

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

- 1. Boone [X] Florence _____ Walton _____ Union _____

(Check One)

- 2. [X] Conditional Use Permit _____ Variance _____ Appeal _____

- 3. Applicant's Name VME Properties LLC
Applicant's Address 5810 Orchard Hills Ln
City Cincinnati OH Zip 45252

- 4. Phone Number 513 673 2583 Fax No. 513 674 9525 E-Mail petekontopos@gmail.com
Description of Request:

- 5. Name of Development Hopeful Trace

- 6. Location of Development HOPEFUL ROAD (BY HWY. 1018) FLORENCE, KENTUCKY 41042

- 7. Acreage Under Review 7.870 AC.

- 8. Lot Number and Name of Subdivision (if part of a subdivision) N/A

- 9. Owner of Property VME Properties LLC

- 10. Address of Property Owner 5810 Orchard Hills Ln
City Cincinnati OH Zip 45252

- 11. Phone Number 513 673 2583 Fax No. 513 674 9525 E-Mail petekontopos@gmail.com
Proposed Use(s) on Site SINGLE FAMILY - TOWN HOMES

- 12. Total Square Footage of Existing and/or Proposed Buildings 76,000 S.F.

- 13. Current Zoning on Property SR-2

- 14. Deed Book D1096 Page No. 257 Group No. 2039

- 15. Is the site subject to a zone change? NO
If yes, give date of approval N/A

- 16. Have you submitted a Site Plan with this request? YES

- 17. Have you submitted a list of adjoining property owners with this request? YES - ATTACHED

- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 12/18/18 Fee Received 5782.00 Receipt # 78572
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
1/13/19 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 3/13/19 FBOA Meeting
MINUTES + CLK
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

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

STAFF REPORT

APPLICANT: VME Properties, LLC

LOCATION: East side of Hopeful Church Road and west side of Hopeful Road and immediately to the north of 7015 Hopeful Road, south of 6767 Hopeful Road, and west of 6795, 6809, 6829, 6855, and 6897 Hopeful Road, Florence, Kentucky

ZONING: Suburban Residential Two (SR-2)

DATE: January 9, 2019

PROPOSAL

The applicant has submitted a Conditional Use Permit to allow a townhouse development in Suburban Residential Two (SR-2) zoning district. The submitted plan shows the following improvements:

- A total of sixty-three (63) townhouse dwelling units in nine (9) separate buildings. Thirty-two (32) units will be three bedroom units and thirty-one (31) units will be two-bedrooms units.
- Each townhouse unit is shown with a garage parking space and a driveway space.
- An accessory clubhouse and swimming pool.
- Seventy (70) guest parking stalls.
- Sidewalk connections between some buildings and sidewalk connections to Hopeful Church Road and Hopeful Road
- A single access point on Hopeful Road (directly across from Hope Trail)
- A detention or retention basin

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment is to grant Conditional Uses Permits as specified by the zoning order.

The Board needs to evaluate the Conditional Use Permit application as it relates to the criteria listed in Section 262 and 943 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 943 of the Boone County Zoning Regulations allows townhouse dwelling units as Conditional Uses in the (SR-2) district in the City of Florence provided that:

- A. The activity is an integral and subordinate function of a permitted use; or
- B. The activity will not contradict the compact, but single family character of the district; and
- C. The arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Section 3161 of the Boone County Zoning Regulations provides the following design standards for townhouse dwelling units in the SR-2 zone:

Townhouses may be developed at a density not to exceed eight (8) dwelling units per acre. No building shall exceed forty-five (45) feet in height. Detached single family dwellings, duplexes, and patiohouses shall follow the dimensional standards outlined in Table 31.1. All townhouse structures shall maintain a thirty (30) foot front yard setback, thirty (30) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least fifteen (15) feet. All townhouse and accessory structures must maintain a minimum thirty (30) foot setback from all property lines of adjacent property not included as part of the townhouse development as approved.

Section 3221 of the Boone County Zoning Regulations states a development is permitted one access point for each 500' of site frontage. In addition, an Encroachment Permit is required from the legislative unit.

Section 3222 of the Boone County Zoning Regulations requires access points on opposite sides of arterial, collector, and subcollector roadways to be located opposite each other.

Section 3620 of the Boone County Zoning Regulations requires the following street frontage landscaping to be provided:

When a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A (See Table #2). This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by 50 percent if the buffer yard width is increased from 10 feet to 20 feet and can be eliminated if the buffer yard area is increased to 30 feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.

Buffer Yard Table 1 from the Boone County Zoning Regulations requires Buffer Yard B to be provided along the side property lines (see note at the bottom of the chart - it indicates that multi-family developments in developing use zones shall be treated as development in the UR-1 zone).

Buffer Table 2 from the Boone County Zoning Regulations defines Buffer Yard A and B as follows:

BUFFER YARD A - 10 FOOT WIDTH

Landscaping required per 100 linear feet at 10 feet wide.

- 5 Small Trees - Plant List C or 3 Large Trees / 3 Medium Trees /or 3 Evergreen or any combination of 3 - Plant List A, B, or D AND
- 30 Shrubs - Plant List E or 15 Shrubs - Plant List C

BUFFER YARD B - 20 FOOT WIDTH

Landscaping required per 100 linear feet at 20 feet wide.

- 5 Evergreens - Plant List D
- Any 6 Large Trees / Medium Trees / Small Trees / Additional Evergreen Trees or any combination thereof from Plant List A, B, C, or D
- 30 Shrubs - Plant List E or 15 Shrubs - Plant List C

Section 4000 of the Boone County Zoning Regulations defines a townhouse dwelling unit as a single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units are so combined (attached). Also refer to the definitions of "single family dwelling unit" and "family" in this article.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2035 Future Land Use Map designates the site for High Suburban Density Residential (HSD) uses. This future land use classification is defined as "single-family and/or attached housing of up to eight dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

The Land Use Element contains the following passages that pertain to the general area:

- A. Hopeful Church Road should continue to serve as a residential corridor. Some small scale neighborhood commercial services may be appropriate at a strategic location in the corridor. It should be scaled to serve the Hopeful Church Road and Cayton Road areas, designed with a residential-compatible look to the buildings and site, and without freestanding signage. Access management is important to avoid turning movement conflicts on Hopeful Church Road, and some road improvements may be necessary to support this development. The proposed commercial land uses on KY 18 should be planned with careful Access Management, including continuous parallel roadways. Development should create commercial clusters rather than strip centers which parallel KY 18. These commercial uses must also be designed to be compatible with existing and proposed residential developments along KY 18 (Pleasant Valley/Oakbrook, pg. 168).

The Population Element contains the following passage which relates to the request:

- A. The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The site is located within the Florence transportation analysis zone. The population of this region is estimated to change to 32,385 in 2020, and to 34,153 in 2030 (Table 2.11, pg. 21).

The Housing Element contains the following passages and tables which relate to the request:

- A. Demand for multi-family housing has historically been in, or around Florence. The emphasis on new construction, however, has shifted to the unincorporated county. The continuing in-migration of a young, professional population combined with the increased growth of single-parent families and the overall graying of the population, means the demand for various multi-family housing options will continue in the future for Boone County (Housing Demand, Economic Factors, pg. 75).

Table 6.2 Housing Unit Types by Jurisdiction

	Single-Family			Multi-Family & SF Attached			Mobile Homes			Totals		
	1990	2000	2010	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	4,209 30.2%	4,808 22.2%	N/A	3,060 56.4%	5,399 58.4%	N/A	31 1.6%	45 1.9%	N/A	7,300 21.9%	10252 30.7%	N/A
Union	307 2.2%	867 4%	N/A	3 <0.1%	5 <0.1%	N/A	2 0.1%	2 <0.1%	N/A	312 1.5%	874 2.6%	N/A
Walt.	548 3.7%	751 3.5%	N/A	240 4.4%	542 5.9%	N/A	12 0.6%	7 0.3%	N/A	800 3.8%	1,006 3.5%	N/A
Uninc. B.C.	8,846 63.9%	15260 70.4%	N/A	2,122 39.1%	3,593 38.9%	N/A	1,860 97.6%	2,351 97.8%	N/A	12828 60.4%	21219 63.6%	N/A
Total	13910	21686	33307	5,425	9,239	11056	1,905	2,405	1,897	21240	33351	46260

Source: Boone County Building Inspection Data & U.S. Census

Table 6.3 Percent Housing Unit Types by Jurisdiction

	Single-Family			Multi-Family			Mobile Homes		
	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	57.7	46.9	N/A	41.9	52.7	N/A	0.4	0.4	N/A
Union	98.4	99.2	N/A	1.0	0.6	N/A	0.6	0.2	N/A
Walt.	68.5	74.7	N/A	30.0	24.1	N/A	1.5	0.7	N/A
Unincorp.	68.9	71.9	N/A	16.5	16.9	N/A	14.5	11.1	N/A
B.C.	65.5	65.0	72.0	25.5	27.7	23.9	9.0	7.2	4.1

Source: Boone County, Florence & Walton Building Inspection Data & U.S. Census

- D. It should be noted that the number of housing units increased in all the major housing construction types for each municipality, except multi-family units in the City of Union. County-wide, the percentage of total housing units that are single-family detached units, has decreased while multi-family units have increased in percentage. The City of Florence has a lower percentage of single-family units than other areas of the county.

In 1980, multi-family housing comprised 20.9% of the total housing units in Boone County. This percentage continued to rise as the county urbanized and stood at 25.5% in 1990 and 27.7 in 2000 (see Table 6.3). This was during a time of enormous growth in single-family housing development. This increase in multi-family housing happened primarily in the unincorporated part of Boone County. Since 2000, the percentage of multi-family decreased to 23.9. The percentage of mobile homes throughout the county has decreased steadily

since 1990 and now stands at 4.1% of the total 46,260 housing units in the county in 2010 (Housing Supply, Housing Type by Municipality, pg. 76).

- E. The major reason for Boone County's rapid population growth is in-migration. Often the higher income families (or new population) locate in the developing rural areas of the county. While this is practical because they can afford the estate lifestyle and cost of transportation over greater distances, this spatial phenomenon separates people of different income levels. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided. Housing for the elderly population or for those who are handicapped needs to be located near public transit, commercial areas, and public facilities (Meeting Housing Needs, Population Needs, Pg. 79).
- F. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents (Meeting Housing Needs, Housing Types, pp. 79-80).
- G. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed (Housing Densities, pg. 81).
- H. Development in established areas takes advantage of existing services and minimizes future strain on the transportation network. The Public Facilities Element shows the existing and planned water lines and other services which will influence the locations of new residential construction. The plans for sanitary sewer for Boone County are of particular importance when high density residential development is reviewed. Stormwater management is becoming a key issue with the extensive residential development in the county and needs to be addressed creatively to solve runoff and erosion problems, while creating visually appropriate facilities (Conclusion, pg. 85).

The following 2017 Goals and Objectives relate to the application:

- A. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Objective 4).
- B. 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).
- C. 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).
- D. 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).
- E. Housing development shall be phased to coordinate with the provision of infrastructure, services, and education facilities (Demographics, Goal B, Objective 9).
- F. Development shall utilize existing topography and vegetation (including mature trees) and preserve the existing character of the land (Environment, Objective 7).
- G. Existing infrastructure and services such as water, stormwater, wastewater, gas, electric, communication lines, and emergency and municipal services shall be utilized efficiently. The phasing of proposed development may be one way of addressing significant impacts on existing infrastructure and services (Public Facilities, Objective 1).
- H. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation, Goal A, Objective 1).
- I. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation, Goal B, Objective 4).
- J. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, major streets and interstates, public facilities, and parks (Transportation, Goal B, Objective 8).
- K. Traffic impact analysis should be used as a tool to address impacts to the existing transportation system (Transportation, Goal C, Objective 3).

SITE CHARACTERISTICS

The approximate 7.87 acre site has approximately 1,185 feet of street frontage on the east side of Hopeful Church Road and 637 feet of street frontage on the west side of Hopeful Road. The property is currently undeveloped and is heavily wooded with deciduous trees. A water main is located on Hopeful Road frontage. Public sanitary sewer main does not exist on site or along the property frontage and would need to be extended. Public sidewalks exist along the Hopeful Church Road frontage and overhead utilities exist in the northern and central portions of the site. Boone

County G.I.S. shows that topography of the property falls from 900 feet above sea level along the Hopeful Road frontage to 854 feet above sea level in the northwest portion of the site.

SITE HISTORY

On June 22, 2001, Boone County Planning Commission approved a Site Plan application allowing a 64 unit townhouse development (Gloria Luebbers Apartments), with a clubhouse and swimming pool, to be constructed on the property. The project was never constructed and the Site Plan expired on June 22, 2003.

On August 28, 2001, the property was annexed into the City of Florence (Ordinance O-14-01).

SURROUNDING LAND USES & ZONING

North: Torch Community Church (SR-1)

South: Hopeful Road, Single-Family Residential Dwellings Fronting on Hopeful Road (R1F) and Suzanne Way (SR-1)

East: Hopeful Road, Single-Family Residential Dwellings Fronting on Hopeful Road (SR-1), and Colonial Height and Gardens Retirement Community (UR-1/PD)

West: Hopeful Church Road and Single-Family Residential Dwellings Fronting on Pheasant Drive (R1F)

STAFF COMMENTS

1. On 12/26/18, 12/31/18, and 1/2/19, Staff sent the applicant's engineer three separate emails that contained lists of questions regarding the original plans that were submitted to the Planning Commission on 12/18/18. On 1/3/19, the applicant's engineer provided a response to the questions and submitted revised plans via email. Staff received full size copies of the revised plans on 1/4/19.

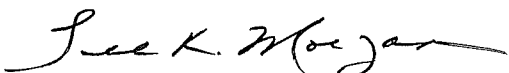
Staff was still reviewing the revised plans at the time the report needed to be finalized. Staff will submit additional comments into the record at the 1/9/19 Public Hearing.

2. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.

CONCLUSION

KRS 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



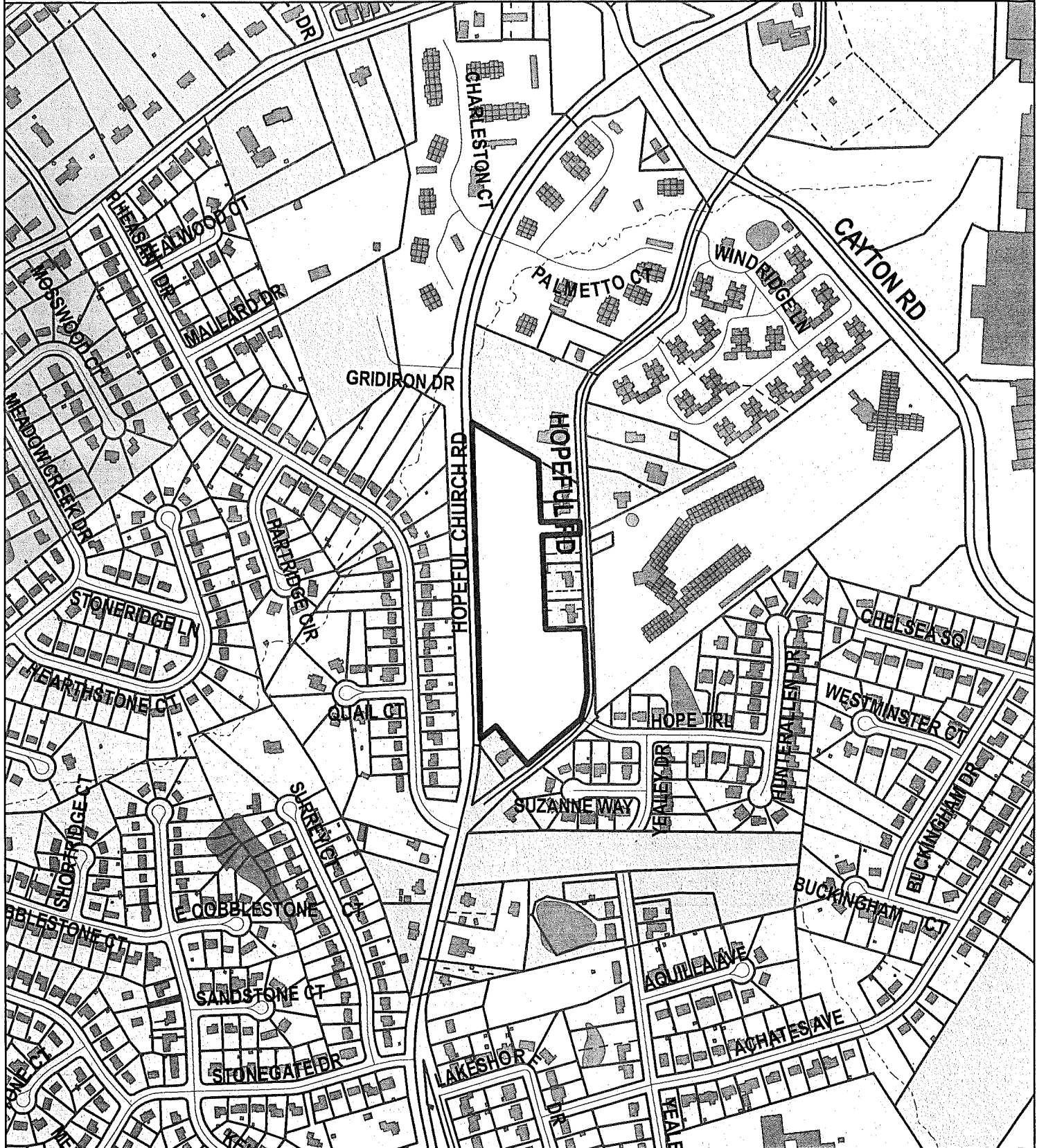
Todd K. Morgan, AICP
Senior Planner, Zoning Services

Attachments

- *Site Vicinity Map
- *12/18/18 Grading & Utility Plan (Original Plan that was revised)
- *12/20/18 Agency Email
- *12/21/18 Email from Kevin Vogelpohl
- *1/2/19 Email from Josh Hunt
- *1/3/19 Email from Kevin Vogelpohl
- *Applicant's Team Response to 12/26/18, 12/31/18, and 1/2/19 Emails
- *Current Plans and Renderings
- *Zoning Map
- *2035 Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *Application

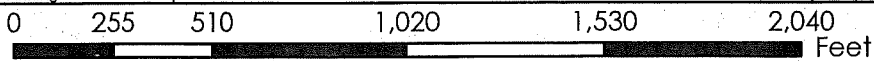
SITE VICINITY MAP

www.boonecountygis.com



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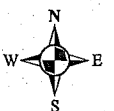
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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



Todd Morgan

From: Todd Morgan
Sent: Thursday, December 20, 2018 3:45 PM
To: 'Tom Gagnon'; Joshua Hunt; Kevin Vogelpohl <Kevin.Vogelpohl@Florence-KY.gov> (Kevin.Vogelpohl@Florence-KY.gov); mike.ford@boone.kyschools.us
Subject: Conditional Use Permit Application for a Townhouse Development on Hopeful Road, Florence, KY
Attachments: FBOA-Hopeful Trace Townhomes-Agency Memo.pdf; Preliminary Site Plan.pdf; hopeful Heights - BUILDING PLAN - TYPE A.pdf; hopeful Heights - BUILDING ELEVATIONS - TYPE A.pdf; hopeful Heights- TYPE A- V1.pdf; hopeful Heights- TYPE A- V2.pdf

All,

I have attached an agency memo and preliminary plans for a townhouse development that is proposed on 7.8 acre site on Hopeful Road, Florence, KY. The Florence Board of Adjustment will be acting on this Conditional Use Permit request on 1/9/19, at 7:00 P.M. Please let me know if you have any comments that you would like me to include in my Staff Report.

Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Todd Morgan

From: Kevin Vogelpohl <Kevin.Vogelpohl@Florence-KY.gov>
Sent: Friday, December 21, 2018 9:08 AM
To: Todd Morgan
Subject: RE: Conditional Use Permit Application for a Townhouse Development on Hopeful Road, Florence, KY

Todd,

Upon reviewing the documents you sent, I have no comments at this time. I will have some comments and additions upon plan review in reference to the fire hydrants and their locations.

Thanks,

Kevin R. Vogelpohl

Battalion Chief/Fire Marshal

Florence Fire/EMS

1152 Weaver Rd

Florence, KY 41042

kevin.vogelpohl@florence-ky.gov

O: (859) 647-5660 F: (859)647-5670



From: Todd Morgan [<mailto:TMorgan@boonecountyky.org>]
Sent: Thursday, December 20, 2018 3:45 PM
To: Tom Gagnon; Joshua Hunt; Kevin Vogelpohl; mike.ford@boone.kyschools.us
Subject: Conditional Use Permit Application for a Townhouse Development on Hopeful Road, Florence, KY

All,

I have attached an agency memo and preliminary plans for a townhouse development that is proposed on 7.8 acre site on Hopeful Road, Florence, KY. The Florence Board of Adjustment will be acting on this Conditional Use Permit request on 1/9/19, at 7:00 P.M. Please let me know if you have any comments that you would like me to include in my Staff Report.

Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Todd Morgan

From: Joshua Hunt <Joshua.Hunt@Florence-KY.gov>
Sent: Wednesday, January 02, 2019 11:06 AM
To: Todd Morgan; Adam Engels
Cc: Tom Gagnon; Joshua Wice; Kevin Vogelpohl
Subject: RE: Conditional Use Permit Application for a Townhouse Development on Hopeful Road, Florence, KY

Comments are as follows:

- What kind of buffer (fence or plantings) will be provided where the buildings abut the residential properties on Hopeful Road
- Provide a landscape plan
- I'm concerned about light bleed over onto the residential properties, provide a photometric plan
- Note that a decorative metal fence will be required around detention facility
- The brick veneer looks pink, I'd like to see samples of all exterior building materials
- Identify on site plan where dumpster enclosure will be and what materials it will be made of
- Identify bike racks
- Identify proposed buffer yards
- Identify monument sign location
- On some of the buildings you have a hill draining into the rear of the buildings. The finish floor elevation is the lowest point and there is no storm structures, how will this not flood?
- With the above comment in mind, label all contours
- Being that there is no sewer that serves this site, indicate where you plan to make the connections to the public sewer system. Will a public main be extended to the property?
- Identify any waivers that are being requested or differences in this plan that vary or are different from the original approved concept development plan for this site
- Provide concept drawing and more detailed site plan for clubhouse and pool. Need to see building materials, elevation of building, proposed fences and any other amenities planned
- Sidewalks will be required along the entirety of Hopeful where the developer owns property

From: Todd Morgan [<mailto:TMorgan@boonecountky.org>]
Sent: Wednesday, December 26, 2018 1:43 PM
To: Adam Engels
Cc: Joshua Hunt; Tom Gagnon
Subject: FW: Conditional Use Permit Application for a Townhouse Development on Hopeful Road, Florence, KY

Adam,

Please see the email below and the attached plans.

I went out in the field today to take pictures and I have concerns about both of the proposed access points on Hopeful Road. One is proposed in a vertical curve and the other would be offset from Hopeful Trail. Can you take a look at them and give me your preliminary thoughts on Encroachment Permits?

Thanks,

Todd K. Morgan, AICP

Todd Morgan

From: Kevin Vogelpohl <Kevin.Vogelpohl@Florence-KY.gov>
Sent: Thursday, January 03, 2019 2:13 PM
To: Todd Morgan; Joshua Hunt; Tom Gagnon
Subject: RE: Hopeful Church Townhomes

Todd,

In reviewing the proposed changes due to eliminating the northern access, it should not be a problem for the fire department to access the development using only the southern access.

Thanks,

Kevin R. Vogelpohl

Battalion Chief/Fire Marshal

Florence Fire/EMS

1152 Weaver Rd

Florence, KY 41042

kevin.vogelpohl@florence-ky.gov

O: (859) 647-5660 F: (859)647-5670



From: Todd Morgan [<mailto:TMorgan@boonecountyky.org>]
Sent: Thursday, January 03, 2019 11:30 AM
To: Joshua Hunt; Tom Gagnon; Kevin Vogelpohl
Subject: FW: Hopeful Church Townhomes

Josh, Tom, and Kevin:

I received answers to questions, a clubhouse floor plan, and some clubhouse renderings. I still have not received the revised civil plans (utility plan and landscaping plan). I will forward these plans to you as soon as I receive them.

Kevin - Can you take a look at response to question 11A. (12/26/18 comments) and question 2 (12/31/18 comments)? It sounds like applicant is going to eliminate the northernmost access point on Hopeful Road and has been denied access to Hopeful Church Road by Kentucky Transportation Cabinet. Do you have any concerns if access to the development is limited to one access point on Hopeful Road.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Comments from 12/26/18 - Comments from Boone Co. Planning Commission

1. The plans are labeled as Hopeful Trace Condominiums. Please verify that the proposed buildings are townhouses and meet the definition found in Article 40 of the Boone County Zoning Regulations.

The title on the plans have been updated – All the units will be townhomes per article 40.

2. Please dimension the property lines.

The property lines have been dimensioned

3. Add the site acreage to the plan. This is needed to verify how many dwelling units are permitted. The Suburban Residential Two (SR-2) zoning district permits a maximum building intensity of eight (8) dwelling units per acre. Please note – Boone County Planning Commission does not permit rounding up to the next whole number.

The acreage has been added to the plans. There will be 63 units. $7.875 \text{ acres} \times 8 \text{ units} = 63 \text{ units}$

4. Provide a parking calculation chart on the plans.
 - A. Number of 2 BR and 3 BR units in the development (want this information in case Boone County Schools asks).

There will be a total of 32 - 3 bedroom units and 31 two bedroom units

- B. Required Parking – 2 spaces are required per unit

The plans have been updated to show 126 parking spaces

- C. Total Parking Provided (Private stalls and guest stalls)

63 Total private stalls and 63 guest stalls

5. Label all structures shown on the plan (add unit numbers, clubhouse, pool, fences, etc.)

Labels have been added to the plans

6. Add 30' building setback lines to the plans (see Section 3161 of the Boone County Zoning Regulations). Note – it appears that some of the units are not meeting the setback requirements. A separate Variance application would need to be submitted and approved to reduce the 30' building setback requirements.

The setback line has been added and to the plans and all buildings are within the setback requirements.

7. Please add labels to the driveways. Indicate that they are private and provide the width.

Driveways have been labeled and dimensioned.

8. Building elevations have not been provided for the clubhouse building. Please submit them.

Building elevations for the clubhouse are attached.

9. Is a trash dumpster being proposed in the development? If so, please provide the location and building materials.

Unless required by the city/county the applicant does not plan on having a dumpster. It is anticipated each townhome will place trash out at the end of their driveway to be picked up by a garbage truck.

10. Is Florence Post Office going to require a community mail box system? If so, please identify it and show that it's part of an accessible route.

A location has been added for a community mailbox and a handicap parking space is located at the mailbox.

11. Has the City of Florence been contacted regarding Encroachment Permits? I visited the site this morning and have the following concerns:

A. The northernmost access point is located in a vertical curve.

This access point has been removed.

B. The southernmost access point is offset from Hopfeul Trail. Can they be aligned?

The access point has been reconfigured to be aligned with Hopeful Trail.

12. What landscaping is being preserved and what is proposed?

A preliminary landscape plan has been created to show the landscaping being preserved.

13. Is any parking lot lighting proposed? If so, what types of lighting (light poles, wall packs) is proposed?

Guest parking area will have light poles with the exception of some parking near the clubhouse that will use wall packs.

14. I will be recommending the following sidewalks be added to the development:

A. Sidewalk connection to Hopeful Church Road if possible.

The plans have been revised to include this sidewalk

B. Sidewalk spur that aligns with Hopeful Trail Subdivision.

The plans have been revised to include this sidewalk

C. Sidewalk system connecting the units, clubhouse/pool, and the streets.

The plans have been revised to include this sidewalk

D. 6' wide sidewalks are required between the guest parking stalls and pool/clubhouse (see Sections 3321 and 3327 of the Boone County Zoning Regulations).

The plans have been revised to include this sidewalk

15. The existing conditions plan shows several overhead utility easements. Are these being relocated?

These utilities will be relocated underground. A utility plan has been included.

Comments from 12/31/18 - Comments from Boone Co. Planning Commission

1. Will the individual units be rented or purchased? Units will be purchased.
2. Has a Traffic Study been prepared? At a minimum, I would be prepared to address the projected trip generation based on the unit mix.

Yes, a traffic study has been completed and submitted to the State. The original intent was to have the main entrance off of Hopeful Church Road and the State would not grant access and required all access to come off of Hopeful Road. The correspondence and traffic information is attached.

3. I previously mentioned that I'd like to know what landscaping was being preserved and what additional landscaping was being proposed (see comment 12 below). I'd like you to be aware of the following:

A. Section 3620 of the Boone County Zoning Regulations requires street frontage landscaping to be provided along both the Hopeful Road and Hopeful Church Road street frontages. It's possible the Florence Board of Adjustment could ask the applicant's team to agree to a condition which would require additional landscaping along these street frontages. I would recommend the applicant's team be familiar with:

- The street frontage buffer requirements from Section 3620 of the Zoning Regulations.

- The planting requirements of Buffer Yards A, B, and C from Buffer Yard Table 2 of the Zoning Regulations.
- The planting requirements from Section 308 B. of the Boone County Subdivision Regulations.

A preliminary landscape plan was created and follows the recommendations given above were the existing vegetation is going to be removed at the site.

- B. Buffer Yard Table 1 in the Boone County Zoning Regulations requires Buffer Yard B to be provided along the side property lines (see the notes at the bottom of the table indicating that multi-family developments in underlying use zones shall be treated the same as a UR-1 development).
- See the Buffer Yard B planting requirements in Buffer Yard Table 2.
 - Buffer Yard B (20' wide) cannot be installed between the northern development driveway and the property lines adjoining 6809 and 6829 Hopeful Road. A separate Variance application will need to be submitted and approved to reduce the landscaping buffer requirements.

This access point was removed so there is no need for a variance.

Comments from Florence 1/2/19 - *Comments from Josh Hunt*

- What kind of buffer (fence or plantings) will be provided where the buildings abut the residential properties on Hopeful Road

- See landscape plan

- Provide a landscape plan

A landscape plan is provided

- I'm concerned about light bleed over onto the residential properties, provide a photometric plan

We are having a photometric plan being produced by the lighting company and will try and have it done before the meeting. With the location of the lights, the types of lights being used, and the buffering vegetation I am pretty confident there will be no light bleed over to the residential properties.

- Note that a decorative metal fence will be required around detention facility

- A note has been added to the plans indicating a decorative metal fence will be

- The brick veneer looks pink, I'd like to see samples of all exterior building materials

- I will see if the architect can get samples of the building materials.

- Identify on site plan where dumpster enclosure will be and what materials it will be made of

We anticipate each townhome placing garbage cans at the end of the driveway to be picked up. We would prefer not to have a dumpster unless the city/county is requiring it.

- Identify bike racks

A bike rack has been included. However, we anticipate owners utilizing their garages to store their bikes.

- Identify proposed buffer yards

The plan has been updated to show buffer yards.

- Identify monument sign location

Plan has been included to show the monument sign location.

- On some of the buildings you have a hill draining into the rear of the buildings. The finish floor elevation is the lowest point and there is no storm structures, how will this not flood?

There is a ditch planned at the bottom of the slope. To provide extra protection we have added yard drains in these areas as well.

- With the above comment in mind, label all contours

Contours have had labels added

- Being that there is no sewer that serves this site, indicate where you plan to make the connections to the public sewer system. Will a public main be extended to the property?

-See the updated utility plan.

- Identify any waivers that are being requested or differences in this plan that vary or are different from the original approved concept development plan for this site.

The original approved concept had its main entrance off of Hopeful Church Road. The state will no longer allow access to the development off of Hopeful Church Road even with there being a curb cut already installed. No waivers are being requested.

- Provide concept drawing and more detailed site plan for clubhouse and pool. Need to see building materials, elevation of building, proposed fences and any other amenities planned

A rendering and floor plan for the clubhouse are attached.

- Sidewalks will be required along the entirety of Hopeful where the developer owns property

Sidewalks have been added in these areas.

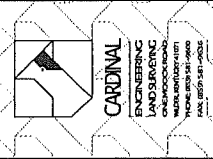
REVISIONS
DATE # ITEM



NOTE:
 1. THE INFORMATION ON THIS PLAN WAS OBTAINED FROM THE RECORD PLANS AND SURVEY DATA PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION AND HAS FOUND IT TO BE COMPLETE AND ACCURATE.
 2. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION AND HAS FOUND IT TO BE COMPLETE AND ACCURATE.
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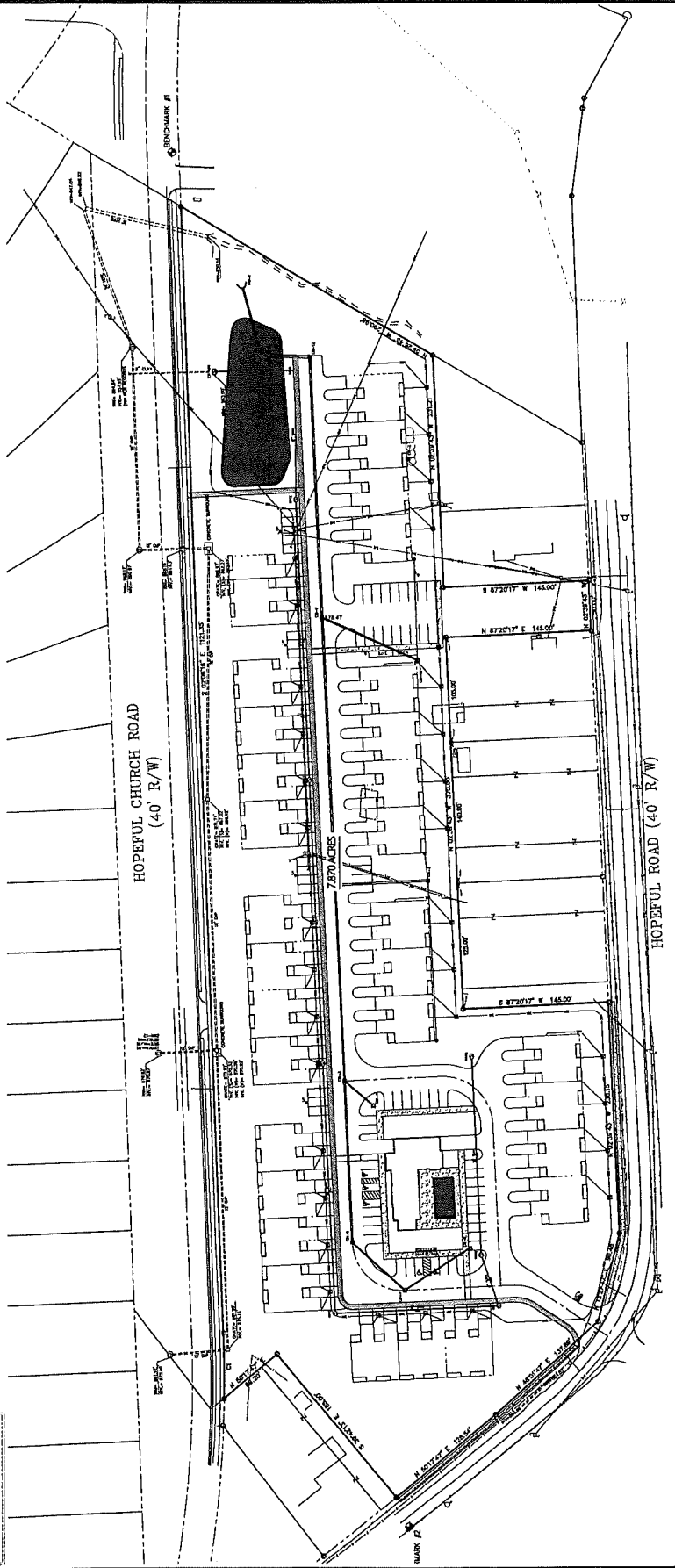
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 BOONE COUNTY
 PLANNING COMMISSION

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4	APPROVED BY: [Name]	12/18/2018
5	DATE: 12/18/2018	
6	PROJECT NO.: 18-118	
7	SCALE: 1" = 50'	
8	DATE: 12-18-2018	
9	PROJECT: UTILITY PLAN	
10	SHEET: C-5.0	



PROJECT: CONDITIONAL USE PLAN
 HOPEFUL TRACE CONDOMINIUMS
 CLIENTS: VME PROPERTIES L.L.C.
 5810 ORCHARD HILLS LANE
 CINCINNATI, OHIO 45252

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PETE KONTOPOS
 HOPEFUL HEIGHTS
 FLORENCE, KENTUCKY

SYNTHESIS
 ARCHITECTURE • PLANNING • INTERIORS
 107 CECILIA ST. SUITE 205, CINCINNATI, OH 45202
 a 513.223.9232 | info@synthesisarchitects.com
 synthesisarchitects.com

Approved for Construction

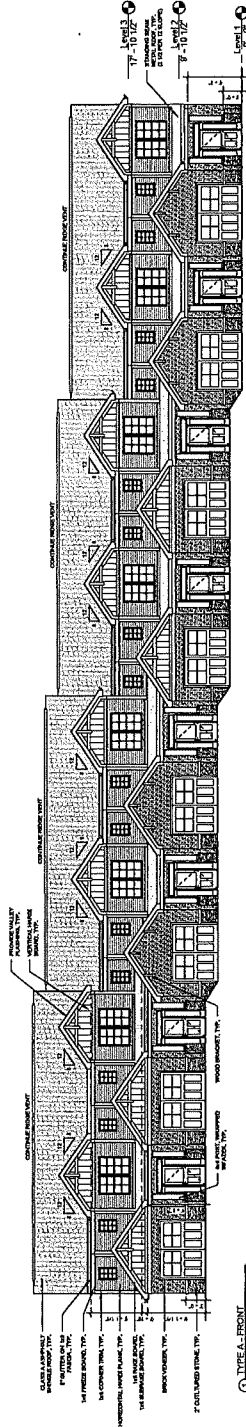
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BUILDING ELEVATIONS - TYPE A

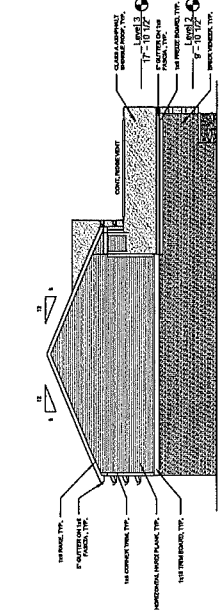
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 Checker: _____

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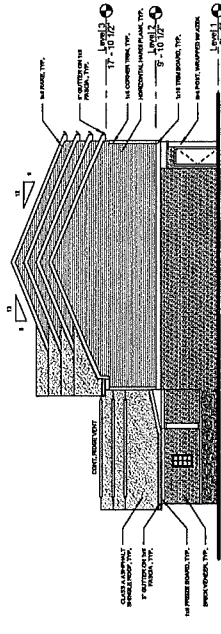
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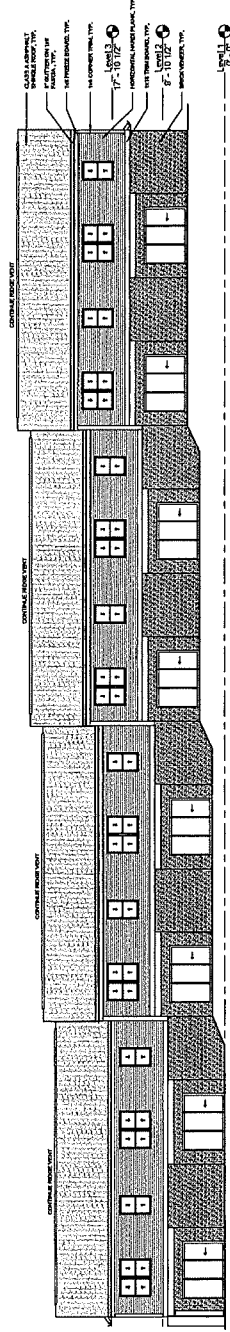
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② TYPE A - LEFT
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③ TYPE A - RIGHT
 1/8" = 1'-0"



④ TYPE A - REAR
 1/8" = 1'-0"

PETE KONTOPOS
 HOPEFUL HEIGHTS
 FLORENCE, KENTUCKY

SYNTHESIS
 ARCHITECTURE • PLANNING • INTERIORS
 1077 CRESTAL BL, SUITE 205, CHICAGO, IL 60642
 a. 312.223.5033 and/or synth@synthesisarch.com
 synthesisarchitects.com

PROFESSIONAL ARCHITECT
 STATE OF ILLINOIS

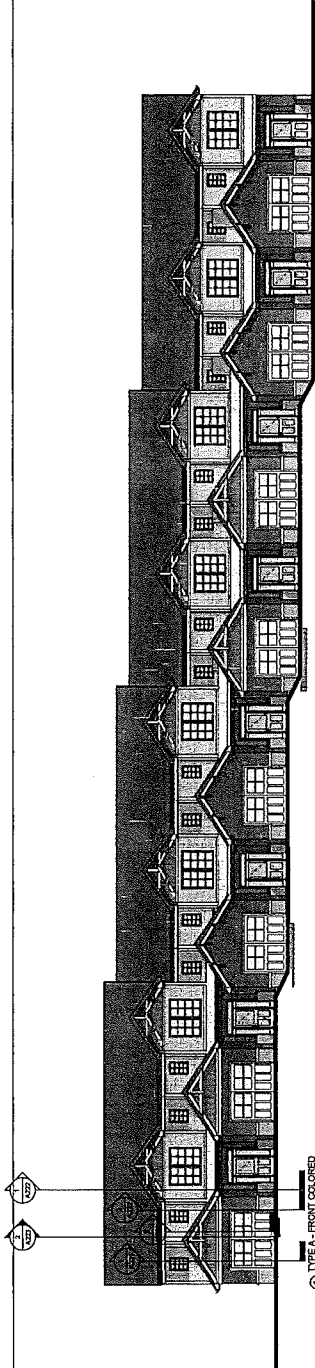
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COLORED ELEVATIONS

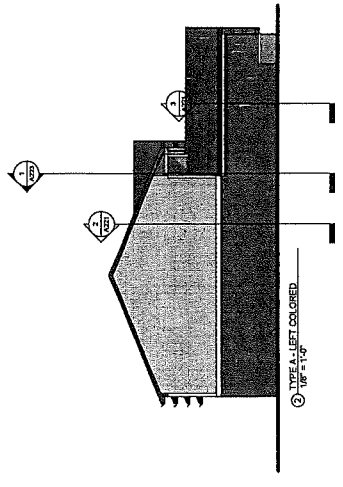
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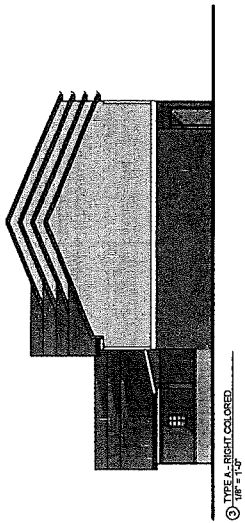
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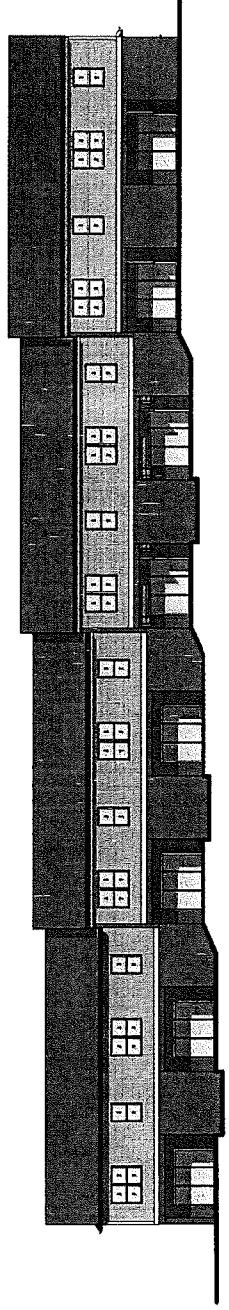
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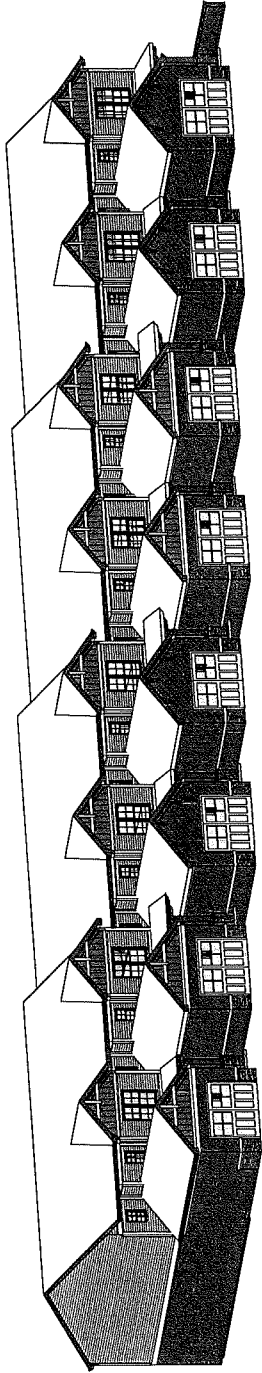
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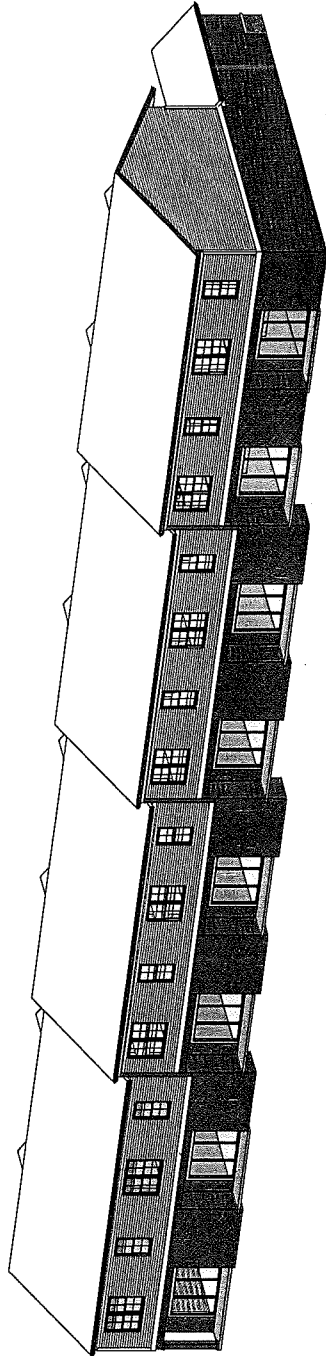


③ TYPE A - RIGHT COLORED
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④ TYPE A - REAR COLORED
 1/8" = 1'-0"





PETE KONTOPOS
 HOPEFUL HEIGHTS
 HOPEFUL CHURCH ROAD
 FLORENCE, KENTUCKY

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 1077 CLEVELAND ST. SUITE 205, CINCINNATI, OH 45202
 o. 513.233.6933 | info@synthesisarchitecture.com

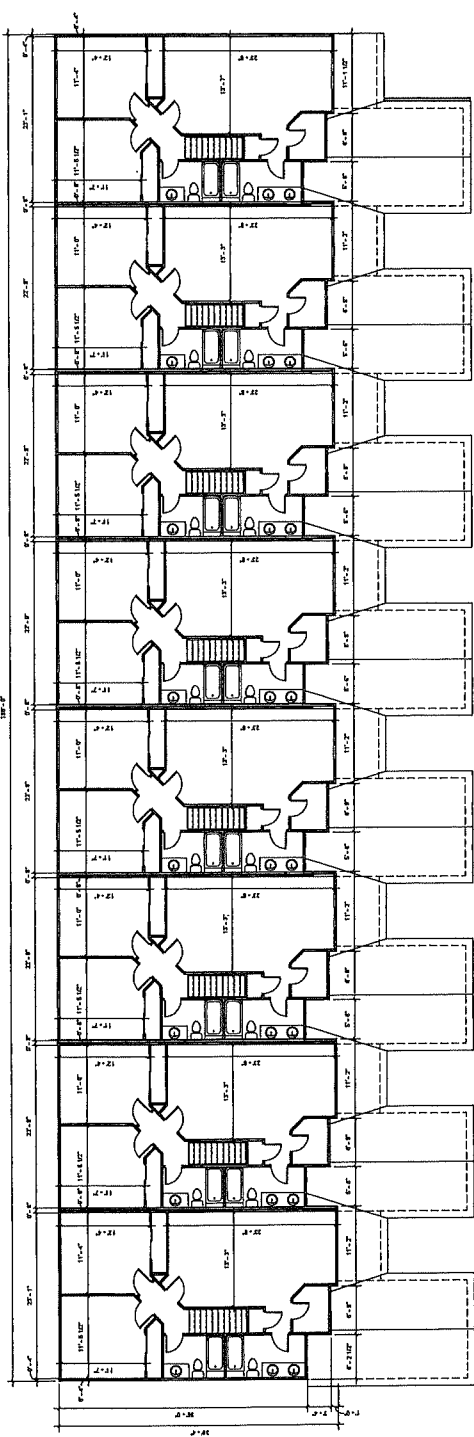
HOPEFUL CHURCH ROAD
 FLORENCE, KY
 TYPE A - TYPE A

Revision	Description	Date

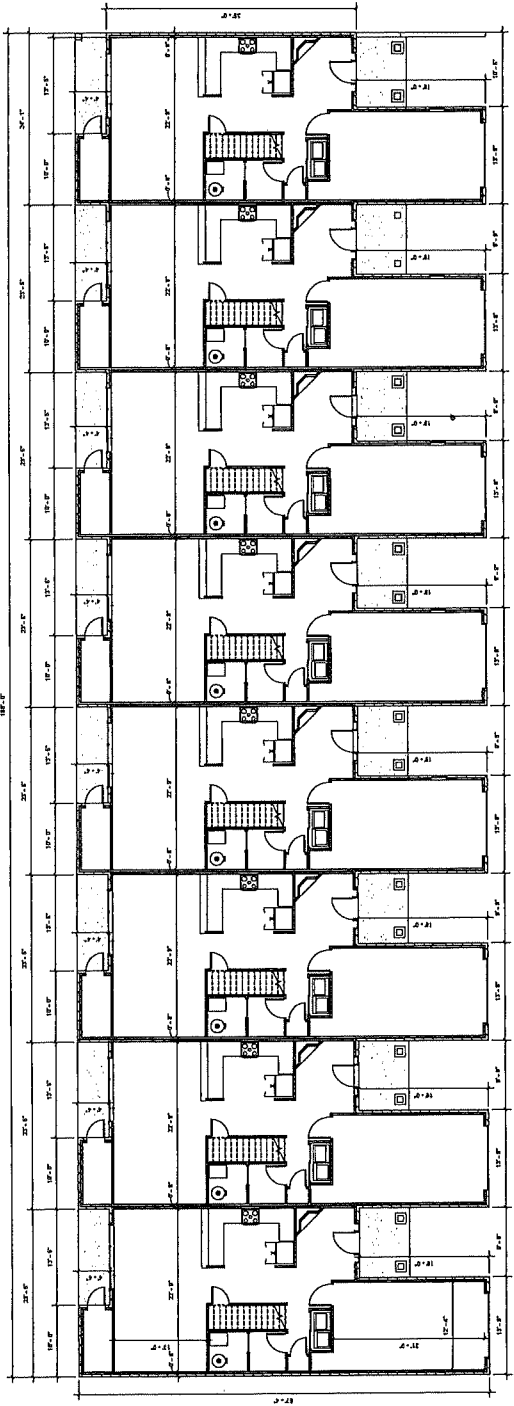
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Checked By	Checker

A103

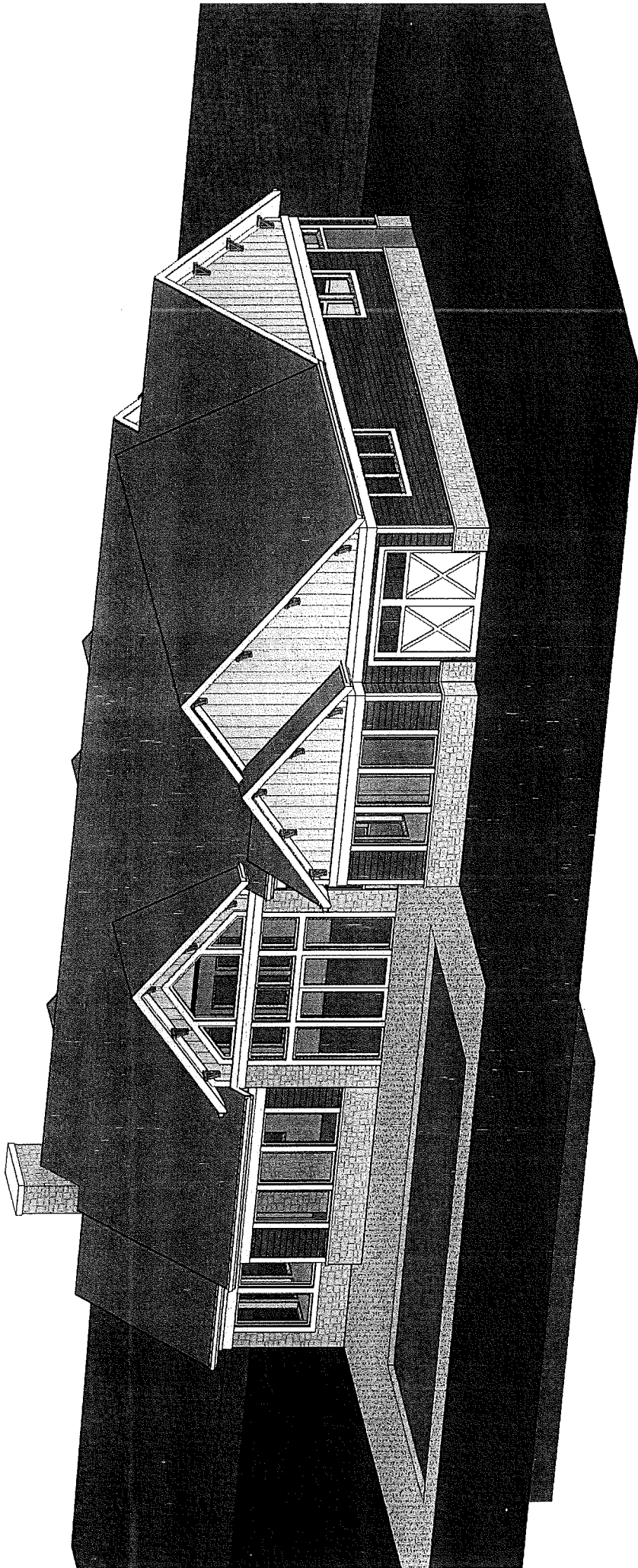
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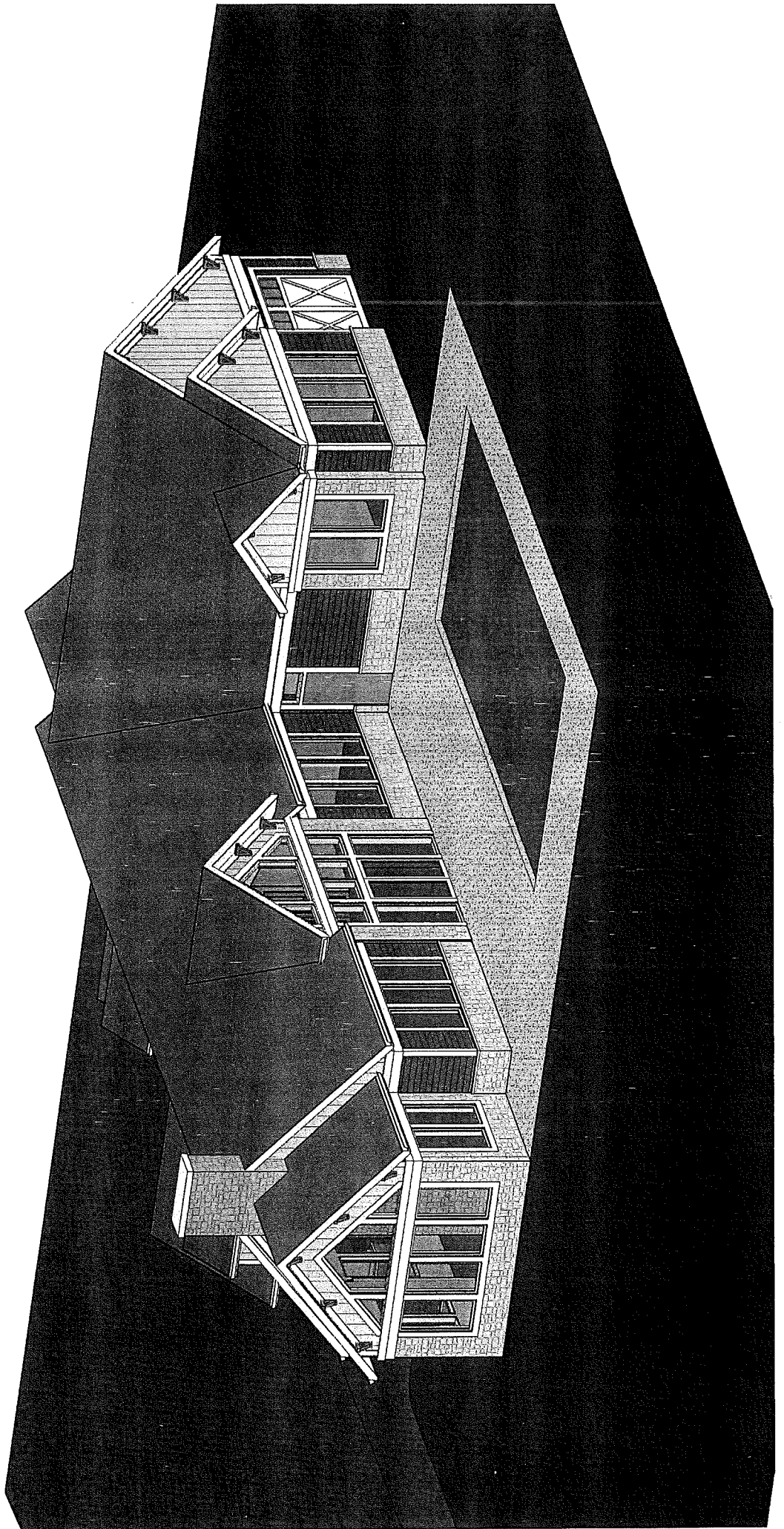
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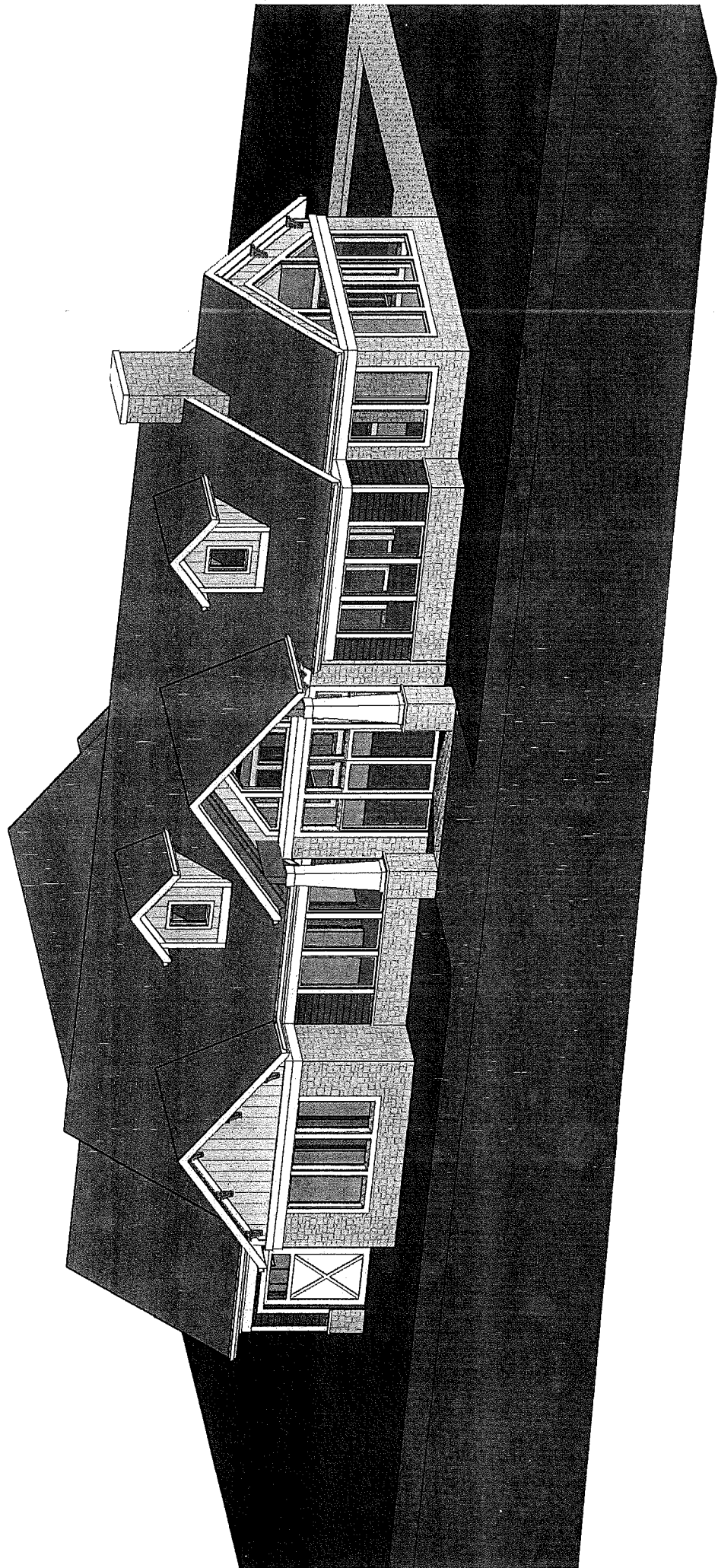


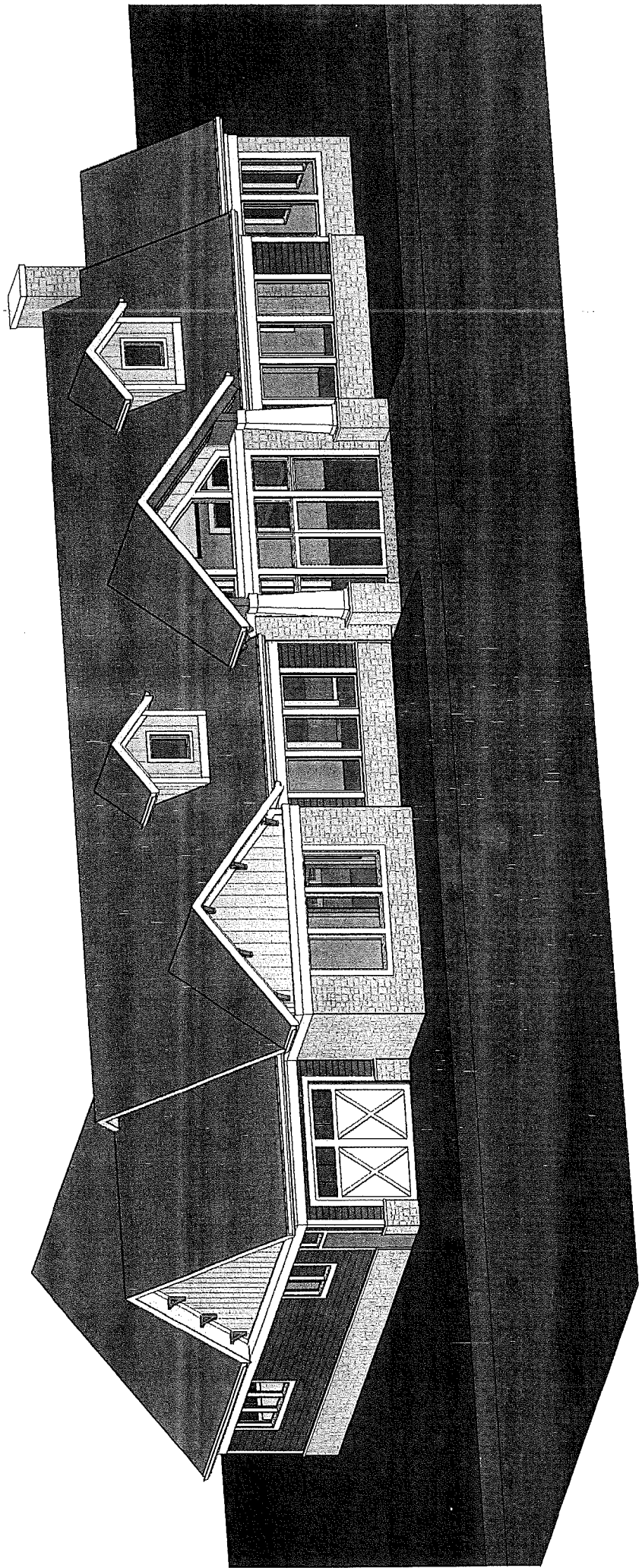
① TYPE A-LEVEL 1
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Clubhouse







**SUMMERSIDE VILLAGE
RESIDENTIAL COMMUNITY**

626 OLD S.R. 74, UNION TOWNSHIP
CLEMONT COUNTY, OHIO

1077 CLEVELAND, SUITE 205, CINCINNATI, OH 45202
9.512323232 | info@rpharchitect.com

ALEXANDER CHRISTOPHERS
TO BE REVIEWED 12/21/2019

Revision	Description	Date

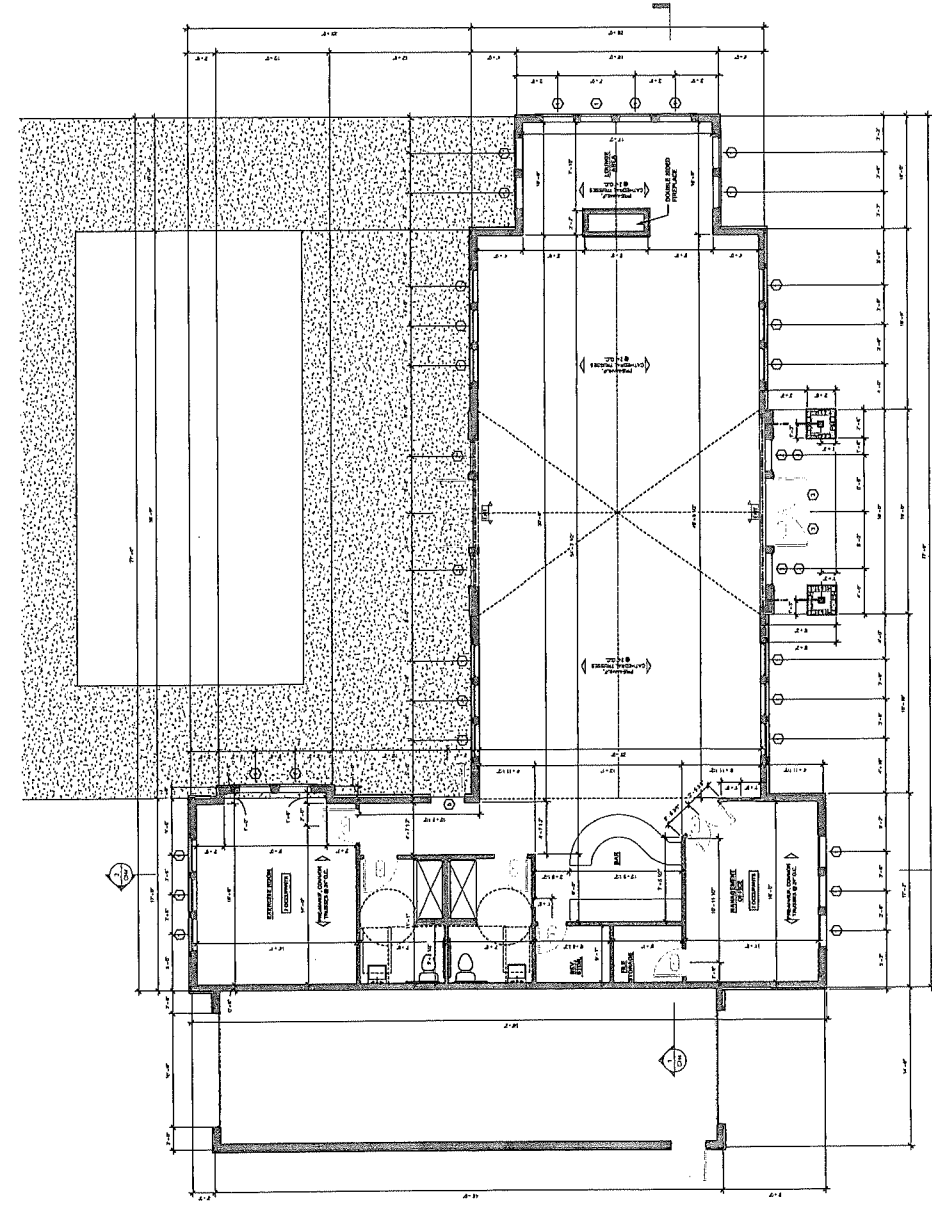
MAIN FLOOR PLAN

Project Number	
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CH2

Scale: 1/4" = 1'-0"

MARK	Width	Height	Door Schedule	Description	TYPE
1	6'-0"	7'-0"	SAT DOOR, EQUIPPED W/ PANIC BAR		
2	6'-0"	7'-0"	GLASS DOOR W/ WOOD HANDRAIL		
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MAIN FLOOR PLAN
1/4" = 1'-0"

GENERAL NOTES

- ALL EXTERIOR WALLS TO BE CONSTRUCTED WITH 8" CMU.
- ALL INTERIOR PARTITIONS TO BE 5/8" GYP.
- ALL LATHING TO BE 1/2" X 1/2" GALV. STEEL LATHING.
- ALL EXTERIOR WALLS TO BE FINISHED WITH 1/2" GYP.
- ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYP.
- ALL FLOORS TO BE FINISHED WITH 1/2" GYP.
- ALL CEILING TO BE FINISHED WITH 1/2" GYP.
- ALL ROOFING TO BE FINISHED WITH 1/2" GYP.
- ALL FOUNDATION TO BE FINISHED WITH 1/2" GYP.
- ALL UTILITIES TO BE FINISHED WITH 1/2" GYP.
- ALL MECHANICAL TO BE FINISHED WITH 1/2" GYP.
- ALL ELECTRICAL TO BE FINISHED WITH 1/2" GYP.
- ALL PLUMBING TO BE FINISHED WITH 1/2" GYP.
- ALL PAINT TO BE FINISHED WITH 1/2" GYP.
- ALL FINISHES TO BE FINISHED WITH 1/2" GYP.

STRUCTURAL NOTES

- ALL FOUNDATION TO BE FINISHED WITH 1/2" GYP.
- ALL WALLS TO BE FINISHED WITH 1/2" GYP.
- ALL FLOORS TO BE FINISHED WITH 1/2" GYP.
- ALL CEILING TO BE FINISHED WITH 1/2" GYP.
- ALL ROOFING TO BE FINISHED WITH 1/2" GYP.
- ALL UTILITIES TO BE FINISHED WITH 1/2" GYP.
- ALL MECHANICAL TO BE FINISHED WITH 1/2" GYP.
- ALL ELECTRICAL TO BE FINISHED WITH 1/2" GYP.
- ALL PLUMBING TO BE FINISHED WITH 1/2" GYP.
- ALL PAINT TO BE FINISHED WITH 1/2" GYP.
- ALL FINISHES TO BE FINISHED WITH 1/2" GYP.

MECHANICAL NOTES

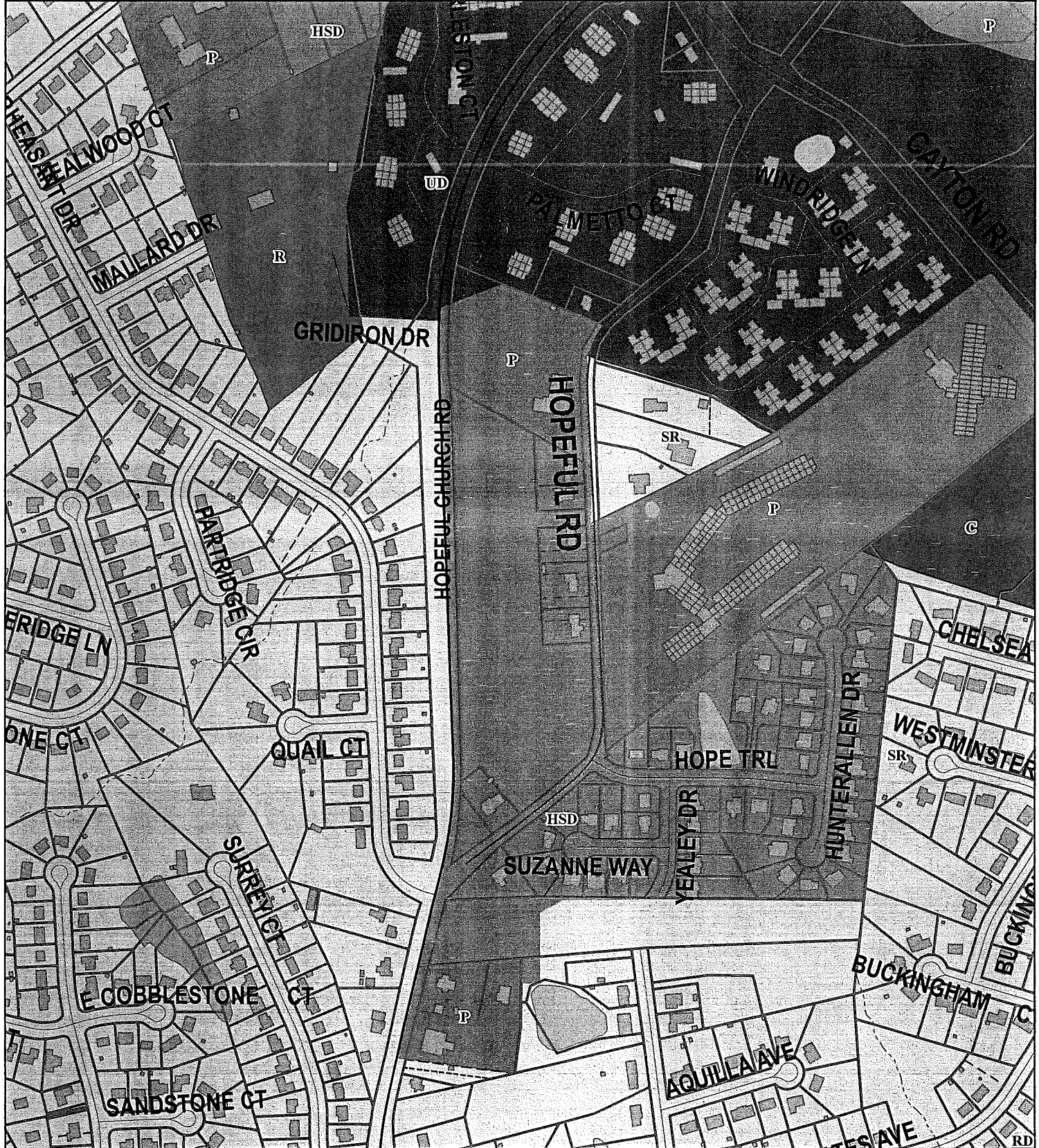
- ALL MECHANICAL TO BE FINISHED WITH 1/2" GYP.
- ALL UTILITIES TO BE FINISHED WITH 1/2" GYP.
- ALL ELECTRICAL TO BE FINISHED WITH 1/2" GYP.
- ALL PLUMBING TO BE FINISHED WITH 1/2" GYP.
- ALL PAINT TO BE FINISHED WITH 1/2" GYP.
- ALL FINISHES TO BE FINISHED WITH 1/2" GYP.

ELECTRICAL NOTES

- ALL ELECTRICAL TO BE FINISHED WITH 1/2" GYP.
- ALL PLUMBING TO BE FINISHED WITH 1/2" GYP.
- ALL PAINT TO BE FINISHED WITH 1/2" GYP.
- ALL FINISHES TO BE FINISHED WITH 1/2" GYP.

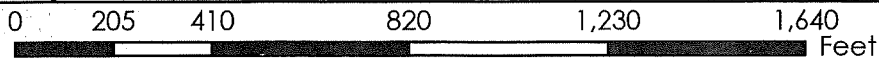
2035 FUTURE LAND USE MAP

www.boonecountygis.com



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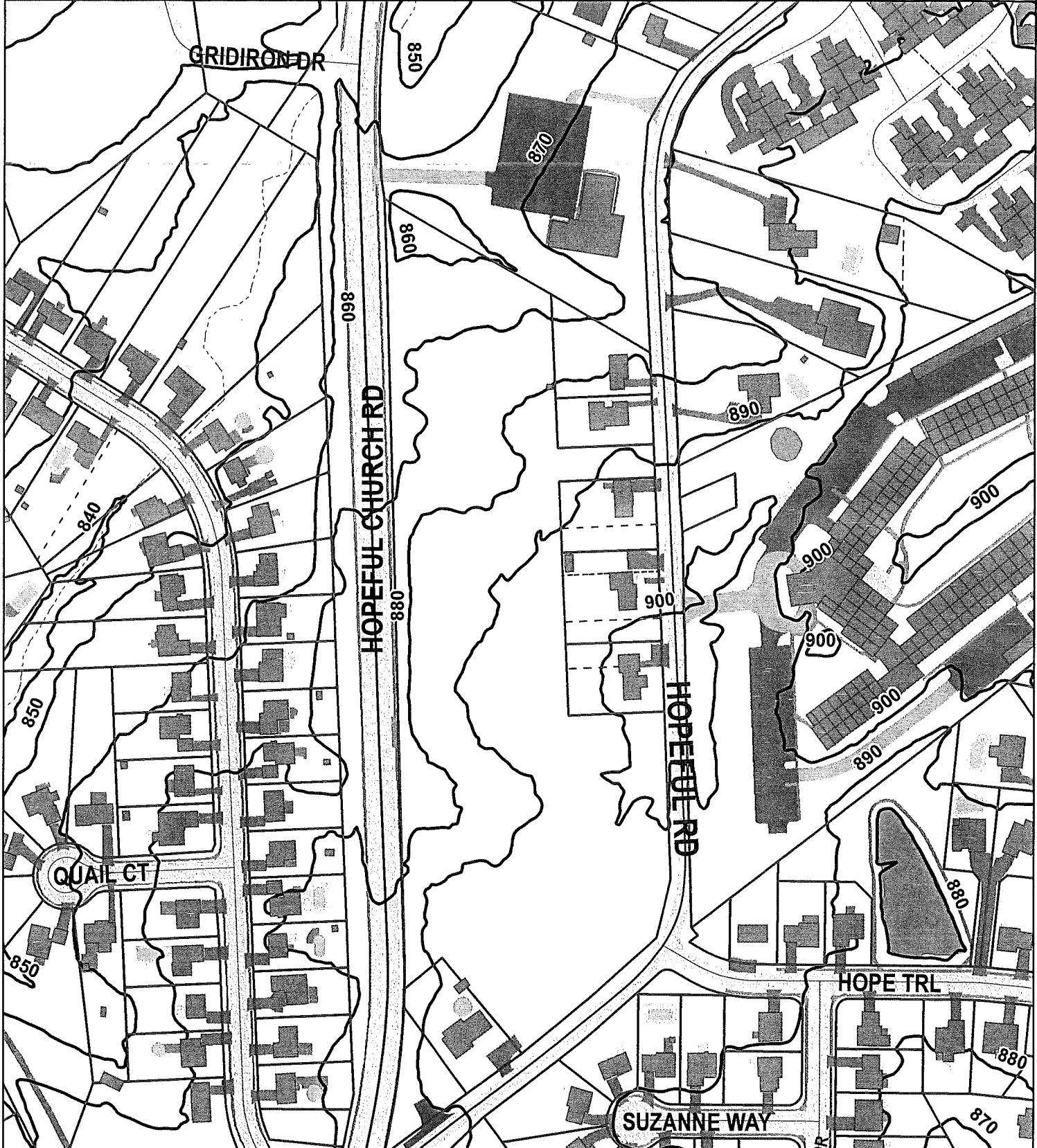
1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

TOPOGRAPHICAL MAP

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1 inch = 200 feet



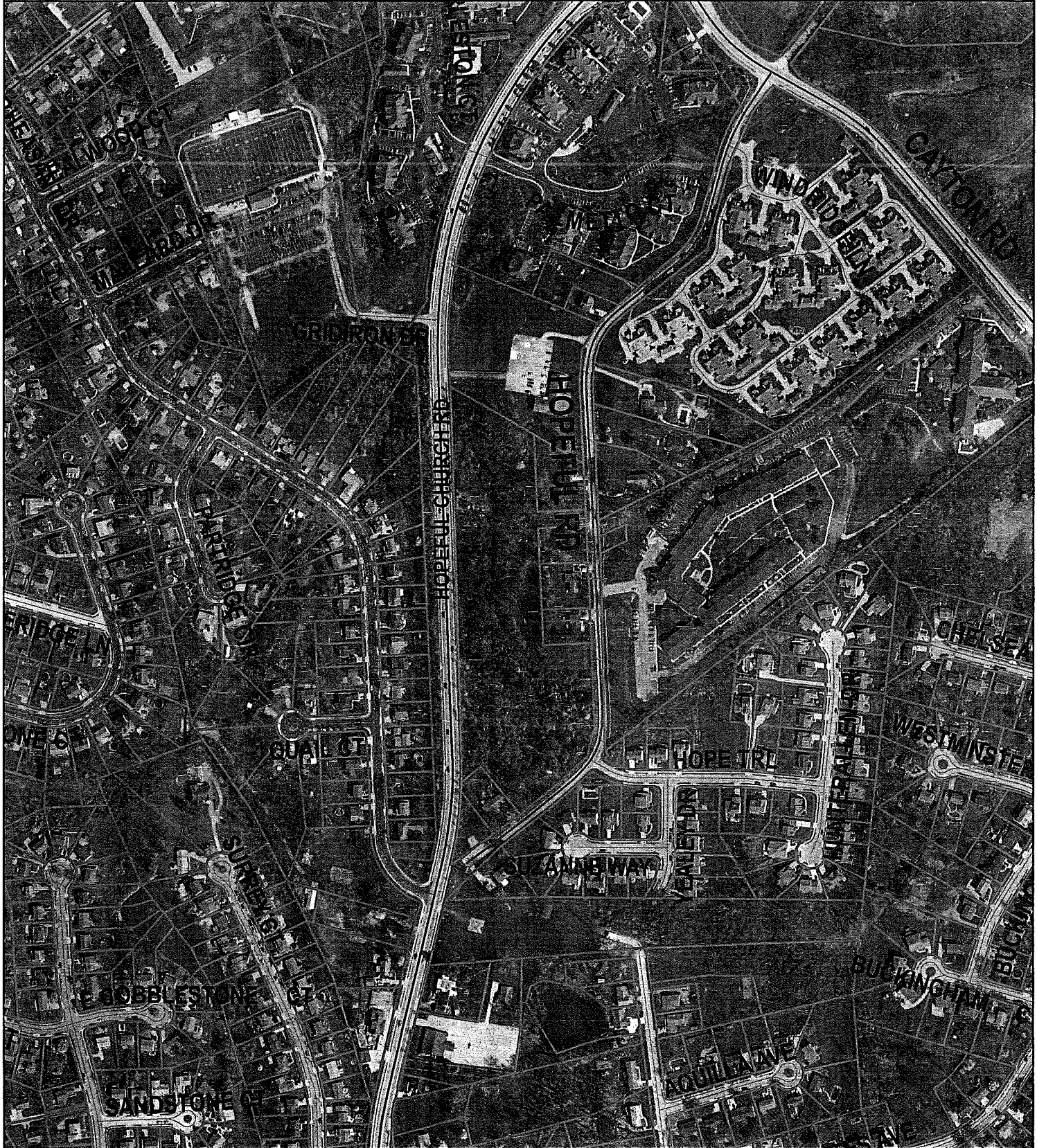
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Boone County GIS
ArcMap Document: BooneMap (file).mxd

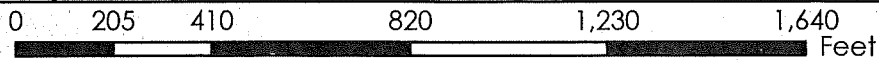
2016 AERIAL MAP

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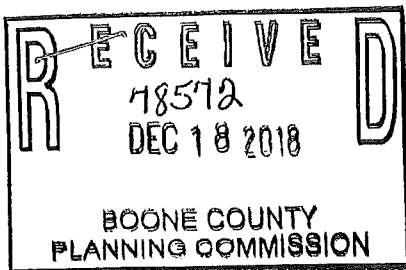
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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. Boone [X] Florence _____ Walton _____ Union _____ (Check One) 2. [X] Conditional Use Permit _____ Variance _____ Appeal _____ Change in Non-Conforming Use | 3. Applicant's Name VME Properties LLC Applicant's Address 5810 Orchard Hills Ln Cincinnati OH 45252 City State Zip Phone Number 513 673 2583 Fax No. 513 674 9525 E-Mail petekontopos@gmail.com 4. Description of Request: _____ 5. Name of Development Hopeful Trace 6. Location of Development HOPEFUL ROAD (KY. HWY. 1018) FLORENCE, KENTUCKY 41042 7. Acreage Under Review 7.870 AC. 8. Lot Number and Name of Subdivision (if part of a subdivision) N/A 9. Owner of Property VME Properties LLC Address of Property Owner 5810 Orchard Hills Ln Cincinnati OH 45252 City State Zip Phone Number 513 673 2583 Fax No. 513 674 9525 E-Mail petekontopos@gmail.com 10. Proposed Use(s) on Site SINGLE FAMILY - TOWN HOMES 11. Total Square Footage of Existing and/or Proposed Buildings 76,000 S.F. 12. Current Zoning on Property SR-2 13. Deed Book D1096 Page No. 257 Group No. 2039 14. Is the site subject to a zone change? NO 15. If yes, give date of approval N/A 16. Have you submitted a Site Plan with this request? YES 17. Have you submitted a list of adjoining property owners with this request? YES - ATTACHED 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

(COPY)

CLUR #19-FBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

VME Properties, LLC
5810 Orchard Hills Lane
Cincinnati, OH 45252

2. ADDRESS OF PROPERTY

Hopeful Road
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Hopeful Trace

4. DEED BOOK 1096

PAGE NO. 257

GROUP NO. 2039

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

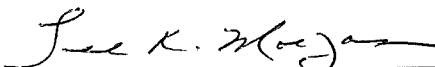
Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

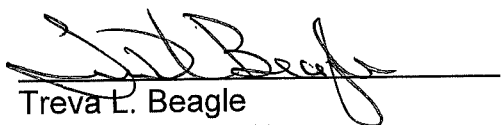
(Copy)

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

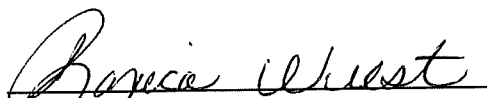
on behalf of the Boone County Planning Commission this 20 day of March, 2019.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of March 14, 2019 Certificate of Land Use Restriction (#19-FBOA-001-A), for VME Properties LLC, Property Owner(s).

The following conditions will apply:

1. The approval is based on the following:
 - A. The updated 3/13/19 Concept Plan unless it is modified by other conditions. The plan shows forty-two (42) two-bedroom units and eighteen (18) three-bedroom units. Boone County Building Department shall verify the extra room in the two bedroom units cannot be classified as a bedroom under the Kentucky Building Code.
 - B. The building elevation drawings and renderings included in the 1/9/19 Staff Report.
 - C. The building material samples, photometric plan, and pool/detention fencing exhibits that were submitted into the record at the 1/9/19 Florence Board of Adjustment meeting.
2. The clubhouse building shall be constructed with the same brick, stone, hardi plank siding, and roofing that is being used in the townhouse buildings. The amount of masonry used in the clubhouse building shall correlate to the amount of masonry used in the townhouse buildings.
3. All pool and detention basin fencing shall be limited to 6' in height.
4. The following lighting conditions shall apply to the development:
 - A. All light poles shall be limited to 12' in height.
 - B. All light pole fixtures shall be downcast oriented.
 - C. The light pole locations shall be generally consistent with the photometric plan that was submitted into the record at the 1/9/19 Florence Board of Adjustment meeting.
 - D. Spot lights or wall packs shall not be permitted on the townhouse buildings. Low wattage fixtures can be mounted to buildings to illuminate porches, patios, or driveways.

- (Copy)
5. The following landscaping conditions:
 - A. The street frontage buffers along Hopeful Church Road and Hopeful Road shall be enhanced and comply with Section 308 B. of the Boone County Subdivision Regulations.
 - B. All other perimeter buffers shall comply with Article 36 of the Boone County Zoning Regulations.
 6. The permitted monument sign for the development shall be limited to 4'-6" in height and 24 square feet in area. The base of the sign use masonry materials that match the clubhouse and townhouse buildings. The sign shall not be internally illuminated.
 7. A condominium Regime Plat(s) shall be required for the proposed development to verify that the individual townhouse style units will be legitimate condominium units. The plat(s) shall be approved by Boone County Planning Commission and recorded at the Boone County Clerk's Office before any units can be sold or rented.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1096

PAGE NO. 257

GROUP NO. 2039