

RESOLUTION R-22-035-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF PLANTATION LUXURY FLATS, LLC (APPLICANT) FOR A & K ENTERPRISE (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) DISTRICT FOR AN APPROXIMATE 3.9 ACRE AREA LOCATED ALONG THE SOUTH SIDE OF CAVALRY DRIVE, BETWEEN RICHMOND ROAD AND WETHERINGTON BOULEVARD, APPROXIMATELY 650 FEET WEST OF WETHERINGTON BOULEVARD, BEING DIRECTLY SOUTH OF THE INTERSECTION OF EXPRESS STREET WITH CAVALRY DRIVE AND HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 062.00-00-131.35, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky.

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

SECTION I

That the request for a 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 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky. The real estate which is the subject of this request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK

**BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-22-035-A
PAGE TWO**

928, PAGE NO. 421, (as supplied by the applicant) is recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD zone for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, Findings of Fact and Conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

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

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD zone for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, 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 DECEMBER, 2022.

APPROVED:



**CHARLIE ROLFSEN
CHAIRMAN**

ATTEST:



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

CR:tlb

EXHIBIT

“A”

STAFF REPORT

#1

Request of **Plantation Luxury Flats, LLC (applicant)** for **A &K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

November 2, 2022

REQUEST

- A. The request is for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, across from Express Street. The proposal is to construct a mixed use building having retail, service, and office uses and 48 multi-family residential units.

SITE HISTORY

- 1995 On January 18, 1995, the Boone County Planning Commission recommended approval of a proposed zoning map amendment changing the site in question from SR-1 to C-2/PD (R-95-002-A). On April 11, 1995, Florence City Council took action to deny the proposed zoning map amendment.
- 1996 On July 17, 1996, the Boone County Planning Commission recommended approval of a zoning map amendment changing the site in question from SR-1 to C-2/PD (R-96-018-A). On September 10, 1996, Florence City Council adopted Ordinance Number O-17-96, approving the zoning map amendment.
- 2018 On January 3, 2018, the Boone County Planning Commission recommended approval of a Change in an Approved Concept Development Plan (R-18-003-A). The proposed change would allow eating and drinking establishments, including alcoholic beverages and accessory drive-through facilities as a principally permitted use. On March 20, 2018, Florence City Council adopted Ordinance Number O-5-18, approving the amended Concept Development Plan.

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 AUtilization 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.

- C. Section 1020 of the Boone County Zoning Regulations states that the purpose of the Commercial Two district is to "provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces."

EXISTING CONCEPT DEVELOPMENT PLAN

- A. The site under review is located within Subarea 9 of the Plantation Pointe North Concept Development Plan.
- B. Subarea 9 is identified to be developed with commercial uses, consistent with the C-2 Zone.

SITE CHARACTERISTICS

- A. The approximate four (4) acre area is located along the south side of Cavalry Drive, immediately south of the intersection of Cavalry Drive with Express Street.
- B. The site is currently vacant.
- C. A mature tree line exists along the south property line.
- D. The site slopes upward, north to south, at an average grade of 6%.

ADJACENT LAND USES AND ZONING

- North: An office building, General Electric Credit Union, and Starbucks (C-2/PD)
- South: Detached Single-family residential dwellings (Savannah Lakes at Plantation Pointe) and Erpenbeck Elementary School (RPD/PD)
- East: An office building (O-1/PD) and Erpenbeck Elementary School (RPD/PD)

West: A day care facility (All About Kids (C-2/PD))

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County Plan 2040 designates the site for Commercial uses which is described as Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 2. 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).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. 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).
 5. 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).
 6. 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 (Demographics Goal B, Objective 1).
 7. 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).
 8. 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).
 9. 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).

10. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 11. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 12. 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).
 13. 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).
 14. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
- C. The following is an excerpt from Our Boone County B Plan 2040:
1. 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 type commercial (Land Use, Description and Purpose of Land Use Maps, 20 Union, page 137).
- D. The following is an excerpt from Our Boone County Plan 2040:
1. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent

residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

2. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
 3. Additional business park development should occur west of Litton Lane and continue beyond the new Graves Road Interchange. A collector roadway should be developed along the south side of I-275 to provide access from the industrial property to the future interchange at Graves Road. Industrial developments should be designed to direct truck traffic to collector roads and away from KY 20. The Industrial/Business Park shown along the south side of I-275 in the Bullittsville area is tied to the completion of the Graves Road interchange. This development must be sensitive to the residential properties located to the south and should be accessed from the interchange and not via KY 20. This development must also be designed to fit into an established residential corridor. Design control will be important in this area. The existing and planned residential areas located on the east and west sides of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve local development. (Land Use, Description and Purpose of Land Use Maps, 7 Hebron, page 111).
- E. US 42 is identified as an arterial street providing for two-way traffic within five driving lanes (two lanes in each direction with a center left turn lane). Sidewalks are provided along both sides of the roadway. Cavalry Drive is identified as a local street providing for two way traffic within two driving lanes. Sidewalks have been provided along the roadway as development has occurred.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
1. Construction of a four-story building:
 - a. 11,150 square foot basement
 - b. 19,155 square foot ground floor for office, retail, service uses
 - c. Three floors, each having 18,744 square feet for 48 residential units
 - (1) 36 2-bedroom units
 - (2) 12 1-bedroom units
 2. Provision for outside patio seating areas.
 3. Provision for a 30' x 60' multi-game court.
 4. Provision for two (2) curb cuts onto Cavalry Drive.
 5. Provision for two (2) trash collection areas.
 6. Provision for covered and uncovered surface parking.
 7. Provision for two monument signs along Cavalry Drive.
 8. Provision for landscaping and utilities.
- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following (some of these requirements can be adjusted by the Planning Commission and City Council pursuant to the Planned Development (PD) regulations):
1. Section 1514 of the Boone County Zoning Regulations includes a set of criteria that is to be used to evaluate the appropriateness of proposed developments. The following is an analysis of this criteria against the submitted plan:
 - a. Mixed Use Development and Pedestrian Orientation – The submitted plan includes commercial and residential uses, indoor and outdoor recreation areas, and a sidewalk along Cavalry Drive.
 - b. Compatibility of Uses – The site is part of a larger mixed use development (Plantation Pointe) and development of this site is one component of that larger plan.
 - c. Open Space – The submitted plan provides for a perimeter buffer yard.
 - d. Multi-Modal Transportation System – Not applicable.
 - e. Preservation of Existing Site Features – Not applicable.
 - f. Landscaping – Landscaping has been provided along the perimeter of the site.
 - g. Architecture – The submitted plan indicates that the building will be brick, stone, EIFS, and metal roof and awnings.
 - h. Historic and Prehistoric Features – Not applicable.
 - i. Transportation Connections and Entry Points – The submitted plan indicates that access will be from two curb cuts onto Cavalry Drive.
 2. Section 3111 prohibits structures within the C-2 district from exceeding fifty (50) feet in height.

The submitted plan indicates that the proposed building will be fifty-six (56) feet in height.

3. Section 3413 does not allow projecting blade signs.

The submitted plan indicates the provision for two approximate 30 square foot projecting blade signs.

- C. Staff has reviewed the submitted Concept Development Plan against the approved Plantation Pointe North Concept Development Plan Document and Development Criteria, and offers the following:

1. Section V., N. of the Plantation Pointe North Concept Development Plan Document states that free standing signs for the commercial and office uses shall be monument style which may not exceed 75 square feet in area or 10 feet in height.

The submitted plan indicates two monument signs along Cavalry Drive. Insufficient information has been submitted to determine compliance with this requirement.

- D. The applicant has provided documentation stating that the following uses shall be prohibited:

1. Pawn Shops.
2. Gasoline Filling Stations.
3. Emergency Medical Transport Helicopter Base or Heli Pad.
4. Sexually Oriented Businesses.

- E. Staff sent out an Agency Memo to the Boone County Building Department, Boone County Schools, City of Florence, and the Florence Fire Department.

1. Jerry Noran, Boone County Building Department, replied that six accessible spaces are required, with appropriate signage, curb ramps, and accessible routes to the main entrances.
2. Josh Hunt, City of Florence, replied that the trash enclosure areas need to be constructed of brick that matches the predominant brick of the building.
3. Randy Childress, Florence Fire, replied that he had no comments other than he will need to see the sprinkler components and hydrant locations on the utility plan.

STAFF CONCERNS

- A. The following list provides a summary of those requirements that are being requested to be waived/alterd using the PD district regulations:

1. Increase the maximum height of the structure from fifty (50) feet to fifty-six (56) feet.
2. Allow the installation of two, approximate 30 square foot, projecting blade signs.

- B. Section V., N. of the Plantation Pointe North Concept Development Plan Document states that free standing signs for the commercial and office uses shall be monument style which may not exceed 75 square feet in area or 10 feet in height.

The applicant needs to confirm that they will meet this requirement.

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,



Michael D. Schwartz
Director, Zoning Services

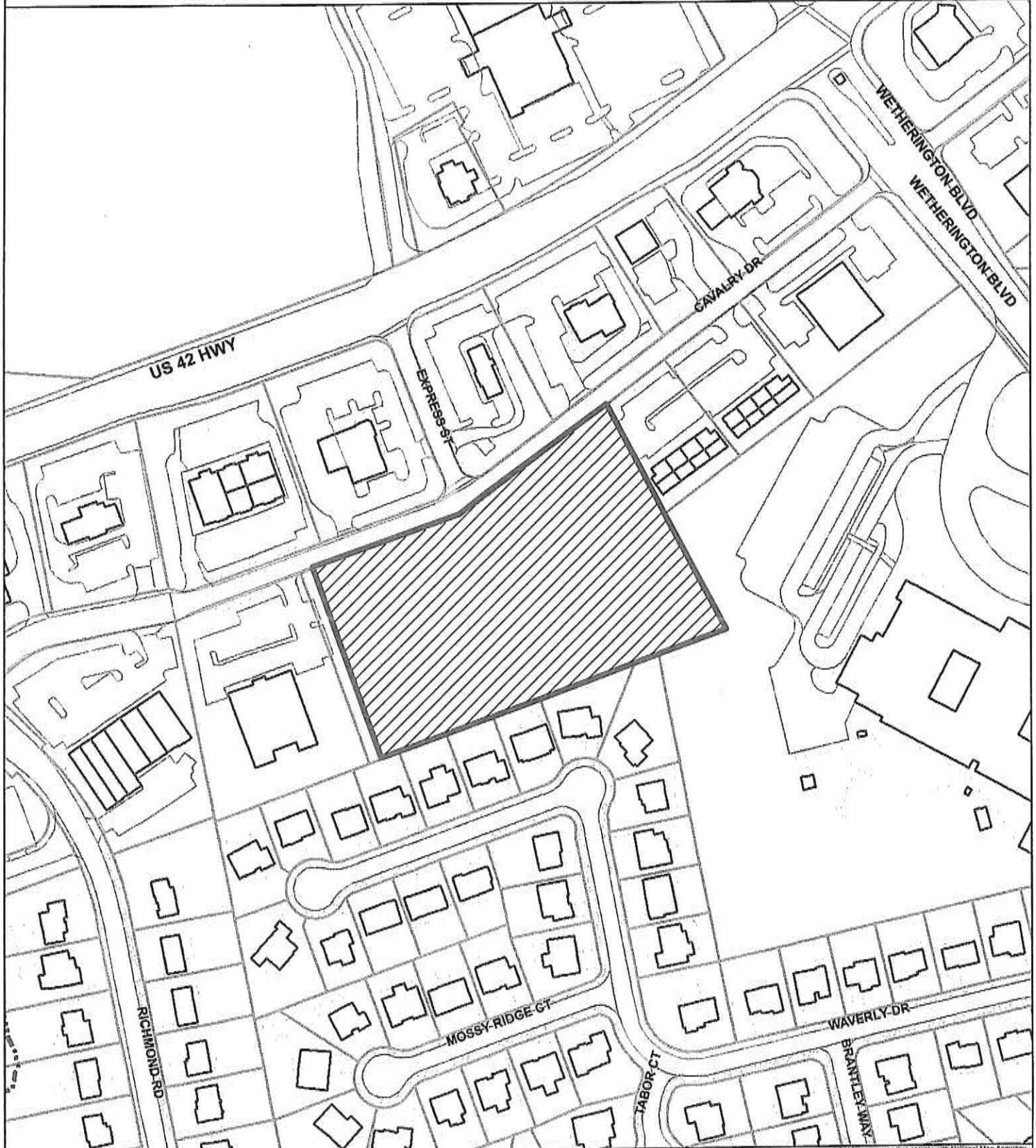
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Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Project Narrative
- *List of Prohibited Uses
- *Concept Development Plan

Vicinity Map

www.boonecountygis.com



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0 100 200 400 600 800 Feet

1 inch = 200 feet



Boone County GIS



Map Created: 03/02/2021

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ArcMap Document: * mxd

Aerial Map

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Topographical Map

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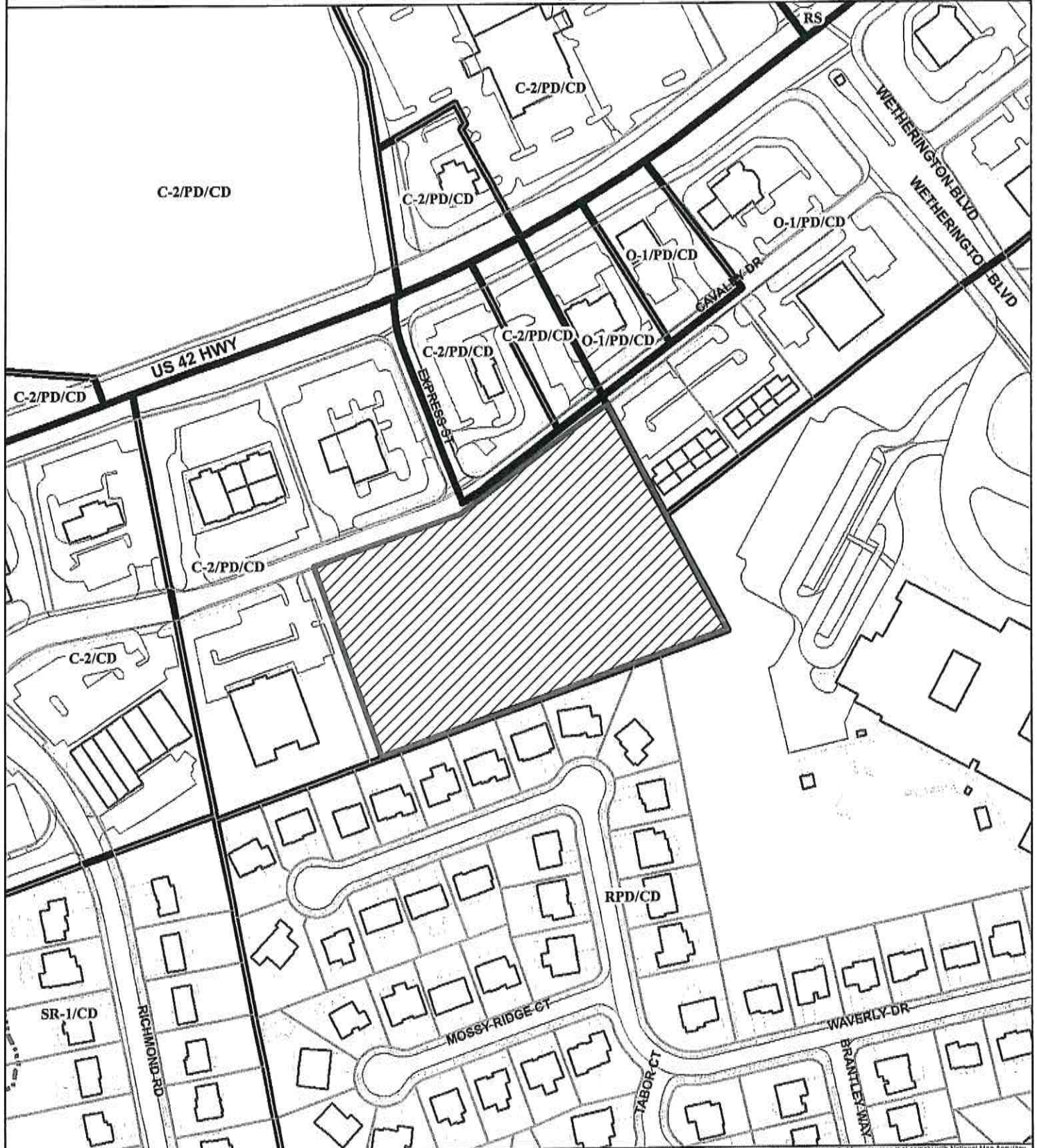


Boone County



Zoning Map

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Map Created: x/xx/2021

Map File: x/xx/2021.mxd
ArcMap Document: *mxd

2040 Future Land Use Map

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Boone

0 100 200 400 600 800 Feet
1 inch = 200 feet



Map Created: 8/26/2021

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ArcMap Document: *.mxd

Fee Calculation

\$2000 - Flat Fee
\$250 Legal Ad, Adjoining
Property Owners & Sign
Posting (Notification)
\$66 - CLUR
\$77.90 - \$20 Per Acre of Land
Under Review * 3.895 Acres

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**

RECEIVED

87119

OCT 04 2022

BOONE COUNTY
PLANNING COMMISSION

Seven (7) copies of submitted drawings are required

Total = \$2,393.90

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)
 - ☐ Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
2. Name of Project: Plantation Luxury Flats
3. Location of Project: Cavalry Dr, Florence, KY 41042
4. Total Acreage of Project: 3.895 Acres
5. Current Zoning of Property: C-2/PD/CD
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
January 18, 1995
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):
Mixed use: Commercial & Residential (Apartments/Condominiums) with associated driveways and parking
9. Proposed Building Intensities (specify for each building):
Maximum building intensity will not exceed 22,500 SF per Acre
10. Have you submitted a Concept Development Plan: ☒ Yes ☐ No (See Attached)
11. Are you applying for any of the following (check all that apply):
 - ☐ Conditional Use Permit
 - ☐ Variance
12. Current Owner: A & K Enterprise

Address: 4205 Dixie Hwy

<u>Elsmere</u>	<u>KY</u>	<u>41018</u>
City	State	Zip Code

Phone Number: 859 - 727 - 4200 ext. 201 Fax Number: N/A

Email: rhepe@ccc-inc.net
13. Applicant: Plantation Luxury Flats, LLC

Address: 957 Traemore Pl

Union
City

KY
State

41091
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. 928 421 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 type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input checked="" type="checkbox"/> Other: <u>City of Florence</u> |
| <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 December 9, 2022 12/22/22

ORIGINAL Property Owner's Signature: _____

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: _____

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received: 10/4/22 Fee Received: \$2393.70 Receipt #: 87119
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
- ☐ Completed Application
 - ☐ Concept Development Plan
 - ☐ Legal Description
 - ☐ Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
- _____ Approved
- _____ Approved with Conditions
- _____ Denial
- _____ Other

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountky.org
www.boonecountky.org

Additional Narrative Information for Plantation Luxury Flats

Florence, Boone County, Kentucky

Introduction:

About the Applicant: Mr. Hemal Soni founded Plantation Luxury Flats, LLC in 2022 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 fourteen 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 sixty people and provide good paying and stable jobs. Everyone employed is considered 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 Plantation Luxury Flats project.

About the Proposed Development: Mr. Soni and Plantation Luxury Flats, LLC is proposing to develop the approximately 3.895-acre site located along Cavalry Drive in Florence, Kentucky. The proposed 87,637 sf, four-story building will consist of first floor commercial/retail space and three floors of apartments/condominiums. The design also includes a partial basement which will provide an exercise room plus storage areas for the building's residents. The proposed development will be named Plantation Luxury Flats.

The site is located on the south side of Cavalry Drive across the street from Starbucks and General Electric Credit Union. Immediately to the west of the site is All About Kids Childcare and to the east is a two-story office building which houses a variety of commercial and retail businesses. To the rear (south) of the property is Plantation Pointe residential subdivision and Erpenbeck Elementary School is located to the southeast of the proposed development. Cavalry Drive runs parallel to U.S. 42. There are three easy connections to U.S. 42; via Richmond Road on the west end of Cavalry, via Wetherington Blvd. on the east end of Cavalry, and via Express Street which runs along the west side of Starbucks.

This site was once part of a larger 321-acre project known as Plantation Pointe. A concept plan for Plantation Pointe was adopted in 1995 to allow a mixed-use residential/commercial development. The proposed development is located in Area 9 which was originally designated for residential use; however 11 acres of the site were to be set aside for an elementary school (Erpenbeck Elementary). In 1996, another zoning map amendment included Area 9 to be reclassified as Commercial Two (C-2)/Planned Development (PD).

Utilities:

Existing public water and sanitary sewer along Cavalry Drive will be used to serve the site for these services. In addition, gas, electric and communication services are available along Cavalry Drive.

In addition, the proposed storm sewer on the site will be private. The site will include a detention pond on the west side and underground detention on the east side. Detention and water quality facilities shall meet all City of Florence regulations.

Article 15: Planned Development District (PD) Criteria:

1. Mixed Use Development and Pedestrian Orientation: The 3.895-acre project known as Plantation Luxury Flats is proposed to consist of a four-story mixed-use building. The total square footage of the building will be 87,637 with the breakdown of uses as follows: 22,253 sf of commercial use on the first floor, 18,835 sf of residential use per 3 floors, and 8,879 sf of basement which will be used as storage and for an exercise/multipurpose room for the residents.

Plantation Luxury Flats will provide commercial and residential uses that will complement the other uses which have developed within Area 9 of the Plantation Pointe Development. Several commercial, retail, office, and public uses have developed along Cavalry Drive. This development will add a multi-family component which is currently in high demand in the region.

The project will include sidewalks along Cavalry Drive which will connect to the commercial businesses to the east and west. In addition, walkways will be constructed on the site to connect from the Cavalry sidewalk to the front of the building.

2. Compatibility of Uses: As stated previously, Plantation Luxury Flats is part of a larger planned development district. The commercial and residential uses planned for this site are compatible with the surrounding PD which includes single-family, commercial, office, and public uses.
3. Open Space: Plantation Luxury Flats is located on a 3.895 acre site. The first-floor commercial allows for outdoor patios/seating areas on both front corners of the building. These patios could potentially be used for outdoor eating space or public seating areas. The outdoor amenities for the residents of this development include a sport court and green space located to the rear of the property. The undeveloped area on the west side of the building will be used for detention. The property will be landscaped in accordance with Boone County and City of Florence regulations.

As noted earlier, this site is part of a larger planned development. The larger area includes other public open space, including an elementary school with playground and open green space.

4. Multi-Modal Transportation System: This site will have pedestrian sidewalk connections within the development and along Cavalry Drive. This project will be easily accessed by pedestrians and bikers through the connectivity of sidewalks from U.S. 42 and Cavalry Drive.

The development includes a surface lot and carport (each unit will have at least one reserved covered spot) in the rear for the residents and will include two EV charging stations. The commercial parking will be located in the front and along the sides of the building. There will be a drive aisle and loading/unloading zone in the back of the building for commercial deliveries.

5. Preservation of Existing Site Features: The 3.895-acre site is mostly vacant.

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. A landscape plan was provided as part of the concept plan submittal.
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
1. 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 applicant requests that each commercial user have their own permitted building-mounted sign. In addition, the applicant is requesting additional building mounted blade signs on the two front corners to advertise the residential units. The applicant also requests two free-standing monument signs at the entrance on Cavalry, which will visually correlate to the planned architectural theme of the development. The monument signage locations are noted on the attached concept plan.
2. Transportation Connections and Entry Points: Please refer to the pedestrian and street connections as shown in the attached concept plans.

SECTION 1021 Principally Permitted Uses

C-2

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in SECTION 1111.
3. Eating and drinking establishments including alcoholic beverages; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)** Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. China, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Welfare and charitable services;
22. Business associations and professional membership organizations including civic, social and fraternal organizations;
23. Art and craft galleries and similar exhibit space;
24. Aquariums, botanical gardens and other natural exhibitions;
25. Arcades and other amusement centers;
26. Motion picture theaters (indoor);
27. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
28. Recreation centers, gymnasiums, clubs and similar athletic uses;
29. Motorcycle sales or bike shops excluding outside storage;
30. Churches, synagogues, temples and other places or religious assembly for worship;
31. Hotels and motels including convention facilities;
32. Pawn shops **(Not Applicable within the City of Florence);**
33. Auto parts and accessories stores;
- ~~34. Gasoline filling station;~~
- ~~35. Emergency medical transport helicopter base or heli-pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking. **(THIS APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)**~~

SECTION 1011 Principally Permitted Uses C-1

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)** The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Medical, dental or optical clinics;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Household electronics sales;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers, greeting cards, magazines and related media;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 11.111 Principally Permitted Uses O - I

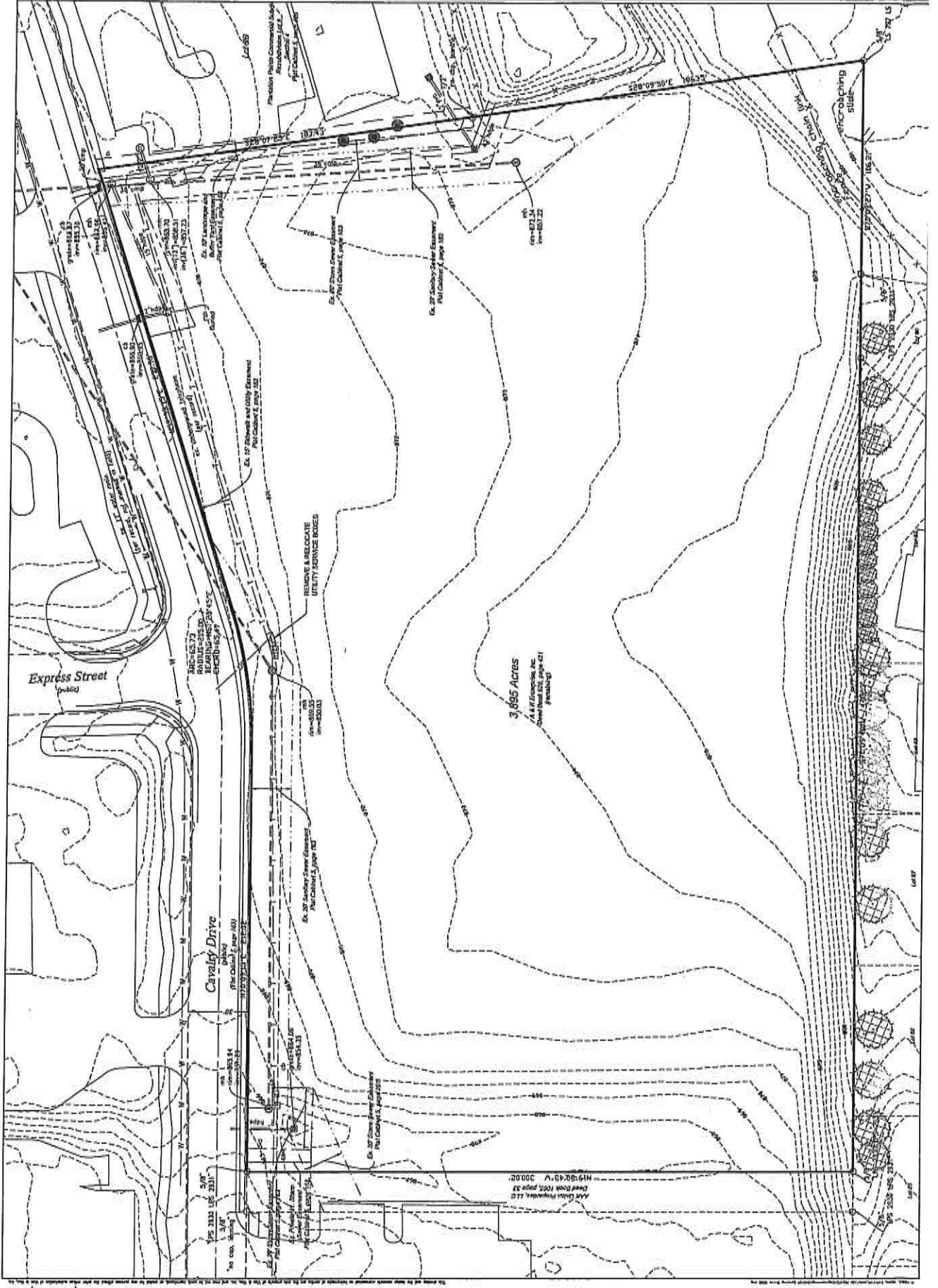
The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News agencies and employment services;
12. Business and management consulting services and associations;
13. Motion picture, audio-visual and similar media production and distribution services;
14. Medical, dental, or optical clinics;
15. Legal, engineering, architectural, education and scientific research services;
16. Accounting, auditing and bookkeeping services;
17. Charitable and social services administration offices;
18. Professional membership organizations and labor organizations and civic associations;
19. 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;
20. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
21. Veterinary services not including the boarding of animals;
22. Business colleges and trade schools;
23. Recreation centers, gymnasiums and other related recreational facilities;
24. The retail sale of office supplies and equipment;
25. Funeral homes and crematoriums excluding cemeteries or mausoleums;
26. Beauty and barber services and tanning salons.
- ~~27. Sexually Oriented Business as defined in ARTICLE 40 and applicable standards in ARTICLE 31;~~

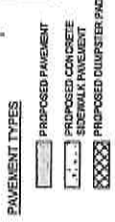
PLANTATION LUXURY FLATS
CONCEPT PLAN
CITY OF FLORENCE, BOONE COUNTY, KY
EXISTING CONDITIONS & DEMOLITION PLAN

VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
444 Pioneer Road - Knoxville, TN 37912
615.585.1000
www.vioxandviox.com

North Arrow
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Grid Lines: 100' x 100'

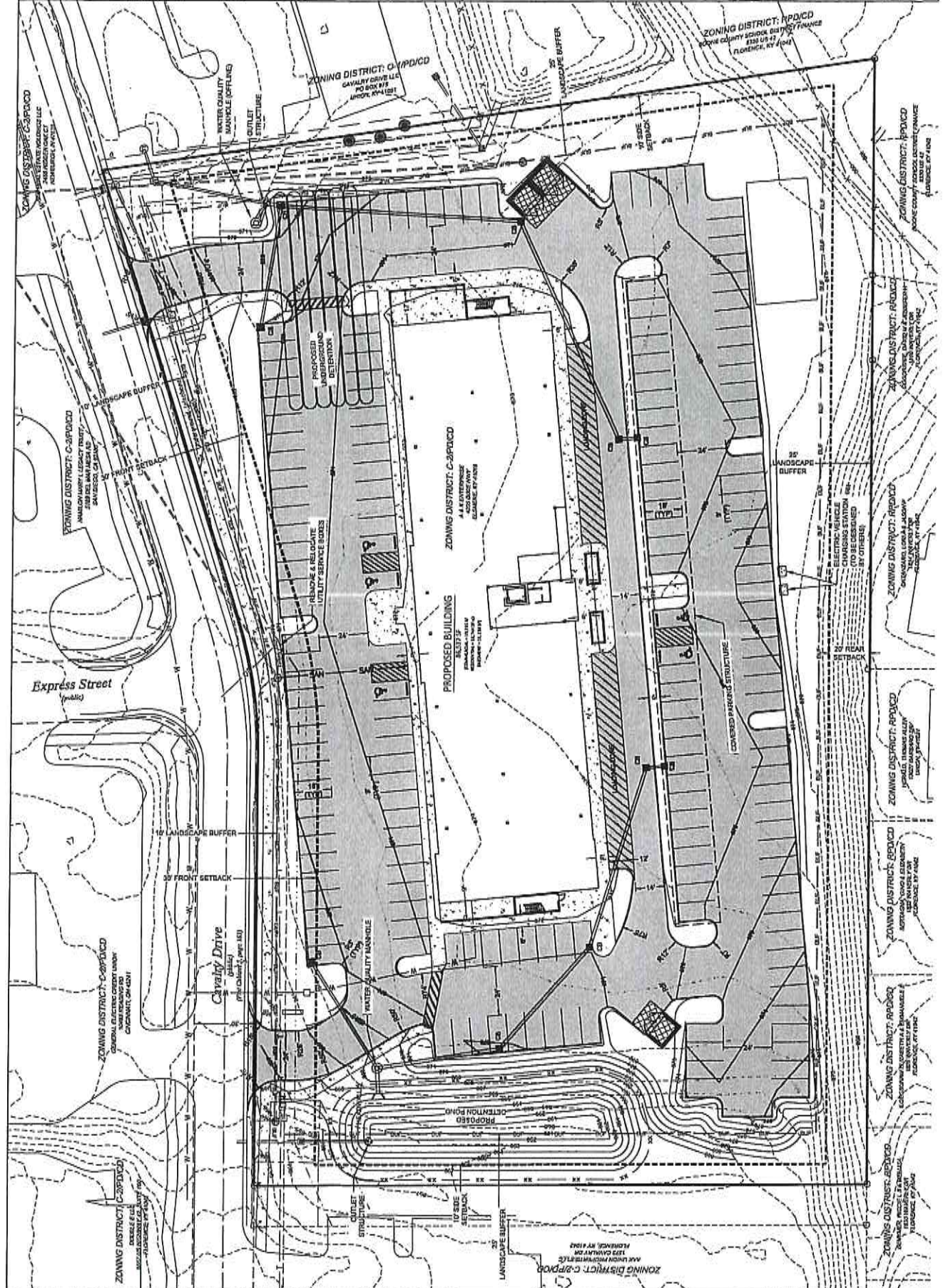
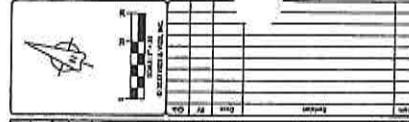


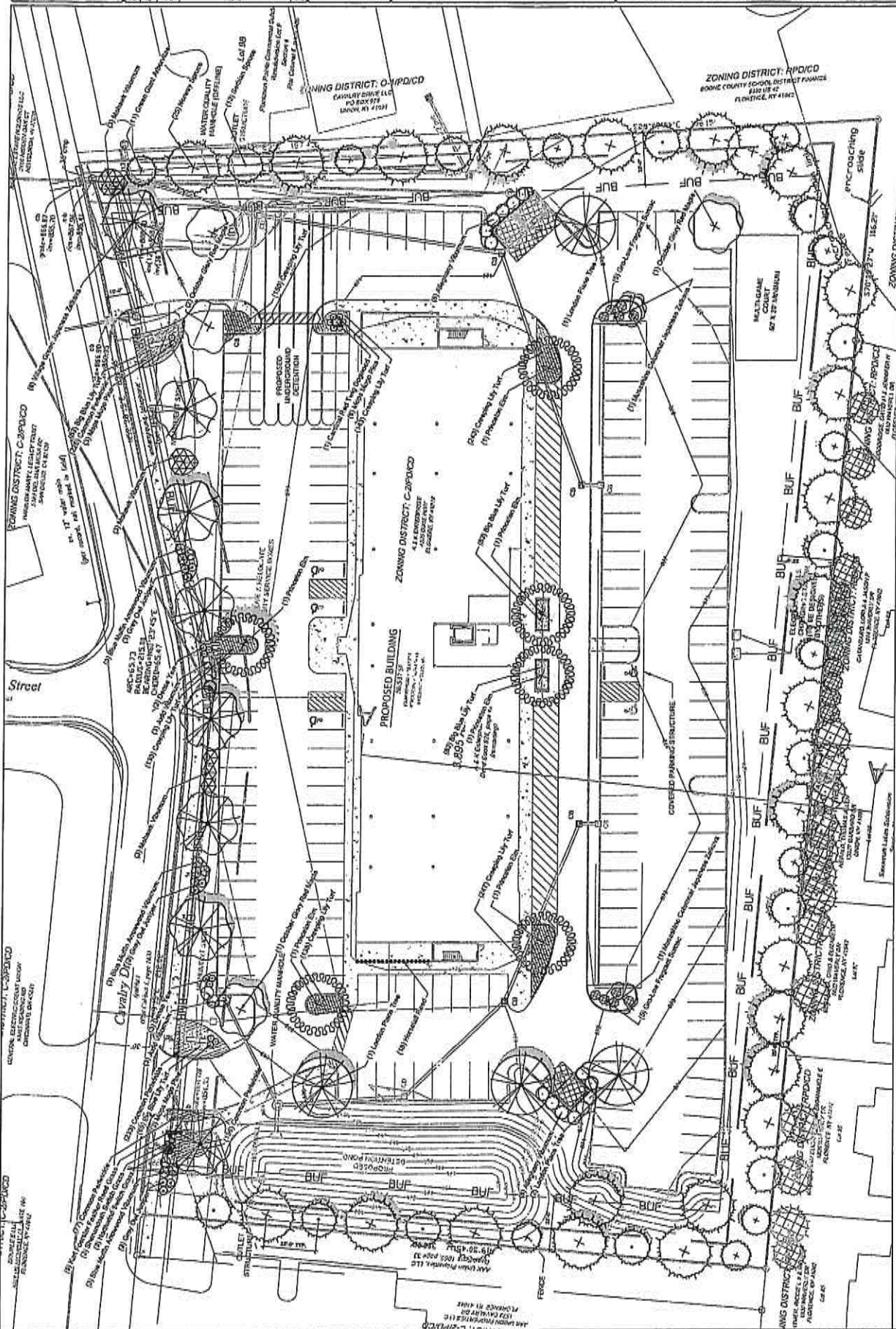
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CONCEPT PLAN
CITY OF FLORENCE, BOONE COUNTY, KY

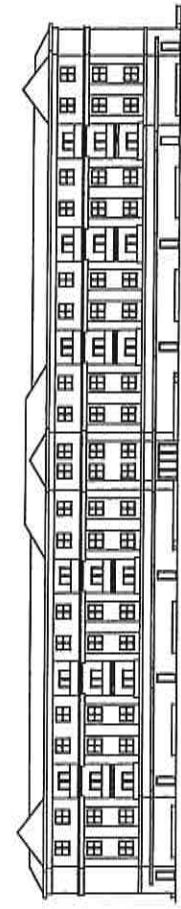
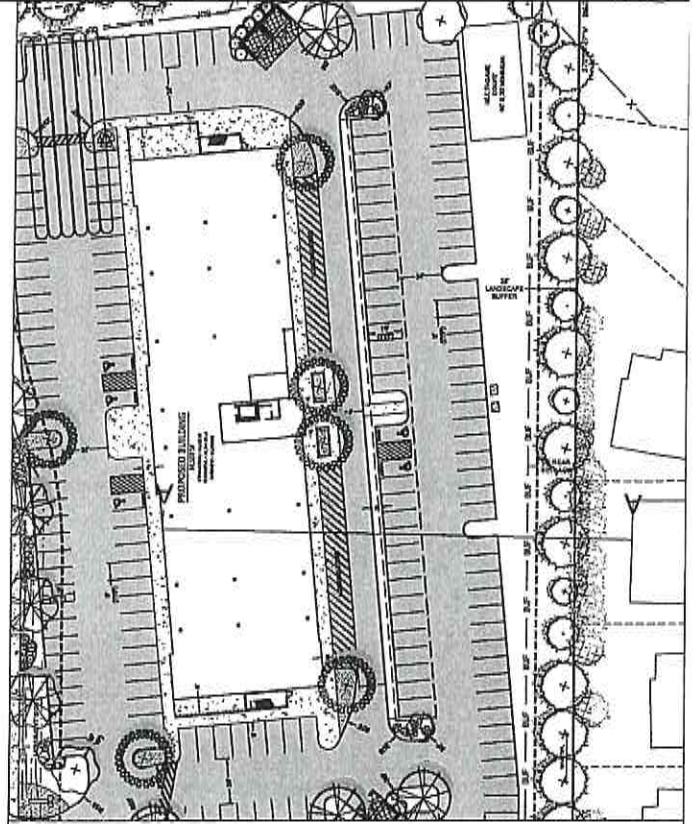
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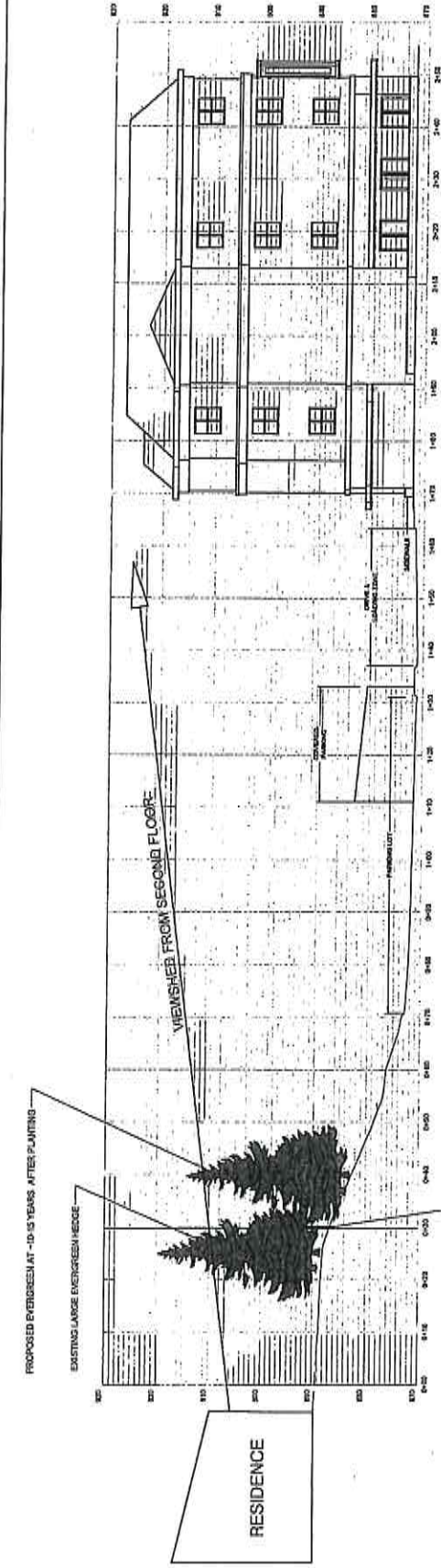


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SECTION A-A



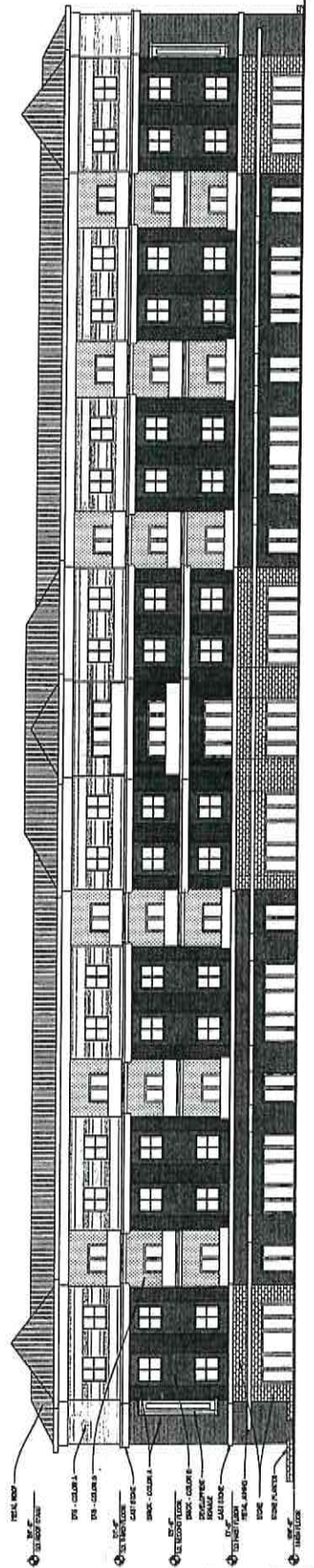
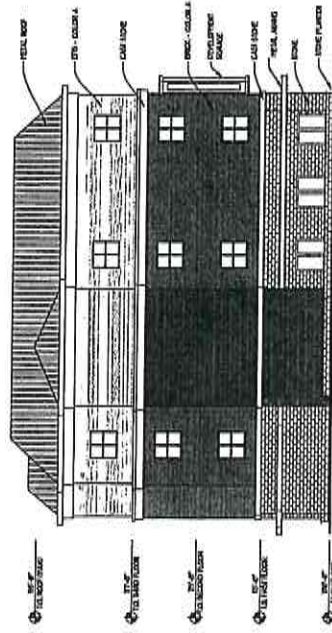
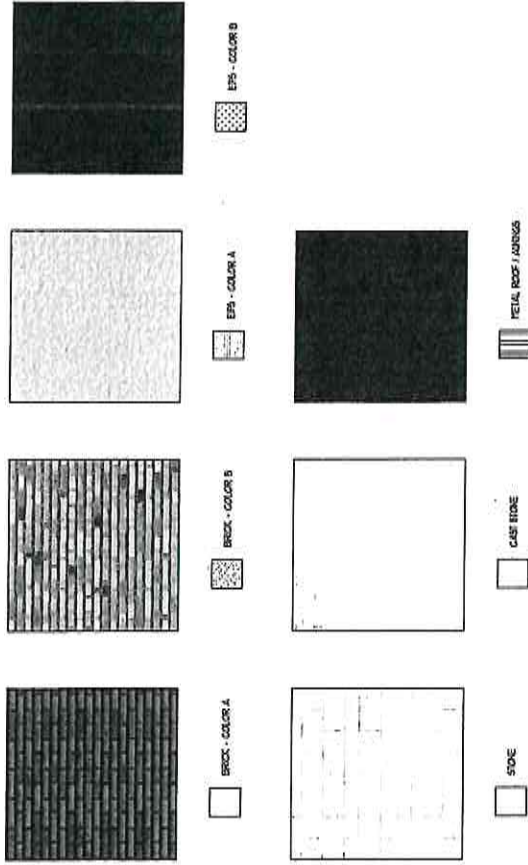
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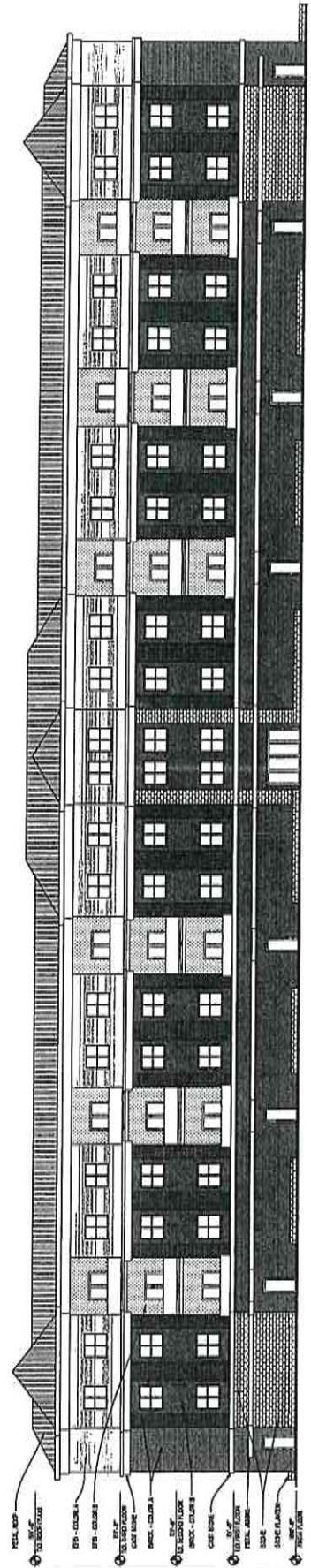
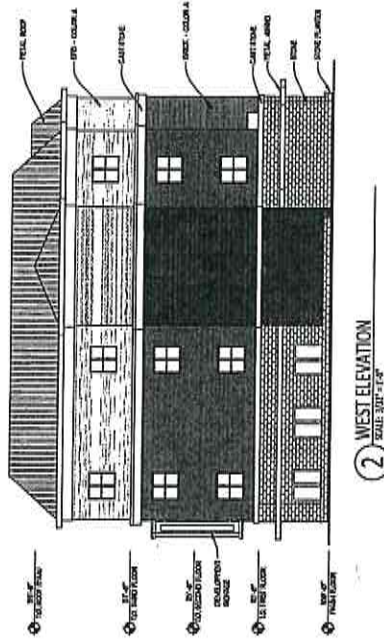
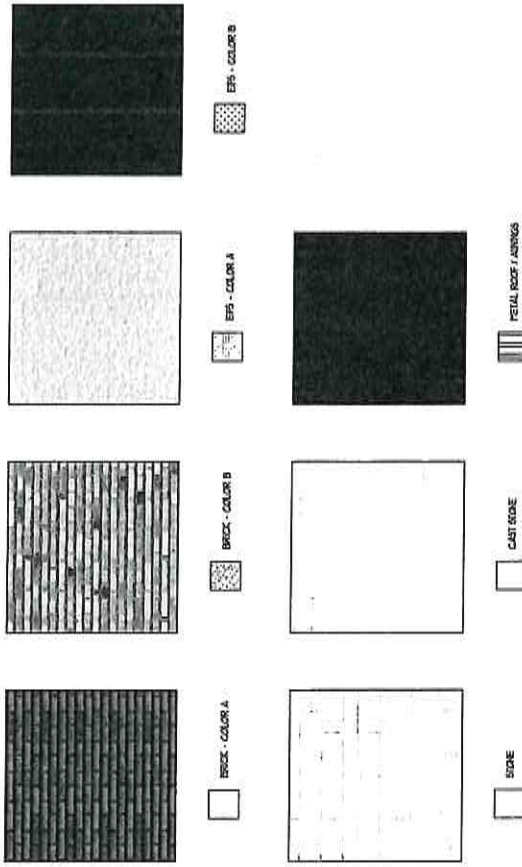
Plantation Luxury Flats

DRAWN BY: DL
 DATE: 04/11/11
 REVISIONS:

ELEVATIONS & MATERIALS

PD-EL-1.1
 PROJECT #: 22044





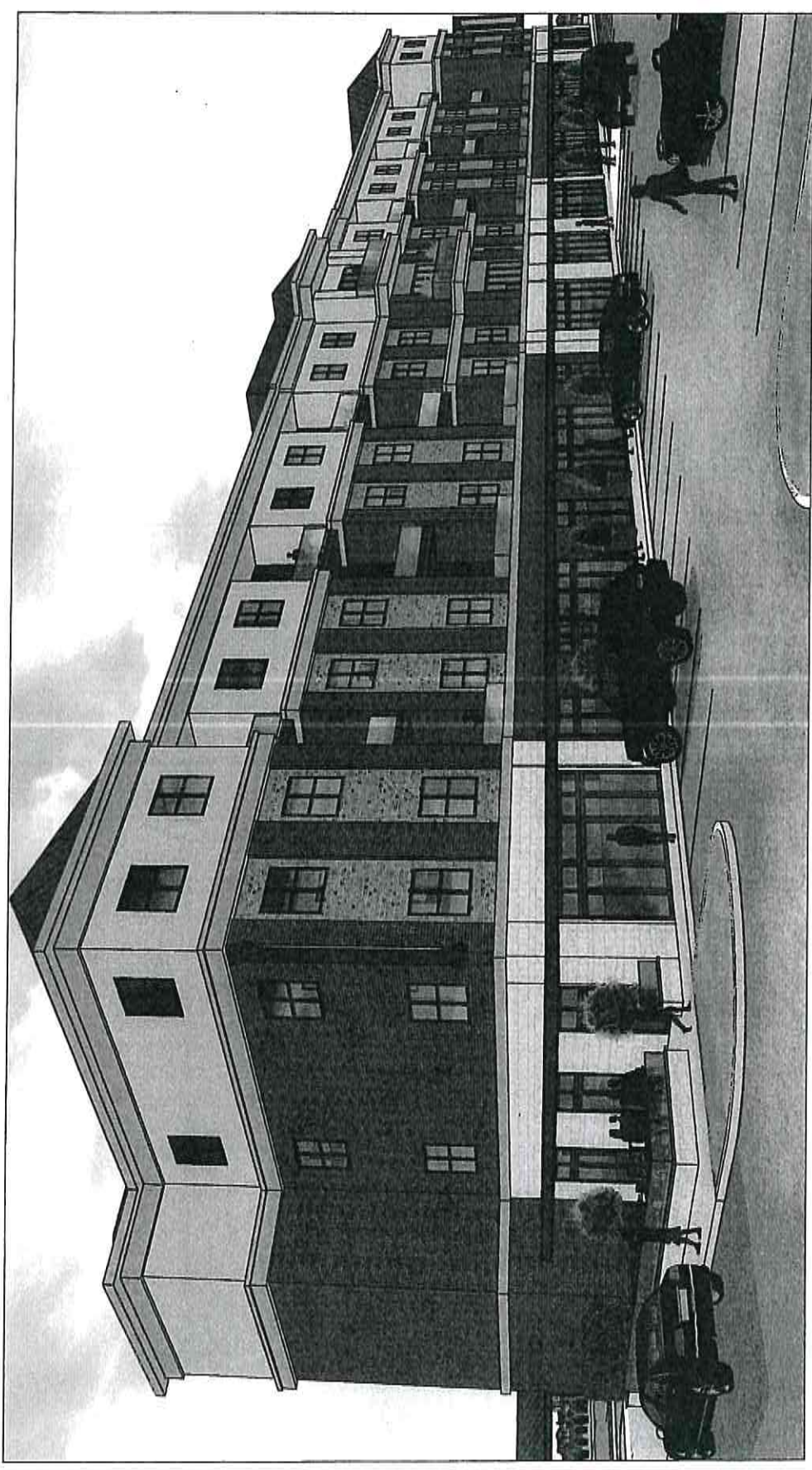
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QUANTITY: 10
DATE: 06/10/2010
REVISIONS:

Capitol Hill
City

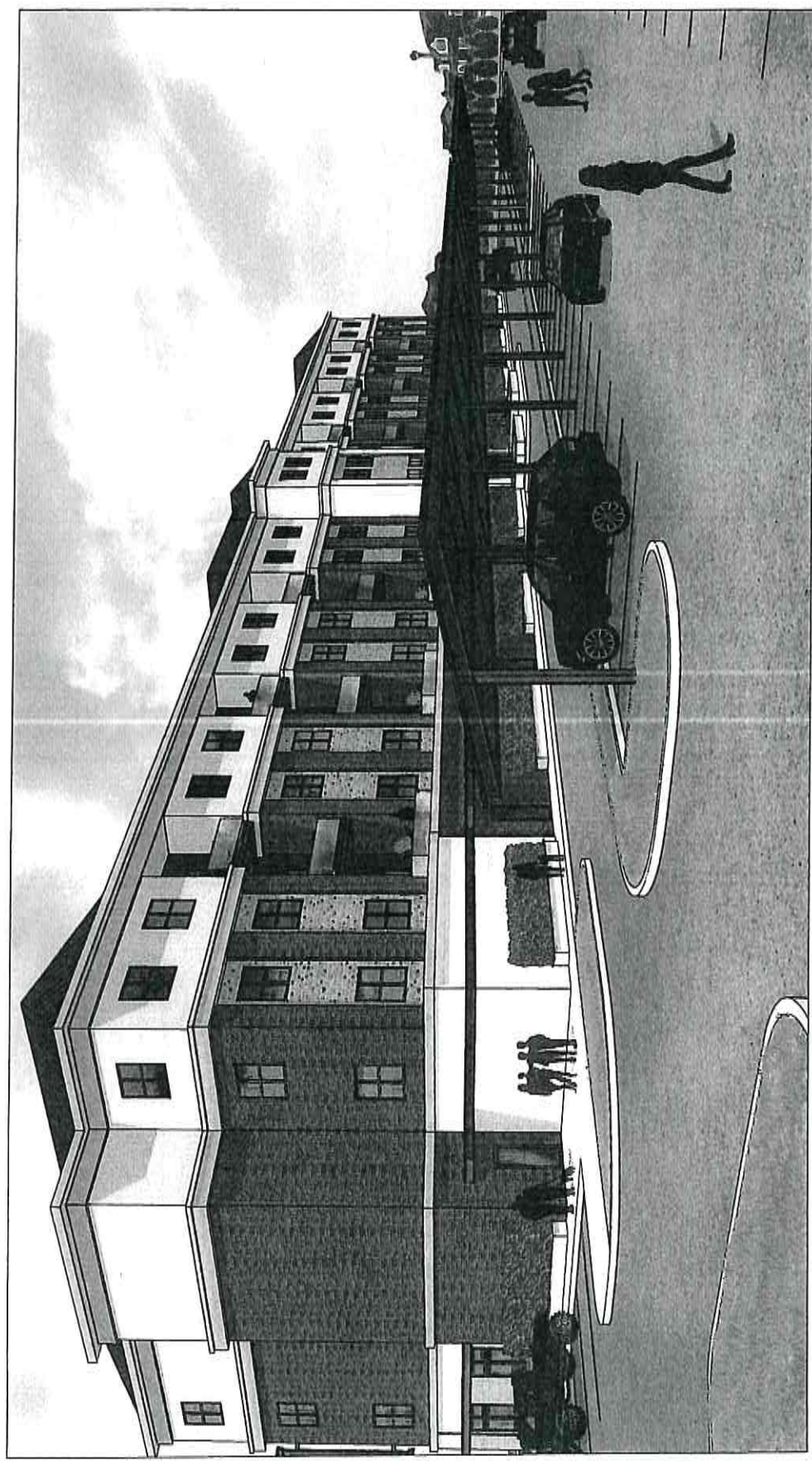
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**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
NOVEMBER 2, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:51 p.m. and welcomed the audience to the Planning Commission's November 2, 2022 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda.

CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

1. Request of **Plantation Luxury Flats, LLC (applicant)** for **A & K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is about four acres and is located along Cavalry Drive directly across from Express Street. The site was rezoned to C-2/PD in 1996. It is in Area 9 of the previously approved Plantation Pointe North Concept Development Plan. Approved uses were commercial uses consistent with the C-2 district. The site is currently vacant. A major tree line exists on the south property line. Adjacent uses include single family residential uses, a bank, a school, an office building and two restaurants. Pages 1-2 of the Staff Report provide those applicable sections of the zoning regulations. The site slopes upward from front to back at an average grade of 6 percent. The 2040 Future Land Use Map designates the site as Commercial (C). Pages 3-5 of the Staff Report contains sections from the Comprehensive Plan. Cavalry Drive is a local street with sidewalks. Mr. Schwartz showed photographs of the site and adjoining properties. The Concept Development Plan shows the construction of a 4 story building with 87,637 square feet with 8,879 square feet in the basement, 22,253 square feet on the first floor (commercial area with offices and service areas), and three floors having 18,835 square feet of residential use. It includes 48 residential units. It will include 36 two bedroom units and 12 one bedroom units. The site will include outside patio seating on each side of the building. A 30' x 60' multi-use court will be built on the bottom right portion of the property. The site will have 2 curb cuts onto Cavalry Drive. There will be 2 trash collection areas on each side of the property. There will be covered and surface parking. The covered parking will be close to the building. There will be two monument signs near each driveway. Stormwater will be detained on-site. A landscaping plan has been submitted along with a cross-section view from the adjoining residences. The site actually sits lower than the houses. Given the existing trees, the neighbors will see very little of the building – perhaps the top of the building only. Building colors and materials have been submitted. The City of Florence is in agreement with the colors and design of the building. The majority of the building will be brick. Two property signs are proposed at each end of the building. Pages 6-7 of the Staff Report gives an analysis of the development in relation to the applicable regulations and the original Concept Development Plan. The submitted plan is in general conformance of the regulations. Pages 7-8 of the Staff Report outlines the Staff Concerns, including modifications under the Planned Development (PD) requirements. One of them is to increase the height of the building from 50 feet to 56 feet. The second modification is to allow the 2 projecting signs. Mr. Schwartz referred

to the Plantation Pointe North Concept Development Plan documents which identifies monument signs not exceed 75 square feet and 20 feet in height. The applicant needs to clarify what they would like to build in terms of sizes. Again, the request is for a Change in Concept Development Plan in a C-2/PD District. It is not a Zoning Map Amendment request.

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

Ms. Michelle Bollman, Viox & Viox, Inc. referred to her PowerPoint presentation. She introduced the developer, Mr. Hemal Soni. He owns multiple retail businesses such as gas stations, restaurants, liquor stores and rental properties in Boone and surrounding counties. She described the site and immediate area surrounding the site. She showed a photograph of the existing tree line and the 1996 Concept Development Plan. The proposed building will be 4 stories in height. The partial basement will provide for an exercise room plus a storage area. Mr. Soni has agreed to remove uses from the list of permitted uses – SOBs, pawn shops, gasoline filling stations and helipads. Ms. Bollman reviewed the submitted Concept Development Plan. Parking for the commercial uses will be in front and on the sides. There will be 48 apartment or condominium units on the top 3 floors (56,505 square feet). Residents will park in the back of the building and enter through the main door. A covered parking structure will be built in the rear of the building. A one-way delivery corridor will be created for retail deliveries. Sidewalks are planned to connect to a sidewalk on Calvary Drive. The dumpsters will be made of brick. Utilities are already located along Cavalry Drive. Two detention ponds are shown – one in ground on the west side and one underground on the east side parking lot. The developer will follow the original 1996 landscaping requirements on the west, south and east sides of the site. On the east side of the site, there is a 36" storm sewer easement so trees were relocated from this area to other areas on the site. In addition, the 6 trees along Cavalry Drive are elsewhere on the site to protect the views for the commercial uses. They would like building mounted signs for the commercial uses. They currently don't have a design ready for the monument signs. She referred to the cross-section drawing as she felt the view was mostly obstructed.

Mr. Steve Starkey, RSL Commercial Architecture, stated that the predominant material would be brick – gray and blue. There will be two different colored EIFs. Stone will be installed on the lower portion of the building for the retail area. The roof will be pitched and have a dark bronze color. The residential units will have 10 foot ceilings. The pitched roof will be consistent with the roofs in the area. There will be balconies on all units on both sides of the building. The blade signs are for the residential units since the entrance will be from the back of the building only. Those signs are 20' – 25' in length and 5' in width. The parking structure will be dark bronze. The multi-use court will be like a tennis court with multiple sport lines (50' x 60'). All the roof top units will be concealed behind the roof line.

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

Mr. Ricki Behymer, 1830 Waverly Drive, stated that he lived in the southwest corner of the site. He expressed a concern about a 48 unit apartment building. He understands that it would be retail. He lives on a quiet cul-de-sac street. This will add a lot of traffic in his backyard and the smell of the trash from the north winds in the winter. He doesn't like apartments next to single family houses. He is concerned about safety over time. It is a beautiful building. He doesn't value it as an addition to his community.

Mr. Gino Bertagna, 1822 Waverly Drive, questions the view of the site from the single family residences. The cross-section view was taken from his house. This year is the first year that he was unable to see next door. He bought his house in 2016. The proposed building looks like a Marriott hotel from his backyard. There are better purposes or uses for the property in question than a 4 story building adjacent to a neighborhood that is one of the nicest in Florence. There are other places that would be perfect for the proposed building.

Chairman Rolfsen asked if any Commissioners had any questions or comments? He asked if the developer was going to leave any of the existing trees in the back? Ms. Bollman replied that her firm has not done a full survey of the property or trees. A lot of the existing trees are on the adjoining property. They will plant more trees for infill purposes. She offered to plant a wall of evergreen trees to block the 4 story building. Some of the neighbors already have a 3 board fence on the property line. Chairman Rolfsen asked if the roof was metal as well as the awning for the cars? Ms. Bollman replied yes. Mr. Costello reminded the applicant about the recorded design guidelines for the subdivision including the green metal roofs. Mr. Starkey stated that the intent was for them to provide something complementary and not identical. The building will have elevators. Mr. Soni stated that the units will be high rent in response to a question asked by Chairman Rolfsen. He didn't have an exact figure because he doesn't have a final design and cost for the project.

Chairman Rolfsen inquired about examples of projects in Boone County. Mr. Soni replied that he has retail businesses only and the proposed project is the first residential project. He stated that he has a retail convenience store in Verona, Kentucky. Others are in Carroll, Jefferson and Henry counties.

Mr. Hincks asked if any of the parking spaces are going to be reserved for the residents? Will there be enough to avoid parking in the neighborhood? Is it 2 cars per apartment? Ms. Bollman responded that parking was based upon the number of 1-2 bedroom apartments. There is enough parking based upon the uses and the zoning regulations. She said they would look into having reserved parking spaces for the residents with a possible numbering system.

Mr. Patton inquired about the parking structure. He asked if it could be articulated like the building? Could the ends of it have the same material as the building? Mr. Starkey replied that the concern is that it becomes more like a garage rather than a shade structure. Brick or stone could be added as a base. It would break it up. There will be metal on the building – awnings and balconies. The trash area will have brick/stone.

Mrs. Clark asked when the decision will be made about whether the units will be apartments or


condominiums? Apartments have a lot of turnover of residents and it relates to parking. Mr. Soni responded that it won't be made until the design and performance is done. Mrs. Clark stated that if the units are condos, the parking needs to be closer to the building due to weather conditions. Ms. Bollman explained that for fire protection purposes, the drive aisles are two way and they will have 2 entrances off Calvary Drive.

Ms. Gulick asked about the flow of pedestrians especially to the recreation area? Is there a safe route to get to the recreation area? What about deliveries? How would that work? What is the view of the balconies from the adjoining neighbors? There is only 1 view submitted. Is it possible to get views from all the houses that are impacted?

Mr. Szurlinski asked how close is the multi-purpose court area to the nearest residence? Will it be lit at night? Will it be fenced? If there is a basketball court, then it will be a problem due to the proximity of it to the school. What are the hours? Mr. Soni replied that the court will be fenced. Mr. Starkey stated that any lights for the parking lot and multi-purpose court will be below the eyeline of those people living behind the development. A time limit could be established to protect the neighbors. It would be key card controlled. Mr. Harper asked where the store in Verona was located. Mr. Soni replied that it is located on US 42 on the border of Boone/Gallatin County. Chairman Rolfsen suggested that the developer make some decisions on such things as the types of activities on the multi-purpose court. Also, it is recommended that the developer decide if it is going to be apartments or condominiums? It needs to be compatible with the area. What about the views from the nearby homes? Finally, nobody plants a 50 foot high tree. The landscaping plan needs to be realistic.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 16, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:40 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
DECEMBER 7, 2022
7:00 P.M.**

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's December 7, 2022 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Patton, Vice Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the November 16, 2022 Business Meeting and Public Hearings. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Lunnemann moved to approve the Minutes as presented. Mr. Hincks 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 November 3, 2022 and December 7, 2022.

EXPENSES:

Accounting Fees	\$ 1,742.00
Attorney Fees	4,712.50
Auto Expense	211.62
Consultant/Professional Svcs Fees	2,710.00
Filing Fees (CLURS)	900.00
GIS Operations	20,000.00
Legal Ads/Recruitment	530.88
Miscellaneous Expense	428.00
Office & Board Meeting Supplies	365.56
Office Equipment / Expense	303.84
Office/Liability Insurance	527.32
Postage Expense	178.48
Printing/Pub/Dues/Subscriptions	120.00
Professional Development	<u>50.00</u>

TOTAL: \$ 32,780.20

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 8,325.75
Health/Dental/Life/LTD	14,558.68
Retirement – BCPC Portion	24,294.25
Salaries – Staff Expenses	113,667.82
Salaries – BCPC & BOA	<u>1,840.00</u>

TOTAL: \$162,686.50

GRAND TOTAL: \$195,466.70

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

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

1. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Ms. Gulick moved to defer the request until the March 1, 2023 Business Meeting. Mr. Lunnemann seconded the motion and is passed unanimously.

At this time, Mrs. Kegley left the meeting room.

CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff

2. Request of **Plantation Luxury Flats, LLC (applicant)** for **A & K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

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

Mr. Brock MacKay, Viox & Viox, Inc., stated he was available to answer any questions.

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

Chairman Rolfsen asked what was the logic behind the 7 foot trees? Mr. Lunnemann responded that the applicant addressed all the issues noted at the Public Hearing. The Committee wanted to enhance the landscaping along the property line. Normally, the trees would be 6 feet in height at planting but the Committee felt at least 7 feet would be better. Mr. MacKay showed a revised cross-section of the area. The existing pine trees are much larger as they are older. The proposed evergreens will grow a couple of feet a year.

Mrs. Clark asked if a decision was made on whether the units were apartments or condominiums? Mr. MacKay replied that the developer wanted to keep it as an open decision based on the financial analysis. It could be either an apartment or a condo.

Chairman Rolfsen asked for a vote on the motion originally made by Mr. Lunnemann and seconded by Mr. Harper. The motion passed unanimously.

At this time Mrs. Kegley returned to the meeting room.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Harper, Chairman, Todd Morgan, Staff

3. Request of **Tin Lizzie Cincinnati Two, LLC (applicant)** for **Channel Mark Holdings, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 1.2 acre area located at 4911 Houston Road, Florence, Kentucky. The request is for a Special Sign District to allow projector lights, flood lights, and two non-functional vintage gasoline pumps in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

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

Mr. Sam Tancredi, applicant, stated that he agrees with everything in the Committee Report. He understands the conditions. The revised opening date for the restaurant is January 16, 2023. It may coincide with the lighting being installed.

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

ZONING MAP AMENDMENT and VARIANCES, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff

4. Request of **ECE, Inc. (applicant)** for **Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from eighty (80) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from eighty (80) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request.

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

Mr. Wayne Erpenbeck, applicant, stated that he was present to answer any questions.

Mr. Schwartz noted that the motion should include approval of the two variance requests since when approved by the Planning Commission, they are final if the Fiscal Court takes action on the Zoning Map Amendment request only. Mr. Costello noted that variance findings identified noted in the Staff Report.

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

CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

5. Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant) for The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

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

Mr. Angelo Bart, Engineer, stated that the conditions by the Planning Commission have been addressed in the revised Concept Development Plan. They are in agreement and he is available to answer any technical conditions.

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

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

6. Gateway Rehabilitation Center – 5940 Merchants Street

Mrs. Kegley moved to defer the request until the January 4, 2023 Business Meeting. Mr. Lunnemann seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

7. Target – 1100 Hansel Boulevard

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The request involves the pick-up area. An existing beacon will be relocated to the new pick-up area. Another new beacon will be installed at the southern end of the pick-up area. The reason why the project is being reviewed is because of the height of the sign is 12 feet tall. Only 5 foot high signs are normally allowed for directional purposes. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Morgan. Mrs. Steele seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

8. Penske Truck Leasing – 3721 Ohara Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The request is to construct 2 building additions and a canopy. A 1,444 square foot addition is planned along with a 4,365 square foot rear addition. Two canopies are planned on the side of the building along with a fuel canopy on the rear portion of the building. A new dumpster enclosure is also proposed. All the proposed materials match the existing building – split face CMU and metal panels. Mr. Morgan showed pictures of the proposed additions. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Morgan. Mr. Hincks seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

9. Turfway Gaming – 7500 Turfway Road

Staff Member, Todd Morgan, stated that the Committee met prior to the Business Meeting and decided to table the request until next month.

Mrs. Kegley moved to defer the request until the January 4, 2023 Business Meeting based upon the Technical/Design Review Committee recommendation. Mr. Lunnemann seconded the motion and it passed unanimously.

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

10. Freddie's Steakburgers – 95 Meijer Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The building consists of brick and hardy-plank. The design is generally in agreement with the design guidelines of the Houston-Donaldson Study with one condition. The condition is that the east elevation facing the

new hotel shall have at least 60% brick and 40% hardy-plank to match the other side of the building. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve of the request based upon the Technical/Design Review Committee recommendation as presented with one condition about the east elevation as stated by Mr. Schwartz. Mr. Hincks seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Alaina Hagenseker, Staff

11. Request of **Heritage Fellowship, per Jeremy Weaver (applicant) for Heritage Assembly of God, Inc., per Vernel Perry (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 20.7 acre area located at 7216 US 42, Florence, Kentucky, which is zoned Suburban Residential Two (SR-2) and Office One (O-1). The request is for a Special Sign District to allow a free standing sign having an electronic message board/panel in an Office One (O-1) district.

ZONING MAP AMENDMENT AND VARIANCE, Michael Schwartz, Staff

12. Request of **ECE, Inc, per R. Wayne Erpenbeck (applicant) for Tri-Saint Investments, LLC, per Tim Bishel (owner)** for a Zoning Map Amendment from Public Facilities (PF) and Industrial One (I-1) to Urban Residential One (UR-1) for an approximate 18.2 acre area located along the west side of Beaver Road, between Mary Grubbs Highway and Skyway Drive, approximately 800 feet north of Mary Grubbs Highway, having a Parcel Identification Number (PIDN) of 078.00-00-002.00, Walton, Kentucky. The request is for: (1) a zone change to allow 214 multi-family residential dwelling units within sixteen (16) buildings; and (2) a variance reducing a portion of the rear yard buffer yard width from sixty (60) feet (Buffer Yard C) to twenty (20) feet (Buffer Yard B).

CONCEPT DEVELOPMENT PLAN/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

13. Request of **Prime Car Wash, LLC, per Adam Jones (applicant) for Broadway Circle, LLC, per Mike Hanich (owner)** for a Concept Development Plan/Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) district for an approximate 1.3 acre area located at 7592 and 7600 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan/Change in an Approved Concept Development Plan to allow a car wash.

Mr. Harper moved to schedule the Public Hearing for Items #11, 12 & 13 on January 4, 2023 at 7:30p.m. in the Fiscal Courtroom. Mr. Hincks seconded the motion and it passed unanimously.

H. Executive Director's Report:

Mr. Kevin P. Costello, AICP, stated that Mr. Jon Brown was elected Boone County PVA and will take office on December 5, 2022. As a result, the Planning Commission will have to hire a new engineer on a part-time basis. Mr. Costello referenced his November 22, 2022 Memo. He recommended hiring Ms. Alison Chadwell, P.E., on a part-time basis for a period of time from December 1, 2022 to June 30, 2023.

Ms. Gulick moved to authorize the Executive Director to execute a contract with Ms. Chadwell based upon the terms outlined in his November 22, 2022 Memo. Mrs. Steele seconded the motion and it passed unanimously.

Mr. Costello referred to his December 1, 2022 Memo regarding the 2023 Office Holiday Schedule, the 2023 Business Meeting and Public Hearing Date Schedule, the 2023 Committee Meeting Schedule and the 2023 Board of Adjustment Schedule. He asked for approval of the four above schedules.

Mrs. Goetting moved to approve the 2023 Office Holiday Schedule, the 2023 Business Meeting and Public Hearing Date Schedule, the 2023 Committee Meeting Schedule, and the 2023 Board of Adjust Meeting Schedule. Mrs. Clark seconded the motion and it passed unanimously.

I. Committee Reports:

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

J. Chairman's Report:

Chairman Rolfsen announced that the Election of Officers will take place on January 4, 2023. He recommended that Janet Kegley and Bob Schwenke serve as the Nominating Committee. Anyone who is interested in serving as an officer of the Board should let Mr. Schwenke or Mrs.

Kegley know. There will be at least one opening as Mr. Patton will end his term with the Planning Commission on December 31, 2022.


K. OKI Report: Kim Patton
No Report

L. Other:

M. Adjournment:

There being no further business to come before the Planning Commission, **Mr. Harper moved to adjourn the meeting. Mrs. Kegley seconded the motion and it passed unanimously. The meeting was adjourned at 7:40 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: December 7, 2022

RE: Request of **Plantation Luxury Flats, LLC (applicant)** for **A&K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

REMARKS:

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

FINDINGS OF FACT:

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

The submitted plan indicates that the first floor of the proposed building will be for commercial uses.
 - b. The Land Use Element contains the following passage:

"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 type commercial" (Land Use, Description and Purpose of Land Use Maps, 20 Union, page 137).

The submitted plan proposed a mixed use development that will be complimentary to the existing/proposed development along US 42.

2. The proposal is in agreement with the following Goals and Objectives:
 - a. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 - b. 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).
 - c. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - d. 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).
 - e. 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).
 - f. 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 (Demographics Goal B, Objective 1).
 - g. 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).
 - h. 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).
 - i. 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).

- j. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
- k. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
- l. 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).
- m. 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).
- n. 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).

The submitted plan will allow for a mixed use commercial/residential development which will provide for a housing type that is not found in the general vicinity of the site. Additionally, the proposed mixed use development will allow for walking movements between the proposed residential component of the development and commercial, service, and public facility uses within the area.

- 3. The Committee concluded the request is in general agreement with the Plantation Pointe North Concept Development Plan:
 - a. The site in question is within Subarea 9 which is recommended to be developed with commercial uses, consistent with the C-2 district.

Multi-family dwelling units are identified as a conditional use within the C-2 district.

The proposed development, which provides for a mixed used commercial/residential complex, would be consistent with the uses allowed within the C-2 district.
- 4. The Committee concluded the requested proposal is in agreement with the mixed use/pedestrian orientation, compatibility of uses, landscaping, architecture, and signage Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations.
- 5. The Committee concluded the attached conditions are necessary to achieve consistency

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

CONDITIONS:

1. Development shall be consistent with the revised Concept Development Plan that was reviewed by the Committee at their November 16, 2022 meeting, except as modified by these conditions or with minor revisions as approved by the Zoning Administrator.
2. The fencing around the recreational court shall be black vinyl coated.
3. There shall be no more than one (1) light pole, having a maximum height of twelve (12) feet, to illuminate the recreational court which shall be equipped with a photocell and any light from this pole shall not be visible over the berm, from the adjoining neighbor's perspective.
4. There shall be a fence around the detention pond.
5. Vertical bushes, not trees, shall be planted in the carport planters.
6. The two projecting signs shall be limited to the name of the development only.
7. Building mounted signage shall be limited to channel letters only.
8. The site shall be allowed one (1) free standing monument sign, having a masonry base that matches the material and color of the principal building.
9. Any evergreen trees that are to be installed along the rear property line shall be a minimum of seven (7) feet in height, when planted.

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: Rick Lunnemann
DATE: November 16, 2022

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.

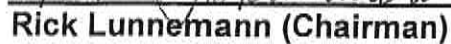
1. Request of **Plantation Luxury Flats, LLC (applicant)** for **A & K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.


Janet Kegley

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


Corrin Gulick

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


Rick Lunnemann (Chairman)

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

Randy Bessler (Alternate)

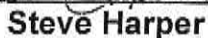
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____


Kim Patton

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

Steve Turner (Alternate)

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


Steve Harper

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

Jackie Steele (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____

TOTAL: ____ DEFERRED 4 FOR PROJECT ____ ABSENT
____ AGAINST PROJECT ____ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
NOVEMBER 2, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:51 p.m. and welcomed the audience to the Planning Commission's November 2, 2022 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda.

CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

1. Request of **Plantation Luxury Flats, LLC (applicant)** for **A & K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is about four acres and is located along Cavalry Drive directly across from Express Street. The site was rezoned to C-2/PD in 1996. It is in Area 9 of the previously approved Plantation Pointe North Concept Development Plan. Approved uses were commercial uses consistent with the C-2 district. The site is currently vacant. A major tree line exists on the south property line. Adjacent uses include single family residential uses, a bank, a school, an office building and two restaurants. Pages 1-2 of the Staff Report provide those applicable sections of the zoning regulations. The site slopes upward from front to back at an average grade of 6 percent. The 2040 Future Land Use Map designates the site as Commercial (C). Pages 3-5 of the Staff Report contains sections from the Comprehensive Plan. Cavalry Drive is a local street with sidewalks. Mr. Schwartz showed photographs of the site and adjoining properties. The Concept Development Plan shows the construction of a 4 story building with 87,637 square feet with 8,879 square feet in the basement, 22,253 square feet on the first floor (commercial area with offices and service areas), and three floors having 18,835 square feet of residential use. It includes 48 residential units. It will include 36 two bedroom units and 12 one bedroom units. The site will include outside patio seating on each side of the building. A 30' x 60' multi-use court will be built on the bottom right portion of the property. The site will have 2 curb cuts onto Cavalry Drive. There will be 2 trash collection areas on each side of the property. There will be covered and surface parking. The covered parking will be close to the building. There will be two monument signs near each driveway. Stormwater will be detained on-site. A landscaping plan has been submitted along with a cross-section view from the adjoining residences. The site actually sits lower than the houses. Given the existing trees, the neighbors will see very little of the building – perhaps the top of the building only. Building colors and materials have been submitted. The City of Florence is in agreement with the colors and design of the building. The majority of the building will be brick. Two property signs are proposed at each end of the building. Pages 6-7 of the Staff Report gives an analysis of the development in relation to the applicable regulations and the original Concept Development Plan. The submitted plan is in general conformance of the regulations. Pages 7-8 of the Staff Report outlines the Staff Concerns, including modifications under the Planned Development (PD) requirements. One of them is to increase the height of the building from 50 feet to 56 feet. The second modification is to allow the 2 projecting signs. Mr. Schwartz referred

to the Plantation Pointe North Concept Development Plan documents which identifies monument signs not exceed 75 square feet and 20 feet in height. The applicant needs to clarify what they would like to build in terms of sizes. Again, the request is for a Change in Concept Development Plan in a C-2/PD District. It is not a Zoning Map Amendment request.

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

Ms. Michelle Bollman, Viox & Viox, Inc. referred to her PowerPoint presentation. She introduced the developer, Mr. Hemal Soni. He owns multiple retail businesses such as gas stations, restaurants, liquor stores and rental properties in Boone and surrounding counties. She described the site and immediate area surrounding the site. She showed a photograph of the existing tree line and the 1996 Concept Development Plan. The proposed building will be 4 stories in height. The partial basement will provide for an exercise room plus a storage area. Mr. Soni has agreed to remove uses from the list of permitted uses – SOBs, pawn shops, gasoline filling stations and helipads. Ms. Bollman reviewed the submitted Concept Development Plan. Parking for the commercial uses will be in front and on the sides. There will be 48 apartment or condominium units on the top 3 floors (56,505 square feet). Residents will park in the back of the building and enter through the main door. A covered parking structure will be built in the rear of the building. A one-way delivery corridor will be created for retail deliveries. Sidewalks are planned to connect to a sidewalk on Calvary Drive. The dumpsters will be made of brick. Utilities are already located along Cavalry Drive. Two detention ponds are shown – one in ground on the west side and one underground on the east side parking lot. The developer will follow the original 1996 landscaping requirements on the west, south and east sides of the site. On the east side of the site, there is a 36" storm sewer easement so trees were relocated from this area to other areas on the site. In addition, the 6 trees along Cavalry Drive are elsewhere on the site to protect the views for the commercial uses. They would like building mounted signs for the commercial uses. They currently don't have a design ready for the monument signs. She referred to the cross-section drawing as she felt the view was mostly obstructed.

Mr. Steve Starkey, RSL Commercial Architecture, stated that the predominant material would be brick – gray and blue. There will be two different colored EIFs. Stone will be installed on the lower portion of the building for the retail area. The roof will be pitched and have a dark bronze color. The residential units will have 10 foot ceilings. The pitched roof will be consistent with the roofs in the area. There will be balconies on all units on both sides of the building. The blade signs are for the residential units since the entrance will be from the back of the building only. Those signs are 20' – 25' in length and 5' in width. The parking structure will be dark bronze. The multi-use court will be like a tennis court with multiple sport lines (50' x 60'). All the roof top units will be concealed behind the roof line.

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

Mr. Ricki Behymer, 1830 Waverly Drive, stated that he lived in the southwest corner of the site. He expressed a concern about a 48 unit apartment building. He understands that it would be retail. He lives on a quiet cul-de-sac street. This will add a lot of traffic in his backyard and the smell of the trash from the north winds in the winter. He doesn't like apartments next to single family houses. He is concerned about safety over time. It is a beautiful building. He doesn't value it as an addition to his community.

Mr. Gino Bertagna, 1822 Waverly Drive, questions the view of the site from the single family residences. The cross-section view was taken from his house. This year is the first year that he was unable to see next door. He bought his house in 2016. The proposed building looks like a Marriott hotel from his backyard. There are better purposes or uses for the property in question than a 4 story building adjacent to a neighborhood that is one of the nicest in Florence. There are other places that would be perfect for the proposed building.

Chairman Rolfsen asked if any Commissioners had any questions or comments? He asked if the developer was going to leave any of the existing trees in the back? Ms. Bollman replied that her firm has not done a full survey of the property or trees. A lot of the existing trees are on the adjoining property. They will plant more trees for infill purposes. She offered to plant a wall of evergreen trees to block the 4 story building. Some of the neighbors already have a 3 board fence on the property line. Chairman Rolfsen asked if the roof was metal as well as the awning for the cars? Ms. Bollman replied yes. Mr. Costello reminded the applicant about the recorded design guidelines for the subdivision including the green metal roofs. Mr. Starkey stated that the intent was for them to provide something complementary and not identical. The building will have elevators. Mr. Soni stated that the units will be high rent in response to a question asked by Chairman Rolfsen. He didn't have an exact figure because he doesn't have a final design and cost for the project.

Chairman Rolfsen inquired about examples of projects in Boone County. Mr. Soni replied that he has retail businesses only and the proposed project is the first residential project. He stated that he has a retail convenience store in Verona, Kentucky. Others are in Carroll, Jefferson and Henry counties.

Mr. Hincks asked if any of the parking spaces are going to be reserved for the residents? Will there be enough to avoid parking in the neighborhood? Is it 2 cars per apartment? Ms. Bollman responded that parking was based upon the number of 1-2 bedroom apartments. There is enough parking based upon the uses and the zoning regulations. She said they would look into having reserved parking spaces for the residents with a possible numbering system.

Mr. Patton inquired about the parking structure. He asked if it could be articulated like the building? Could the ends of it have the same material as the building? Mr. Starkey replied that the concern is that it becomes more like a garage rather than a shade structure. Brick or stone could be added as a base. It would break it up. There will be metal on the building – awnings and balconies. The trash area will have brick/stone.

Mrs. Clark asked when the decision will be made about whether the units will be apartments or

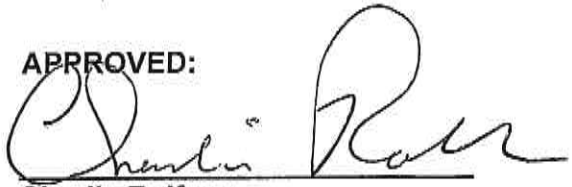
condominiums? Apartments have a lot of turnover of residents and it relates to parking. Mr. Soni responded that it won't be made until the design and performance is done. Mrs. Clark stated that if the units are condos, the parking needs to be closer to the building due to weather conditions. Ms. Bollman explained that for fire protection purposes, the drive aisles are two way and they will have 2 entrances off Calvary Drive.

Ms. Gulick asked about the flow of pedestrians especially to the recreation area? Is there a safe route to get to the recreation area? What about deliveries? How would that work? What is the view of the balconies from the adjoining neighbors? There is only 1 view submitted. Is it possible to get views from all the houses that are impacted?

Mr. Szurlinski asked how close is the multi-purpose court area to the nearest residence? Will it be lit at night? Will it be fenced? If there is a basketball court, then it will be a problem due to the proximity of it to the school. What are the hours? Mr. Soni replied that the court will be fenced. Mr. Starkey stated that any lights for the parking lot and multi-purpose court will be below the eyeline of those people living behind the development. A time limit could be established to protect the neighbors. It would be key card controlled. Mr. Harper asked where the store in Verona was located. Mr. Soni replied that it is located on US 42 on the border of Boone/Gallatin County. Chairman Rolfsen suggested that the developer make some decisions on such things as the types of activities on the multi-purpose court. Also, it is recommended that the developer decide if it is going to be apartments or condominiums? It needs to be compatible with the area. What about the views from the nearby homes? Finally, nobody plants a 50 foot high tree. The landscaping plan needs to be realistic.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 16, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:40 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director