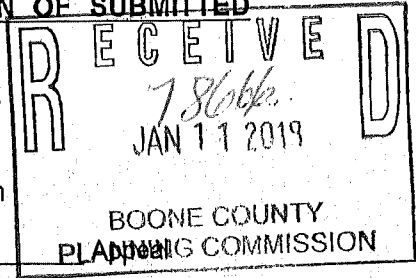


APPLICATION FORM

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)

- 1. (Check One)
 Boone Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance
 Change in Non-Conforming Use
- 3. Applicant's Name Anne F. McBride
 Applicant's Address 5721 Dragon Way, Suite 300
Cincinnati, Ohio 45227
 City State Zip
 Phone Number 513-561-6232 Fax No. 513-561-1615 E-Mail amcbride@mcbridedale.com
- 4. Description of Request: A variance from the 10 foot side yard buffer required by Section 3645 between two proposed lots.
- 5. Name of Development Union Connection
- 6. Location of Development ~~US 42~~ US 42, Union, Kentucky 9031 + 9039
- 7. Acreage Under Review 3.54 Acres +/-
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 2 Replat of Union Marketplace Subdivision
- 9. Owner of Property MK Union South LLC.
 Address of Property Owner 8160 Corporate Park Drive, #220
- 10. Cincinnati, Ohio 45242
 City State Zip
 Phone Number 513-702-5859 Fax No. 513-891-5131 E-Mail skatz@midlandretail.com
- 11. Proposed Use(s) on Site Commercial
- 12. Total Square Footage of Existing and/or Proposed Buildings 7,719 SF & 13,697 SF
- 13. Current Zoning on Property "C-2" / "PD" / "CP"
- 14. Deed Book 1111 Page No. 64 Group No. 2047
- 15. Is the site subject to a zone change? Yes
 If yes, give date of approval 4/14/14
- 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
- 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) Scott Katz

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

(over)

**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 1-11-19 Fee Received \$930.00 Receipt # 78666
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2/11/19 Approved
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE STAFF COMMENTS
3A + 3B IN STAFF REPORT AND CLUR
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: Anne F. McBride

LOCATION: 9031 and 9039 US 42, Union, Kentucky

ZONING: Commercial Two/Planned Development (C-2/PD)

DATE: February 11, 2019

PROPOSAL

The applicant is requesting a variance to reduce the Buffer Yard A landscaping buffer yard requirement between two commercial lots from ten (10) feet in width to zero (0) feet in width. The variance would allow lot 2 of Union Marketplace Subdivision to be subdivided into two lots of record. The submitted plans show the property boundary is proposed between the two buildings that are under construction on site. Proposed Lot 2A would be 1.9907 acres in area and proposed lot 2B would be 1.5469 acres in area.

APPLICABLE REGULATIONS

Section 250 of the Boone County Zoning Regulations states the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Variances are appropriate by reason of exceptional narrowness, shallowness or unusual shape of a site on the effective date of these regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the above dimensional terms of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs (excepting the number of signs). Lot frontages, the size of yards and open spaces refer to minimum yard dimensions such as building setbacks. The Board shall not possess the power to grant a variance to permit a use of land, building or structure, which is not permitted by the zoning regulation in the zone in question, or to alter the density requirements in the zone in question. Density is defined as the number of units or square footage of a building per net acre of land developer. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

The Board needs to evaluate the request as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

- B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Section 3605 of the Boone County Zoning Regulations states that new sites which are currently undeveloped shall provide landscaping per this article.

Buffer Yard Table #1 found in Article 36 of the Boone County Zoning Regulations lists that Buffer Yard A is required when a developing property is located in an C-2 zone and adjoins another property that is zoned C-2.

Buffer Yard Table #2 found in Article 36 of the Boone County Zoning Regulations lists that Buffer Yard A is 10' in width and requires the following planting per 100 linear feet:

- 5 small trees from Plant List C or 3 large, medium, or evergreen trees from Plant Lists A, B, or D.
- 30 small shrubs from Plant List E or 15 large shrubs from Plant List C

Buffer Yard Table #1 in Section 3645 of the Boone County Zoning Regulations indicates the buffer yard which is required when one zoning district adjoins another zoning district. If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall still be required. This buffer yard along with all buffer yards are identified within Table #2. This table specifies the width of the required buffer yard and the plant material required for the specified buffer yard.

A buffer yard is defined as a planted area that is used to separate different sites and uses that are not compatible. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year-round or partial visual separation. Buffer yards shall consist of a continuous strip of land and screening that shall contain existing vegetation, planted vegetation, a berm, a wall or fence or any combination of these. Buffer yards shall be required in addition to any other landscaping requirement listed in this Article except Section 3620.

SITE HISTORY

1. In 2014, the City of Union approved a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site. The approved Concept Development Plan showed the following improvements:
 - A. A 22.53 acre site with a 136,000 square foot Kroger Marketplace, 8,000 square foot liquor store, fuel center, and 730 parking stalls. Access to site is shown from a private driveway network that connects to US 42 in two locations. The first location is directly opposite Old Union Road and the second is directly opposite Fowlers Lane.
 - B. A 7.99 acre outlot area in the northeastern portion of the site.

- C. A 4.73 acre outlot area between the access points.
2. In 2017, a Final Plat was recorded for Lot 2 of Union Marketplace Subdivision. The lot is 3.5377 acres in area.
3. In 2018, the Planning Commission approved a Change in Approved Concept Development plan application allowing changes to the Union Marketplace Subdivision outlot standards. The changes allowed more eating and drinking establishments, increased EIFS on the outlot building facades, and changes to the parking requirements for restaurant uses.
4. On July 5, 2018, Boone County Planning Commission approved a Major Site Plan allowing two multi-tenant commercial buildings to be constructed on the lot. The plans show the northern building is 7,719 square feet in area and the southern building is 13,697 square feet in area. The plans also show 184 parking spaces on the lot.

SITE CHARACTERISTICS

The 3.5377 acre lot is located in Union Marketplace Subdivision and is currently under construction per the 7/5/18 approved Major Site Plan. The property has 627.85 feet of road frontage on US 42 and is accessed from two access points on Kroger's private driveway.

SURROUNDING LAND USES AND ZONING

North: Central Bank (C-2/PD)

South: Kroger Marketplace (C-2/PD)

East: Kroger Marketplace (C-2/PD)

West: US 42, Undeveloped Parcel (RSE/UTO), and Villas at Fowler Creek (SR-2/UTO)

STAFF COMMENTS

1. The applicant has submitted a letter explaining why the request should be approved.
2. Staff would like the applicant to address the following:
 - A. The letter that was submitted with the request outlines the parcel needs to be subdivided for business reasons. Can this be further explained?
 - B. When did the property owner realize that he/she wanted to subdivide the parcel into two lots of record? Was it before or after the Major Site Plan application was approved?
3. Staff recommends the following conditions if the request is approved:
 - A. Cross parking and access easements shall be recorded between the two lots. This shall be documented on the resubdivision plats that are submitted to Boone County Planning Commission for review.
 - B. A revised landscaping plan shall be submitted and approved by Boone County Planning Commission for the two properties before the resubdivision plats are approved. The following changes shall be made to the submitted landscaping plan:

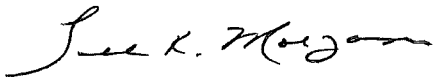
- The eighteen (18) Golden Raintrees shown in the US 42 street frontage buffer yard shall be more evenly dispersed along the front property line.
- Supplemental shrubs from Plant List E of the Boone County Zoning Regulations shall be installed in the US 42 street frontage buffer in those areas where the Golden Raintrees are spaced more than 30' apart (measured from trunk to trunk). The shrubs shall be installed at a rate of 30 shrubs per 100 linear feet.

The revised plan shall be treated as minor revision to the 7/5/18 approved Major Site Plan.

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Union Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

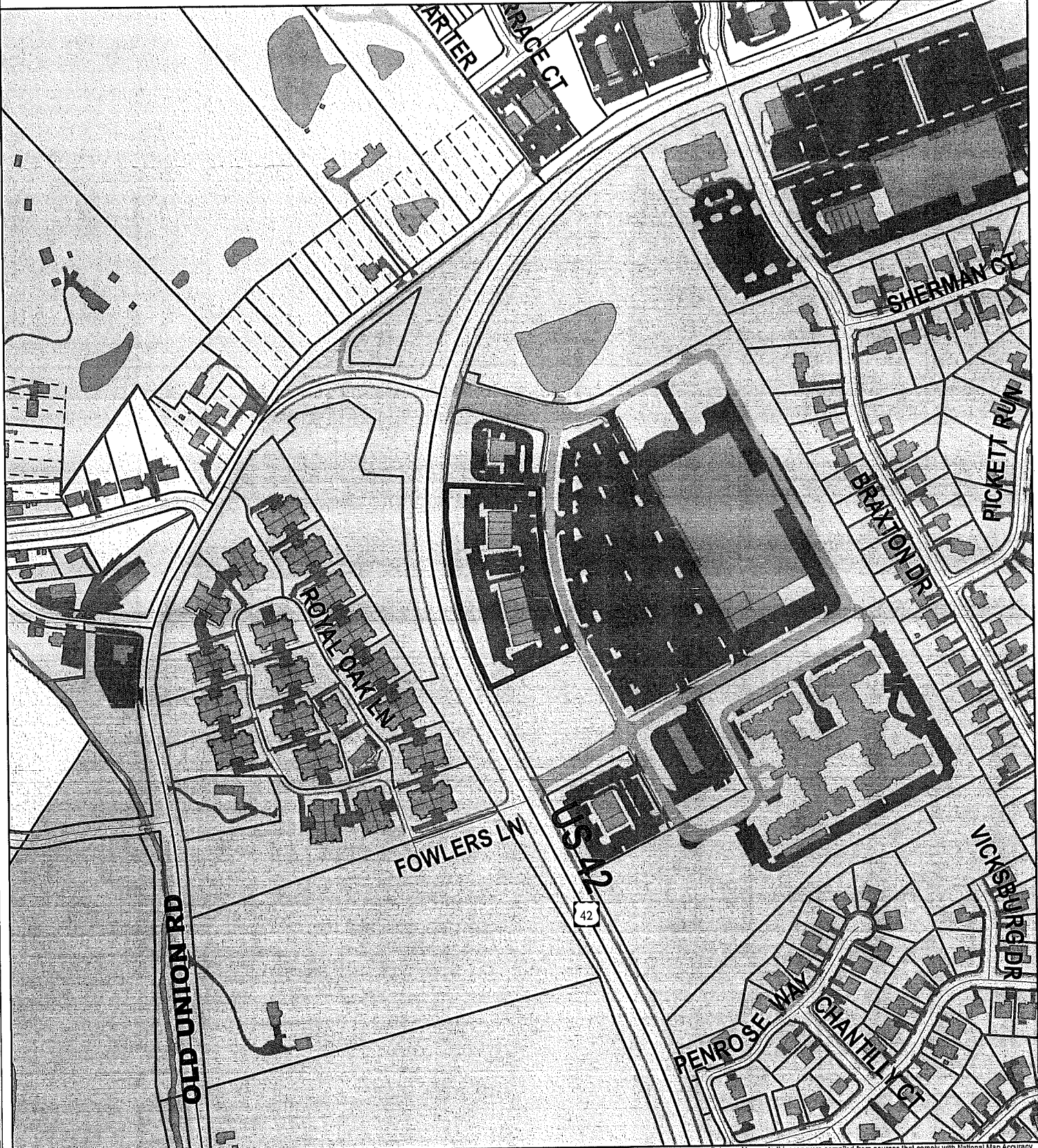
TKM/ss

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Plan Showing Proposed Property Boundary
- *Landscaping Plan with Proposed Property Boundary
- *Zoning Map
- *2016 Aerial Map with Building and Parking Overlays
- *Final Plat, Lot 2 of Union Marketplace Subdivision
- *7/5/18 Site Plan
- *Application

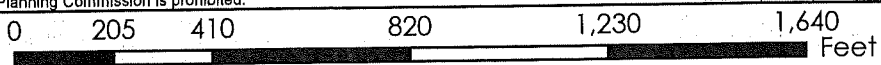
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013
ArcMap Document: BooneMap (ite).mxd

Union Connection

MK Union South, LLC is the owner of the 3.54-acre lot that is part of the Kroger Marketplace development which is located adjacent to Central Bank. Currently under construction on the site are two mixed use buildings containing 7,719 square feet and 13,697 square feet. Proposed tenants for the 7,719 square foot building include Orange Theory and Domino's while Chipotle, Sugar Fire BBQ, Pet People, and Great Clips plan on occupying the 13,697 square foot building. A total of 185 parking spaces serve the development which has two points of access onto the private access drive that fronts Kroger. The current site and building designs meet all of the requirements of the Zoning Code and "PD" Development Standards.

To aid in the long-term operations of the Union Connection, the property owner would like to divide the 3.54 acres into two lots. The northern lot would contain the 7,719 SF building and 85 parking spaces on 1.5469 acres. The remaining 1.9907 acres would have the 13,697 SF building and 100 parking spaces. Cross parking and access easements will exist between the two lots. Section 3645 of the Zoning Code would require a side bufferyard be located on the proposed lot line dividing the parcel into two lots. Since the proposed lot line will extend through the parking area, a variance from the required side bufferyard is being requested per Section 220 (2) of the Code. The requested variance will not affect the public health, safety or welfare, or alter the character of the area since the creation of the two parcels will not be visible. It will not create a hazard or nuisance to the public, and the approval would not allow the unreasonable circumvention of Code requirements. The requested variances arise from special circumstances in that Union Connection appears and functions as one development, but for business reasons, needs to be two separate parcels. The strict application of the Code would prohibit the creation of two lots as the required buffer could not be provided and required parking maintained. The circumstances are the result of the property being developed subsequent to the adoption of the existing zoning and development which requires the side bufferyard. The property is not long enough to accommodate the development under construction, divide the parcel into two lots and provide the side bufferyard. Consideration of the variance is respectfully requested.

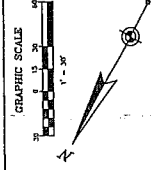
THOMAS GRABAU ASSOCIATES, INC.
 • Engineers
 • Surveyors
 • Planners
 10000 W. 10th Street, Suite 200
 Overland Park, KS 66211
 Tel: 781-231-2438

DATE: JULY 20, 2016
 SCALE: 1" = 30'
 JOB NO.: 2222

DATE: 7-20-16
 BY: J. GRABAU
 CHECKED: J. GRABAU
 APPROVED: J. GRABAU

SITE PLAN
 REMAINDER LOT #2 - UNION CONNECTION
 UNION ROAD (L.S. 42)
 BOONE COUNTY
 MISSOURI

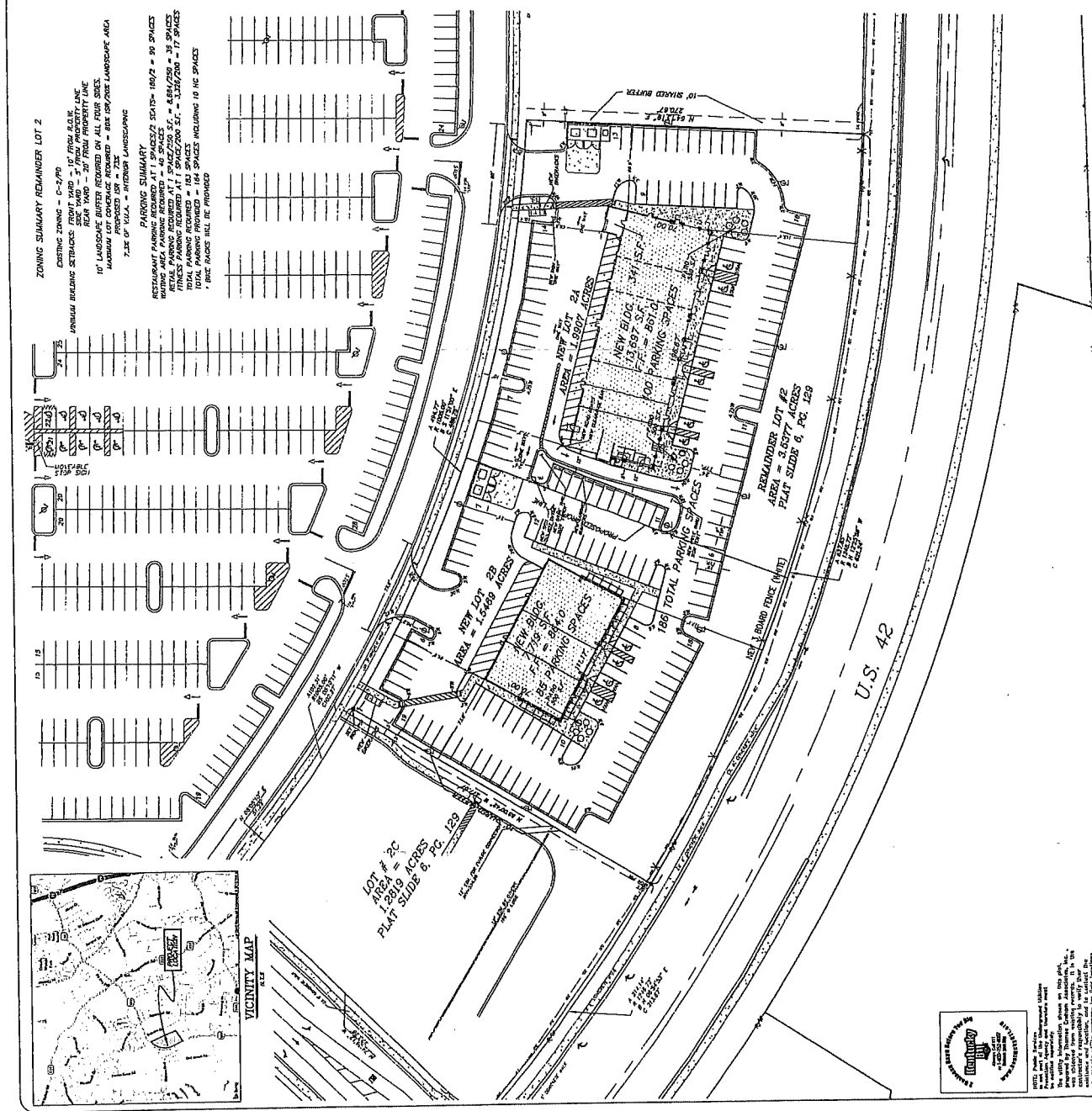
Drawn By: J. GRABAU
 Sheet: 1
 Job No.: 2222-16



- LEGEND**
- EXISTING IMPROVEMENTS
 - PROPOSED IMPROVEMENTS
 - EXISTING ZONING
 - PROPOSED ZONING
 - EXISTING LOT LINES
 - PROPOSED LOT LINES
 - EXISTING DRIVEWAYS
 - PROPOSED DRIVEWAYS
 - EXISTING SIDEWALKS
 - PROPOSED SIDEWALKS
 - EXISTING CURBS
 - PROPOSED CURBS
 - EXISTING UTILITIES
 - PROPOSED UTILITIES
 - EXISTING TREES
 - PROPOSED TREES
 - EXISTING LANDSCAPE
 - PROPOSED LANDSCAPE
 - EXISTING BUILDINGS
 - PROPOSED BUILDINGS
 - EXISTING FENCES
 - PROPOSED FENCES
 - EXISTING SIGNAGE
 - PROPOSED SIGNAGE
 - EXISTING LIGHTING
 - PROPOSED LIGHTING
 - EXISTING UTILITIES
 - PROPOSED UTILITIES
 - EXISTING UTILITIES
 - PROPOSED UTILITIES
 - EXISTING UTILITIES
 - PROPOSED UTILITIES

ZONING SUMMARY REMAINDER LOT 2
 EXISTING ZONING = C-2/RD
 UNUSUAL BUILDING STRIPES: FRONT YARD - 10' FROM S.O.C. LINE
 REAR YARD - 20' FROM PROPERTY LINE
 10' LANDSCAPE BUFFER REQUIRED ON ALL FOUR SIDES
 MAXIMUM LOT COVERAGE REQUIRED = 80% (50%/20% LANDSCAPE AREA)
 TYPE OF U.I.A. = INTERIOR LANDSCAPING

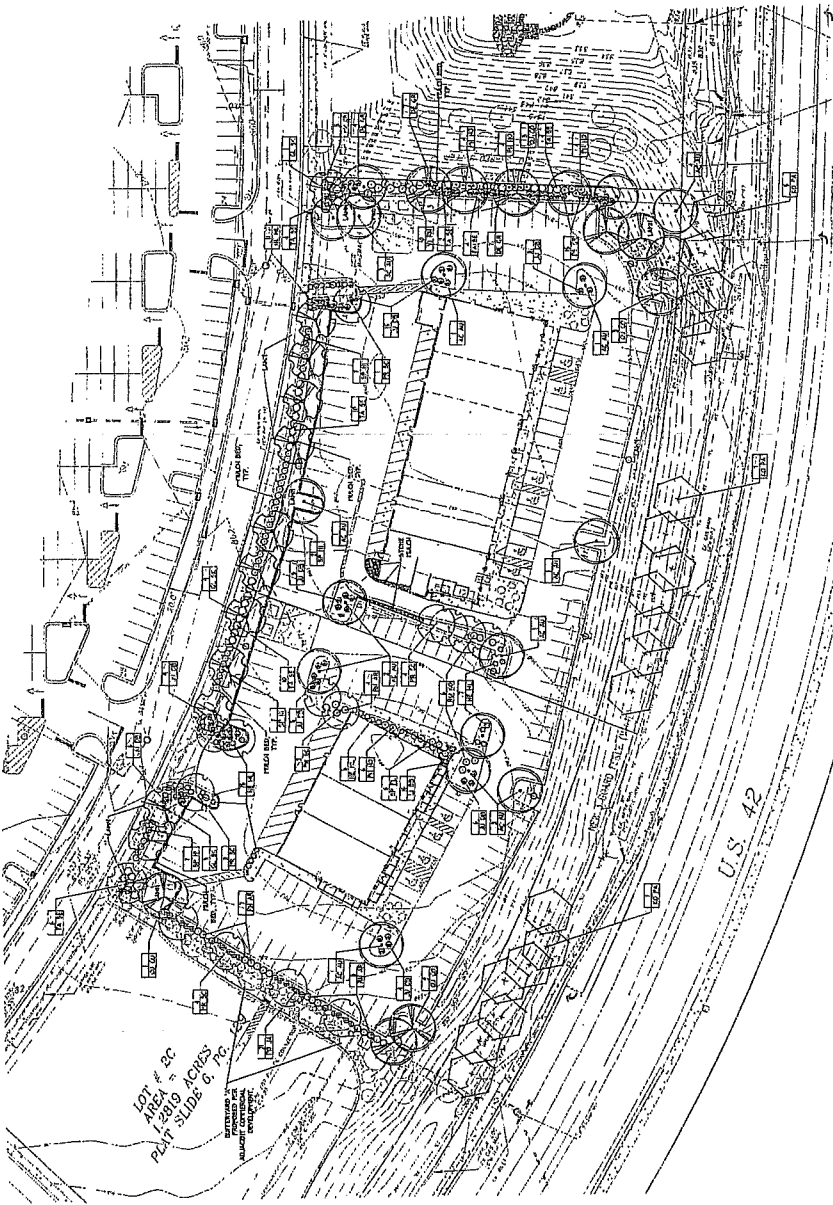
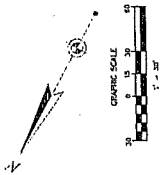
PARKING SUMMARY
 RESTAURANT PARKING REQUIRED AT 1 SPACES/2 SEATS = 186/2 = 93 SPACES
 RETAIL AND PARKING REQUIRED = 40 SPACES/250 S.F. = 4.88/250 = 19 SPACES
 TOTAL PARKING REQUIRED AT 1 SPACES/250 S.F. = 1.126/250 = 17 SPACES
 TOTAL PARKING PROVIDED = 103 SPACES
 10' BUFFER REQUIRED AT ALL SPACES
 1' BUFFER REQUIRED AT ALL SPACES



This plan was prepared under contract for the purpose of showing the location of the proposed improvements and is not to be construed as a warranty of the accuracy of the information shown hereon. The engineer's responsibility is to verify the information shown hereon and to approve the utility locations.



DATE: MAY 15, 2013
DRAWN BY: JACOBSON
CHECKED BY: JACOBSON
SCALE: AS SHOWN



Plant Schedule

Code	Plant Name	Quantity	Notes
100	Blackberry	100	Plant in 10' x 10' grid
101	Blackberry	100	Plant in 10' x 10' grid
102	Blackberry	100	Plant in 10' x 10' grid
103	Blackberry	100	Plant in 10' x 10' grid
104	Blackberry	100	Plant in 10' x 10' grid
105	Blackberry	100	Plant in 10' x 10' grid
106	Blackberry	100	Plant in 10' x 10' grid
107	Blackberry	100	Plant in 10' x 10' grid
108	Blackberry	100	Plant in 10' x 10' grid
109	Blackberry	100	Plant in 10' x 10' grid
110	Blackberry	100	Plant in 10' x 10' grid
111	Blackberry	100	Plant in 10' x 10' grid
112	Blackberry	100	Plant in 10' x 10' grid
113	Blackberry	100	Plant in 10' x 10' grid
114	Blackberry	100	Plant in 10' x 10' grid
115	Blackberry	100	Plant in 10' x 10' grid
116	Blackberry	100	Plant in 10' x 10' grid
117	Blackberry	100	Plant in 10' x 10' grid
118	Blackberry	100	Plant in 10' x 10' grid
119	Blackberry	100	Plant in 10' x 10' grid
120	Blackberry	100	Plant in 10' x 10' grid

Plant Schedule

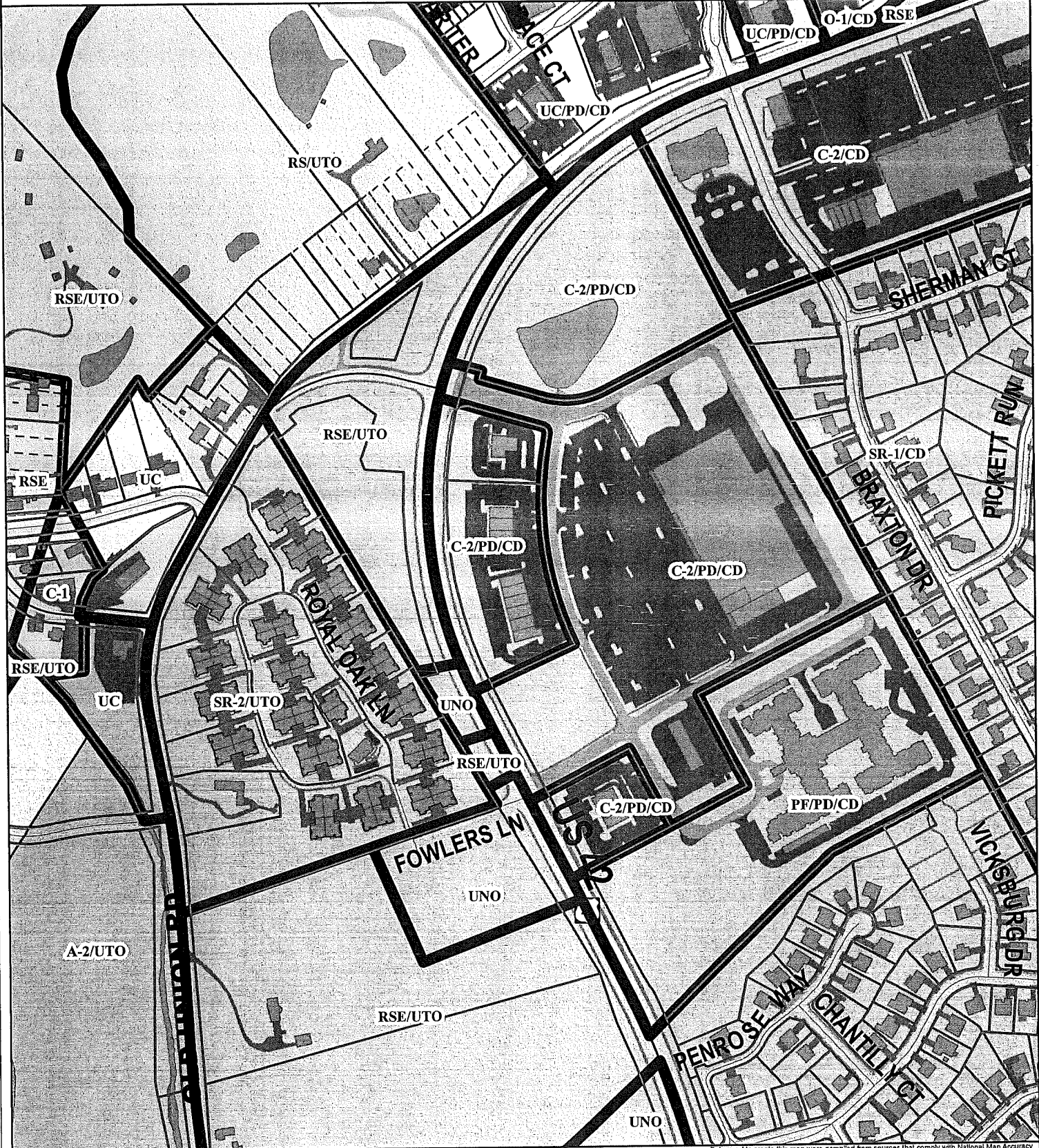
Code	Plant Name	Quantity	Notes
200	Blackberry	100	Plant in 10' x 10' grid
201	Blackberry	100	Plant in 10' x 10' grid
202	Blackberry	100	Plant in 10' x 10' grid
203	Blackberry	100	Plant in 10' x 10' grid
204	Blackberry	100	Plant in 10' x 10' grid
205	Blackberry	100	Plant in 10' x 10' grid
206	Blackberry	100	Plant in 10' x 10' grid
207	Blackberry	100	Plant in 10' x 10' grid
208	Blackberry	100	Plant in 10' x 10' grid
209	Blackberry	100	Plant in 10' x 10' grid
210	Blackberry	100	Plant in 10' x 10' grid
211	Blackberry	100	Plant in 10' x 10' grid
212	Blackberry	100	Plant in 10' x 10' grid
213	Blackberry	100	Plant in 10' x 10' grid
214	Blackberry	100	Plant in 10' x 10' grid
215	Blackberry	100	Plant in 10' x 10' grid
216	Blackberry	100	Plant in 10' x 10' grid
217	Blackberry	100	Plant in 10' x 10' grid
218	Blackberry	100	Plant in 10' x 10' grid
219	Blackberry	100	Plant in 10' x 10' grid
220	Blackberry	100	Plant in 10' x 10' grid

PLANT SCHEDULE

LANDSCAPE PLAN
SCALE: 1" = 30'

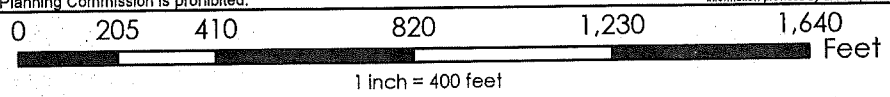
ZONING MAP

www.boonecountygis.com

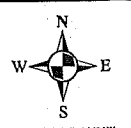


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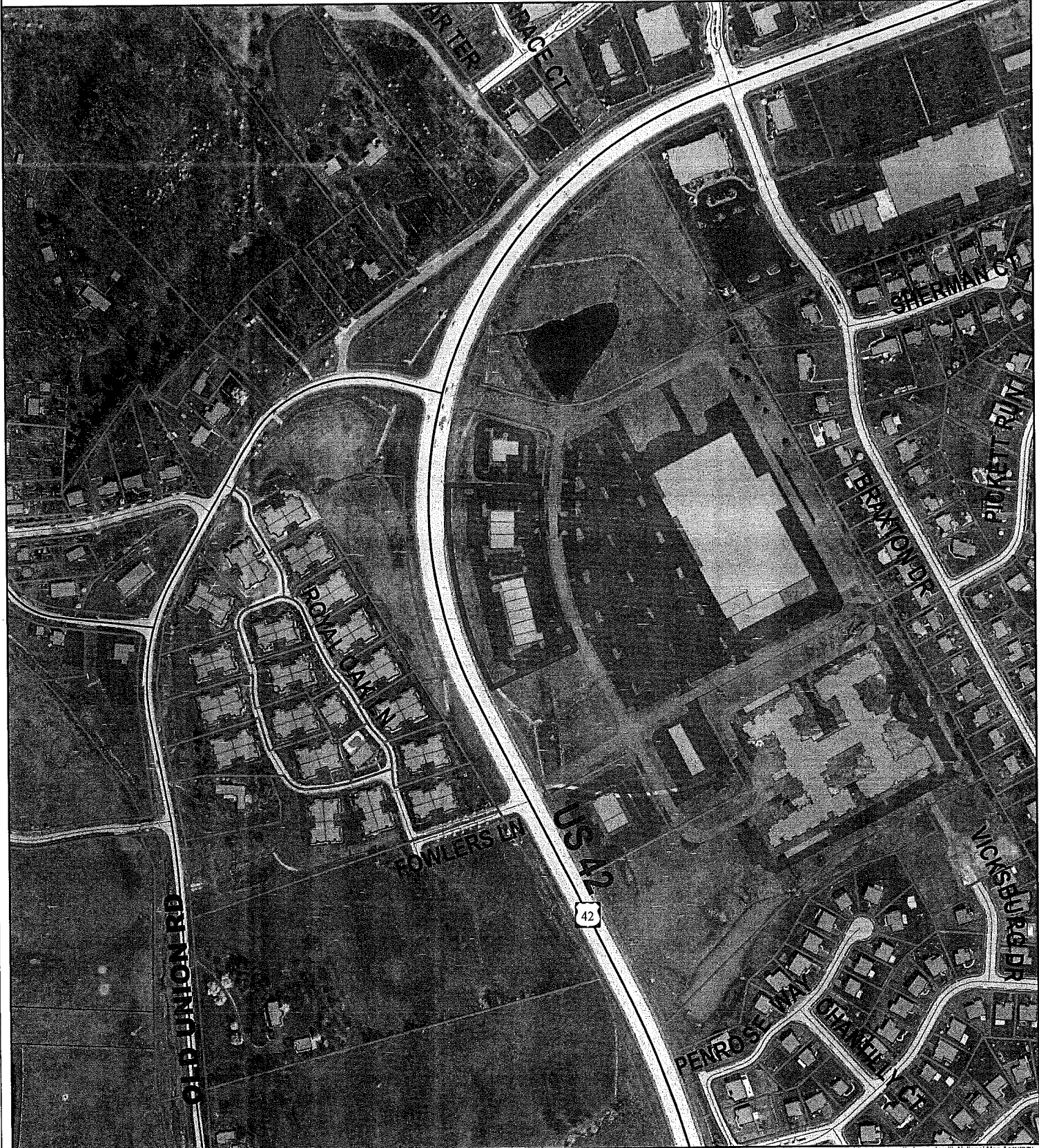


Map Created: 07/01/2013

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ArcMap Document: BooneMap (file).mxd

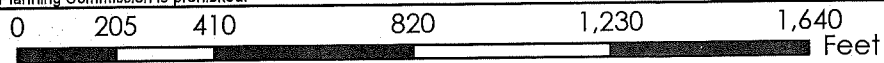
2016 AERIAL MAP WITH BUILDING AND PARKING OVERLAYS

www.boonecountygis.com



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1 inch = 400 feet

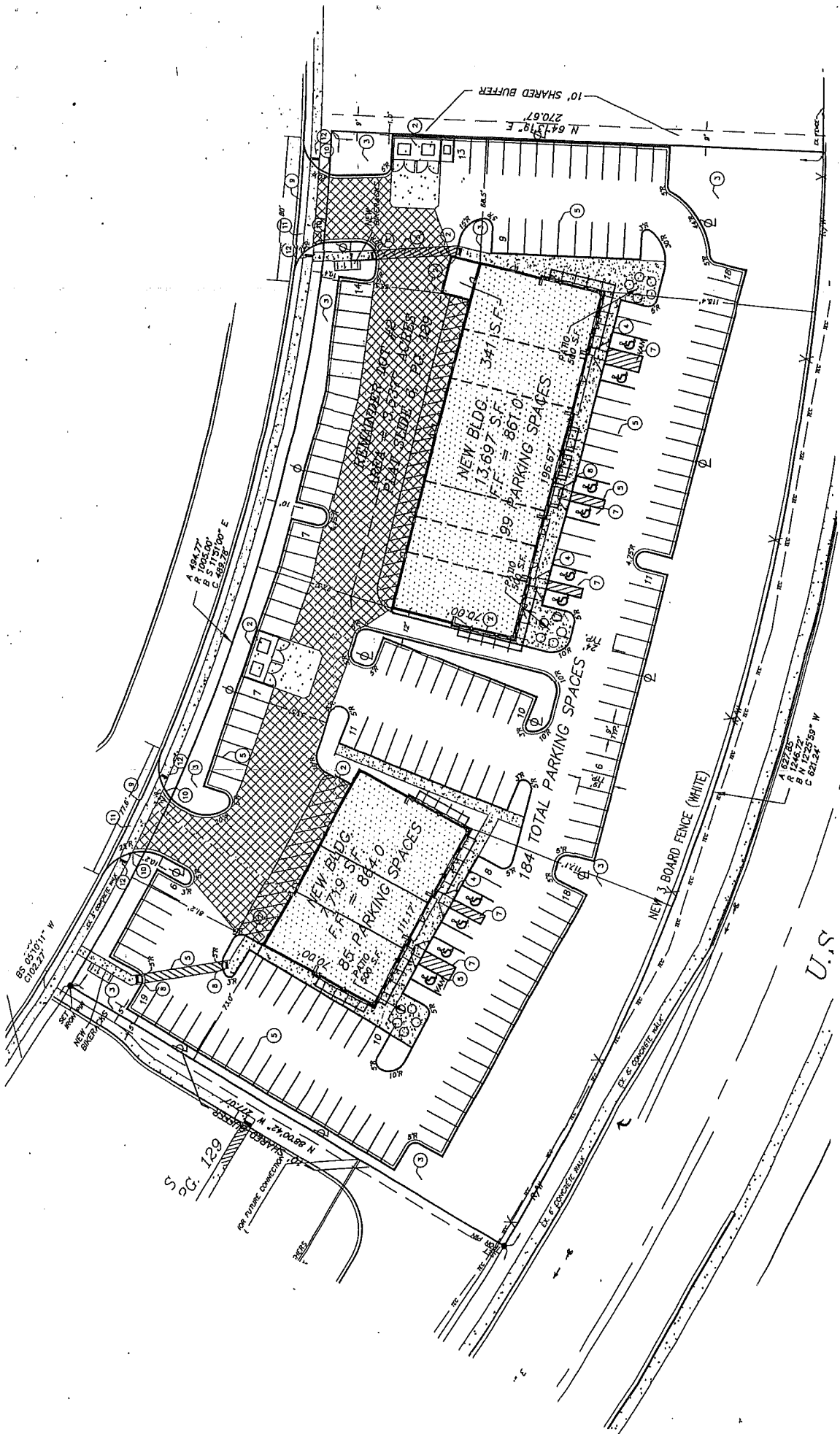


Boone County GIS - Putting Northern Kentucky on the Map



Scale: 1 inch = 400 feet
ArcMap Document: BooneMap (lite).mxd

Map Created: 07/01/2013



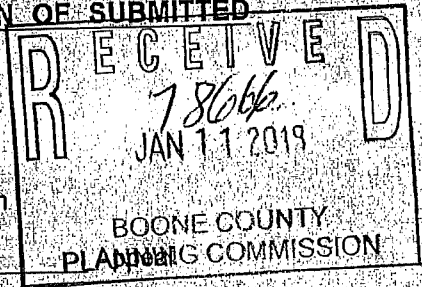
7/5/18 Approved Major Site Plan

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)

- 1. (Check One) Boone _____ Florence _____ Wallon Union _____
- 2. (Check One) Conditional Use Permit Variance _____
Change In Non-Conforming Use _____
- 3. Applicant's Name Anne F. McBride
Applicant's Address 5721 Dragon Way, Suite 300
Cincinnati Ohio 45227
City State Zip
Phone Number 513-561-6232 Fax No. 513-561-1615 E-Mail amcbride@mcbridedale.com
- 4. Description of Request: A variance from the 10 foot side yard buffer required by Section 3645 between two proposed lots.
- 5. Name of Development Union Connection
- 6. Location of Development US 42, Union, Kentucky 9031 + 9039
- 7. Acreage Under Review 3.54 Acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot 2 Replat of Union Marketplace Subdivision
- 9. Owner of Property MK Union South LLC
Address of Property Owner 8160 Corporate Park Drive, #220
- 10. Cincinnati Ohio 45242
City State Zip
Phone Number 513-702-5859 Fax No. 513-891-5131 E-Mail skatz@midlandretail.com
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- 14. Deed Book 1111 Page No. 64 Group No. _____
- 15. Is the site subject to a zone change? Yes
If yes, give date of approval: 4/14/14
- 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
- 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) Scott Katz

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

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

MK Union South LLC
8160 Corporate Park Drive, #220
Cincinnati, OH 45242

2. ADDRESS OF PROPERTY

9031 & 9039 US 42
Union, KY 41091

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

9031 & 9039 US 42

4. DEED BOOK 1111

PAGE NO. 64

GROUP NO. 2047

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

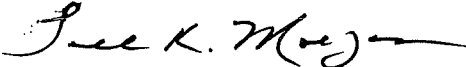
Subdivision Plat
(Not Recorded)

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

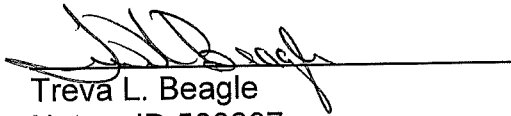
Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

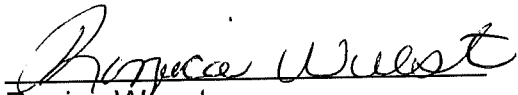
on behalf of the Boone County Planning Commission this 12 day of February, 2019.



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 variance approved by the Union Board of Adjustment and in accordance with the current zoning in effect as of February 11, 2019 Certificate of Land Use Restriction (#19-UBOA-001-A), for MK Union South LLC, Property Owner(s).

The following conditions will apply:

1. Cross parking and access easements shall be recorded between the two lots. This shall be documented on the resubdivision plats that are submitted to Boone County Planning Commission for review.
2. A revised landscaping plan shall be submitted and approved by Boone County Planning Commission for the two properties before the resubdivision plats are approved. The following changes shall be made to the submitted landscaping plan:
 - The eighteen (18) Golden Raintrees shown in the US 42 street frontage buffer yard shall be more evenly dispersed along the front property line.
 - Supplemental shrubs from Plant List E of the Boone County Zoning Regulations shall be installed in the US 42 street frontage buffer in those areas where the Golden Raintrees are spaced more than 30' apart (measured from trunk to trunk). The Shrubs shall be installed at a rate of 30 shrubs per 100 linear feet.

The approved variance as well as the preceding conditions apply to the property described in: