizabeth Way/Express Street, Farmview Drive/Richmond Road, Bowman Drive/Braxton Drive, Old Union Road/Kroger Access 1, and Fowlers Lane/Kroger Access 2. Additionally, the intersections created by Proposed Accesses 1, 2, and 3 on Farmview Drive, St. Elizabeth Way, and Old US-42 are included.

As previously mentioned, turning movement counts were completed by a data collection sub-consultant (SHA Engineering) at the referenced locations for the weekday morning in October 2020. The study focused on the peak hour time periods of 7:15 AM – 8:15 AM and 4:45 PM– 5:45 PM. It should be noted that these counts were conducted during the COVID-19 pandemic when school was in session.

Truck classification counts were also conducted for the approaches at each intersection. The truck percentages for each lane group can be found in Appendix F.

7. FINDINGS

Turn Lane Warrants

The turn lane warrants are completed for the three access locations of the new development. The details of the analysis are included in Section 6 of this report.

The findings of the turn lane warrants are included below.

Intersection of Fairview Drive and Access Drive 1

The turn lane warrants completed show an exclusive northbound right turn lane from Fairview Drive to eastbound on Access Drive 1 is *not warranted*.

Intersection of Elizabeth Way and Access Drive 2

The turn lane warrants completed show an exclusive northbound left turn lane from Elizabeth Way to westbound on Access Drive 2 is *warranted*.

The turn lane storage calculations indicate a 125' (plus 50' taper) northbound left turn lane shall be built at the intersection.

Intersection of Old US 42 at Access Drive 3

The turn lane warrants completed show an exclusive westbound left turn lane from Old US 42 to southbound on Access Drive 3 is *not warranted*.

Capacity Analysis (Level of Service Analysis)

The detailed capacity analysis (and LOS characteristics) of all 2020, 2022, and 2032 Build and No-Build scenarios for the AM and PM time periods are reported in Section 6. The analysis is completed for the Option A and Option B of the new development. The unsignalized intersections are not assigned an "intersection" level of service but are evaluated for each approach. The summary of LOS analysis completed for each of the intersection within the study are is summarized below.

Intersection of US 42 and Gunpowder Road/Pleasant Valley Road.

The summary of capacity analysis completed for Option A is summarized in Tables 7 and 8, and the results for Option B are summarized in Tables 25 and 26. The results observed at the intersection are similar for the two scenarios. The analysis indicates the existing intersection geometry is not adequate to handle the anticipated traffic by the year 2032 (with or without the new trips generated by the development). The analysis with 2032 No Build and Build traffic volumes show LOS F along Gunpowder Road, Pleasant Valley Road, and the southwestbound approach of US 42.

The 95th percentile queues identified in the HCS results show Queue Storage ratios exceeding the eastbound left-, eastbound right-, westbound right-, and northbound left-turn lanes. The queue storage ratios exceed 1 for the No Build and Build scenarios. The summary of Queue Storage ratios is shown in Table 43.

Table 43 - US 42 at Pleasant Valley Road/Gunpowder Road -Queue Storage Ratio - AM Peak				
Movement	Queue Storage Ratio (95th Percentile)			
	2022 No Build	2032 No Build	2022 Build	2032 Build
EB Left Turn	1.27	1.76	1.31	1.73
EB Right Turn	1.3	1.81	1.61	2.17
PM Peak				
Movement	Queue Storage Ratio (95th Percentile)			
	2022 No Build	2032 No Build	2022 Build	2032 Build
EL Left Turn	1.23	1.7	1.22	1.68
EB Right Turn	3.03	5.44	3.6	6.2
WB Left Turn	1.76	3.17	2.19	3.76
NB Left Turn	1.18	1.77	1.42	2.09

Intersection of US 42 and Wetherington/Old US 42.

The summary of capacity analysis completed for Option A is summarized in Tables 9 and 10, and the results for Option B are summarized in Tables 27 and 28. The results observed at the intersection are similar for the two scenarios. The analysis completed for the AM Peak Hour show the intersection will operate at LOS C and D for the 2022 and 2032 Build scenarios, respectively. The analysis for the PM Peak Hour scenarios shows a LOS D and E for the intersection, similar to what is observed for AM Peak Hour scenarios.

The 95th percentile queues identified in the HCS results show Queue Storage ratios exceeding the storage available for westbound right turns for AM and PM Peak Hours. The summary of Queue Storage ratios for the westbound right turns is included in Table 44.

Table 44 - US 42 at Wetherington Blvd/Old US 42 -Queue Storage Ratio				
AM Peak				
<i>Movement</i>	<i>Queue Storage Ratio (95th Percentile)</i>			
	<i>2022 No Build</i>	<i>2032 No Build</i>	<i>2022 Build</i>	<i>2032 Build</i>
WB Right Turn	2.07	2.9	2.05	2.94
PM Peak				
<i>Movement</i>	<i>Queue Storage Ratio (95th Percentile)</i>			
	<i>2022 No Build</i>	<i>2032 No Build</i>	<i>2022 Build</i>	<i>2032 Build</i>
WB Right Turn	1.74	2.58	1.74	2.62

Intersection of US 42 and Farmview Drive/Richmond Road

The summary of capacity analysis completed for Option A is summarized in Tables 11 and 12, and the results for Option B are summarized in Tables 29 and 30. The results observed at the intersection are similar for the two scenarios. The results of the capacity analysis show acceptable LOS and flow of traffic through the intersection with and without the new traffic generated by the proposed development. The analysis indicates the existing geometry and signal operations are adequate to handle additional traffic generated by the new development.

The 95th percentile queues identified in the HCS results show Queue Storage ratios exceeding the storage available for southbound right turns for the PM Peak Hour scenarios. The summary of Queue Storage ratios is included in Table 45.

Table 45 - US 42 at Farmview Drive -Queue Storage Ratio – PM Peak				
<i>Movement</i>	<i>Queue Storage Ratio (95th Percentile)</i>			
	<i>2022 No Build</i>	<i>2032 No Build</i>	<i>2022 Build</i>	<i>2032 Build</i>
SB Right Turn	1.19	1.75	1.15	1.81

Intersection of US 42 and Bowman Drive/Braxton Drive

The summary of capacity analysis completed for Option A is summarized in Tables 13 and 14, and the results for Option B are summarized in Tables 31 and 32. The results observed at the intersection are similar for the two scenarios. The results of the capacity analysis show acceptable LOS and flow of traffic through the intersection with and without the new traffic generated by the proposed development. The analysis indicates the existing geometry and signal operations are adequate to handle additional traffic generated by the new development.

The 95th percentile queues identified in the HCS results show Queue Storage ratios exceeding the storage available for southbound right turns during the PM Peak Hour scenarios. The summary of Queue Storage ratios is included in Table 46.

Table 46 - US 42 at Bowman Drive/Braxton Drive -Queue Storage Ratio – PM Peak				
<i>Movement</i>	<i>Queue Storage Ratio (95th Percentile)</i>			
	<i>2022 No Build</i>	<i>2032 No Build</i>	<i>2022 Build</i>	<i>2032 Build</i>
SB Right Turn	1.08	1.58	1.13	1.65

Intersection of US 42 and Old Union Road/Kroger Access Drive

The summary of capacity analysis completed for Option A is summarized in Tables 15 and 16, and the results for Option B are summarized in Tables 33 and 34. The results observed at the intersection are similar for the two scenarios. The results of the capacity analysis show acceptable LOS and flow of traffic through the intersection with and without the new traffic generated by the proposed development. The analysis indicates the existing geometry and signal operations are adequate to handle additional traffic generated by the new development.

The 95th percentile queues identified in the HCS results show Queue Storage ratios exceeding storage available for southbound right turns and westbound right turns during the PM Peak Hour scenarios. The summary of Queue Storage ratio is included in Table 47.

Table 47 - US 42 at Old Union Road/Kroger Access-Queue Storage Ratio – PM Peak				
<i>Movement</i>	<i>Queue Storage Ratio (95th Percentile)</i>			
	<i>2022 No Build</i>	<i>2032 No Build</i>	<i>2022 Build</i>	<i>2032 Build</i>
WB Right Turn	1.12	1.39	1.22	1.51
SB Right Turn	1.44	1.64	1.53	1.69

Intersection of US 42 and Fowlers Lane/Kroger Access Drive 2

The summary of capacity analysis completed for Option A is summarized in Tables 17 and 18, and the results for Option B are summarized in Tables 35 and 36. The results observed at the intersection are similar for the two scenarios. The results of the capacity analysis show acceptable LOS and flow of traffic through the intersection with and without the new traffic generated by the proposed development. The analysis indicates the existing geometry and signal operations are adequate to handle additional traffic generated by the new development.

Intersection of US 42 and St. Elizabeth Way/Express Street (Unsignalized)

The summary of capacity analysis completed for Option A is summarized in Tables 19 and 20, and the results for Option B are summarized in Tables 37 and 38. The results of the analysis indicate the southbound approach on St. Elizabeth Way will operate with excessive delay, particularly for the Build scenarios. The excessive delays are due to lack of gaps available for the vehicles making left and right turns from St. Elizabeth Way to US 42. The analysis indicates the delays for the southbound right turns can be reduced if an additional lane (exclusive southbound right turn) is constructed. However, the southbound left turns will continue to operate with excessive delays, even with the additional right-turn lane. The delays can be reduced by the installation of a traffic signal at this location, but additional analysis would be necessary to evaluate whether a traffic signal is warranted or valid at this location, given signal spacing requirements and the distances between the signalized intersections upstream and downstream of the development (Old US-42/Wetherington Blvd and Farmview Drive/Richmond Road).

Intersection of St. Elizabeth Way and Access Drive 2

The summary of capacity analysis completed for Option A is summarized in Tables 21 and 22, and the results for Option B are summarized in Tables 39 and 40. The results of the capacity analysis at this intersection show the eastbound approach at Access Drive 2 will operate at an acceptable LOS for the AM and PM Peak Hour Build scenarios.

Intersection of Old US 42 and Access Drive 3

The summary of capacity analysis completed for Option A is summarized in Tables 23 and 24, and the results for Option B are summarized in Tables 41 and 42. The results of the capacity analysis at this intersection show the northbound approach at Access Drive 3 will operate at an acceptable LOS for the AM and PM Peak Hour Build scenarios.

Intersection of Farmview Drive and Access Drive 1

The intersection is assumed to operate as a right-in/right-out access point. The estimated trip distribution shows no trips making right turns from Access Drive 1 to northbound Farmview Drive. Since the intersection has no other movements that will encounter delay (or opposing traffic) at the intersection, the capacity analysis at the intersection is not reported.

Recommendations

General

Implementation of all work to be completed as part of the recommendations in this report shall be built using the standards followed by KYTC and supplements to these standards from the City of Florence and Boone County Planning Commission, Kentucky. This should include the construction of access drives, new lanes on public roads, and pavement markings & signage.

Private Access Road within Development (Roadway created by Access Drives 1 and 2)

A portion of the private access road serving the development from Farmview Drive and St. Elizabeth Way should be considered to be constructed as a 3-lane roadway section. This would include the portion that is included from Access Drive 3 to St. Elizabeth Way, which would include one lane each in the eastbound and westbound directions and space in the center for exclusive left-turn lanes into proposed Driveways A and B. The portion of the access road between Farmview Drive and Access Drive 3 should be constructed as a 2-lane section (one lane eastbound, one lane westbound) with no center turn lane.

Access Drive 1 at Farmview Drive

- Access Drive 1 shall be constructed to allow right turns in/out only.
- The westbound approach at Access Drive 1 shall be built with one inbound and one outbound lane.
- The westbound approach of Access Drive 1 shall be stop-controlled.

Access Drive 2 at St. Elizabeth Way

- Access Drive 2 shall be constructed with a single inbound and single outbound lane.
- The eastbound approach of Access Drive 2 shall be stop-controlled.

Access Drive 3 at Old US 42

- Access Drive 3 shall be constructed with a single inbound and single outbound lane.
- The northbound approach of Access Drive 3 shall be stop-controlled.

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Kim Bunker, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Hellman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin Wall, Director, Zoning Services

Chairman Rolfsen introduced the third item on the Agenda at 9:23 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kevin Wall, Staff

3. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The site is located on the northeast corner of the US 42/Farmview Drive intersection. A driveway formerly called Natorp Drive runs along the east boundary. It is largely level and cleared, but has a line of existing vegetation along the Old US 42 frontage. The site contains two tracts. The larger tract on the east side of the site is in Florence and contains slightly less than 11 acres. It is part of a larger area on both sides of US 42, Plantation Pointe North, which is subject to a zone change approval from 1996. It is also subject to a Change in Concept Development Plan from 2014, which modified a prior condition of approval for building height from 35 feet to 50 feet for the frontage lots along US, 42. It kept the 35 foot building height for lots along Old US 42, but allowed architectural features for these lots to extend up to 50 feet. The smaller tract along Farmview Drive is in Union. At the same in 2014 that the Change in Concept Development Plan was approved for the larger tract, a zone change from RSE to C-2/PD was adopted for the smaller tract, subject to the same terms and conditions as the larger tract. The Future Land Use Map designates the site as Commercial. The Natural Features Map attached to the Staff Report shows that the site is largely flat with steeper slopes and existing vegetation along Old US 42.

The Concept Development Plan includes two plan options. The first, Option A, shows five lots for commercial and restaurant uses along US 42. The back lot along Old US 42 is proposed for elderly housing, multi-family housing, or medical office. An open space lot is proposed at the corner of Farmview Drive and Old US 42. The back lot with the bigger building and the open space lot are the same on both plan options. Option B is similar to Option A, but has four frontage lots along US 42 with a car wash at the corner of US 42 and Farmview Drive. The proposed uses include the list from the 1996 Concept Development Plan and drive-throughs for the frontage lots. The 1996 approval allowed drive-throughs for banks only. Automobile related retail is also proposed.

The architectural concept shows a brick building with detailing on all sides, with black awnings, storefronts, and standing seam metal roofing. A pitched roof is proposed on part of the building. The design guidelines adopted for Plantation Pointe North per the 1996 zone change conditions require a pitched roof over the entire structure, with the exception of a later change, which relaxed the pitched roof requirement for structures with a footprint larger than 100 feet by 200 feet. This exception does not apply to the structures shown on the current Concept Development Plan. The architectural concept includes illustrative vignettes.

In regards to Staff comments, a detailed discussion about the Comprehensive Plan is outlined in the Staff Report. A key provision, which pertains to this area, is discussed on pages 12 and 13. This provision states that a broader range of commercial and office uses is appropriate in the area around the US 42/Pleasant Valley Road intersection, but should taper down to smaller-scaled office and institutional uses in the proximity of Farmview Subdivision and the municipal boundary between Florence and Union, which is the location of this site.

Regarding the Planned Development Criteria in Section 1514, the first criterion pertains to mixed-use development and pedestrian orientation. This proposal is more auto-oriented due to the layout, car wash, and number of drive-throughs. The rear lot will diversify uses in the development and function as a transitional use for the properties to the north. There are sidewalk recommendations per this criterion on page 15 of the Staff Report.

Under compatibility of uses, the first issue pertains to building height. The requested building height change would only pertain to the rear lot since the US 42 frontage lots can already have 50 feet. The building pad elevation for the rear lot is approximately 26 feet higher than the elevation of the intersection at the Village of South Fork Creek, so a multi-story building will be visible. Mr. Wall requested that the applicant provide sight line drawings from the properties to the north for the Zone Change Committee to evaluate. Based on the requirements of the underlying C-2 zone, the applicant should explain the building intensity assumptions for this lot.

The proposal includes the 1996 use list, car wash, elderly housing, multi-family housing, and drive-through facilities for restaurants and retail uses. The applicant needs to explain what is meant by the term "automotive retail services" that is used in the narrative. Regarding the car wash, Staff recommends that it be substituted with a use that is more enclosed. The concern is compatibility at the entrance to a major residential area, as well as the Comprehensive Plan's direction about tapering down commercial uses at this location. Drive-through facilities are proposed for most, if not all, lots. The locations, style, such as pick-up only or full-service, and number of drive-through facilities needs to be evaluated by the governing bodies. There are several examples of local drive-through problems, especially stacking problems. Lighting recommendations are in the Staff Report.

The next criterion pertains to open space. The proposed open space includes a detention basin and a seating area. It encompasses approximately 14 percent of the overall site area. The applicant should explain how it will function as an open space amenity. The applicant's narrative mentions outdoor restaurant seating areas in relation to this criterion. Additional information needs to be provided in order to determine whether or not this aspect of the proposal corresponds to this criterion. A short discussion regarding the multi-modal transportation criterion is in the Staff Report.

In relation to the preservation of existing site features criterion, the existing vegetation along the Old US 42 frontage is the only notable feature on the site. The applicant's narrative discusses keeping this vegetation as part of the landscaping plan. Staff recommends that it be substantially retained and any removal be kept minimal and conform around the improvements shown on the plan. Retention of the existing vegetation could potentially fulfill the landscaping requirements for this part of the site.

There are a few issues pertaining to the landscaping criterion outlined in the Staff Report. Regarding the architectural criterion, it is Staff's conclusion that the proposed architectural concept is appropriate with the caveat that Staff hasn't identified a rationale from a compatibility standpoint to relax the pitched roof requirements in the Plantation Pointe North design guidelines. This was discussed at the pre-application meeting for this project. The applicant's narrative states that the rationale for altering the roof requirement is due to roof mounted mechanical equipment, however, pitched roofs are prevalent for commercial buildings in the area.

Regarding historic/prehistoric features, Staff is not aware of any on the subject site. For the signage and transportation connections and entry points criteria, there are some relatively minor points discussed in the Staff Report.

Excerpts from the Traffic Impact Study, and related questions from the Kentucky Transportation Cabinet and City of Florence staff, are in the Staff Report. Both the Planning Commission staff and City staff share the same concerns regarding drive-throughs based on recent, local experience. The Study states that a northbound, left turn lane is warranted for the existing driveway on the east side of the site to the main east-west driveway. This improvement is not apparent on the Concept Development Plan or in the Study's recommendations.

Comments were provided from the Florence Fire Department, Florence City Administration, and Union City Administration. The Florence Fire Department did not identify any issues. The Florence City Administration had a fairly extensive list of comments, which the applicant should be prepared to discuss at the Zone Change Committee meeting.

Lastly, unless exceptions are approved through the Concept Development Plan process, the project will need to meet all normally applicable requirements. Staff identified that the seat counts inherent in the parking figures for eating and drinking establishments noted on the Concept Development Plan are relatively low. The governing bodies need to evaluate the proposal in relation to the Comprehensive Plan, Article 15 of the zoning regulations, particularly Section 1514, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if the application is approved.

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

Mr. Sean Suder, attorney for Farmview Commons and Mike's Car Wash, stated that they had a large team present. Mr. Suder shared the screen to display a PowerPoint presentation which he stated should answer the Commissioners' questions and address issues raised in the Staff Report. Farmview Commons is Mr. Hemal Soni, who is present and a resident of Union. Representatives from Mike's Car Wash are also present.

Mr. Soni explained his background. He migrated from India to Long Island, New York 23 years ago with a math and chemistry degree. He worked as a cashier at a retail store and then became part of the management team. The economy crashed in 2007-08 and his wife lost her job. He began looking for business opportunities around the U.S. at that point. He found a business that was losing money in Verona, Kentucky. He made it profitable in three years. He then started investing in other businesses from Gallatin County to Jefferson County. He currently has forty to fifty employees. He moved to Union in 2019. He passed by the Farmview Commons site on a

regular basis and saw an opportunity. Mr. Soni stated that he assembled the right team for the project, and that we can work together as a team to work through the plan and address any problems. He thanked his team and noted that he appreciates the opportunities that he has received.

Mr. Suder showed the location of the site. It is part of the commercial corridor that has developed around US 42 and which contains a number of commercial, service, and convenience establishments, including drive-through facilities, which serve the surrounding rooftops. It may be a little jarring to see three drive-throughs on the plan, but it is consistent with the surrounding area. Mr. Suder identified several drive-throughs in the area. Drive-throughs are not out of context at this location. They have proposed a comprehensive, mixed-use development and not piecemeal projects. It will provide convenience uses for the surrounding neighborhood, much needed senior living, and an amenity area that will remain open space.

Mr. Suder stated that the property has been marketed for a long time. Their broker, Jeff Smith with On-Site Retail Group, is present. The zoning is old and outdated. The zoning is from 1996 and it's now 2021. The world has changed significantly in that amount of time. Adjoining properties like Starbucks have sold recently and driven the cost of this property up, making it even more expensive to develop. Mr. Suder displayed a slide of images from 1996. Union only had 1,000 people back then. Florence had about 20,000 and Boone County had about 75,000. He stated that he does zoning work around the country and sometimes finds zoning codes that are 20 to 60 years old. Zoning can't exist in a bubble and has to evolve over time. They're asking the Planning Commission to update the use list. There's a lot they can do with the property, but it's missing some components like senior living and drive-through restaurants which are in high demand, especially in the Covid era. It's also missing things like Mike's Car Wash which didn't exist in 1996 and is one of the most highly sought after uses in the region. It's a good reminder that laws need to evolve over time. Mr. Suder displayed a slide, which showed Area 12 on the 1996 Concept Development Plan, which does not allow drive-throughs or car washes, and Area 11 which allows both. The development which has occurred on both sides of US 42 has been very auto-oriented. Mr. Suder said what they're asking for is contextual and not out of line with other development in the area. The proposal is sensitive to the adjoining residential development. The lots on the north side of the site will provide a nice land use transition to the residential development to the north. It is an appropriate land use scheme for this property.

Mr. Suder stated that they have submitted two options. The first option has five lots along the US 42 frontage, with four drive-throughs and one automotive use, and senior living or medical office in the rear. The second option, which is the preferred option, will reduce the drive-throughs by one and include a Mike's Car Wash. Mike Dahm and Ty Dubay from Mike's Car Wash are present and will explain their plans and business. It is situated on the site to reduce impacts. They have some updates on potential users for the other sites. It will include retail and restaurants. It is important nowadays to allow for drive-throughs and drive-ups.

Mr. Stan Ladrack, architect for the applicant, stated that they designed one building. It is the 8,000 square foot building for Lots 4 and 5 on Option A. The intent is to establish the appearance, feel, materials, and general color scheme that would be used throughout the development. The buildings would not be identical, but compatible and part of one context. This allows some adaptability for specific users and keeps the development interesting. The color image boards show the types of materials and details that will be used. They represent the type of feel and

character that will be provided. The signage for the buildings will be internally lit with individual letters and comply with the permissible size. Mr. Ladrack also showed an image of the proposed monument signs. On Option A, the scale of the buildings decreases from east to west, which is in keeping with the overall plan document which requests a decrease from east to west.

Mr. Jeff Smith, real estate broker, said that this property has some challenges due to its depth, particularly for the back portion. The traditional big box retailer or fitness center was the prime candidate for this type of location with some outlots along the front. Big boxes are fewer and farther between these days. The price of the property and the cost of the infrastructure and construction have all been tough when finding a buyer. Mr. Soni is up for the challenge and he has a good concept that he thinks can work for the land, the community, and residents of Florence and Union. They initially had some good interest in this property including food users, traditional retailers, and service-oriented retailers. Senior living is another use which has shown a lot of interest. They have had interest from national, regional, and local tenants. They are drawn to this market due to the growth and demographics. The food users are retooling right now. They are going from a sit down model to one that makes customers feel comfortable and safe. They are looking towards the fast food model with a drive-through or pick-up window. For example, Jimmy John's across the street went from being in an in-line store to an end cap. Even the higher end fast food users are going to a drive-through and end cap concept. We live in a convenience-oriented society. They are trying to accommodate the 2021 customer base.

Mr. Suder said that they have marketed the property to medical office users ad nauseam. They haven't gotten any bites so this isn't really a core medical office area. They are getting a lot of traction for affordable to mid-range senior living for the back piece. For retail, they have a smoothie shop and a new-to-market burger place interested, and Mike's Car Wash is under contract. They have a lot of interest from establishments that would serve the surrounding neighborhood. There's a lot of strong interest in senior living which they think they can bring to the market. New public recreation amenities are proposed in the open space including walking trails. Sidewalks will be provided throughout. It will be built as a common development and not piecemeal. It will have uniform signage. The drive-through is a necessity, but these are not typical drive-throughs which surround the entire building. They are pick-up windows along the end caps. They believe that the Mike's Car Wash plan makes it an even better development. It will reduce the number of drive-throughs and it is a highly sought after use.

Mr. Mike Dahm, of Mike's Car Wash, stated that it is a family business that started in 1948. They're in Florence now and are proud to be there. They've always had this area on their radar. The company prides itself on being the best at what they do. That's due to their training and hiring four to five managers and twenty team members. They wear shirts and ties and provide a first class experience. They have excellent facility maintenance and provide a high quality car wash. They'd like the opportunity to be in this area and are big believers in giving back to the community. On average, they have given back over \$500,000 to the local community. They were voted in the best places to work in Ohio and Indiana, and are working on it for Kentucky. They are in three states and are headquartered in Cincinnati. They believe that they would be a great asset for the area.

Mr. Ty Dubay, of Mike's Car Wash, showed several images of existing Mike's Car Wash facilities. It's clean with a very high end design. They constantly look at maintaining their properties to assure that there is no trash and things are orderly and put away. It needs to be an upscale car

wash where people are comfortable going there day and night, look good, and be a great part of the community. They have been around since 1948, have given over \$500,000 to charity, and are embedded in their communities. Mr. Dubay displayed a slide with the four elevations of the building. There is some elevation change on the northwest part of the site that will probably require a retaining wall. He showed a slide of the retaining wall at their facility in South Lebanon as an example of how it would be built. They want to do a high end retaining wall to reflect well on the community. They believe Farmview Commons is a great location for them. It fits their demographics and they have a high number of Mike's customers coming out of Union. It's about a \$7 million investment and would create about twenty jobs. There's a lot of equipment and technology put into each store. They do a free wash weekend for charity with each store opening which can raise over \$20,000. In response to Mr. Suder, Mr. Dubay said that noise impacts can come from the vacuums and the wash itself. They use a centralized vacuum system so the turbine is housed in the building. It has mufflers to dampen the noise, which is minimal. The noise at the exit end of the car wash is about 70 to 75 decibels, which isn't noticeable along a road like US 42. The wash has a door that only opens when a car is exiting. The building is oriented so that the exit faces other buildings and directs noise away from residents.

Mr. Suder stated that a traffic study was prepared and they can talk about that and the traffic issues raised more with the Committee. Mr. Suder displayed a slide that noted the distances of residences in the area to commercial properties. The closest residence to this property is about 500 feet away from the end of the Mike's Car Wash and about 285 feet from US 42. Other homes in the area are 75 to 80 feet from commercial properties, including those with pools that adjoin loading facilities. Regarding community benefits, they are proposing a walking trail around the detention pond, sidewalks throughout, and attractive landscaping and entrances. It is an approximate \$35.5 million dollar investment, will generate about twenty times the current real estate taxes, and will create hundreds of temporary and permanent jobs. Mike's Car Wash alone creates about twenty jobs. In response to Chairman Rolfsen, Mr. Suder confirmed that their presentation was concluded.

Mr. Costello stated that the applicant's presentation mentioned the site being in Union. He noted that the site is mostly in Florence with a smaller portion in Union. It would have to be acted on by both jurisdictions. This site is part of the larger Plantation Pointe concept plan, of which a great deal has been built. Some of the comments made about that plan are misleading.

Chairman Rolfsen stated concerns with potential traffic issues with the restaurants, especially in this area, noting that restaurants like Chick-fil-A back up traffic in many different directions. Chairman Rolfsen asked if he was understanding the proposal to put a walking path around the detention pond correctly.

Mr. Suder stated that it is a larger development scheme and they are building it altogether. They were thinking of providing trails that connected to the sidewalk along Farmview Drive. It would also function as an amenity for people who wanted to walk from the multi-family residential or senior living facility.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Change in Concept Development Plan request? Seeing none, he asked if any Board Members had questions or comments?

Mr. Lunnemann stated that he has several questions. First, is the detention pond a dry basin or a lake that would fit in with the PD standards and function as an amenity? Second, how does Mike's Car Wash fit in with the compatibility of the overall development? Third, what types of restaurants are anticipated?

Mr. Adrian Yanes, Viox & Viox, responded that the detention basin in the open space is designed as a dry facility. Another basin by the senior living facility is anticipated to be a lake.

Mr. Smith stated that regarding compatibility, they are providing services for the community. Mike's Car Wash fits in well in most areas. It's a well-known, high end product. Tropical Smoothie has a location identified here and Great Clips is looking. Everyone from ice cream to local operators with salads and chicken concepts are interested. They're all high end uses.

Mr. Lunnemann stated that he would like the committee to strongly discuss the PD amenities that will be included with the development.

Mr. Suder stated that they will be prepared to discuss that and hope to have more information on the users at the committee meeting. The theme here is convenience, and that's how Mike's and the retail uses fit in. He understands that the site is mostly in Florence, but the trade area that Mike's is talking about is the growing Union area and south Florence.

Mr. Ladrack said that in regards to compatibility, the exterior of Mike's is brick masonry with metal accent panels. The horizontal, projecting roof is compatible with the design created for the rest of the development. The site lighting will match across all of the lots. All of the sites are tied together.

Mr. Costello asked Mr. Jamal Adhami, traffic engineer, what improvements are planned for Farmview Drive? He also asked if he was aware of the existing traffic conditions at the intersection at peak hours and how it will be affected by the additional commercial development? Is there any plan to improve Farmview Drive?

Mr. Adhami responded that the traffic study doesn't warrant any improvements on Farmview Drive. He stated that they have been communicating with the Kentucky Transportation Cabinet and they have asked about turn lane warrants from US 42 to Farmview Drive.

Mr. Costello stated that Farmview Drive is maintained by the City of Florence. He stated that with traffic pulling in and out of the development, there will be major issues.

Mr. Suder stated that they will entertain a discussion about road improvements.

Mr. Costello said that he passes through the intersection frequently. Right now, it's not as busy on the other side since Kroger is gone. There's more retail on the other side of the street and it's four lanes. Farmview Drive is two lanes that maybe widens to three. It is the main entrance to Farmview Subdivision and it connects to Pleasant Valley Road. There's a lot of people that cut through this road network. With the additional traffic from the development, it seems that something would need to be done with Farmview Drive.

Mr. Suder said that they definitely want to address these issues and that three access points in different parts of the site are proposed.

Mr. Costello noted that there are also problems at the other end of Old US 42 at the intersection with Wetherington Boulevard. Drivers play a "game of chicken" because the lanes don't line up.

Chairman Rolfsen said that relates to the unknowns with the restaurants. It will be a nightmare if they generate a lot of morning traffic.

Mr. Costello noted that on a nice day, the car wash has the potential to stack up a lot of cars. He doesn't believe that the commercial traffic should hold up the people who live there. It's the primary entrance for people who live in the front of the subdivision. He advised the applicant to take a close look at this issue.

Mr. Adhami said that they will do that.

Mr. Bunger said that in addition to being a traffic tie-up, it's a safety issue. He asked the applicant to also include the local traffic in addition to the traffic from the various lots in this development. He could see cars lining up by the Kroger gas station waiting to get into the car wash. Mike's provides a great product, but it could be terrible for traffic. He asked if the large detention basin could be made wet to enhance the amenities that Mr. Lunnemann referred to and important for this site if it is approved? He also advised the applicant's team to consider how it will be designed if some of the exceptions requested to the current restrictions are not approved. He is looking more for the pitched roof design which matches what is across the street and more specific building materials and colors need to be identified.

In response to Chairman Rolfsen, Ms. Gulick stated that she hasn't seen the traffic study yet, but noted that it will be brought to the Zone Change Committee.

Mr. Adhami advised that they submitted a traffic study, but will revisit the issues identified.

Mr. Costello said that part of the traffic study is in the Staff Report.

Mr. Wall stated that the scope, warrant discussion, and recommendations from the traffic study are attached to the Staff Report.

Mr. Costello stated that Staff will forward the traffic study to Ms. Gulick.

Mr. Suder said that they will be ready to discuss all of these issues with their team at the committee meeting.

Mr. Josh Hunt, Business & Community Development Director for the City of Florence, stated that he reviewed the traffic report and would appreciate receiving any traffic data that Mike's Car Wash may have which is more accurate than the data in the traffic study.

Ms. Gulick stated that it may be beneficial for Mike's Car Wash to have an event plan for high-capacity days. It's a little hard to fit into a traditional traffic report, but it would be good to have a strategy in place.

Mr. Adhami stated that they tried to use the land use category which generated the higher traffic for the study. The car wash is unique, so they'll check it over.

Chairman Rolfsen stated that the traffic that we have now is nowhere close to the pre-Covid era since so many people are working from home. More people will start getting out and working from offices.

Mr. Adhami responded that they tried to make some adjustments in the traffic data to account for Covid.


Chairman Rolfsen stated that the lack of school traffic also needs to be considered.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 17, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on March 3, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 10:40 p.m.

Attest:


Kevin P. Costello, AICP
Executive Director

APPROVED:


Charlie Rolfsen
Chairman

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
BUSINESS MEETING
MAY 5, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed everyone to the Planning Commission's May 5, 2021 Business Meeting. The Boone County Planning Commission, pursuant to KRS 61.826, Kentucky Senate Bill 150 and OAG 20-05, is conducting its regularly scheduled meeting on Wednesday, May 5, 2021 at 7:00 p.m. via live video teleconference. This meeting format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin Wall, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael Schwartz, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the April 21, 2021 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes. Mr. Lunnemann 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 April 8, 2021 and May 5, 2021.

EXPENSES:

Accounting Fees	\$ 528.42
Attorney Fees	4,000.00
Auto Expense	34.97
Consultant/Professional Svcs Fees	1,610.00
Filing Fees (CLURS)	900.00
Legal Ads/Recruitment	134.76
Miscellaneous Expense	73.95
Office & Board Meeting Supplies	696.15
Office Equipment/Expense	1,605.16
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	460.00
Professional Development	2,600.00
Refunds	<u>45.00</u>

TOTAL: \$ 13,693.41

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 5,923.93
Health/Dental/Life/LTD	13,199.72
Retirement – BCPC Portion	23,533.08
Salaries – Staff Expenses	81,244.20
Salaries – BCPC & BOA	<u>1,525.00</u>

TOTAL: \$125,425.96

GRAND TOTAL: \$139,119.37

Mr. McMillian 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. Mr. Harper seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT – Corrin Gulick, Chairwoman, Michael Schwartz, Staff

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 the 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 office uses that provide medical, dental, optical and veterinary administrative services in an existing building.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report). He noted the Committee voted unanimously to approve the request with Ms. Gulick, Mrs. Kegley, Mr. Bunger and Mr. Lunnemann voting in favor of the request.

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

At this time, Ms. Heilman entered the virtual Business Meeting.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Zoning Map Amendment by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact. Mr. Szurlinski seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Bunger, Chairman, Kevin Wall, Staff

2. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

Mrs. Kegley and Mr. Patton announced that they were recusing themselves from voting on the request due to a potential conflict of interest. Both left the meeting virtually by leaving their cameras and muting their microphones.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). Mr. Wall noted the Committee voted unanimously to approve the request with Mr. Bunger, Mr. Lunnemann and Ms. Gulick voting in favor of the request.

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

Mr. Sean Suder, attorney for the applicant, thanked the Committee for their thoughtful review of the project. His client has agreed to all seventeen of the conditions. He looks forward to moving ahead with the project.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Bunger moved to approve the Change in Concept Development Plan by Resolution to the City of Florence and to the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously (11-0) with Mrs. Kegley and Mr. Patton not voting on the request.**

Mrs. Kegley and Mr. Patton returned to the meeting at this time.

ZONING MAP AMENDMENT – Janet Kegley, Chairwoman, Kevin Wall, Staff

3. Request of **NorthPoint Development (applicant)** for **Greenfield Farm, Inc (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 208.73 acre site located on the west side of Dixie Highway, south of the property at 11765 Dixie Highway and north of the properties at 12097 and 12119 Dixie Highway, and on the north side of Chambers Road at the northeast quadrant of the Chambers Road/I-75 overpass, and to the north, northeast, and west of the property at 262 Chambers Road, and south of the property at 60 Logistics Boulevard, Boone County, Kentucky. The request is for a zone change to allow a subdivision for warehousing, distribution, and light manufacturing uses.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). Mr. Wall noted the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Bunger, Mr. Lunnemann, Mr. Patton and Ms. Gulick voting in favor of the request.

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

Mr. Marc Gloyeske, NorthPoint Development, noted that the Committee meeting was over 2 hours long. The request is in agreement with the Future Land Use Map and several sections of the Comprehensive Plan. The site has been planned for industrial since 2000. The improvements made at the interchange will help support the project. He is available to answer any questions.

Chairman Rolfsen asked if there was a motion to take action? **Mrs. Kegley moved to approve the Zoning Map Amendment by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Patton seconded the motion.**

Mr. Rolfsen asked if any of the Board members had any questions?

Mr. Szurlinski commented that he originally had some concerns about the project but he thought that the work the Committee did in terms of the conditions, especially the buffering and traffic, was good. He felt more comfortable about it and stated that he will vote in favor of it.

Mr. Patton acknowledged that the project has been a challenge for a couple of decades. Mr.

Patton suggested that Staff research the impact of smells on adjoining properties. We have a lot of information about noise and lighting but not a lot about smells. It may smell okay to one person and not to another. He is not sure where the science is with this issue. He asked if a sub-committee could be formed to look into this issue further as we may face it more into the future. Perhaps we need more standards.

Mr. Costello responded that smell is one topic that is being looked at as part of the Zoning Update.

Chairman Rolfsen inquired about the street connection to Dixie Highway? Mr. Wall reviewed Condition #10. The road widening is not scheduled at this time. Funds have been allocated for design only. There is an option of contributing funds or making the improvements after one million square feet of warehouse is built and occupied. The maximum square footage for the site is 3 million.

Mr. Bunker stated that he agreed with the Committee members, the Staff and applicant on the recommended conditions.

Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Patton. The motion passed unanimously.

TECHINAL/DESIGN REVIEW – Lori Heilman, Chairwoman, Todd Morgan, Staff

4. Twin Peaks – 6835 Houston Road

Staff Member, Todd Morgan, referred to a Power Point presentation. The site is located in front of Wal-Mart on Houston Road. The applicant originally went through the Design Review process in December, 2020. The request is LED tube lighting (accents) on the top of the building's 4 sides. However, the Committee only recommended 3 sides. The rear façade will not have the LED lighting accent. This will be the same as approved for the new Texas Roadhouse restaurant and Chuy's restaurant on Houston Road.

Mr. Morgan noted that the Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request showing the LED lighting accent only on 3 facades.

Chairman Rolfsen asked if there was a motion to act on the request? Mrs. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation as presented and with the stated condition. Mr. Harper seconded the motion and it passed unanimously.

NEW BUSINESS:

ZONING TEXT AMENDMENT – Kevin Wall, Staff

5. Request of the City of Union to consider Zoning Text Amendments to Section 3149 "Parking and Storage of Certain Vehicles" of the Boone County Zoning Regulations to: (1) add the provisions regarding parking and storage of certain vehicles which currently apply to unincorporated Boone County and the cities of Florence and Walton; and (2) repeal the provisions regarding parking and storage of certain vehicles which currently apply to the City of Union. The request is to hear and evaluate comments on proposed Zoning Text Amendments and how

they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

ZONING TEXT AMENDMENT – Michael Schwartz, Staff

6. Request of the Boone County Fiscal Court to consider a series of Zoning Text Amendments to Articles 6, 7, 8, 9, 16, 20, 23, 25, 31, and 40 of the Boone County Zoning Regulations to: (1) define "short term rental"; (2) allow "short term rentals" in agriculture, recreation, conservation, residential, Employment Planned Development/Residential Planned Development (EPD/RPD), Union Commercial (UC) and Small Community Overlay (SC) zones; and (3) add supplementary performance standards for "short term rentals". The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kevin Wall, Staff

7. Request of William Martin (applicant) for Hebron Land Company, LLC (owner) for a Change in Approved Concept Development Plan in a Commercial Four (C-4) zone for a 1.29 acre site located at 2575 North Bend Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit retail, office, commercial service, and eating and drinking establishment uses.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

8. Request of Ken Butler (owner) for a Change in Approved Concept Development Plan in Commercial Two/Planned Development (C-2/PD) and Office One/Planned Development (O-1/PD) zones for a .9703 acre site located at 8747 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval regarding the location of a drive-through menu board sign.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

9. Request of Viox & Viox (applicant) for ERHAL Holdings LLC (owner) for a Change in Approved Concept Development Plan in a Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) zone for an approximate 3.5 acre site located at 1200 Bill Wentz Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an alternate buffer yard planting scheme in the north/northeast most part of the site.

ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

10. Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

Mr. Patton moved to schedule the Public Hearings for Items #5 through #10 on June 2, 2021 at 7:30 p.m. Mr. Lunnemann seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT: Mr. Costello
No Report

COMMITTEE REPORTS:

AIRPORT: Mr. Bessler
No Report

ADMINISTRATIVE/PERSONNEL: Mr. Lunnemann
No Report

ENFORCEMENT: Mr. Bunger
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke
No Report

TECHNICAL/DESIGN REVIEW: Mrs. Heilman
No Report

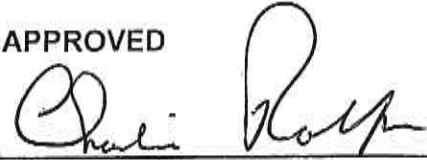
EXECUTIVE: Chairman Rolfsen
No Report

CHAIRMAN: Chairman Rolfsen
No Report

OTHER:

There being no further business to come before the Planning Commission, Mr. Patton moved to adjourn the meeting. Mr. Schwenke seconded the motion and it passed unanimously. The meeting was adjourned at 7:48 P.M.

APPROVED

A handwritten signature in black ink, appearing to read 'Charlie Rolfsen', written over a horizontal line.

Charlie Rolfsen
Chairman

Attest:

A handwritten signature in black ink, appearing to read 'Kevin P. Costello', written over a horizontal line.

Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 5, 2021

RE: Request of Farmview Commons LLC (applicant) for ERPS, Inc. (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions. The application at this point in time is limited to the revised "Farmview Commons Option A" Concept Development Plan sheet which includes five commercial lots along the US 42 frontage, a senior living, multi-family housing, or office building in the northeast corner of the site, and an open space/detention lot in the northwest corner. This sheet has been revised in accordance with the evidence and testimony presented at the Public Hearing. The "Farmview Commons Option B" sheet, which included a car wash, has been formally withdrawn by the applicant.

FINDINGS OF FACT

1. The Committee has concluded that the proposed Concept Development Plan is in agreement with the Our Boone County - 2040 Plan, which is the adopted Comprehensive Plan, due to the following reasons.

The Our Boone County – Plan 2040's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The Committee has determined that the proposal, particularly when considering the surrounding commercial and office development along US 42, is consistent with the general land use concept outlined on the Future Land Use Map.

The Land Use Element's "13. Pleasant Valley" section (p. 124) states the following regarding this area:

Mixed-use development, that has commercial uses focused along U.S. 42 and varying types of residential uses, should occur southwest of its intersection with Pleasant Valley Road. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.

The proposal is for a mixed-use development which includes a variety of commercial uses along the US 42 frontage (Lots 1 through 5), a senior living, multi-family housing, or office building in the northeast corner (Lot 6), and an open space lot with a detention basin in the northwest corner adjoining the entrance to Farmview Subdivision (Lot 7). The size and scale of the buildings decrease from east to west so that the smallest building (4,000 square feet) is on the northeast corner of the US 42/Farmview Drive intersection and on the Florence/Union corporate boundary (Lot 1), thereby creating an appropriate entryway to both cities.

Both the senior living, multi-family housing, or office building (Lot 6) and the open space lot (Lot 7) function as transitional uses to the residential areas to the north. Appropriate transitional uses or progression of densities are discussed in a general sense in the Demographics Element ("Housing Types and Locations," p. 20) and the Future Land Use Development Guidelines ("Buffering," p. 95). The Demographics Element ("Housing Types and Locations," p. 19) states, "A variety of multi-family housing options should include apartments, townhouses, patio homes, condominiums, nursing homes, and retirement housing all ranging greatly in price per unit to accommodate a wide range of relative affordability," which corresponds to the proposed senior living or multi-family housing options for Lot 6. The open space lot adjoining the entrance to Farmview Subdivision functions as a "quality of life amenity" that is promoted by the Goals and Objectives ("Demographics," Goal A, Objective 3).

The Future Land Use Development Guidelines ("Design, Signs, and Cultural Resource Preservation," p. 97) state:

Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention.

Per the changes made by the applicant in response to the comments presented at the Public Hearing and the agreed conditions, the design of all buildings and retaining walls will be appropriate for, and compatible with, the surrounding uses. Channel letter building mounted signs will be used throughout the development and the proposed monument signs (three total) are limited in size and height and correspond to the architectural theme. Landscaping will generally meet the applicable requirements of Article 36 of the zoning regulations. The landscape area along the US 42 frontage will generally be 20 feet wide and include a white board fence as a design feature. Additionally, pedestrian improvements will be provided in accordance with the Goals and Objectives ("Transportation," Goal B, Objective 6).

2. The Committee has concluded that the Concept Development Plan fulfills the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations, including Section 1514 "Planned Development Criteria."
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the Our Boone County – Plan 2040 and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development shall follow the revised "Farmview Commons Option A" Concept Development Plan sheet (attached) except where modified by the agreed conditions outlined below. The "Farmview Commons Option B" sheet, which included a car wash, has been formally withdrawn.
2. The Traffic Impact Study shall be updated to reflect the revised "Farmview Commons Option A" Concept Development Plan sheet and forwarded to the Kentucky Transportation Cabinet, the City of Florence, and the City of Union for

- review. The developer shall construct, at their expense, any road improvements (including right turn lanes at the US 42 intersections with Farmview Drive and Old US 42) required by the Kentucky Transportation Cabinet, the City of Florence, and/or the City of Union.
3. The existing north-south driveway which runs along the site's east boundary (St. Elizabeth Way) shall be upgraded to the City of Florence's public street standards and shall be dedicated to the City of Florence.
 4. The main on-site north/south driveway, which runs between Lots 6 and 7 to Old US 42, shall be constructed as part of the overall site circulation system. The note on the revised "Farmview Commons Option A" Concept Development Plan sheet which states, "If St. Elizabeth Way becomes public, then this connection to Old U.S. 42 may not be constructed" shall not apply.
 5. The graded slopes at the Farmview Drive and Old US 42 entrances shall be grassed and landscaped to be kept in a highly maintained/finished condition. The detention/retention basin(s) shall also be kept in a highly maintained/finished condition.
 6. The buildings along the US 42 frontage (Lots 1 through 5) shall follow the submitted architectural concepts (attached). A combination of flat and pitched roofs shall be provided on the buildings that are 8,000 square feet or greater and entirely pitched roofs shall be provided on the buildings that are smaller than 8,000 square feet.
 7. The building on Lot 6 shall have full height brick exterior walls. Other materials may be used for trim and secondary wall areas. This building shall also have a pitched roof which covers the entirety of the structure. The height of this structure, from grade to the highest ridge line, shall be a maximum of 44 feet.
 8. Mechanical equipment and dumpsters shall be screened with enclosure structures which use materials, colors, and design detailing that are consistent with the buildings they serve.
 9. All retaining walls shall have a decorative/architectural finish which correlates to the architectural theme in the development.
 10. Freestanding site lighting fixtures shall use decorative/architectural masts and shall have a maximum height of 20 feet.
 11. A decorative fence shall be provided around the detention/retention basin(s) in accordance with the City of Florence's requirements. Additionally, a decorative

white board fence shall be provided in the landscape area along the site's US 42 frontage.

12. Bench seating shall be provided in the seating area on Lot 7. Outside seating shall be provided at each restaurant and enclosed with a decorative fence or rail.
13. The monuments signs (three total) shall be located as shown on the revised "Farmview Commons Option A" Concept Development Plan sheet. The monument signs shall follow the designs on the "Sign Concepts" exhibit (attached). Building mounted signs shall be internally illuminated channel letter signs only.
14. No outside storage shall occur in the development.
15. No automotive repair facility/auto service uses shall be permitted in the development.
16. Lot 1 shall not have a full service drive-through facility, but may have a pick-up only style drive-through facility.
17. If a drive-through facility is proposed on Lots 1 through 5 in combination with land uses 930, 933, 934, 935, 937, 938, 939, or 940 as defined by the 10th Edition of the ITE Trip Generation Manual, a Traffic Study shall be submitted to the Planning Commission for review with the applicable site plan application(s). This Traffic Study shall evaluate on-site traffic flow and the expected queue lengths at proposed drive-through facilities. The site plan shall provide adequate storage for drive-through queue lengths, to prevent stacking of vehicles on shared driveways/roadways within the development during peak business hours. This will include consideration of drive-through window placement to provide additional storage as needed and agreed upon by the Planning Commission staff.

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 Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Kim Bunger, Chairman
DATE: April 21, 2021

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Bunger, Chairman, Kevin Wall, Staff

2. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

REMARKS:

We, the Committee Members were present via live video teleconference 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.

Kim Bunger (Chairman)

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Corrin Gulick

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet Kegley

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Rick Lunnemann

For Project ☒ Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Patton

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



Recorded Vote by Kevin T.
Wall, Director, Zoning Services

TOTAL: _____ DEFERRED 3 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Kim Bunger, Chairman
DATE: March 3, 2021

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Bunger, Chairman, Kevin Wall, Staff

2. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

REMARKS:

We, the Committee Members were present via live video teleconference 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.

CHANGE IN CONCEPT DEVELOPMENT PLAN
Farmview Commons/ERPS, Inc.
March 3, 2021

PAGE 2

Kim Bunger (Chairman)

For Project ____ Absent ____
Against Project ☒ ____
Abstain ____ Deferred ____

Corrin Gulick

For Project ☒ ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Janet Kegley

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Randy Bessler (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Rick Lunnemann

For Project ☒ ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Steve Turner (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Kim Patton

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____



**Recorded Vote by Kevin Wall,
Director, Zoning Services**

TOTAL: ____ DEFERRED 2 FOR PROJECT ____ ABSENT
____ AGAINST PROJECT ____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Kim Bunger, Chairman
DATE: February 17, 2021

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Bunger, Chairman, Kevin Wall, Staff

3. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

REMARKS:

We, the Committee Members were present via live video teleconference 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.

CHANGE IN CONCEPT DEVELOPMENT PLAN
Farmview Commons/ERPS, Inc.
February 17, 2021

PAGE 2

Kim Bunger (Chairman)

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ☒

Corrin Gulick

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ☒

Janet Kegley

For Project ____ Absent ☒
Against Project ____
Abstain ____ Deferred ____

Randy Bessler (Alternate)

For Project ____ Absent ☒
Against Project ____
Abstain ____ Deferred ____

Rick Lunnemann

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ☒

Steve Turner (Alternate)

For Project ____ Absent ☒
Against Project ____
Abstain ____ Deferred ____

Kim Patton

For Project ____ Absent ☒
Against Project ____
Abstain ____ Deferred ____



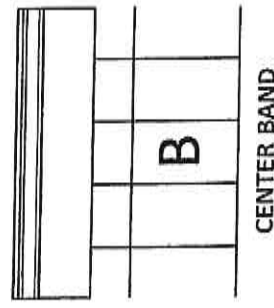
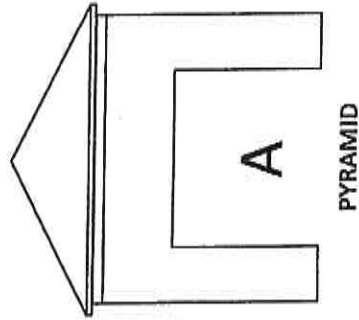
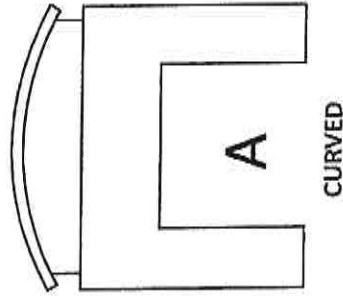
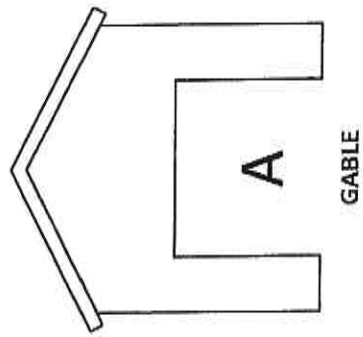
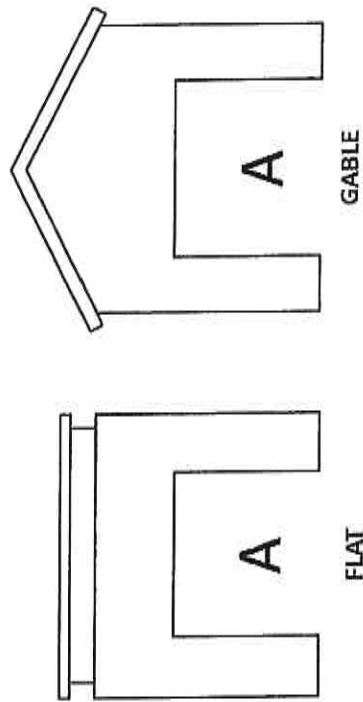
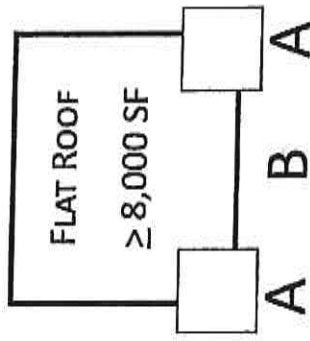
Recorded Vote by Kevin Wall,
Director, Zoning Services

TOTAL: 3 DEFERRED ____ FOR PROJECT ____ ABSENT ____
____ AGAINST PROJECT ____ ABSTAIN ____

BUILDING COMPONENTS

FLAT ROOF

ROOF PLAN DIAGRAM



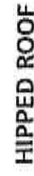
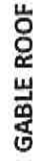
Farmview Commons

US 42 and Farmview Drive
Florence, KY 41042

PITCHED ROOF

~~HIPPED
PITCHED
ROOF~~

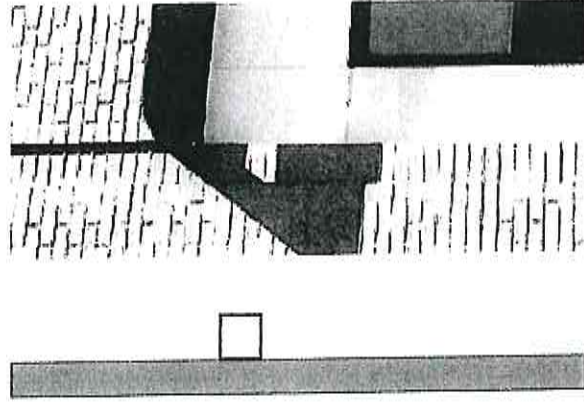
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SF~~



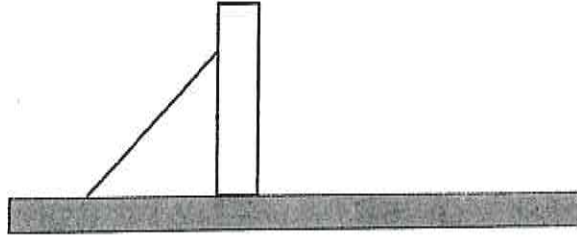
Imagine | Inform | Innovate | Integrate | Implement

BUILDING COMPONENTS

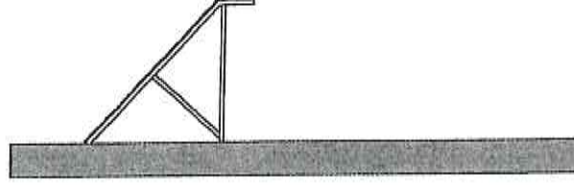
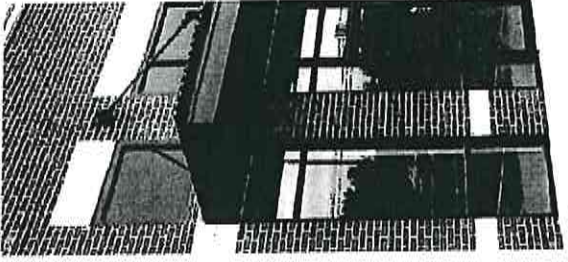
CANOPIES



EYEBROW CANOPY
PREFINISHED ALUMINUM, CLEAR ANODIZED,
DARK BRONZE OR BLACK.



METAL CANOPY
PREFINISHED ALUMINUM, CLEAR ANODIZED, DARK BRONZE
OR BLACK.



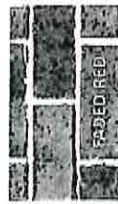
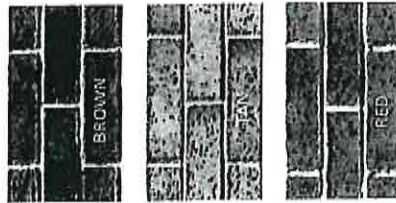
FABRIC CANOPY
FLEXIBLE COLORS THAT CAN BE TENANT SPECIFIC

Farmview Commons

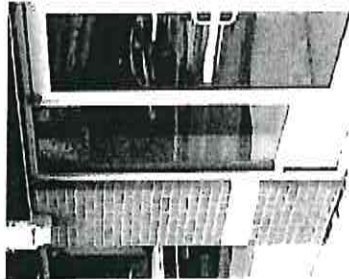
US 42 and Farmview Drive
Florence, KY 41042

BUILDING COMPONENTS

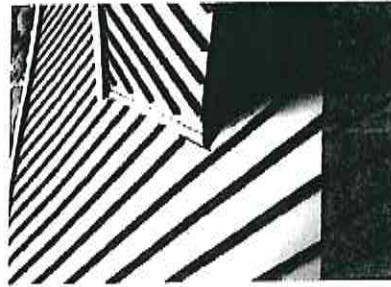
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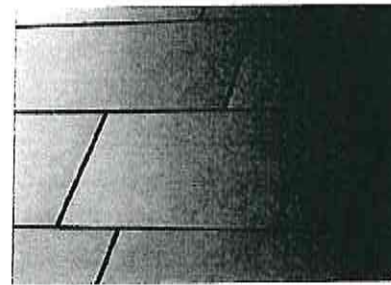
BRICK



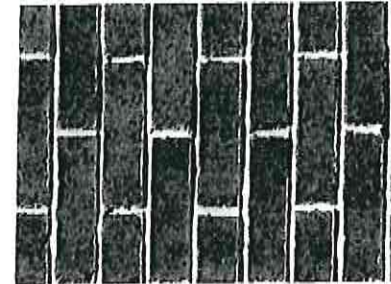
BRONZE AND CLEAR
ANODIZED
STOREFRONT



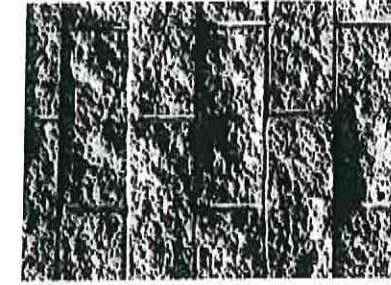
BRONZE, DARK GREY
AND DARK GREEN
METAL ROOF



METAL PANEL



CONCRETE BRICK



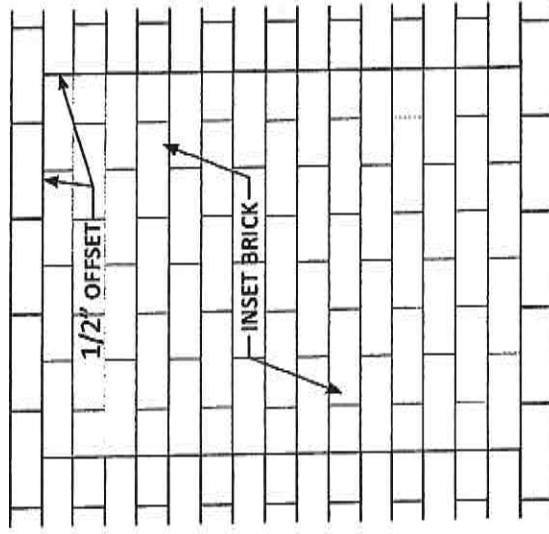
SPLIT-FACE BLOCK

Farmview Commons

US 42 and Farmview Drive
Florence, KY 41042

BUILDING COMPONENTS

DETAIL ELEMENTS



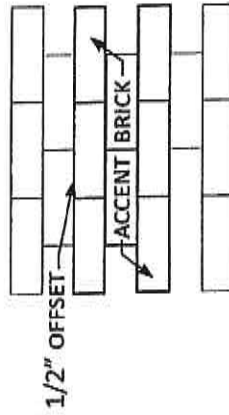
INSET BRICK



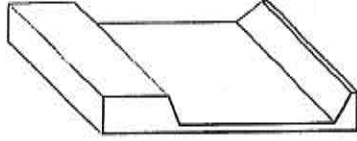
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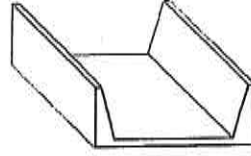
SOLDIER COURSE



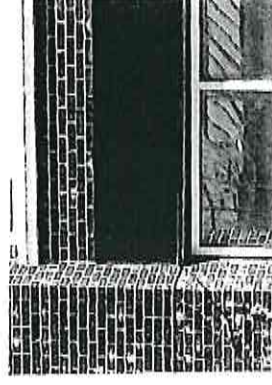
BRICK BAND



Steel Channel Cornice



Steel Channel Trim



Farmview Commons

US 42 and Farmview Drive
Florence, KY 41042

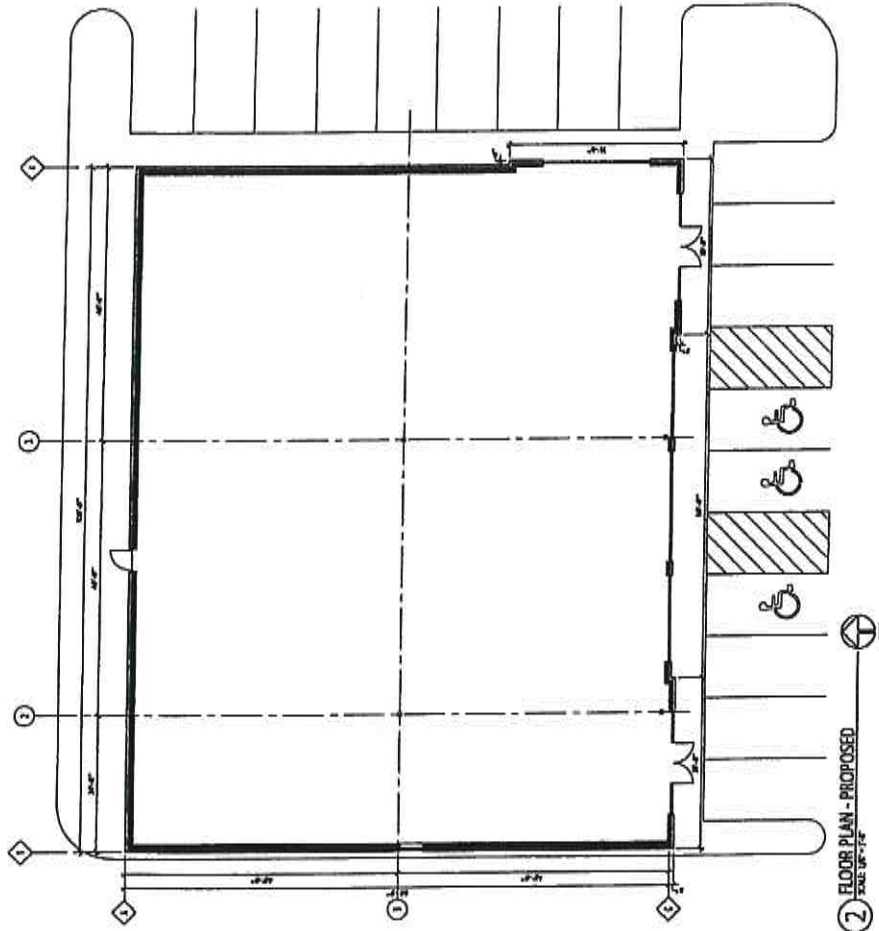
COMMERCIAL ARCHITECTURE
 8227 Kentucky Road
 Louisville, KY 40228
 502-991-9951 FAX
 502-991-9951 CELL
 WWW.JANITZ.COM

NEW CONSTRUCTION
 BUILDING ONE
 COLD DARK SHELL
 US 42 AND FARMVIEW DRIVE
 FLORENCE, KY

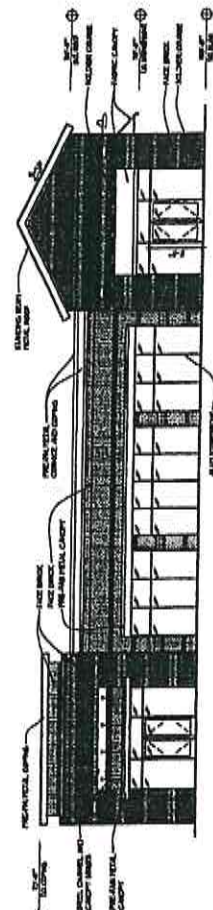
OWNER: R. J. JARVIS
 DATE: 10/1/2011
 REVISIONS:

FLOOR PLAN
 FRONT ELEVATION

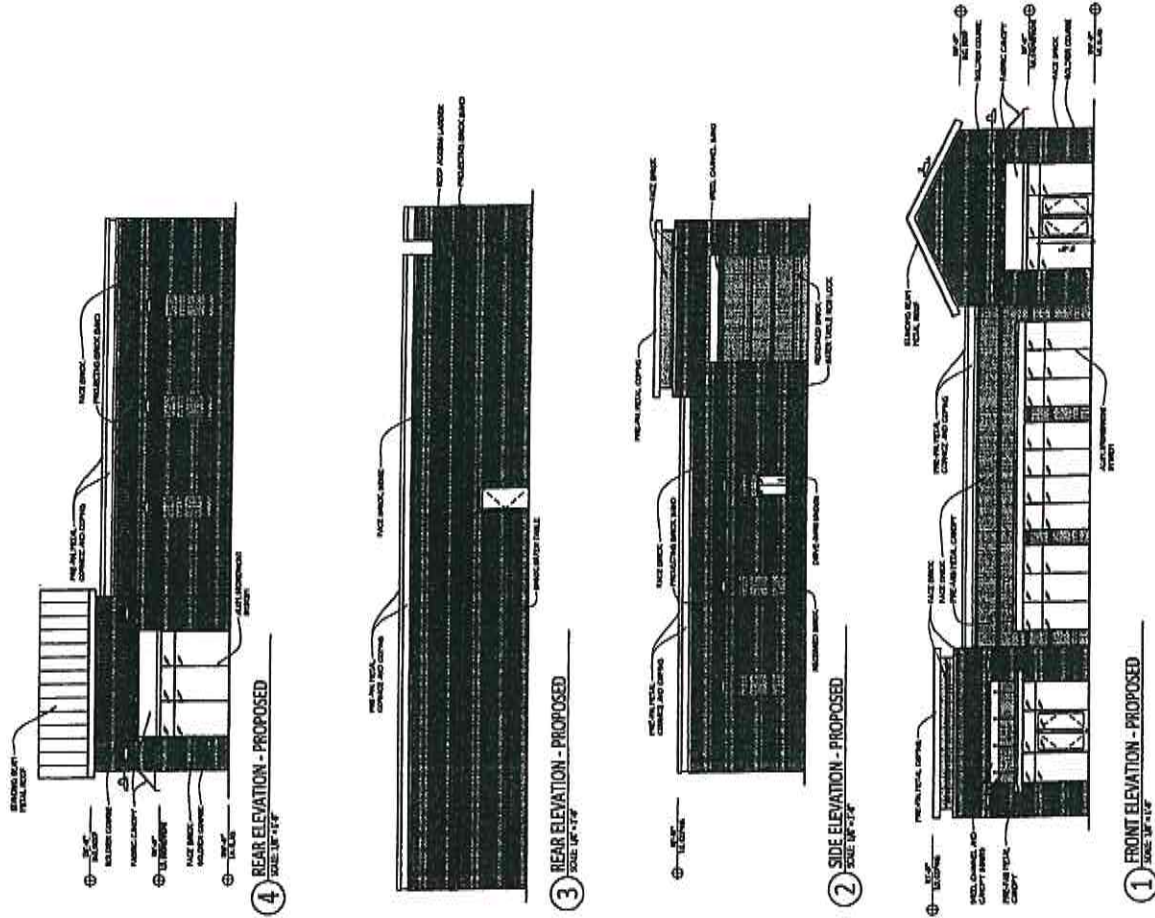
PD03a
 PROJECT C. JONES



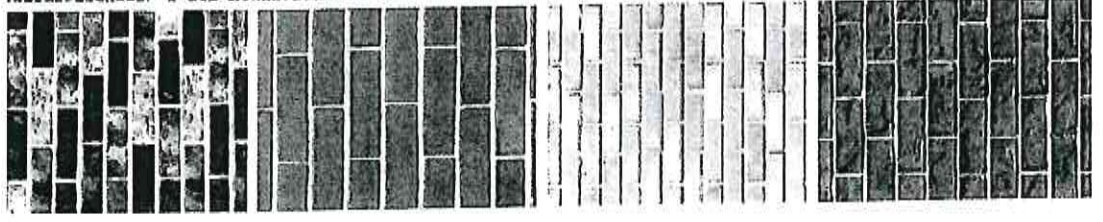
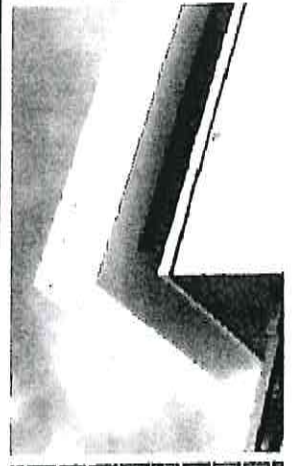
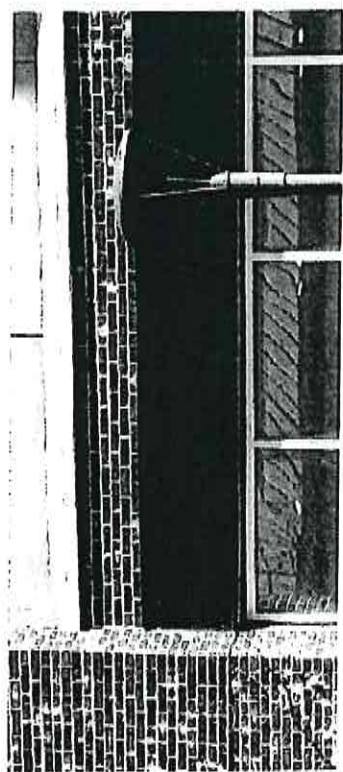
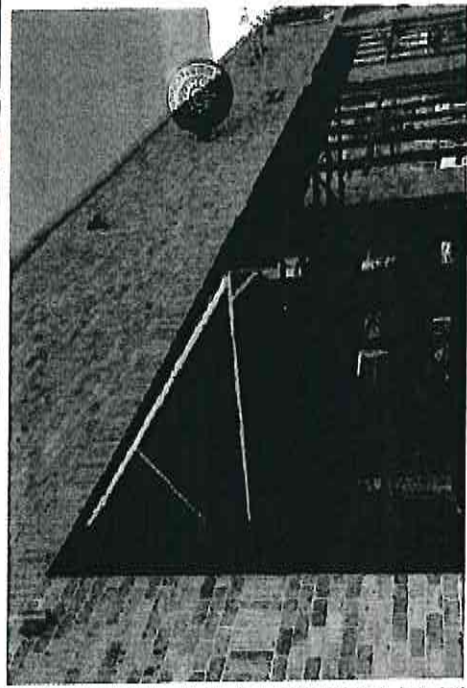
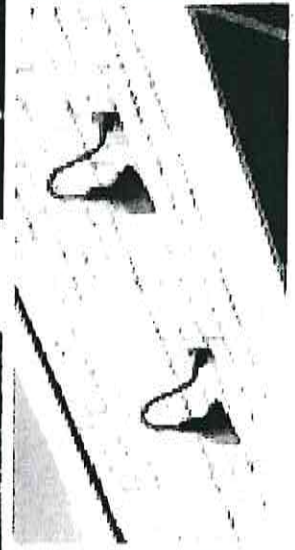
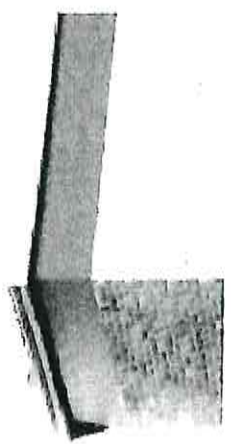
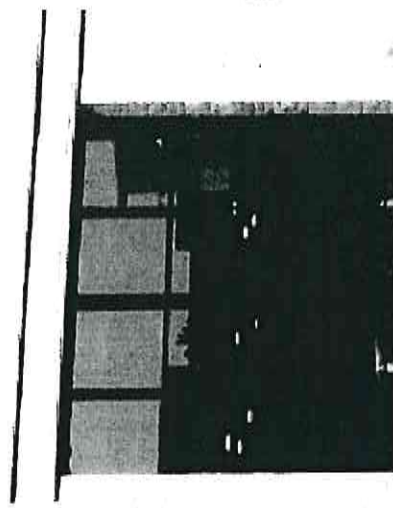
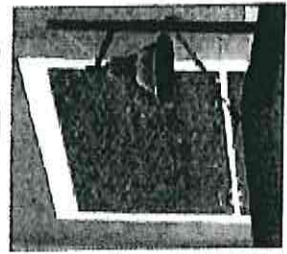
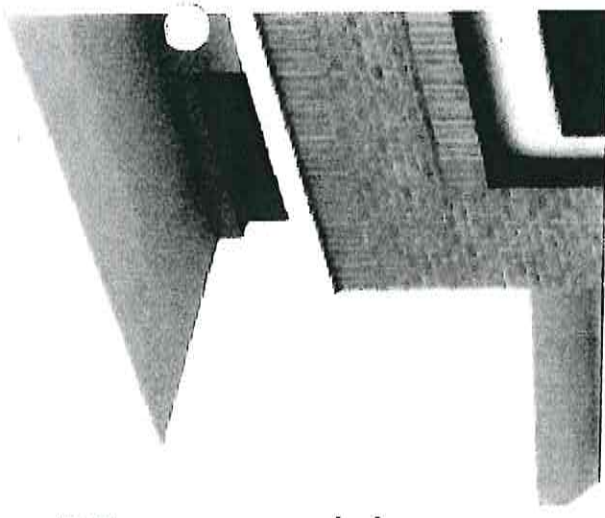
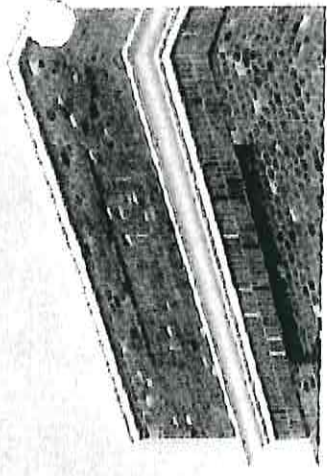
2 FLOOR PLAN - PROPOSED
 SCALE: 1/8" = 1'-0"

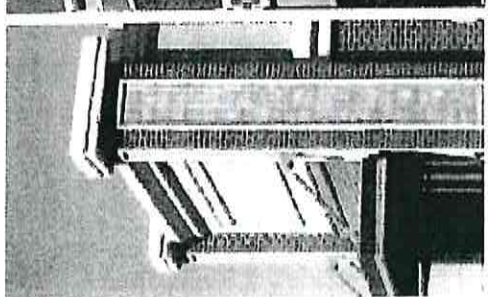
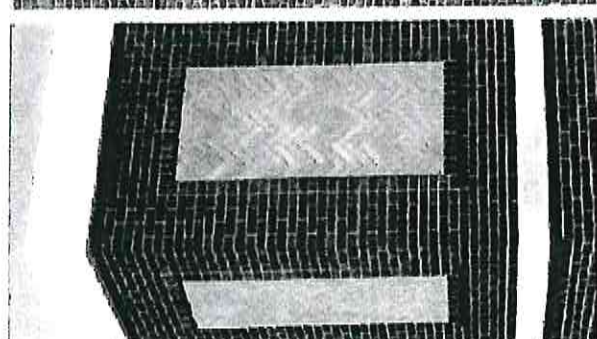
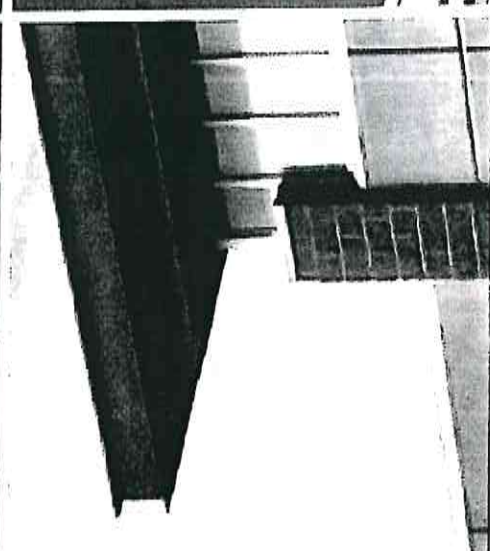
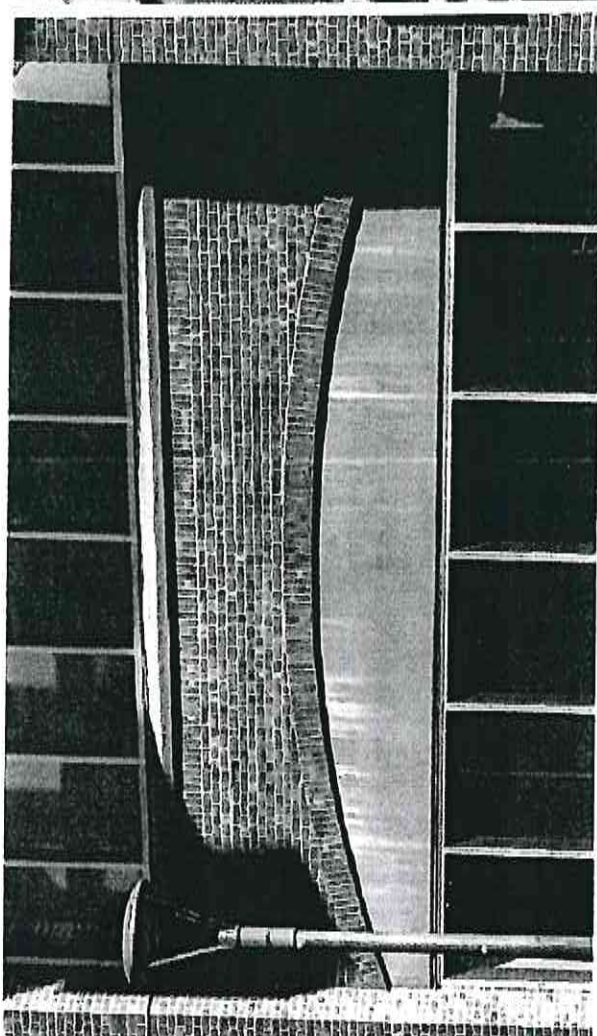
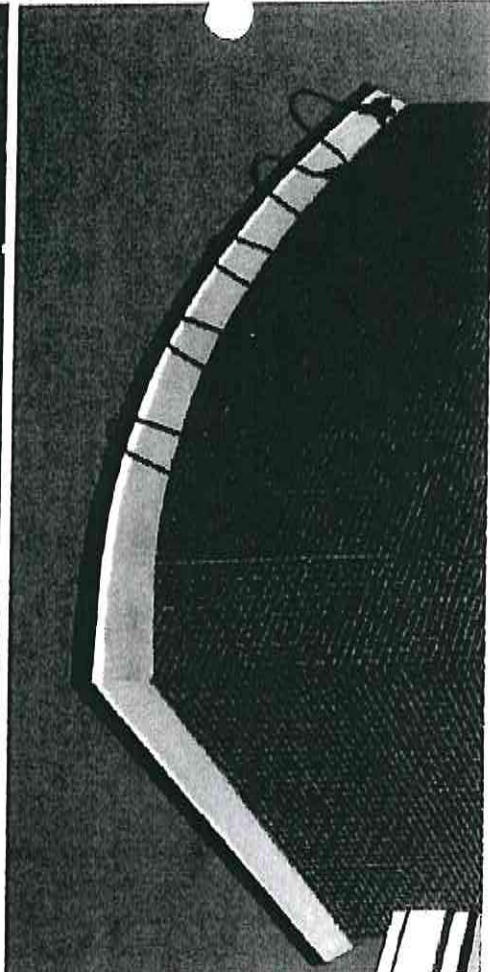
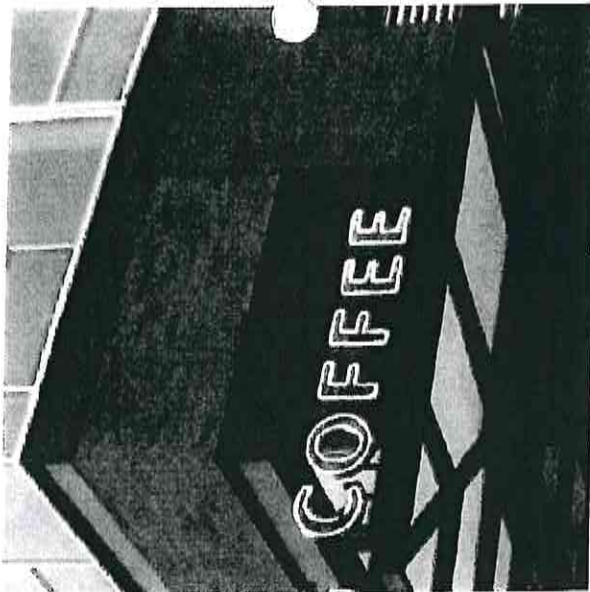


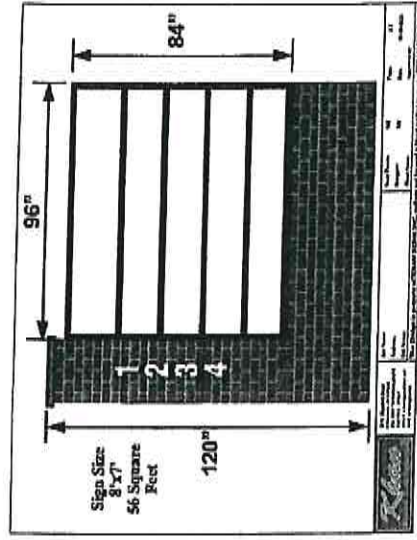
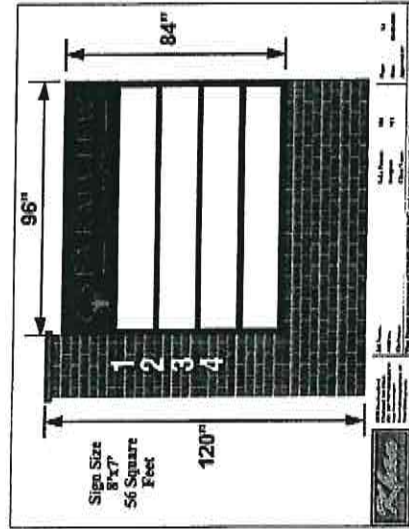
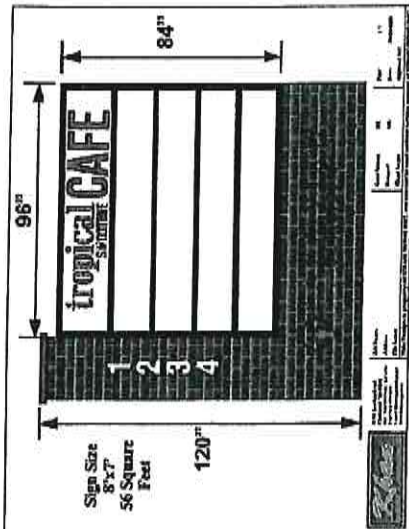
1 FRONT ELEVATION - PROPOSED
 SCALE: 1/8" = 1'-0"











Concept only. Materials may vary.



Sign Concepts

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Kim Bunker, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Hellman
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Janet Kegley
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin Wall, Director, Zoning Services

Chairman Rolfsen introduced the third item on the Agenda at 9:23 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kevin Wall, Staff

3. Request of Farmview Commons LLC (applicant) for ERPS, Inc. (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The site is located on the northeast corner of the US 42/Farmview Drive intersection. A driveway formerly called Natorp Drive runs along the east boundary. It is largely level and cleared, but has a line of existing vegetation along the Old US 42 frontage. The site contains two tracts. The larger tract on the east side of the site is in Florence and contains slightly less than 11 acres. It is part of a larger area on both sides of US 42, Plantation Pointe North, which is subject to a zone change approval from 1996. It is also subject to a Change in Concept Development Plan from 2014, which modified a prior condition of approval for building height from 35 feet to 50 feet for the frontage lots along US, 42. It kept the 35 foot building height for lots along Old US 42, but allowed architectural features for these lots to extend up to 50 feet. The smaller tract along Farmview Drive is in Union. At the same in 2014 that the Change in Concept Development Plan was approved for the larger tract, a zone change from RSE to C-2/PD was adopted for the smaller tract, subject to the same terms and conditions as the larger tract. The Future Land Use Map designates the site as Commercial. The Natural Features Map attached to the Staff Report shows that the site is largely flat with steeper slopes and existing vegetation along Old US 42.

The Concept Development Plan includes two plan options. The first, Option A, shows five lots for commercial and restaurant uses along US 42. The back lot along Old US 42 is proposed for elderly housing, multi-family housing, or medical office. An open space lot is proposed at the corner of Farmview Drive and Old US 42. The back lot with the bigger building and the open space lot are the same on both plan options. Option B is similar to Option A, but has four frontage lots along US 42 with a car wash at the corner of US 42 and Farmview Drive. The proposed uses include the list from the 1996 Concept Development Plan and drive-throughs for the frontage lots. The 1996 approval allowed drive-throughs for banks only. Automobile related retail is also proposed.

The architectural concept shows a brick building with detailing on all sides, with black awnings, storefronts, and standing seam metal roofing. A pitched roof is proposed on part of the building. The design guidelines adopted for Plantation Pointe North per the 1996 zone change conditions require a pitched roof over the entire structure, with the exception of a later change, which relaxed the pitched roof requirement for structures with a footprint larger than 100 feet by 200 feet. This exception does not apply to the structures shown on the current Concept Development Plan. The architectural concept includes illustrative vignettes.

In regards to Staff comments, a detailed discussion about the Comprehensive Plan is outlined in the Staff Report. A key provision, which pertains to this area, is discussed on pages 12 and 13. This provision states that a broader range of commercial and office uses is appropriate in the area around the US 42/Pleasant Valley Road intersection, but should taper down to smaller-scaled office and institutional uses in the proximity of Farmview Subdivision and the municipal boundary between Florence and Union, which is the location of this site.

Regarding the Planned Development Criteria in Section 1514, the first criterion pertains to mixed-use development and pedestrian orientation. This proposal is more auto-oriented due to the layout, car wash, and number of drive-throughs. The rear lot will diversify uses in the development and function as a transitional use for the properties to the north. There are sidewalk recommendations per this criterion on page 15 of the Staff Report.

Under compatibility of uses, the first issue pertains to building height. The requested building height change would only pertain to the rear lot since the US 42 frontage lots can already have 50 feet. The building pad elevation for the rear lot is approximately 26 feet higher than the elevation of the intersection at the Village of South Fork Creek, so a multi-story building will be visible. Mr. Wall requested that the applicant provide sight line drawings from the properties to the north for the Zone Change Committee to evaluate. Based on the requirements of the underlying C-2 zone, the applicant should explain the building intensity assumptions for this lot.

The proposal includes the 1996 use list, car wash, elderly housing, multi-family housing, and drive-through facilities for restaurants and retail uses. The applicant needs to explain what is meant by the term "automotive retail services" that is used in the narrative. Regarding the car wash, Staff recommends that it be substituted with a use that is more enclosed. The concern is compatibility at the entrance to a major residential area, as well as the Comprehensive Plan's direction about tapering down commercial uses at this location. Drive-through facilities are proposed for most, if not all, lots. The locations, style, such as pick-up only or full-service, and number of drive-through facilities needs to be evaluated by the governing bodies. There are several examples of local drive-through problems, especially stacking problems. Lighting recommendations are in the Staff Report.

The next criterion pertains to open space. The proposed open space includes a detention basin and a seating area. It encompasses approximately 14 percent of the overall site area. The applicant should explain how it will function as an open space amenity. The applicant's narrative mentions outdoor restaurant seating areas in relation to this criterion. Additional information needs to be provided in order to determine whether or not this aspect of the proposal corresponds to this criterion. A short discussion regarding the multi-modal transportation criterion is in the Staff Report.

In relation to the preservation of existing site features criterion, the existing vegetation along the Old US 42 frontage is the only notable feature on the site. The applicant's narrative discusses keeping this vegetation as part of the landscaping plan. Staff recommends that it be substantially retained and any removal be kept minimal and conform around the improvements shown on the plan. Retention of the existing vegetation could potentially fulfill the landscaping requirements for this part of the site.

There are a few issues pertaining to the landscaping criterion outlined in the Staff Report. Regarding the architectural criterion, it is Staff's conclusion that the proposed architectural concept is appropriate with the caveat that Staff hasn't identified a rationale from a compatibility standpoint to relax the pitched roof requirements in the Plantation Pointe North design guidelines. This was discussed at the pre-application meeting for this project. The applicant's narrative states that the rationale for altering the roof requirement is due to roof mounted mechanical equipment, however, pitched roofs are prevalent for commercial buildings in the area.

Regarding historic/prehistoric features, Staff is not aware of any on the subject site. For the signage and transportation connections and entry points criteria, there are some relatively minor points discussed in the Staff Report.

Excerpts from the Traffic Impact Study, and related questions from the Kentucky Transportation Cabinet and City of Florence staff, are in the Staff Report. Both the Planning Commission staff and City staff share the same concerns regarding drive-throughs based on recent, local experience. The Study states that a northbound, left turn lane is warranted for the existing driveway on the east side of the site to the main east-west driveway. This improvement is not apparent on the Concept Development Plan or in the Study's recommendations.

Comments were provided from the Florence Fire Department, Florence City Administration, and Union City Administration. The Florence Fire Department did not identify any issues. The Florence City Administration had a fairly extensive list of comments, which the applicant should be prepared to discuss at the Zone Change Committee meeting.

Lastly, unless exceptions are approved through the Concept Development Plan process, the project will need to meet all normally applicable requirements. Staff identified that the seat counts inherent in the parking figures for eating and drinking establishments noted on the Concept Development Plan are relatively low. The governing bodies need to evaluate the proposal in relation to the Comprehensive Plan, Article 15 of the zoning regulations, particularly Section 1514, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if the application is approved.

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

Mr. Sean Suder, attorney for Farmview Commons and Mike's Car Wash, stated that they had a large team present. Mr. Suder shared the screen to display a PowerPoint presentation which he stated should answer the Commissioners' questions and address issues raised in the Staff Report. Farmview Commons is Mr. Hemal Soni, who is present and a resident of Union. Representatives from Mike's Car Wash are also present.

Mr. Soni explained his background. He migrated from India to Long Island, New York 23 years ago with a math and chemistry degree. He worked as a cashier at a retail store and then became part of the management team. The economy crashed in 2007-08 and his wife lost her job. He began looking for business opportunities around the U.S. at that point. He found a business that was losing money in Verona, Kentucky. He made it profitable in three years. He then started investing in other businesses from Gallatin County to Jefferson County. He currently has forty to fifty employees. He moved to Union in 2019. He passed by the Farmview Commons site on a

regular basis and saw an opportunity. Mr. Soni stated that he assembled the right team for the project, and that we can work together as a team to work through the plan and address any problems. He thanked his team and noted that he appreciates the opportunities that he has received.

Mr. Suder showed the location of the site. It is part of the commercial corridor that has developed around US 42 and which contains a number of commercial, service, and convenience establishments, including drive-through facilities, which serve the surrounding rooftops. It may be a little jarring to see three drive-throughs on the plan, but it is consistent with the surrounding area. Mr. Suder identified several drive-throughs in the area. Drive-throughs are not out of context at this location. They have proposed a comprehensive, mixed-use development and not piecemeal projects. It will provide convenience uses for the surrounding neighborhood, much needed senior living, and an amenity area that will remain open space.

Mr. Suder stated that the property has been marketed for a long time. Their broker, Jeff Smith with On-Site Retail Group, is present. The zoning is old and outdated. The zoning is from 1996 and it's now 2021. The world has changed significantly in that amount of time. Adjoining properties like Starbucks have sold recently and driven the cost of this property up, making it even more expensive to develop. Mr. Suder displayed a slide of images from 1996. Union only had 1,000 people back then. Florence had about 20,000 and Boone County had about 75,000. He stated that he does zoning work around the country and sometimes finds zoning codes that are 20 to 60 years old. Zoning can't exist in a bubble and has to evolve over time. They're asking the Planning Commission to update the use list. There's a lot they can do with the property, but it's missing some components like senior living and drive-through restaurants which are in high demand, especially in the Covid era. It's also missing things like Mike's Car Wash which didn't exist in 1996 and is one of the most highly sought after uses in the region. It's a good reminder that laws need to evolve over time. Mr. Suder displayed a slide, which showed Area 12 on the 1996 Concept Development Plan, which does not allow drive-throughs or car washes, and Area 11 which allows both. The development which has occurred on both sides of US 42 has been very auto-oriented. Mr. Suder said what they're asking for is contextual and not out of line with other development in the area. The proposal is sensitive to the adjoining residential development. The lots on the north side of the site will provide a nice land use transition to the residential development to the north. It is an appropriate land use scheme for this property.

Mr. Suder stated that they have submitted two options. The first option has five lots along the US 42 frontage, with four drive-throughs and one automotive use, and senior living or medical office in the rear. The second option, which is the preferred option, will reduce the drive-throughs by one and include a Mike's Car Wash. Mike Dahm and Ty Dubay from Mike's Car Wash are present and will explain their plans and business. It is situated on the site to reduce impacts. They have some updates on potential users for the other sites. It will include retail and restaurants. It is important nowadays to allow for drive-throughs and drive-ups.

Mr. Stan Ladrack, architect for the applicant, stated that they designed one building. It is the 8,000 square foot building for Lots 4 and 5 on Option A. The intent is to establish the appearance, feel, materials, and general color scheme that would be used throughout the development. The buildings would not be identical, but compatible and part of one context. This allows some adaptability for specific users and keeps the development interesting. The color image boards show the types of materials and details that will be used. They represent the type of feel and

character that will be provided. The signage for the buildings will be internally lit with individual letters and comply with the permissible size. Mr. Ladrack also showed an image of the proposed monument signs. On Option A, the scale of the buildings decreases from east to west, which is in keeping with the overall plan document which requests a decrease from east to west.

Mr. Jeff Smith, real estate broker, said that this property has some challenges due to its depth, particularly for the back portion. The traditional big box retailer or fitness center was the prime candidate for this type of location with some outlots along the front. Big boxes are fewer and farther between these days. The price of the property and the cost of the infrastructure and construction have all been tough when finding a buyer. Mr. Soni is up for the challenge and he has a good concept that he thinks can work for the land, the community, and residents of Florence and Union. They initially had some good interest in this property including food users, traditional retailers, and service-oriented retailers. Senior living is another use which has shown a lot of interest. They have had interest from national, regional, and local tenants. They are drawn to this market due to the growth and demographics. The food users are retooling right now. They are going from a sit down model to one that makes customers feel comfortable and safe. They are looking towards the fast food model with a drive-through or pick-up window. For example, Jimmy John's across the street went from being in an in-line store to an end cap. Even the higher end fast food users are going to a drive-through and end cap concept. We live in a convenience-oriented society. They are trying to accommodate the 2021 customer base.

Mr. Suder said that they have marketed the property to medical office users ad nauseam. They haven't gotten any bites so this isn't really a core medical office area. They are getting a lot of traction for affordable to mid-range senior living for the back piece. For retail, they have a smoothie shop and a new-to-market burger place interested, and Mike's Car Wash is under contract. They have a lot of interest from establishments that would serve the surrounding neighborhood. There's a lot of strong interest in senior living which they think they can bring to the market. New public recreation amenities are proposed in the open space including walking trails. Sidewalks will be provided throughout. It will be built as a common development and not piecemeal. It will have uniform signage. The drive-through is a necessity, but these are not typical drive-throughs which surround the entire building. They are pick-up windows along the end caps. They believe that the Mike's Car Wash plan makes it an even better development. It will reduce the number of drive-throughs and it is a highly sought after use.

Mr. Mike Dahm, of Mike's Car Wash, stated that it is a family business that started in 1948. They're in Florence now and are proud to be there. They've always had this area on their radar. The company prides itself on being the best at what they do. That's due to their training and hiring four to five managers and twenty team members. They wear shirts and ties and provide a first class experience. They have excellent facility maintenance and provide a high quality car wash. They'd like the opportunity to be in this area and are big believers in giving back to the community. On average, they have given back over \$500,000 to the local community. They were voted in the best places to work in Ohio and Indiana, and are working on it for Kentucky. They are in three states and are headquartered in Cincinnati. They believe that they would be a great asset for the area.

Mr. Ty Dubay, of Mike's Car Wash, showed several images of existing Mike's Car Wash facilities. It's clean with a very high end design. They constantly look at maintaining their properties to assure that there is no trash and things are orderly and put away. It needs to be an upscale car

wash where people are comfortable going there day and night, look good, and be a great part of the community. They have been around since 1948, have given over \$500,000 to charity, and are embedded in their communities. Mr. Dubay displayed a slide with the four elevations of the building. There is some elevation change on the northwest part of the site that will probably require a retaining wall. He showed a slide of the retaining wall at their facility in South Lebanon as an example of how it would be built. They want to do a high end retaining wall to reflect well on the community. They believe Farmview Commons is a great location for them. It fits their demographics and they have a high number of Mike's customers coming out of Union. It's about a \$7 million investment and would create about twenty jobs. There's a lot of equipment and technology put into each store. They do a free wash weekend for charity with each store opening which can raise over \$20,000. In response to Mr. Suder, Mr. Dubay said that noise impacts can come from the vacuums and the wash itself. They use a centralized vacuum system so the turbine is housed in the building. It has mufflers to dampen the noise, which is minimal. The noise at the exit end of the car wash is about 70 to 75 decibels, which isn't noticeable along a road like US 42. The wash has a door that only opens when a car is exiting. The building is oriented so that the exit faces other buildings and directs noise away from residents.

Mr. Suder stated that a traffic study was prepared and they can talk about that and the traffic issues raised more with the Committee. Mr. Suder displayed a slide that noted the distances of residences in the area to commercial properties. The closest residence to this property is about 500 feet away from the end of the Mike's Car Wash and about 285 feet from US 42. Other homes in the area are 75 to 80 feet from commercial properties, including those with pools that adjoin loading facilities. Regarding community benefits, they are proposing a walking trail around the detention pond, sidewalks throughout, and attractive landscaping and entrances. It is an approximate \$35.5 million dollar investment, will generate about twenty times the current real estate taxes, and will create hundreds of temporary and permanent jobs. Mike's Car Wash alone creates about twenty jobs. In response to Chairman Rolfsen, Mr. Suder confirmed that their presentation was concluded.

Mr. Costello stated that the applicant's presentation mentioned the site being in Union. He noted that the site is mostly in Florence with a smaller portion in Union. It would have to be acted on by both jurisdictions. This site is part of the larger Plantation Pointe concept plan, of which a great deal has been built. Some of the comments made about that plan are misleading.

Chairman Rolfsen stated concerns with potential traffic issues with the restaurants, especially in this area, noting that restaurants like Chick-fil-A back up traffic in many different directions. Chairman Rolfsen asked if he was understanding the proposal to put a walking path around the detention pond correctly.

Mr. Suder stated that it is a larger development scheme and they are building it altogether. They were thinking of providing trails that connected to the sidewalk along Farmview Drive. It would also function as an amenity for people who wanted to walk from the multi-family residential or senior living facility.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Change in Concept Development Plan request? Seeing none, he asked if any Board Members had questions or comments?

Mr. Lunnemann stated that he has several questions. First, is the detention pond a dry basin or a lake that would fit in with the PD standards and function as an amenity? Second, how does Mike's Car Wash fit in with the compatibility of the overall development? Third, what types of restaurants are anticipated?

Mr. Adrian Yanes, Viox & Viox, responded that the detention basin in the open space is designed as a dry facility. Another basin by the senior living facility is anticipated to be a lake.

Mr. Smith stated that regarding compatibility, they are providing services for the community. Mike's Car Wash fits in well in most areas. It's a well-known, high end product. Tropical Smoothie has a location identified here and Great Clips is looking. Everyone from ice cream to local operators with salads and chicken concepts are interested. They're all high end uses.

Mr. Lunnemann stated that he would like the committee to strongly discuss the PD amenities that will be included with the development.

Mr. Suder stated that they will be prepared to discuss that and hope to have more information on the users at the committee meeting. The theme here is convenience, and that's how Mike's and the retail uses fit in. He understands that the site is mostly in Florence, but the trade area that Mike's is talking about is the growing Union area and south Florence.

Mr. Ladrack said that in regards to compatibility, the exterior of Mike's is brick masonry with metal accent panels. The horizontal, projecting roof is compatible with the design created for the rest of the development. The site lighting will match across all of the lots. All of the sites are tied together.

Mr. Costello asked Mr. Jamal Adhami, traffic engineer, what improvements are planned for Farmview Drive? He also asked if he was aware of the existing traffic conditions at the intersection at peak hours and how it will be affected by the additional commercial development? Is there any plan to improve Farmview Drive?

Mr. Adhami responded that the traffic study doesn't warrant any improvements on Farmview Drive. He stated that they have been communicating with the Kentucky Transportation Cabinet and they have asked about turn lane warrants from US 42 to Farmview Drive.

Mr. Costello stated that Farmview Drive is maintained by the City of Florence. He stated that with traffic pulling in and out of the development, there will be major issues.

Mr. Suder stated that they will entertain a discussion about road improvements.

Mr. Costello said that he passes through the intersection frequently. Right now, it's not as busy on the other side since Kroger is gone. There's more retail on the other side of the street and it's four lanes. Farmview Drive is two lanes that maybe widens to three. It is the main entrance to Farmview Subdivision and it connects to Pleasant Valley Road. There's a lot of people that cut through this road network. With the additional traffic from the development, it seems that something would need to be done with Farmview Drive.

Mr. Suder said that they definitely want to address these issues and that three access points in different parts of the site are proposed.

Mr. Costello noted that there are also problems at the other end of Old US 42 at the intersection with Wetherington Boulevard. Drivers play a "game of chicken" because the lanes don't line up.

Chairman Rolfsen said that relates to the unknowns with the restaurants. It will be a nightmare if they generate a lot of morning traffic.

Mr. Costello noted that on a nice day, the car wash has the potential to stack up a lot of cars. He doesn't believe that the commercial traffic should hold up the people who live there. It's the primary entrance for people who live in the front of the subdivision. He advised the applicant to take a close look at this issue.

Mr. Adhami said that they will do that.

Mr. Bunker said that in addition to being a traffic tie-up, it's a safety issue. He asked the applicant to also include the local traffic in addition to the traffic from the various lots in this development. He could see cars lining up by the Kroger gas station waiting to get into the car wash. Mike's provides a great product, but it could be terrible for traffic. He asked if the large detention basin could be made wet to enhance the amenities that Mr. Lunnemann referred to and important for this site if it is approved? He also advised the applicant's team to consider how it will be designed if some of the exceptions requested to the current restrictions are not approved. He is looking more for the pitched roof design which matches what is across the street and more specific building materials and colors need to be identified.

In response to Chairman Rolfsen, Ms. Gulick stated that she hasn't seen the traffic study yet, but noted that it will be brought to the Zone Change Committee.

Mr. Adhami advised that they submitted a traffic study, but will revisit the issues identified.

Mr. Costello said that part of the traffic study is in the Staff Report.

Mr. Wall stated that the scope, warrant discussion, and recommendations from the traffic study are attached to the Staff Report.

Mr. Costello stated that Staff will forward the traffic study to Ms. Gulick.

Mr. Suder said that they will be ready to discuss all of these issues with their team at the committee meeting.

Mr. Josh Hunt, Business & Community Development Director for the City of Florence, stated that he reviewed the traffic report and would appreciate receiving any traffic data that Mike's Car Wash may have which is more accurate than the data in the traffic study.

Ms. Gulick stated that it may be beneficial for Mike's Car Wash to have an event plan for high-capacity days. It's a little hard to fit into a traditional traffic report, but it would be good to have a strategy in place.

Mr. Adhami stated that they tried to use the land use category which generated the higher traffic for the study. The car wash is unique, so they'll check it over.


Chairman Rolfsen stated that the traffic that we have now is nowhere close to the pre-Covid era since so many people are working from home. More people will start getting out and working from offices.

Mr. Adhami responded that they tried to make some adjustments in the traffic data to account for Covid.


Chairman Rolfsen stated that the lack of school traffic also needs to be considered.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 17, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on March 3, 2021 at 7:00 p.m. If someone wants to observe the Committee Meeting, please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 10:40 p.m.

Attest:


Kevin P. Costello, AICP
Executive Director

APPROVED:


Charlie Rolfsen
Chairman

