

RESOLUTION R-21-018-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A 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 ZONES FOR AN APPROXIMATE 3.5 ACRE SITE LOCATED AT 1200 BILL WENTZ DRIVE, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a 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, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval 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.

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

SECTION I

That the request for a Change in Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, in an Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) zones for an approximate 3.5 acre site located at 1200 Bill Wentz Drive, Florence, Kentucky. The real estate which is the subject of this request for a Change in Approved Concept Development Plan is more particularly described in DEED BOOK: 1123, PAGE NO. 819 (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 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, 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 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 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, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

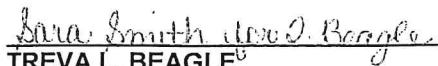
PASSED AND APPROVED ON THIS 21ST DAY OF JULY, 2021.

APPROVED:



**CHARLIE ROLFSEN
CHAIRMAN**

ATTEST:



**TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES**

CR/tlb

EXHIBIT

“A”

STAFF REPORT

Request of **Viox & Viox (applicant)** for **ERHAL Holdings LLC (owner)** for a Change in Approved Concept Development Plan in an 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.

June 2, 2021

REQUEST

The request is for a Change in an Approved Concept Development Plan so an approximate 270 linear foot area in the north/northeast portion of the Scheper Ridge site can be planted with tree saplings and a wildflower seed mix versus standard Buffer Yard B and Buffer Yard C plantings. The applicant is asking for the change because the landscaping company will not warranty trees and shrubs on steep slopes (plan shows 3:1 slope). The subject area is proposed to contain an erosion control blanket for stabilization, approximately 30 evergreen saplings (fir and pine), 20 deciduous saplings (oak and sugar maple) and a native wildflower seed mix.

PERTINENT SITE HISTORY

- A. In 2017, A Zoning Map Amendment was approved to rezone 0.518 and 3.635 acre tracts (lots 7 and 9 of Gunpowder Centre Subdivision) from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) to allow a senior apartment development or the commercial development that was previously approved by the City of Florence in 2014. Two alternative concept plans were submitted for the senior apartment development.

Alternative 1 - A 3-story, 48 unit senior apartment building, with 69 parking spaces, was shown on the 3.499 acre lot (proposed building intensity was 13.72 dwelling units per acre). The building was shown with a 16,600 square foot footprint ($16,600 \times 3 = 49,800$ square feet), 28 one-bedroom units, and 20 two-bedroom units. Amenities included an outdoor patio, a gazebo, and sidewalk system that connected to Bill Wentz Drive. Access to the development was shown from a shared driveway, which was located across from the Bill Wentz Drive/Mel's Lane intersection.

The plan showed that a 0.176 acre tract would be sold to Covington Shopping Center, LLC so they could construct an overflow parking lot for the strip center. The 0.518 acre tract located at the northeast corner of the Gunpowder Road/Bill Wentz Drive was shown as permanent green space.

The submitted building plans showed the building would be approximately 44' tall and be constructed with brick, accent brick, fiber cement lap siding, precast concrete lintels, vinyl windows, entry canopies, exterior lighting, and asphalt shingle roofing.

Alternative 2 - The only difference on the option 2 plan was that 13 additional parking spaces were shown in the event that the senior apartments were converted to standard apartments in the future.

The following Waivers were approved as part of the Planned Development:

- The parking requirement was reduced from 82 stalls to 69 stalls.
 - Allow a residential and commercial development to share a landscaping buffer.
- B. In 2019, A Major Site Plan application was approved allowing the construction of the Scheper Ridge Senior Living Apartments. The approved plan showed the three-story building was 48,935 square feet in area and would contain 48 apartment units. Access was shown from a driveway that aligns with the Bill Wentz Drive/Mel's Lane intersection and is shared with Gunpowder Centre. Sixty-nine (69) parking spaces are shown on site and sidewalks connect the development to Bill Wentz Drive. Landscaping was provided per the approved Concept Development Plan. A 3:1 slope is shown in the area where the alternative buffer yard planting scheme is proposed.
- C. In 2021, a Minor Site Plan application was approved allowing the landscaping on site to be revised. The proposed tree sapling and wildflower areas were not part of the approval. A note indicates the plan will be revised once the City of Florence takes final action on the Change in Approved Concept Development Plan application.

APPLICABLE REGULATIONS

- A. Section 314 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Sections 301-310. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.
- B. Section 1517 of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a "Utilization of an Underlying Zone Within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

Section 1514 of the Boone County Zoning Regulations states that Concept Development Plan proposals in a Planned Development shall be evaluated against the Planned Development criteria unless a portion of the criteria do not apply or relate to a specific proposal. Staff

recommends that the following standard should be analyzed:

- Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.

D. Buffer Yard Table 2 in Section 3645 of the Boone County Zoning Regulations indicates the following trees and shrubs are required in Buffer Yard B and Buffer Yard C.

Buffer Yard B

Minimum 20' wide with the following plantings every 100 linear feet
5 Evergreens from Plant List D
6 Large, Medium, Small or Additional Evergreens Trees from Lists A, B, C, or D
30 Small Shrubs from Plant List E or 15 Large Shrubs from Plant List C
Ground Cover

Buffer Yard C (Either option can be selected)

Minimum 30' wide with the following plantings every 100 linear feet	Minimum 60' Wide with the following plantings every 100 linear feet
10 Evergreens from Plant List D	10 Evergreens from Plant List D
8 Large or Med. Trees from Lists A or B	8 Large or Med. Trees from Lists A or B
15 Large Shrubs from Plant List C	35 Large Shrubs from Plant List C
6' high berm, fence, or masonry wall required in middle of buffer	No berm, fence, or masonry wall is required

SITE CHARACTERISTICS

The subject site is currently 3.48 acres in area and fronts on Bill Wentz Drive. It should be noted that a 0.3 acre area of the subject property was recently conveyed and will be recorded as part of the adjoining retail strip center. The Scheper Ridge Senior Living Apartments project is currently under construction per the approved 10/15/19 approved Major Site Plan. See the "Site History" section of the Staff Report above.

ADJACENT LAND USES AND ZONING

Northeast: Storage Building on Baluyot Property (SR-1 and C-2/PD)

Northwest: Retail Shopping Center and Bill Wentz Drive (C-2/PD and UR-2/C-2/PD)

Southeast: Legacy Living (PF)

Southwest: Bill Wentz Dr., Gunpowder Rd., Open Space Owned by Boone County (SR-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The 2040 Future Land Use Plan from Our Boone County – Plan 2040 designates the site for Commercial uses and Urban Density Residential uses. These future land use designations are defined as follows:

Commercial - "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Urban Density Residential – "Attached housing, generally condominiums or apartments, of over 8 dwellings units per acre."

- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

"Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community" (Overall Goal A, Objective 4).

"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).

"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 2).

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

"Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems along the U.S. 42 corridor between the Weaver Road/Hopeful Church and Pleasant Valley Road intersections. The new "jug-handle" intersection design for Weaver Road and U.S. 42 will hopefully address some of these issues. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals." (Florence South pp. 129-130).

STAFF COMMENTS

- A. The approved 10/15/19 Scheper Ridge Site Plan showed the following landscaping buffers would be installed in the north and northeast portion of the subject site:
- Shared Buffer Yard C was shown in the north part of the lot between the apartment building and adjoining retail strip center parking lot. Half of the buffer yard plantings and

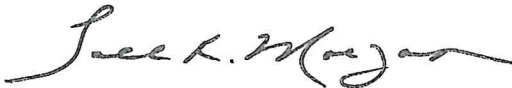
the required privacy fence shown were shown on the Scheper Ridge lot and the other half of the plantings were required on the adjoining retail strip center lot.

- Buffer Yard B plantings were required along the northeast property line.
- B. Although standard landscaping buffer yard plantings can be installed on 3:1 slopes, Staff doesn't object to the proposal. The subject property lines are not visible from public roadways and the whip plantings and seed mixes will ultimately grow into a dense buffer. Staff would like to note the following:
- The 6' tall privacy fence is still required on the Scheper Ridge lot between the apartment building and the retail strip center parking lot.
 - The adjoining property to the northeast is residentially zoned but currently contains a small storage building. The property currently contains dense deciduous tree lines.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Article 3 of the Boone County Zoning Regulations, Section 1514 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

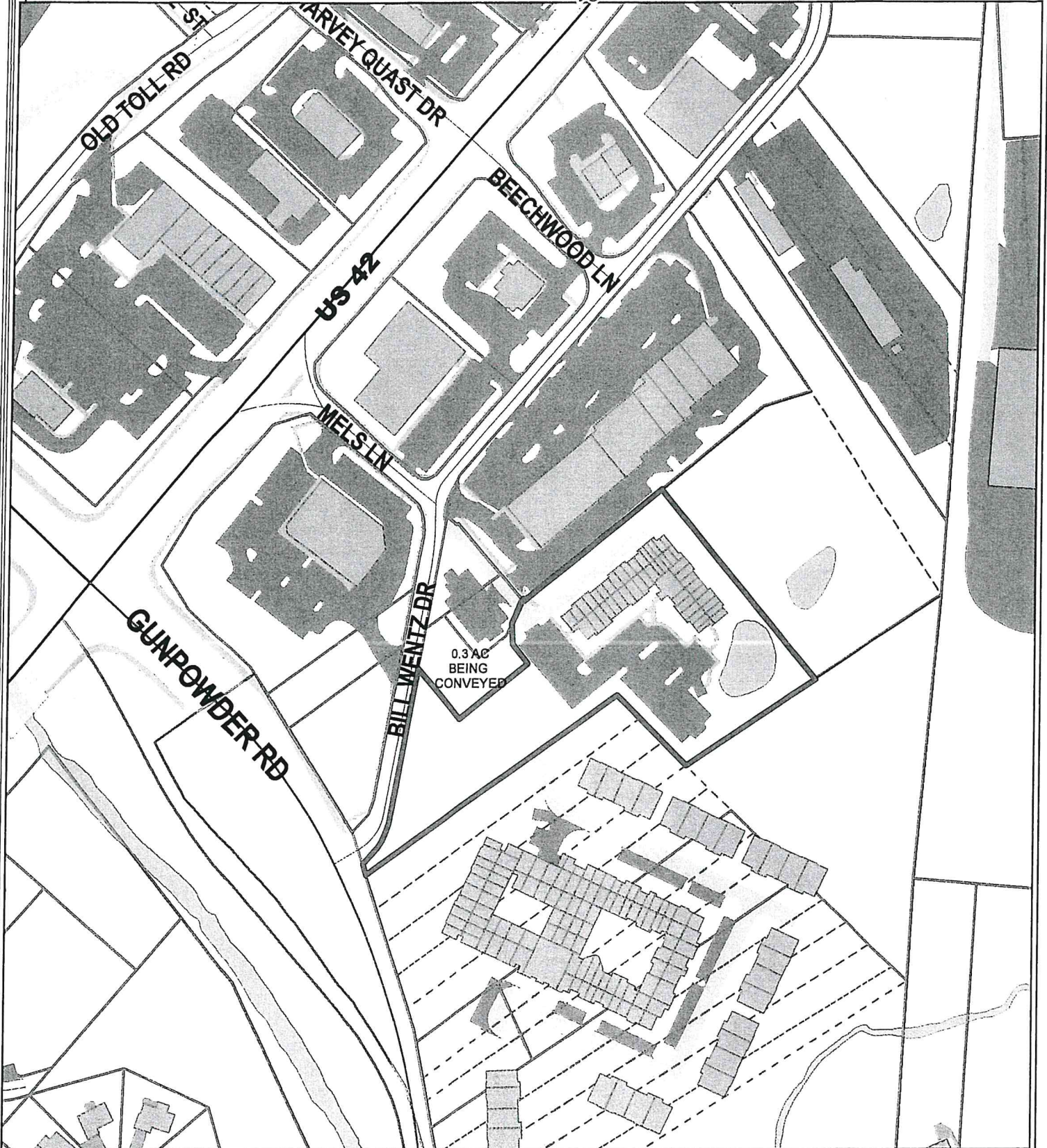
TKM/ss

Attachments:

- *Site Vicinity Map
- *Proposed Concept Development Plan
- *2017 Approved Concept Development Plans and Conditions
- *2019 Approved Major Site Plan (Grading and Landscaping Plan Only)
- *2020 Aerial Map with Building & Pavement Overlays
- *Zoning Map
- *2040 Future Land Use Map
- *Application

SITE VICINITY MAP

www.boonecountygis.com



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0 100 200 400 600 800 Feet

1 inch = 200 feet



Map Created: xh/x/2020

Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

	SCALE	1" = 30'
	CHUCK ST.	KM/K
	CHUCK ST.	KM/K
PROJECT NO.	00/04/2021	20/04/19-20

PERMIT SET	4/20/18		
BID SET	5/7/18		
REVISION 1	5/20/18		
CONSTRUCTION SET	2/1/2020		
ADMINISTRATIVE	3/9/2021		
RESUBMITTAL	5/4/2021		CHANGE OF CONCEPT PLAN

0843 CONRAD
K 2
L A

LANDSCAPE PLAN
SCHEPPER RIDGE
PROPOSED SENIOR APARTMENTS
BILL WENTZ DRIVE
FLORENCE, KY 41042

BIL WENZ DRIVE
FLORENCE, KY 41042

GENERAL NOTES

- [illegible]

ZONING CALCULATIONS

* INCLUDES SEVENTEEN OTHER ALIENS WHOSE NAMES ARE ON THE LIST AND
* NINETEEN OTHERS WHOSE NAMES ARE NOT ON THE LIST BUT ARE CULTURAL FROM ANY SINGLE LIST (PAGES)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 07-18-2009 BY SP-6 BTJ/KJS

5 (A/D) TRIMS/AD LF REQUIRED
 2 x 115 = 4.75
 7 (A/D) TRIMS REQUIRED
 7 (A/D) TRIMS REQUIRED

* REQUIRED STUBS ELIMINATED FOR 20+ WIDE BUTTER
WATER YARDS - SEE TABLE 2.

ENTER YARD & GRAIN AND PASTURE IN AREA	- 34 LF
5 OF TRIMS/ADJ LT REQUIRED	4 (2-6) TRIMS/ADJ LT REQUIRED
5 S = 24 = 48 OF	4 (2-6) = 274
AS OF TRIMS REQUIRED	50 (4-6) TRIMS REQUIRED
AS OF TRIMS PROVIDED	54 (4-6) TRIMS PROVIDED
5 (1-2) STRIPS/ADJ LT REQUIRED	

10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1

CONTAINS METAL BY TRUSS SUBSTITUTIONS AND OTHER MATERIALS OUTSIDE OF THE BUTTER YARD

- PLANTED AFTER YEAR 8 (MAY/JUNE) - 300 L²
- PER AGREEMENT, SCHEDULED TO PROVIDE 100% OF REQUIREMENTS
- 50% TREES/100 L² REQUIRED
- 10% TREES/100 L² REQUIRED
- 10% TREES/100 L² REQUIRED

B (6) TREES REQUIRED - 8 (7) REQ.
B (6) TREES PLANTED
B (6) TREES REQUIRED - 8 (7) REQ.
B (6) TREES PLANTED

B (6) GRUBS/100 LT REQUIRED
B (6) = 46
46 (6) GRUBS REQUIRED - 15 (6) REQ.

[illegible]

• PER AGREEMENT, SLOANER NEEDS TO PROVIDE HALF OF REQUIREMENTS
 WATER PUMP TO PROVIDE 6 INCH PUMP TO REDUCE BUTTER YIELD

10 (C) TRILLS/NOV L¹ REQUIRED
 10 (A) 101 - B
 10 (B) TRILLS REQUIRED - 3 (C) REQ.
 10 (A/B) TRILLS/NOV L¹ REQUIRED
 10 (A) 101 - 1454
 10 (B) TRILLS REQUIRED - 3 (C) REQ.

10 (A) ITEMS PURCHASED

11 (C) ITEMS PURCHASED

12 (A) ITEMS/POD LT REQUIRED

13 = 101 = 175

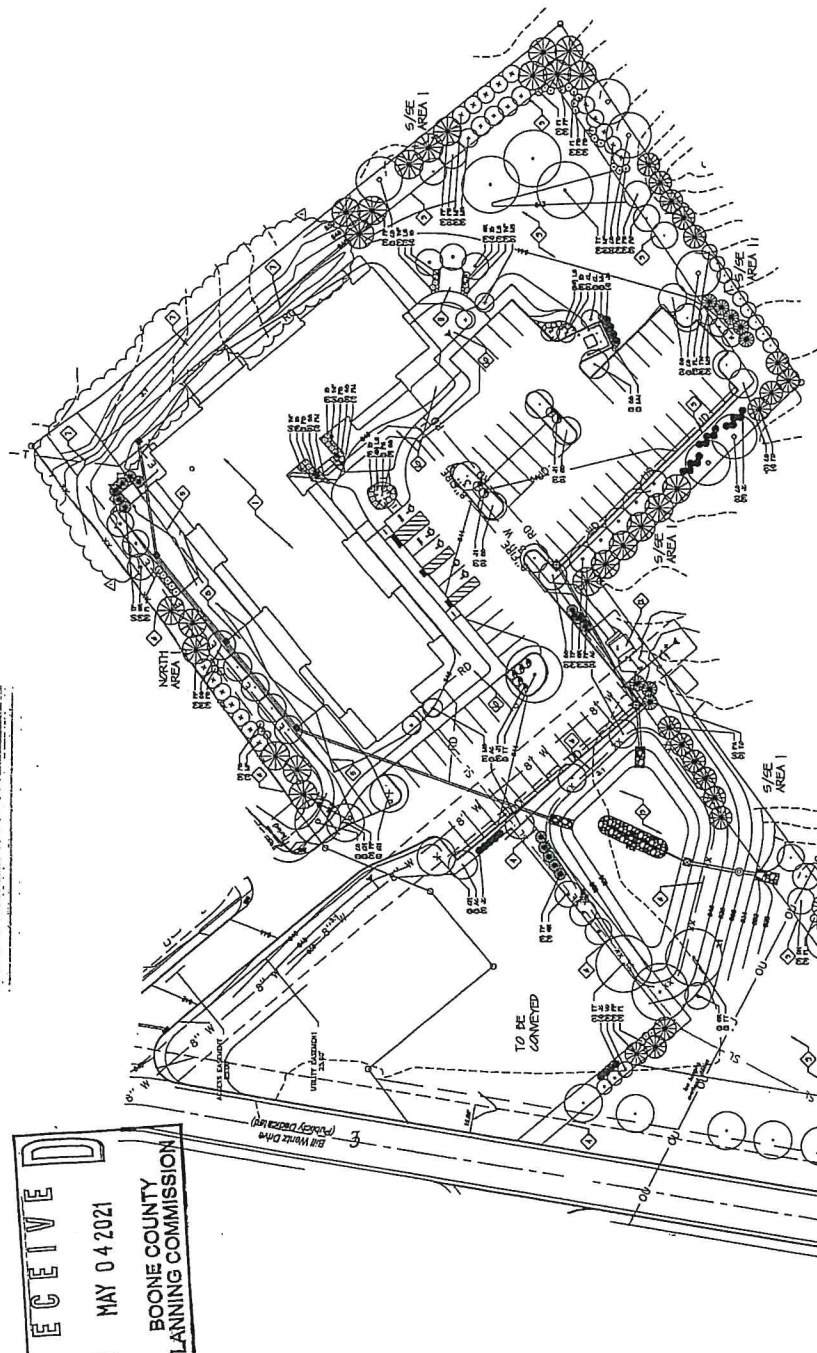
14 (C) ITEMS REQUIRED = 14 (C) REQ.

15 (C) ITEMS PURCHASED

*ADDITIONAL MATERIALS PROPOSED ARE APPLIED TO THE GRASS/SHRUBS AREA | BUTTER YARD D

DRAWING NOTES

- [illegible]



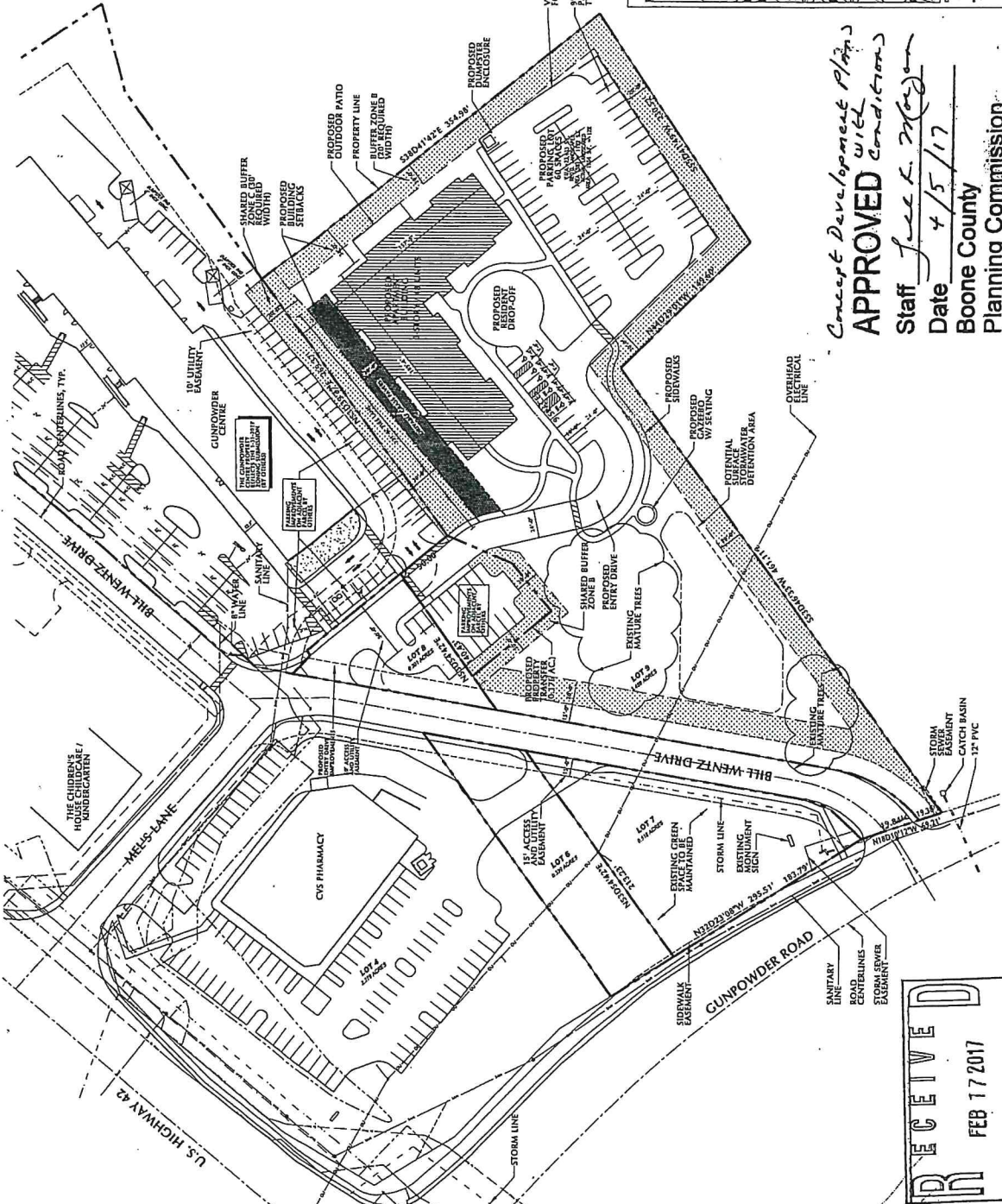
RECEIVED
MAY 04 2021
BOONE COUNTY
PLANNING COMMISSION

GRAPHIC SCALE

(IN FEET)

1 inch = 30 ft.

Kentucky 811



SITE DATA

ADDRESS: US HIGHWAY 42 AND GUNPOWDER ROAD
3.499 ACRES (LOT 9 ONLY)

CURRENT ZONING: C-2 PD/C
PROPOSED ZONING: UR-2 PD/C

PROPOSED USE: SENIOR LIVING
3 STORIES, 48 APARTMENTS
20 UNITS PER ACRE
13.7 UNITS PER ACRE
16,600 S.F.
3 STORIES, 50 FEET
60 TOTAL SPA CEC
44 STANDARD SPACES
2 ACCESSIBLE WAY SPACES

MAXIMUM USE INTENSITY:
PROPOSED USE INTENSITY:
BUILDING FOOTPRINT:
BUILDING HEIGHT:
PARKING SUMMARY:

REQUIRED BUILDING SETBACKS:
REQUIRED BUFFER YARDS:
OPEN SPACE CALCULATION LOT 9 ONLY:

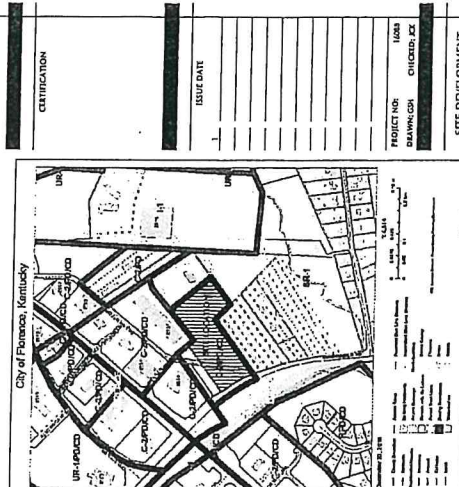
SIGNALAGE:
FIRE ACCESS:

LOCAL FACILITIES NARRATIVE

There are several community and commercial facilities located very close to the proposed project, that are available to both the senior care facility and the general public. These include a pharmacy, a daycare, a bank, an etc. across Highway 42. Within approximately 1 mile of the site are a major school, churches, a library, a shopping center, and other facilities. This development would potentially increase the number of users for these and other local facilities and businesses.

V.A.A. BOUNDARY FOR CALCULATION
P.T. 18" STANDARD TRAINING STALLS, TYP.

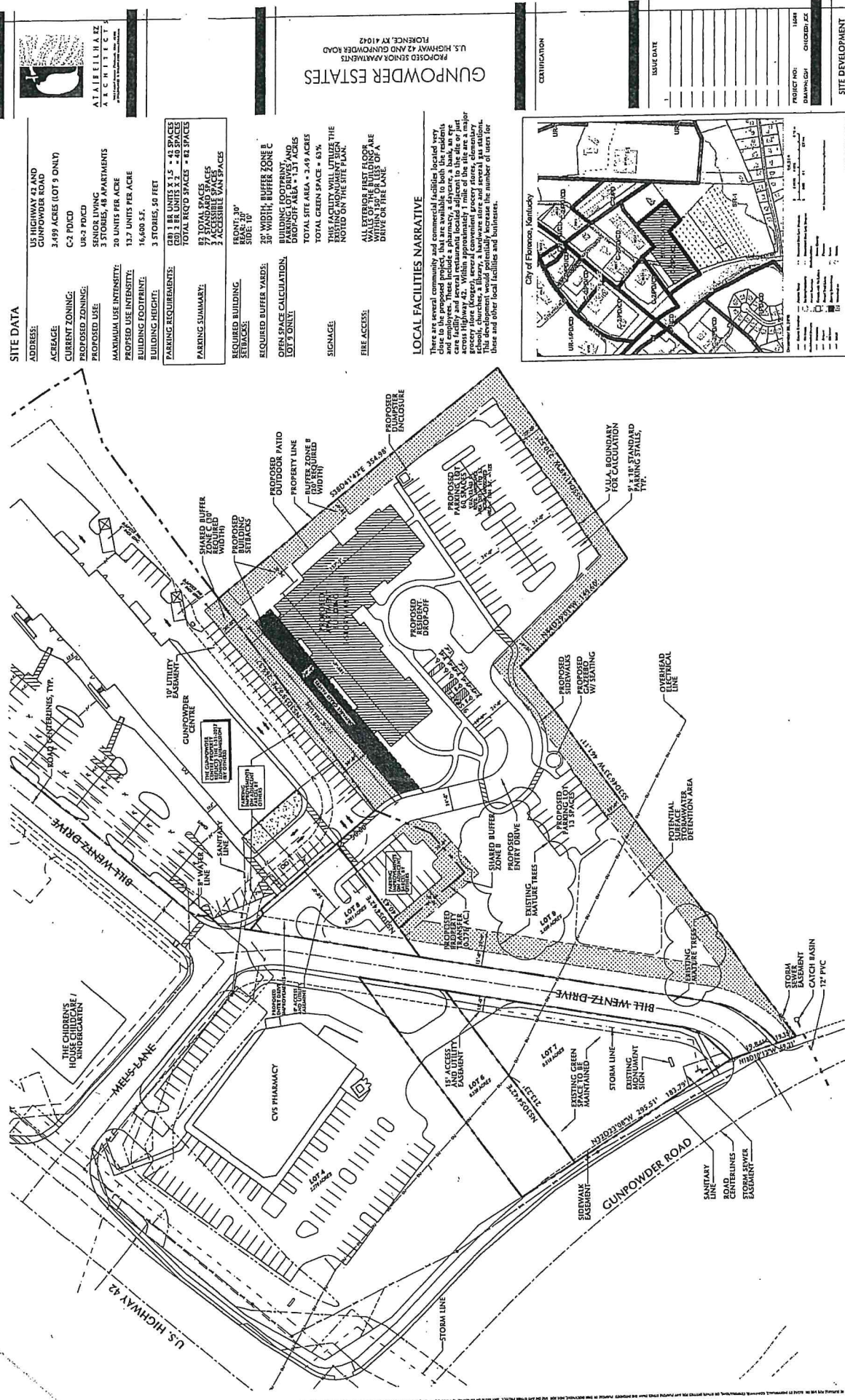
GUNPOWDER ESTATES
PROPOSED SENIOR APARTMENTS
FLORENCE, KY 41042
US HIGHWAY 42 AND GUNPOWDER ROAD



Concept Development Plan
APPROVED WITH CONDITIONS
Staff *Lee K. Morgan*
Date *4/5/17*
Boone County Planning Commission

RECEIVED
FEB 17 2017
BOONE COUNTY PLANNING COMMISSION

SITE DEVELOPMENT PLAN
PLAN
A-001



SITE DATA

<u>ADDRESS:</u>	U HIGHWAY 41 AND GUNPOWDER ROAD
<u>ACREAGE:</u>	3.499 ACRES (LOT 9 ONLY)
<u>CURRENT ZONING:</u>	C-2 POCD
<u>PROPOSED ZONING:</u>	U-2 POCD
<u>PROPOSED USE:</u>	SENIOR LIVING 3 STORES, 48 APARTMENTS
<u>MAXIMUM USE INTENSIFY:</u>	20 UNITS PER ACRE
<u>PROPOSED USE INTENSIFY:</u>	13.7 UNITS PER ACRE
<u>BUILDING FOOTPRINTS:</u>	16,400 S.F.
<u>BUILDING HEIGHTS:</u>	3 STORES, 50 FEET
<u>PARKING REQUIREMENTS:</u>	(C-2) 18 UNITS X 1.5 = 27 SPACES (U-2) 18 UNITS X 1.5 = 27 SPACES TOTAL REQ'D SPACES = 54 SPACES
<u>PARKING SUMMARY:</u>	82 TOTAL SPACES 2 STANDARD SPACES 3 ACCESSIBLE VAN SPACES 7 ACCESSIBLE VAN SPACES

REQUIRED BUILDING SETBACKS:
FRONT: 30'
REAR: 20'
SIDE: 10'

REQUIRED BUFFER YARDS:
20' WIDTH, BUFFER ZONE B
20' WIDTH, BUFFER ZONE C

OPEN SPACE CALCULATION, LOT 9 ONLY:
BUILDING FOOTPRINT
PARKING LOT, DRIVES AND
DROP-OFF AREA = 1.31 ACRES

SIGNAGE:

FIRE ACCESS: ALL EXTERIOR, FIRST FLOOR

LOCAL FACILITIES NARRATIVE

There are several community and commercial facilities located very close to the proposed project, that are available to both the residents and employees. These include a pharmacy, a daycare, a bank, an eye care facility and several restaurants located adjacent to the site or just across Highway 42. Within approximately 1 mile of the site are a major grocery store (Kroger), several convenient grocery stores, elementary school, churches, a library, a hardware store and several gas stations. This development would potentially increase the number of users for these and other local facilities and businesses.

GUNPOWDER ESTATES
PROPOSED SENIOR APARTMENTS
U.S. HIGHWAY 42 AND GUNPOWDER ROAD
FLORENCE, KY 41042

CERTIFICATION

ISSUE DATE

SITE DEVELOPMENT

PLAN

A-001a



BOONE COUNTY PLANNING COMMISSION

www.boonecountkyky.org/pc
www.boonecountygis.com

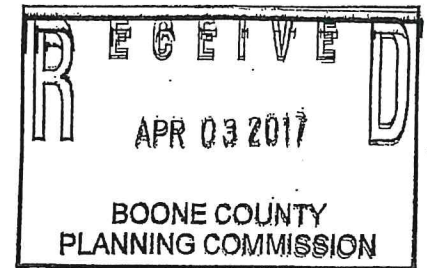
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountkyky.org

March 27, 2017

Mr. Kenneth Jay Kittenbrink
Episcopal Retirement Services Affordable Living LLC
3870 Virginia Avenue
Cincinnati, OH 45227

Mr. Brock MacKay, P.E.
Viox & Viox, Inc.
466 Erlanger Road
Erlanger, KY 41018



RE: Request of Episcopal Retirement Services Affordable Living LLC (applicant) for James L. Morgan and Sherry A. Morgan (owners) for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection and a 3.635 acre tract located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection, Florence, Kentucky. The request is for a zone change to allow a residential apartment development in addition to previously approved commercial uses; and the request of Viox & Viox, Inc. (applicant) for Covington Shopping Center, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.46 acre site located at 8537 US 42 (south side of Bill Wentz Drive), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an outdoor restaurant seating area and landscaping/parking/vehicular area changes.

Dear Mr. Kittenbrink and Mr. MacKay,

The following represents the conditions of approval for the above referenced applications as agreed to by the applicants and Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please have the property owners sign the appropriate lines on the last page of this letter if you are in agreement with the conditions. Please return this letter to the Boone County Planning Commission office by April 4, 2017.

CONDITIONS

Episcopal Retirement Services Affordable Living LLC/James L. Morgan and Sherry A. Morgan - Zoning Map Amendment Application

1. The senior apartment development option approval is based on the submitted ATA/Beilharz Architects Concept Development Plans, building elevations, and floor plans unless modified by other conditions below.

Mr. Kenneth Jay Kittenbrink and Mr. Brock MacKay
March 27, 2017
Page 2

2. The site access point and property transfer area (17 stall parking lot) shall be constructed per the revised Viox & Viox plans (see attachments).
3. The thirteen (13) additional parking spaces shown on the alternative Concept Development Plan (Sheet A-001a) shall be required in the event the apartments cease to be senior apartments in the future.
4. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations shall be required along Bill Wentz Drive.
5. The segment of sidewalk shown between the parking lot and gazebo shall be located outside of the required 20' wide landscaping buffer yard.
6. All parking lot and building lighting shall be directed downwards or inwards towards the subject site and comply with the footcandle requirements from the Boone County Zoning Regulations.
7. The senior apartment development shall be permitted to construct the 10' tall, 100 square foot monument sign on the CVS lot per the 2014 City of Florence condition.
8. Building mounted signage shall not be permitted on the apartment building.
9. No mechanical equipment shall be visible on the roof of the apartment building.
10. The fire department's largest vehicle shall be able to travel on the emergency access drive on the north side of the building.
11. Standpipes shall be placed in the east and west stairwells of the building for fire suppression.

Viox & Viox, Inc./Covington Shopping Center, LLC - Change in Approved Concept Development Plan Application

1. The approval is based on the updated Viox & Viox plans (see attachments). These plans show that Covington Shopping Center LLC will buy additional property and construct a 17 stall parking lot addition regardless of the development option that is constructed on the Morgan property.
2. The following landscaping shall be required at the time the 17 stall parking lot is constructed:
 - A. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations along the frontage of lot 8 of Gunpowder Centre Subdivision
 - B. The shared Buffer Yard B plantings shown to the south and west of this parking lot.
3. The shared landscaping buffer shown behind the 26 new parking spaces in the rear parking lot shall not be required until the Morgan property develops with the apartments or office/commercial buildings.

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE:

AGREED ADDITIONAL CONDITIONS - REQUEST OF EPISCOPAL RETIREMENT SERVICES AFFORDABLE LIVING, LLC (APPLICANT) FOR A MAP AMENDMENT FOR A 518 ACRE TRACT LOCATED ON THE SOUTHWEST SIDE OF GUNPOWDER ROAD/BILL WENZ DRIVE AND A 3.635 ACRE TRACT LOCATED ON THE SOUTHEAST CORNER OF GUNPOWDER ROAD/BILL WENZ DRIVE, FLORENCE, KENTUCKY, FROM COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO URBAN RESIDENTIAL TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (UR-2/C-2/PD) TO ALLOW A RESIDENTIAL APARTMENT DEVELOPMENT IN ADDITION TO PREVIOUSLY APPROVED COMMERCIAL USES; AND THE REQUEST FROM VIOX & VIOX, INC. (APPLICANT) FOR COVINGTON SHOPPING CENTER, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 3.46 ACRE SITE LOCATED AT 837 U.S. 42 (SOUTH SIDE OF BILL WENZ DRIVE), FLORENCE, KENTUCKY, IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE TO ALLOW AN OUTDOOR RESTAURANT SEATING AREA AND PARKING/VEHICLE AREA CHANGES.

The Planning and Zoning Committee has recommended and the Applicant has agreed that the following additional conditions will apply to the request described above.

1. Applicant agrees that any and all retaining walls which will be installed per the approved concept plan will be a colored material that matches surrounding brick colors, adheres to the architectural standards outlined in the Boone County Zoning Regulations and is pre-approved by the City of Florence.
2. Additional parking/impervious areas for the strip center expansion must meet detention and water quality requirements as outlined in the Boone County Subdivision Regulations regardless of whether the proposed Senior Apartments are developed.
3. Any above ground detention facility that is installed must be surrounded by a decorative black fence that stands at a minimum of 6' in height. The city must pre-approve the design prior to installation.
4. Phase 1 of the shared drive must be installed with a turnaround at the end of the drive and have adequate storm structures installed upon construction. The city will assure the street/drainage will operate per Boone County Subdivision Regulations regardless of whether the road is continued or not.
5. Phase 1 of the shared drive must be adequately illuminated upon construction. A photometric plan will be required with the major site plan submittal for all additional parking and street areas.
6. All land that lies within the proposed concept plan amendment must meet slope requirements as outlined in the Boone County Subdivision Regulations.

Agreed to this 18 day of May, 2017.

EPISCOPAL RETIREMENT SERVICES
AFFORDABLE LIVING, LLC

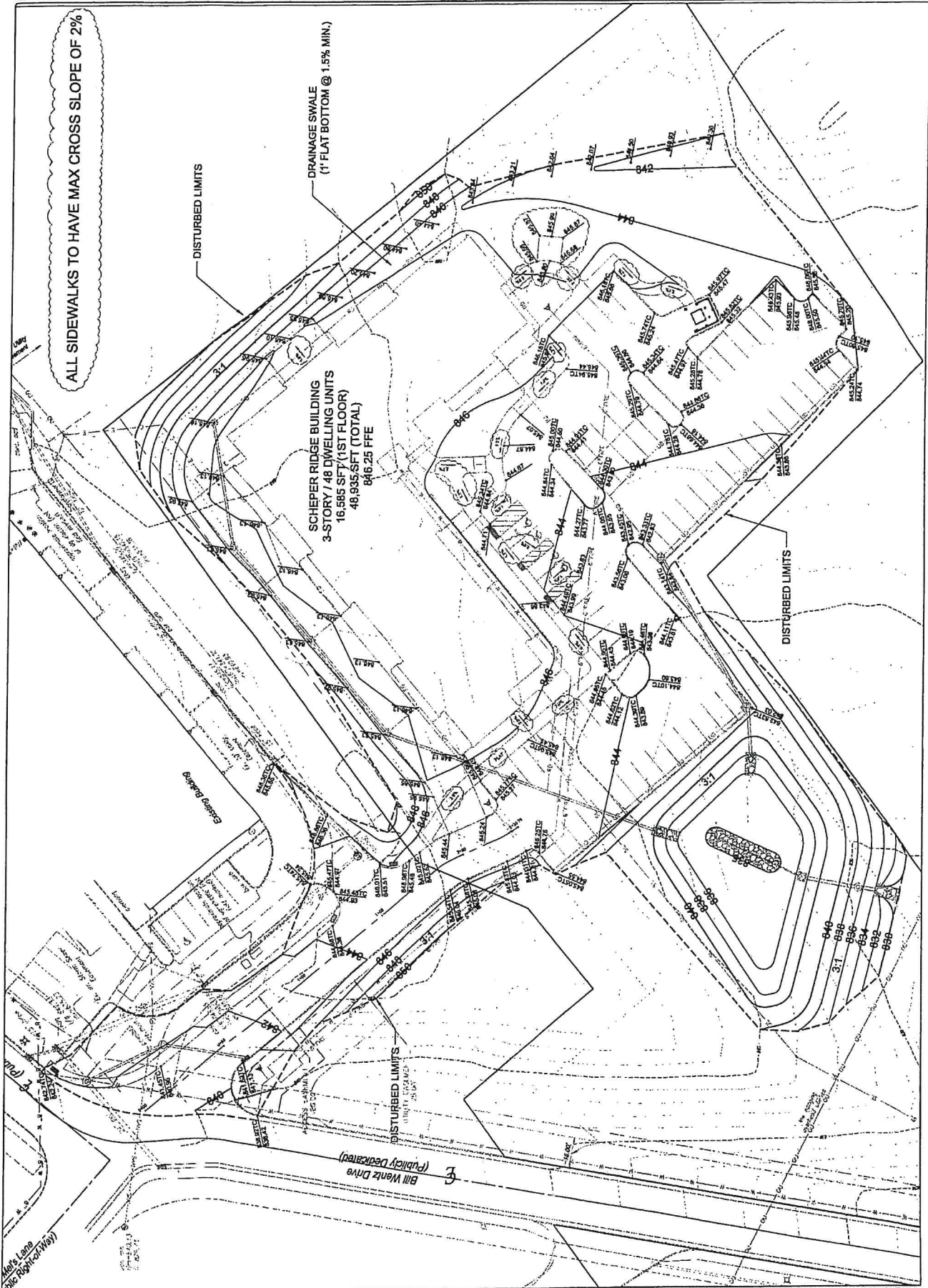
BY: North Jay Kethen Senior Dev. Mgr.
(Title)

COVINGTON SHOPPING CENTER, LLC

BY: Robert J. Morgan Manager
(Title)

MR. JAMES A. MORGAN & MRS. SHERRY
A. MORGAN

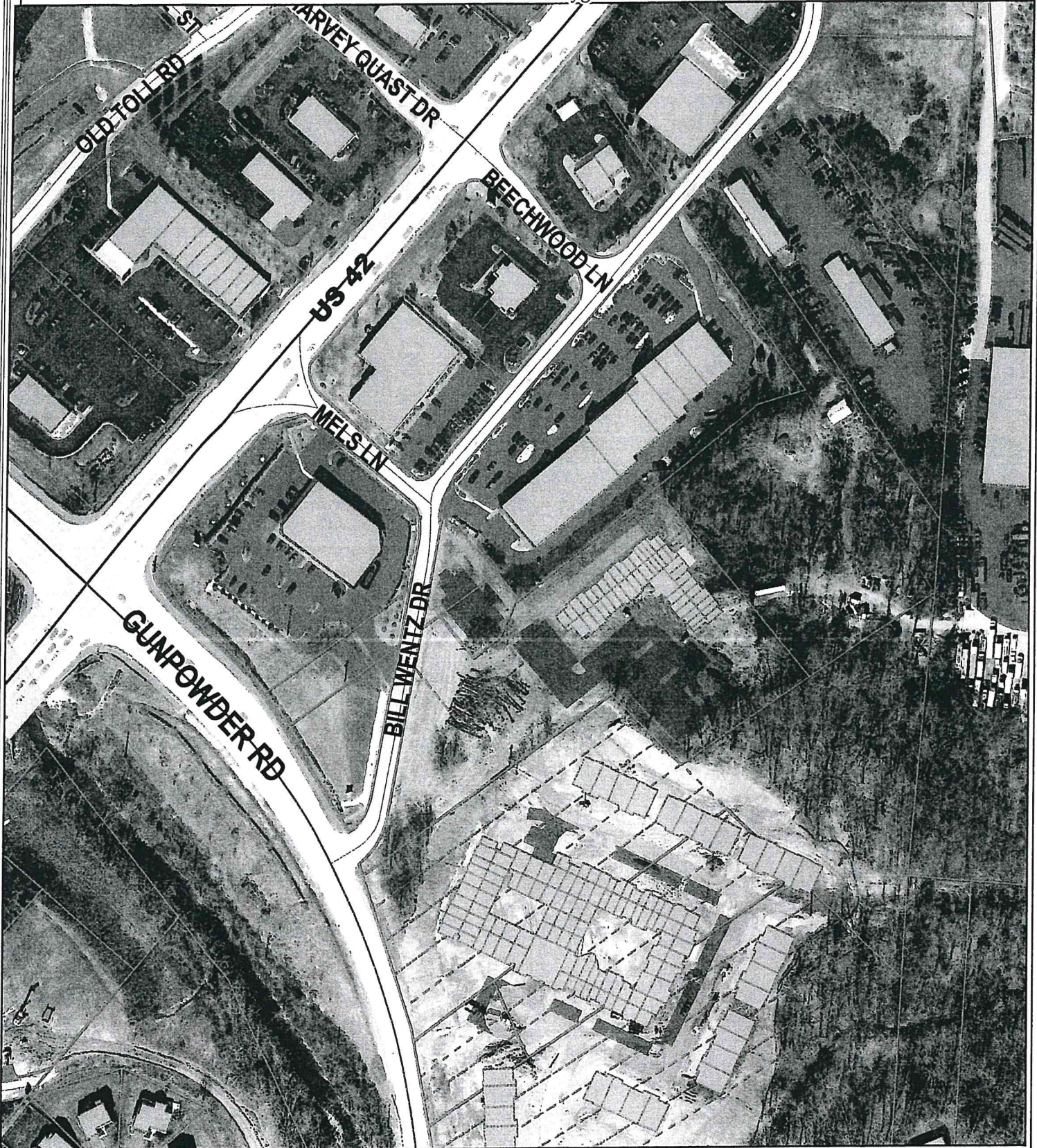
BY: Sherry Morgan - Owner
James A. Morgan (Title) - Owner



10/15/19 Major Site Plan

2020 AERIAL MAP WITH BUILDING & PAVEMENT OVERLAYS

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0 100 200 400 600 800 Feet

1 inch = 200 feet

Boone County GIS - Putting Northern Kentucky on the Map

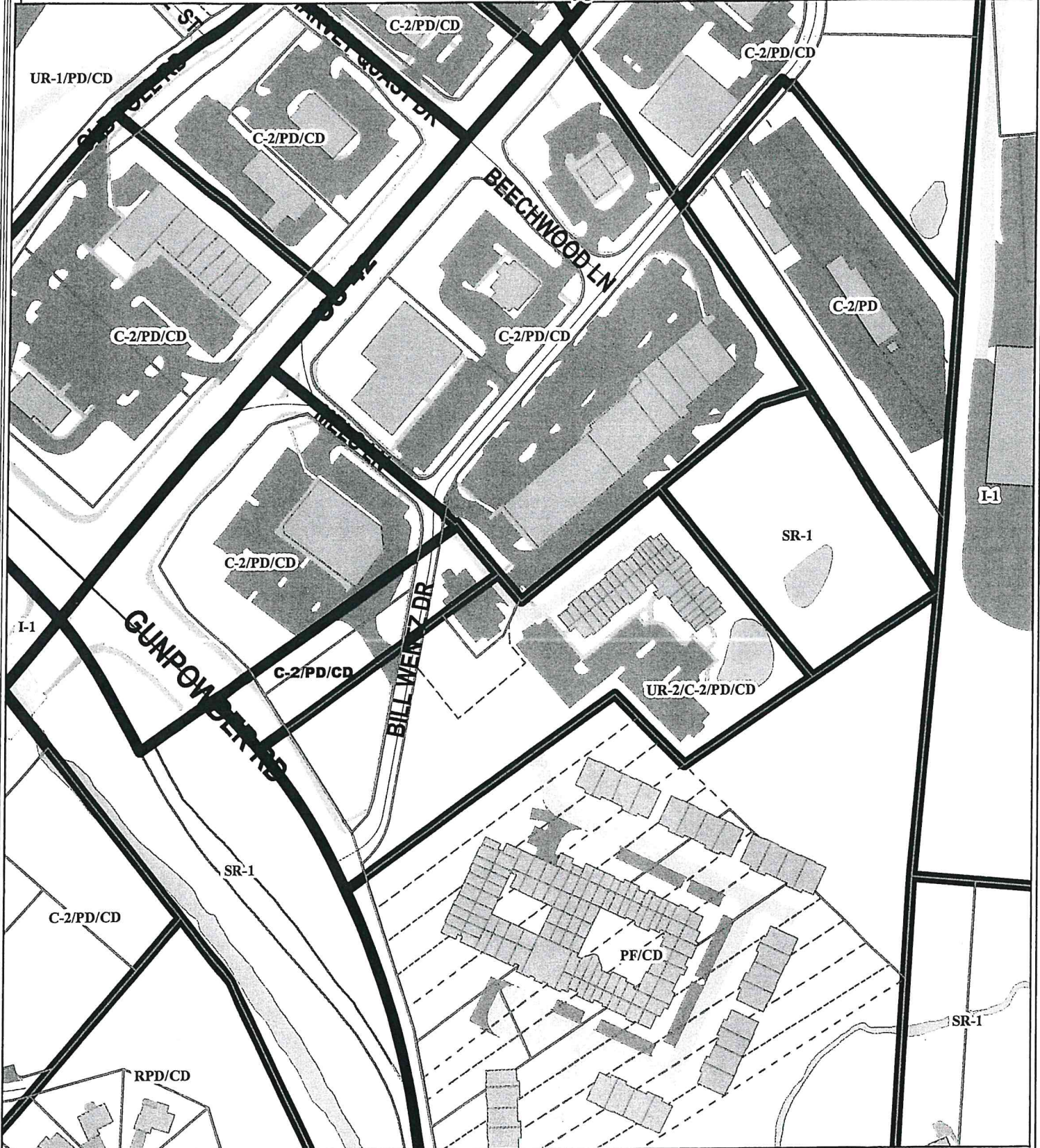


Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

ZONING MAP

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Boone County GIS - Putting Northern Kentucky on the Map

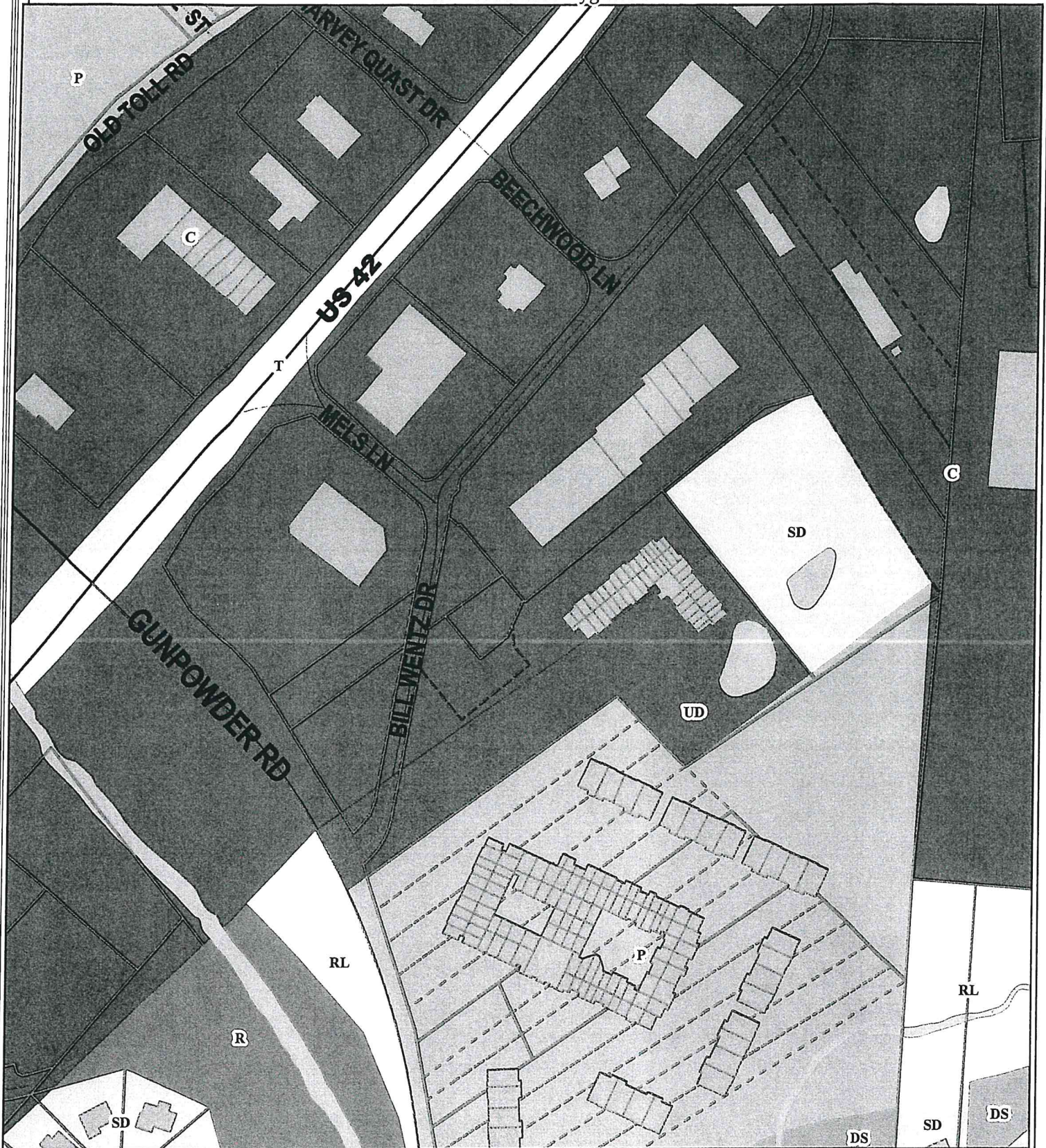
Map Created: xx/xx/2020



Boone County GIS
ArcMap Document: *.mxd

2040 FUTURE LAND USE MAP

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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**

Fee Calculations
+\$2,000
+\$250
+\$66
+\$20*0.10
Total = \$2318.00

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):

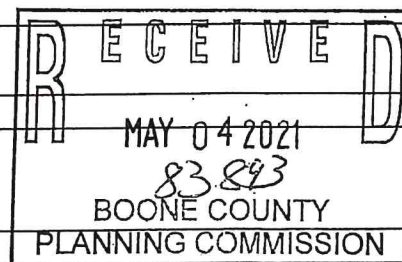
- ☐ Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
☒ Change in an Approved Concept Development Plan
☐ Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
☐ Long Range Planning Committee Review (as stated in the Union Town Plan)
☐ 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: Scheper Ridge
3. Location of Project: Bill Wentz Dr
4. Total Acreage of Project: 0.10 Ac
5. Current Zoning of Property: UR-2/C-2/PD/CD
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
4-3-20217

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):
Senior Living Apartments



9. Proposed Building Intensities (specify for each building):
No change - only proposed change is to landscaping plan

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: ERHAL Holdings LLC

Address: 3870 Virginia Ave

Cincinnati OH 45227
City State Zip Code

Phone Number: _____ Fax Number: _____

Email: _____

13. Applicant: Viox & Viox, Inc.

Address: 466 Erlanger Rd

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the sixth item on the Agenda at 8:46 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

6. 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.

Mr. Todd Morgan, Staff, referred to his PowerPoint presentation. The project site is Scheper Ridge, located off Bill Wentz Drive behind CVS and Gunpowder Center. In 2017, there was an approved Concept Development Plan to build a 3 story apartment building with 48 senior apartments. Between the apartment building and the retail strip center, a shared Buffer Yard C was approved – 30 foot wide buffer yard with plantings and a fence. Between the apartment building and Baluyot property Buffer Yard B was approved – 20 foot wide buffer with plantings. He showed building elevations. In October, 2019, the Planning Commission approved a Major Site Plan for the site. A 3:1 slope was approved for the northeast property line. Also approved at the time was a landscape plan that was based on the approved conditions. The applicant is proposing a change to the buffer in the northeastern portion of the property. This change includes an erosion control blanket, 50 saplings (mix of oak, sugar, maple, pine and fir with a wildflower seed mix) to naturalize the steep slope area.

Mr. Morgan showed photographs of the site and adjoining properties.

In regard to Staff Comments, Mr. Morgan stated that Staff doesn't object to the proposed changes as the area is not subject to a public view and the proposed saplings will eventually grow into a dense buffer area as outlined in the red hatch area on the submitted plan.

Vice-Chairman Patton asked if the applicant was present and wanted to proceed with their presentation?

Ms. Katie Kady, landscape architect for the project, stated that their landscaper would not warranty any of the original planting materials on the site due to the steep slope. They will create a buffer but in a different form. A sapling mix will be planted of 30 evergreens along with 20 deciduous trees, all of which are on the recommended Plant List in Article 36 of the Zoning Regulations. It will include pines, firs, maples and oaks. Native wildflowers will also be planted and an erosion control blanket will be installed.

At this time, Vice-Chairman Patton asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing none, Vice-Chairman Patton asked if any of the Board Members had any questions?

Mr. McMillian asked about the entrance to the development? Mr. Morgan responded that the site only has one entrance near Mel's Lane and Bill Wentz Drive.

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 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 8:55 p.m.

APPROVED:



Kim Patton
Vice-Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
JULY 7, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 7, 2021 Business Meeting. It is the first in person Business Meeting since July 1, 2020. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mrs. Jackie Steele

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 Rolfson stated that the Commissioners received copies of the Minutes from the June 16, 2021 Business Meeting. Chairman Rolfson asked if there were any other comments or corrections? Mr. Costello mentioned a correction on Page 2 in the first paragraph. Instead of \$12,250, it should be \$2,250 increase from the City of Union.

Mr. Patton moved to approve the Minutes as amended. Mr. Turner 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 June 3, 2021 and July 7, 2021.

EXPENSES:

Accounting Fees	\$ 546.18
Attorney Fees	4,000.00
Auto Expense	202.31
Consultant/Professional Svcs Fees	2,425.00
Filing Fees (CLURS)	1,200.00
GIS Operations	1,921.15
Legal Ads/Recruitment	73.18
Miscellaneous Expense	112.15
Office & Board Meeting Supplies	574.15
Office / Equipment Maintenance	3,956.91
Office Equipment / Expense	1,167.36
Office / Liability Insurance	22,732.38
Postage Expense	1,190.10
Printing/Pub/Dues/Subscriptions	12.00

TOTAL: \$ 40,112.87

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,310.35
Health/Dental/Life/LTD	11,887.34
Retirement – BCPC Portion	18,322.42
Salaries – Staff Expenses	99,290.26
Salaries – BCPC & BOA	1,290.00
Workers' Comp Insurance	5,801.40

TOTAL: \$143,901.77

GRAND TOTAL: \$184,014.64

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. Lunnemann seconded the motion and it carried unanimously.

ZONING TEXT AMENDMENT – Lori Heilman, Chairwoman, Kevin Wall, Staff

1. 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**.

Staff Member, Kevin Wall, 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 Mrs. Heilman, Mr. Lunnemann, Mr. Harper and Mrs. Steele voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Zoning Text Amendments by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact. Mr. Harper seconded the motion and it passed unanimously.**

ZONING TEXT AMENDMENT – Lori Heilman, Chairwoman, Michael Schwartz, Staff

2. 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**.

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 Mrs. Heilman, Mr. Lunnemann, Mr. Harper and Mrs. Steele voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Lunnemann moved to approve the Zoning Text Amendments by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact. Mr. Patton seconded the motion and it passed unanimously.**

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

3. 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.

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

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

Chairman Rolfsen inquired about the dog park and food trucks. Mr. Lunnemann responded that the dog park is being developed with a drinking establishment (beer sales). Potentially, one could get something to eat, drink and also walk your dog. It is a unique use for the area. The food truck area is accessing to the bark park area. Food trucks just can't park at the site and not serve food.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Ms. Gulick. The motion passed unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Kevin Wall, Staff

4. 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.

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

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Change in Concept Development Plan by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Condition. Mrs. Kegley seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Todd Morgan, Staff

5. 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.

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

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Change in Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Condition. Mr. Schwenke seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Janet Kegley, Chairwoman, Todd Morgan, Staff

6. 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.

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

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mrs. Kegley moved to approve the Change in Concept Development Plan 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.**

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

7. Kohl's + Sephora – 61 Spiral Drive

Staff Member, Todd Morgan, referred to a Power Point presentation. He referred to a drawing that showed the existing building mounted signs facing the front parking lot and Houston Road. In 1999, both signs were approved at 193.75 square feet each. The current code allows two 250 square foot signs. The applicant wants to add the word "Sephora" to the existing sign facing the front parking lot. The proposed sign area is 442.06 square feet in 3 sign areas. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the change.

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

NEW BUSINESS:

CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

8. Request of **Tim Greive (applicant)** for **Bob Sumerel Tire Co. (owner)** for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

9. Request of **Brad Trauth – Trauth Property Group (applicant)** for **Thousand Hills Holdings, LLC (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit residential townhomes and an office building in addition to an existing pet daycare facility.

Mr. Lunnemann moved to schedule the Public Hearings for Items #8 and #9 on August 4, 2021 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.

ZONING MAP AMENDMENT AND VARIANCE – Kevin Wall, Staff

10. Request of **Viox & Viox (applicant)** for **9541 US 42 LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD), and a Variance, for a 61.889 acre site located at 9253 and 9357 Old Union Road (on the east side of Old Union Road between the Villas of Fowler's Creek development and the property at 9513 Old Union Road), and

along the west side of US 42 between the US 42/Fowlers Lane intersection and the US 42/Sweet Harmony Lane intersection, Union, Kentucky. The request is for a Zone Change to allow commercial and office uses, residential condominiums, apartments, and green space, and a Variance from Section 2540.1 "Setbacks" of the Boone County Zoning Regulations to allow the 50 foot maximum front yard setback to be exceeded.

Mr. Szurlinski moved to schedule the Public Hearing for Item #10 on August 18, 2021 at 7:30 p.m. Mr. Turner seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, welcomed everyone back to the first in-person Business Meeting in over a year. He referred to his July 2, 2021 Memorandum regarding a contract renewal with Jonathan Brown for engineering and surveying services with Brown Engineering, LLC for FY 2021-2022. The only change in the proposed contract is the term. The rates will remain the same.

Mr. Patton moved to authorize the Executive Director to execute a contract with Brown Engineering, LLC for providing engineering and surveying services to the Boone County Planning Commission based upon his July 2, 2021 Memorandum. Mrs. Kegley seconded the motion and it passed unanimously.

Mr. Costello referred to his July 2, 2021 Memorandum regarding the Director, Community Development position. He explained the history of the position and the need to change the focus of the vacated position after Mr. Jonas' retirement. He introduced Ms. Jenna LeCount and described her prior work experience. He, along with other members of the Senior Staff, interviewed Ms. LeCount and references were checked. Mr. Costello noted that he was impressed with her achievements in making each community she worked in a better place.

At this time, Chairman Rolfsen asked if there was a motion to hire Ms. Jenna LeCount? **Mr. Patton moved to appoint or hire Ms. Jenna LeCount as the Director, Community Development effective August 2, 2021 based upon Mr. Costello's July 2, 2021 Memorandum. Mr. Harper seconded the motion and it passed unanimously.** Chairman Rolfsen invited Ms. LeCount to make any remarks.

Ms. LeCount appreciated the positive vote. She reviewed her educational background and work experience on both sides of the Ohio River. There are so many good things happening now in Boone County and in the future. She is happy to be part of the team. Again, Chairman Rolfsen welcomed her to the Planning Commission.

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

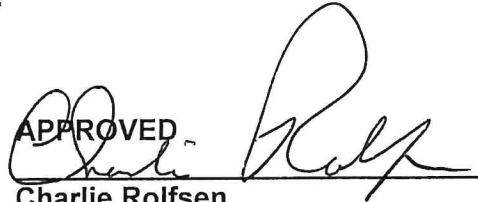
TECHNICAL/DESIGN REVIEW: Mrs. Heilman
No Report

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 7:29 P.M.

APPROVED 
Charlie Rolfsen
Chairman

Attest: 
Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#6

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: July 7, 2021

RE: Request of Viox & Viox (applicant) for ERHAL Holdings LLC (owner) for a Change in Approved Concept Development Plan in an 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.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

1. The Change in Approved Concept Development Plan request is in agreement with Our Boone County Plan 2040 for the following reasons:

A. The 2040 Future Land Use Plan from Our Boone County – Plan 2040 designates the site for Commercial uses and Urban Density Residential uses. These future land use designations are defined as follows:

Commercial - "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Urban Density Residential – "Attached housing, generally condominiums or apartments, of over 8 dwellings units per acre.

B. The proposal is in agreement with the following Objectives:

- "Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community" (Overall Goal A, Objective 4).
- "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 2).

2. The proposal is in agreement with the following Planned Development Standard found in Section 1514 of the Boone County Zoning Regulations:
 - Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.

The Committee concluded the proposed Change in Concept Development Plan is in agreement with the passages above based on the following:

- The proposal will allow an erosion control blanket, 30 evergreen saplings, 20 deciduous saplings, and a native wildflower seed mix to be planted in lieu of conventional buffer yard plantings where steep slopes exist in the north/northeast part of the Scheper Ridge Senior Apartment site.
- Once mature, the saplings will meet or exceed Buffer Yard B requirements.
- The property most impacted by the request is the adjoining property to the northeast. Although this property is residentially zoned (SR-1), it does not currently contain a residential use. This property contains a storage building and dense deciduous tree lines.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: June 23, 2021

CHANGE IN CONCEPT DEVELOPMENT PLAN – Janet Kegley, Chairwoman, Todd Morgan, Staff

1. 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.

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

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

Corrin Gulick

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

Janet Kegley (Chairwoman)

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 _____

Todd K. Morgan

Recorded by Todd K. Morgan,
Senior Planner

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Vice-Chairman Patton introduced the sixth item on the Agenda at 8:46 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

6. 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.

Mr. Todd Morgan, Staff, referred to his PowerPoint presentation. The project site is Scheper Ridge, located off Bill Wentz Drive behind CVS and Gunpowder Center. In 2017, there was an approved Concept Development Plan to build a 3 story apartment building with 48 senior apartments. Between the apartment building and the retail strip center, a shared Buffer Yard C was approved – 30 foot wide buffer yard with plantings and a fence. Between the apartment building and Baluyot property Buffer Yard B was approved – 20 foot wide buffer with plantings. He showed building elevations. In October, 2019, the Planning Commission approved a Major Site Plan for the site. A 3:1 slope was approved for the northeast property line. Also approved at the time was a landscape plan that was based on the approved conditions. The applicant is proposing a change to the buffer in the northeastern portion of the property. This change includes an erosion control blanket, 50 saplings (mix of oak, sugar, maple, pine and fir with a wildflower seed mix) to naturalize the steep slope area.

Mr. Morgan showed photographs of the site and adjoining properties.

In regard to Staff Comments, Mr. Morgan stated that Staff doesn't object to the proposed changes as the area is not subject to a public view and the proposed saplings will eventually grow into a dense buffer area as outlined in the red hatch area on the submitted plan.

Vice-Chairman Patton asked if the applicant was present and wanted to proceed with their presentation?

Ms. Katie Kady, landscape architect for the project, stated that their landscaper would not warranty any of the original planting materials on the site due to the steep slope. They will create a buffer but in a different form. A sapling mix will be planted of 30 evergreens along with 20 deciduous trees, all of which are on the recommended Plant List in Article 36 of the Zoning Regulations. It will include pines, firs, maples and oaks. Native wildflowers will also be planted and an erosion control blanket will be installed.

At this time, Vice-Chairman Patton asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing none, Vice-Chairman Patton asked if any of the Board Members had any questions?

Mr. McMillian asked about the entrance to the development? Mr. Morgan responded that the site only has one entrance near Mel's Lane and Bill Wentz Drive.

Seeing no further questions or comments, Vice-Chairman Patton announced that the Committee Meeting for this item will be on June 23, 2021 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on July 7, 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 8:55 p.m.

APPROVED:

A handwritten signature in black ink, appearing to be 'Kim Patton', written over a horizontal line.

Kim Patton
Vice-Chairman

Attest:

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

Kevin P. Costello, AICP
Executive Director