

Townhomes

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: _____ 20,800
12. Current Zoning: _____ UC/PD/CD
13. _____ 2047
Deed Book _____ Page _____ Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature: * Ray Solomon Mayor

Applicant's Signature: Brown J. Adkinson, MANAGING MEMBER, PSHI 0542 LLC

LKS *

The city is signing this application pursuant to its contractual obligation, in no event should the city's action be construed as an endorsement of the applicant's request and the city reserves the right to appeal any determination of the planning commission.

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

1. Date Received: 11/2/23 Fee Received: \$1,116 Receipt #: 89464

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 12/5/2023

5. Board Action: 12/5/2023

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: See Minutes

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

STAFF REPORT

#2

APPLICANT: 9541 US 42 LLC, per Thomas J. Ackerman, on behalf of the City of Union, per Mayor Larry Solomon

LOCATION: Area located along the west side of Union Promenade and south of the Villas of Fowler Creek, Union, KY 41091

ZONING: Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD/CD)

DATE: December 5, 2023

DESCRIPTION OF REQUEST AND ISSUE

1. On October 16, 2023, the City of Union Zoning Administrator made a determination that a change from twelve (12) attached single-family residential dwellings within three (3) buildings to sixteen (16) attached single-family residential dwellings within two (2) buildings is a major from the existing approved Concept Development Plan.
2. The applicant is appealing the City of Union Zoning Administrator's decision.

DOCUMENTED FACTS

1. On November 3, 2021, the Union City Commission adopted Ordinance Number 2021-18, approving the Zoning Map Amendment and Concept Development Plan for the Union Promenade development (R-21-026-A).
2. On February 25, 2022, the Boone County Planning Commission approved a Grading Permit for Union Promenade.
3. On April 27, 2022, the Boone County Planning Commission approved the Preliminary Plat for Union Promenade.
4. On August 25, 2022, the Boone County Planning Commission approved the Improvement Plan for Union Promenade.
5. On December 12, 2022, the Boone County Planning Commission approved a Major Site Plan for UDF on Lot 1 of Union Promenade.
6. On March 17, 2023, the Boone County Planning Commission approved a Major Site Plan for a retail/restaurant building on Lot 6 of Union Promenade.

7. On April 1, 2023, the Boone County Planning Commission approved a Major Site Plan for a retail/restaurant building on Lot 7 of Union Promenade.
8. On July 25, 2023, the Boone County Planning Commission approved a Major Site Plan for 84 multi-family residential units in three (3) buildings.
9. On July 26, 2023, the Boone County Planning Commission approved a Major Site Plan for a 4-unit attached single-family building on Lot 19 of Union Promenade.
10. On July 26, 2023, the Boone County Planning Commission approved a Major Site Plan for a 6-unit attached single-family building on Lot 20 of Union Promenade.
11. On August 25, 2023, a Major Site Plan application was submitted to the Boone County Planning Commission for the Union Club Apartments – Phase C, which included two hundred (200) multi-family residential units in seven (7) buildings and sixteen (16) attached single-family residential units in two (2) buildings.
12. On October 16, 2023, the City of Union Zoning Administrator made a formal determination that the change of design, as it relates to the sixteen (16) attached single-family residential units in two (2) buildings represents a major change from the existing approved Concept Development Plan.
13. November 2, 2023 – T.J. Ackerman files an appeal with the Union Board of Adjustment.

PERTINENT REGULATIONS

1. Section 311.A of the Boone County Zoning Regulations state 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 this Article. 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.”
2. Section 1513.A of the Boone County Zoning Regulations state that “Major amendments to an approved Concept Development Plan that involve 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 described in this Article. 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.”

PROPOSED DEVELOPMENT

1. Two hundred (200) multi-family residential units in seven (7) buildings.
2. Sixteen (16) attached single-family residential units in two (2) buildings.

INFORMATION SUBMITTED BY THE APPLICANT

1. Letter explaining their rationale for a determination of minor change.

ANALYSIS

1. The area of the proposed change is the northernmost part of the Union Promenade development, adjacent to the Villas of Fowler Creek.
2. The existing approved Concept Development Plan provides for smaller masses of buildings versus what is being proposed.
3. The multi-family residential component of the development was approved with a maximum of 312 dwelling units (300 multi-family units and 12 attached single-family units).

Based on what has already been approved and what is proposed, there will be a total of 300 dwelling units (284 multi-family and 16 attached single-family).

While the overall intensity (density) of the development is not being exceeded, the intensity (density) of the area immediately adjacent to the Villas of Fowler Creek is being increased by four (4) dwelling units, an increase of 33%.

4. While the area in question may not be seen from the adjacent Villas of Fowler Creek when the required Buffer Yard matures, until that time, the rear of the proposed building will be seen.

DETERMINATION

1. The change from twelve (12) attached single-family residential dwellings within three (3) buildings to sixteen (16) attached single-family residential dwellings

within two (2) buildings constitutes a major change from the existing approved Concept Development Plan.

CONCLUSION

Section 203 of the Boone County Zoning Regulations give the Union Board of Adjustment the authority to act on this request. In order for an appeal to be granted, the Board must determine that the administrative decision in question is in error.

Respectfully submitted,

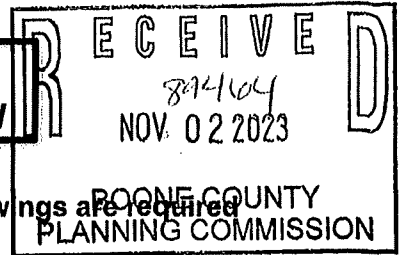


Michael D. Schwartz
Director, Zoning Services
Zoning Administrator

Attachments

- Application
- Vicinity Map
- Existing Approved Concept Development Plan
- T.J. Ackerman Letter dated October 13, 2023
- Supplemental Drawings submitted by T.J. Ackerman

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: 9541 US 42 LLC
Address: 4010 North Bend Road, Suite 301
Cincinnati OH 45211
City State Zip Code
Phone Number: 513-662-3111 Fax Number: _____
Email: tja@meierjohanbuildinggroup.com
4. Description of Request:
Request for a modification of site plan to allow two 8 unit townhouse buildings to be built in place of three 4 unit buildings.
5. Name of Development: Union Promenade
6. Location of Development: US 42/Sweet Harmony/Fowlers Creek Lane
Union KY 41091
City State Zip Code
7. Acreage Under Review: 16 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):

9. Current Owner: City of Union
Address: 1843 Bristol
Union KY 41091
City State Zip Code
Phone Number: 859-384-1511 Fax Number: _____
Email: _____

Townhomes

10. Proposed Use(s) on Site: _____ 20,800

11. Total Square Footage of Existing and/or Proposed Buildings: _____ 20,800

12. Current Zoning: _____ UC/PD/CD

13. _____
Deed Book Page Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

15. Have you submitted a Site Plan with this request: Yes No

16. Have you submitted a list of adjoining property owners with this request: Yes No

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

Property Owner's Signature: * Lay Solomon MAYOR

Applicant's Signature: Brown J. Solomon, MANAGING MEMBER, 9511 0542 LLC

(LTS) *

The city is signing this application pursuant to its contractual obligation, in no event should the city's action be construed as an endorsement of the applicant's request and the city reserves the right to appeal any determination of the planning commission.

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

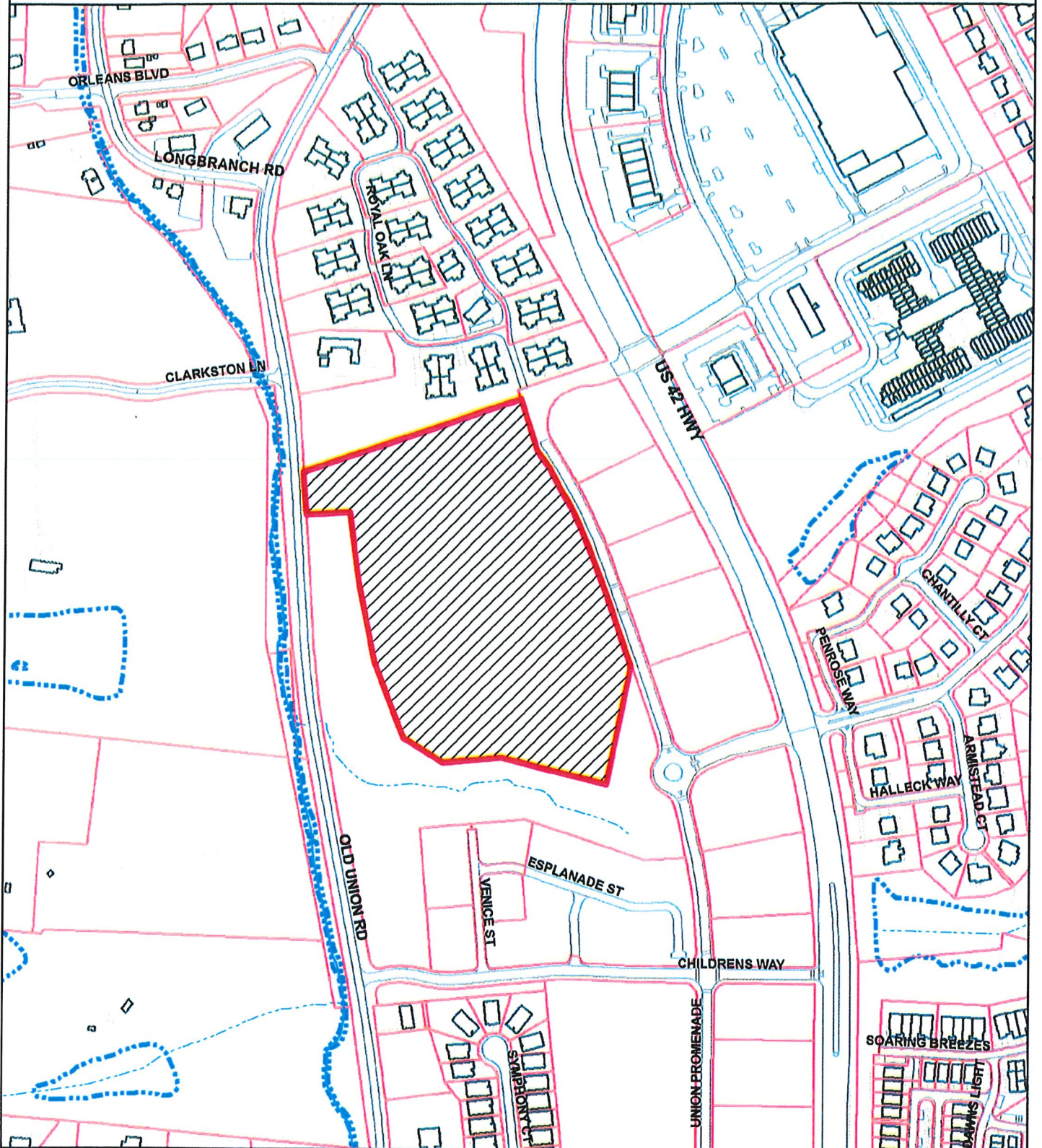
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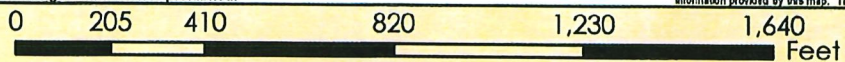
Vicinity Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

File Path: \\gis\gis\2022\1111
ArcMap Document: *.mxd

ATTACHMENT A

9541 US 42, LLC

October 13, 2023

Mr. Michael Schwartz
Boone County Planning and Zoning
2950 Washington Street, Room 317
Burlington, KY 41005

Dear Mr. Schwartz;

I am in receipt of your letter for the site plan review for the multifamily buildings on lot 25 at Union Promenade and you have identified that our layout does not match the original concept plan. I am writing to officially ask whether a change from three four townhome unit buildings to two eight unit townhome buildings lot 25 is considered a major change or a minor change.

The approved concept plan included 300 multifamily units (Exhibit 1). The design included three townhome style buildings with four units each. These twelve units represented 4% of the overall units in the proposed complex (12 townhomes and 286 "stacked flats" style of units). Once final architectural plans were complete, the total number of units in the multistory "stacked flats" was reduced by 4 to 282 units.


In order to maintain a consistent unit count and expand the diversity of product offering, the townhome buildings were modified and expanded by four units (Exhibit 2). This allowed the unit count to be maintained at 298 and increased the ratio of townhomes to "stacked flats" style of apartments by 1%. Townhomes in the new layout represent 5% of the overall units in the multifamily section of the development. The original landscaping plan is still maintained and unaffected by our proposed change. There are three stages in the life of the landscaping represented on the exhibits (Exhibits 3, 4, & 5) which show that in the future the townhomes shall not be visible from the adjacent property.

I met with the City of Union and asked for their input on the change. The Mayor and City Administrator expressed support and preference for the revised layout. They preferred the reduction of "stacked flats" style of units in favor of more townhomes (Exhibit 6).

I then met with Norrene Morgan, President of the Villas at Fowlers Creek Homeowners Association and shared the revised site plans and landscaping plans. Fowlers Creek Villas are immediately adjacent to the north of our development and the townhomes will be along their property line. The townhomes were included at our direction to provide an appropriate and respectful transition from our three story buildings to the Villas one story buildings by separating them with a collection of two story townhomes. Ms. Morgan was in favor of the modification and had no objections to our proposed changes (Exhibit 7).

Based on no change to the overall unit count, the support of the City and the support of the Villas at Fowlers Creek HOA, we believe this should be considered a minor modification.

I look forward to your response.

Sincerely,

Thomas J. Ackermann, Managing Member

4010 North Bend Road, Suite 301
Cincinnati, Ohio 45211

UNION PROMENADE
OLD UNION RD / US 42
UNION, BOONE COUNTY, KENTUCKY
OVERALL CONCEPTUAL MASTER PLAN



VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
411 Exchange Street, Suite 400, Louisville, KY 40202
502.582.1100
www.viox.com

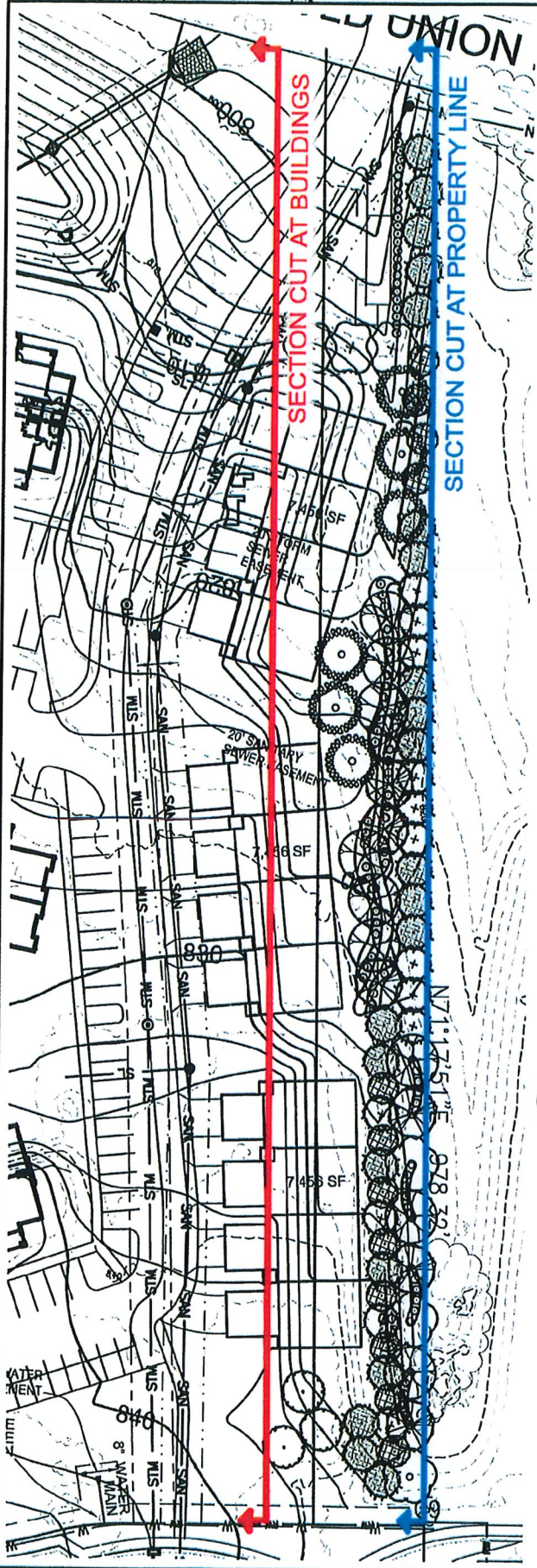
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Project No:	Checked:	Date:	10/02/2023
Ref:	Union Club Apartments	Ref:	Boone County, Kentucky

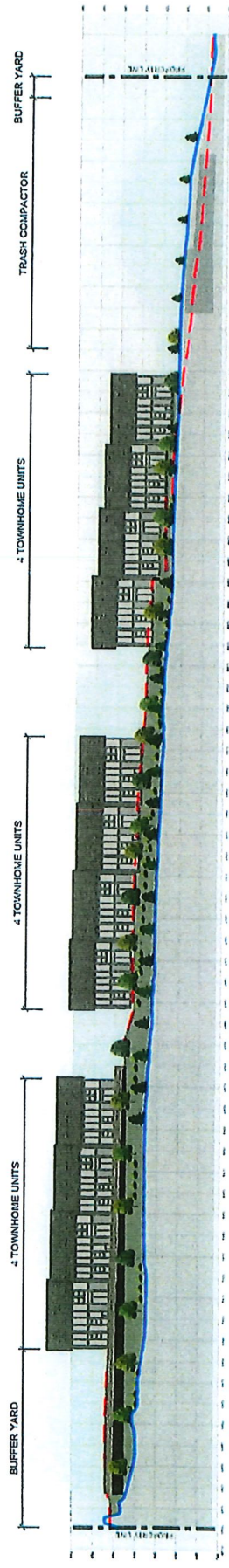
UNION CLUB APARTMENTS
UNION PROM.-LOT 25
TOWNHOME ELEVATIONS

VIOS&VOX
Civil Engineers, Surveyors and Landscape Architects
402 East Main Street, Suite 4118
Booneville, Kentucky 40009
Phone: (606) 281-1111
www.viosandvox.com

Scale: 1" = 50'
North Arrow
Grid Lines



1 PLAN VIEW - 2021 ZONING PLAN
B SCALE: 1" = 50'



Note: Proposed landscape in cross section exhibit is approximately shown at 1 year after installation.

2 CROSS SECTION - 2021 ZONING PLAN
B SCALE: 1" = 50'

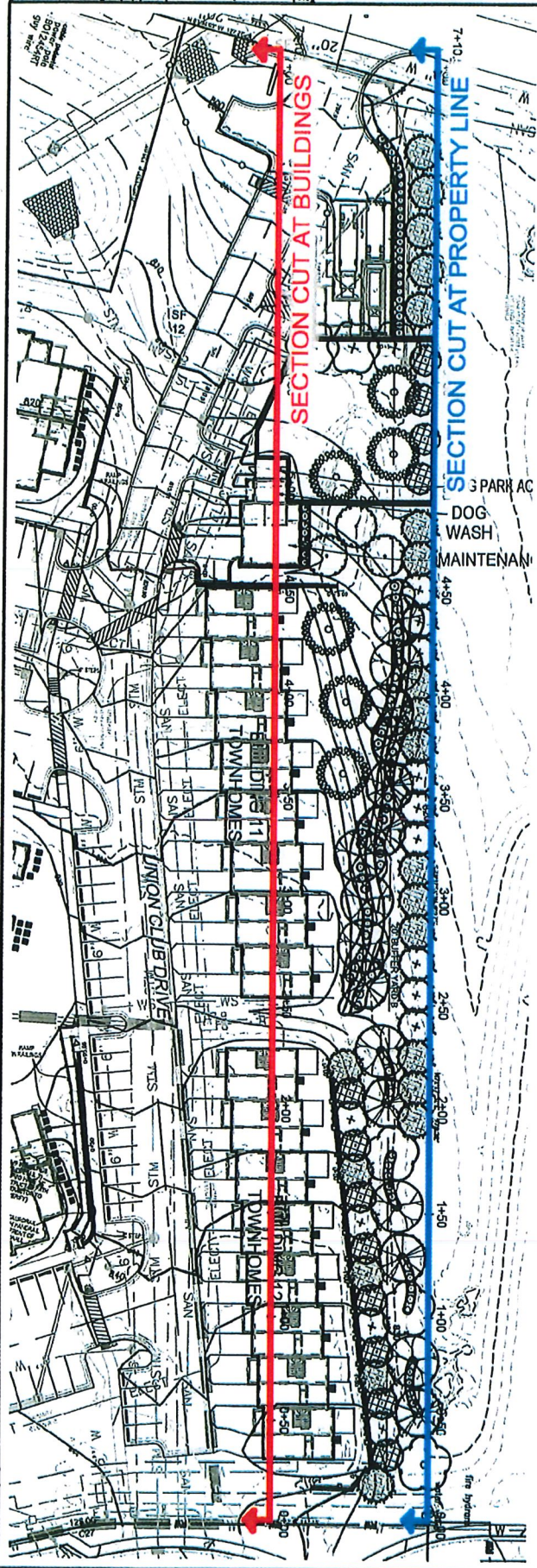
Project No:	10/02/2023
Checked:	Date:
Ref:	Boone County, Kentucky

UNION CLUB APARTMENTS
UNION PROM.- LOT 25
TOWNHOME ELEVATIONS



VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
488 Georgetown Road, Paducah, KY 40303
203.531.1111
www.viox.com

Scale:	1" = 50'
North Arrow:	
Grid:	



1 PLAN VIEW - 2023 SITE PLAN
A SCALE: 1" = 50'



Note: Proposed landscape in cross section exhibit is approximately shown at 1 year after installation.

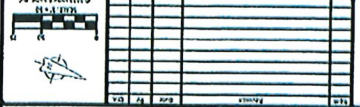
2 CROSS SECTION - 2023 SITE PLAN
A SCALE: 1" = 50'

Project No:	Checked:	Ref:	Date:
10/02/2023			10/02/2023

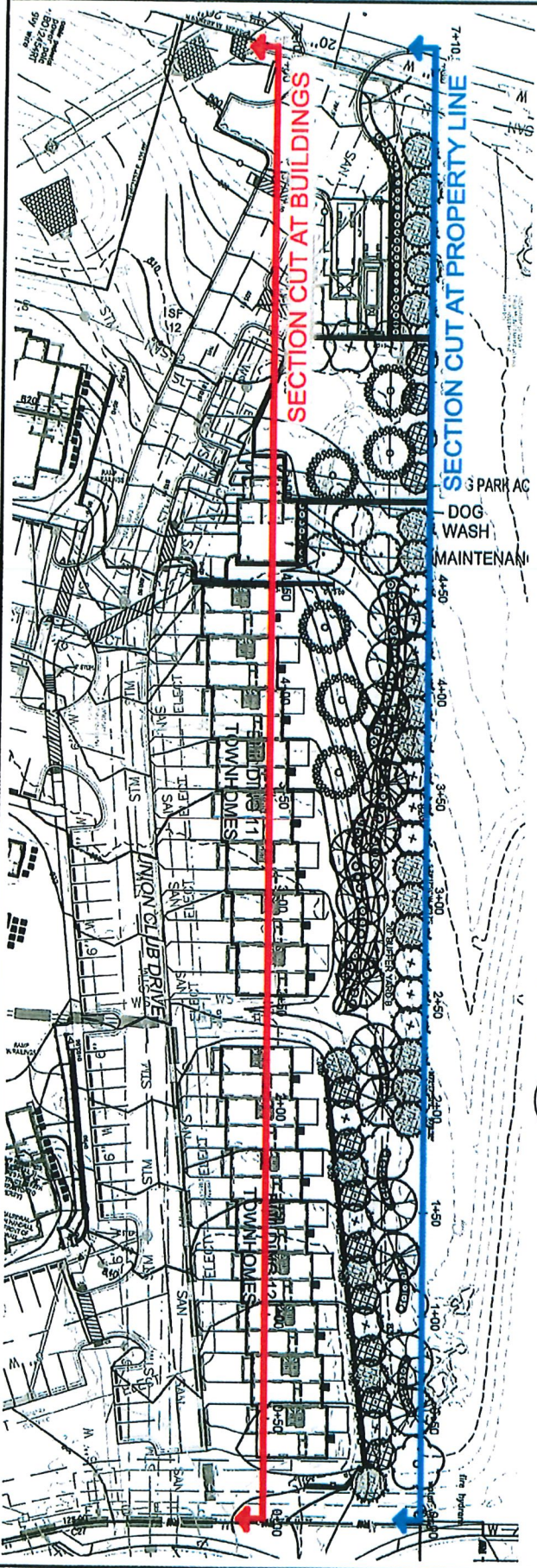
UNION CLUB APARTMENTS
UNION PROM.- LOT 25
Boone County, Kentucky
TOWNHOME ELEVATIONS



VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
4140 Georgetown Road, Suite 400
Georgetown, KY 40325
Phone: (502) 333-1111
www.viox.com



Graphic scale bar showing 0, 10, 20, 30, 40, 50 feet.
North arrow pointing towards the top of the page.



1 PLAN VIEW - 2023 SITE PLAN
A SCALE: 1" = 50'



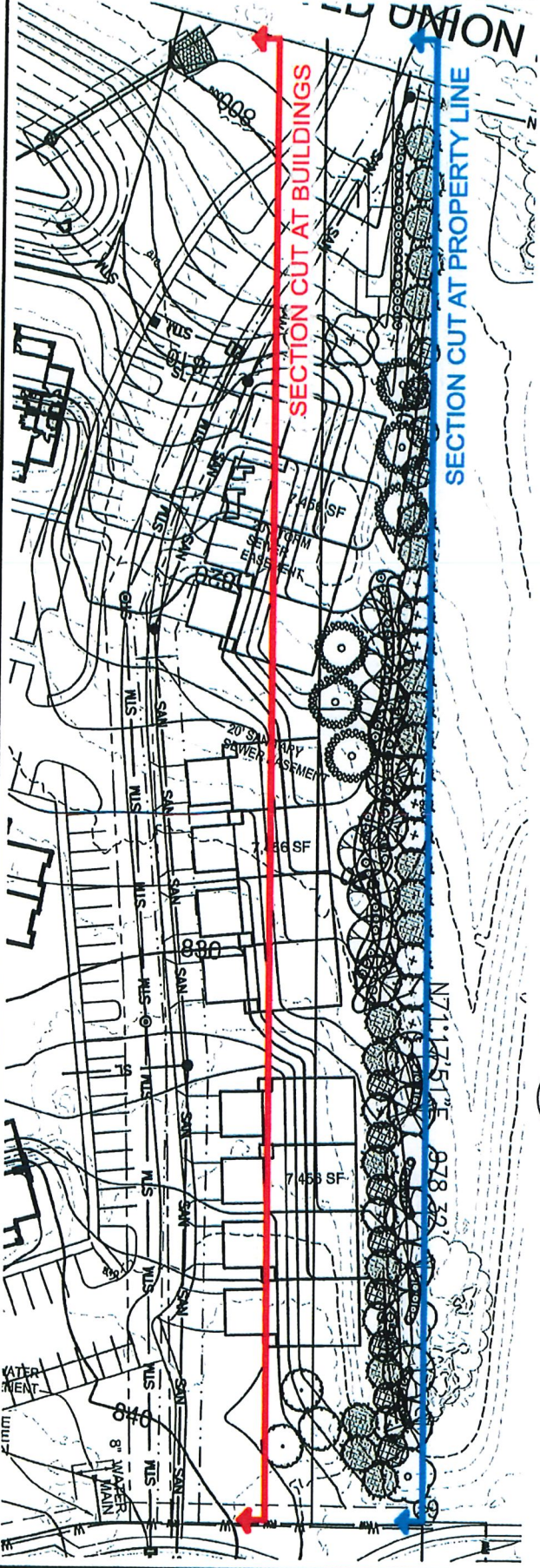
2 CROSS SECTION - 2023 SITE PLAN
A SCALE: 1" = 50'

Project No:	Checked:	Date:	10/02/2023
Ref:	UNION CLUB APARTMENTS	UNION PROM.- LOT 25	BOONE COUNTY, KENTUCKY

UNION CLUB APARTMENTS
UNION PROM.- LOT 25
BOONE COUNTY, KENTUCKY
TOWNHOME ELEVATIONS

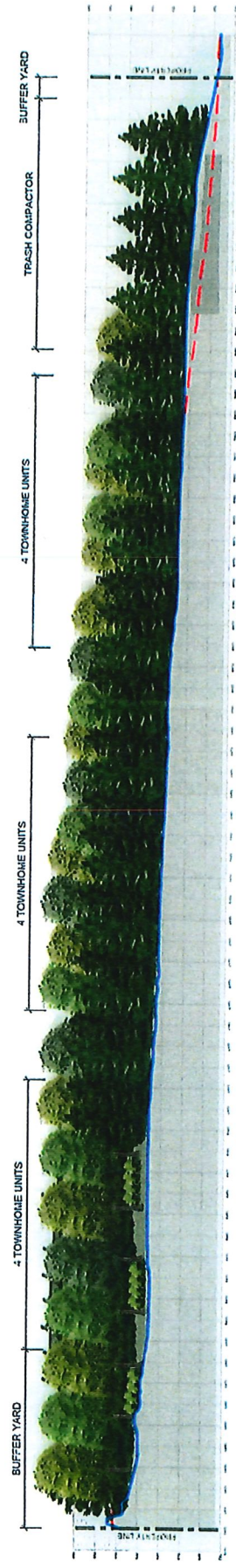
VIOXX & VIOX
 CIVIL ENGINEERS, ARCHITECTS, AND LANDSCAPE ARCHITECTS
 400 LAUREL RIDGE DRIVE, SUITE 101
 FRANKFORT, KY 40601
 (502) 223-1111
 www.vioxx.com

DATE: 10/02/23
 SHEET NO: 10/02/23
 PROJECT: UNION CLUB APARTMENTS
 TOWNHOME ELEVATIONS



1 PLAN VIEW - 2021 ZONING PLAN

B SCALE: 1" = 50'

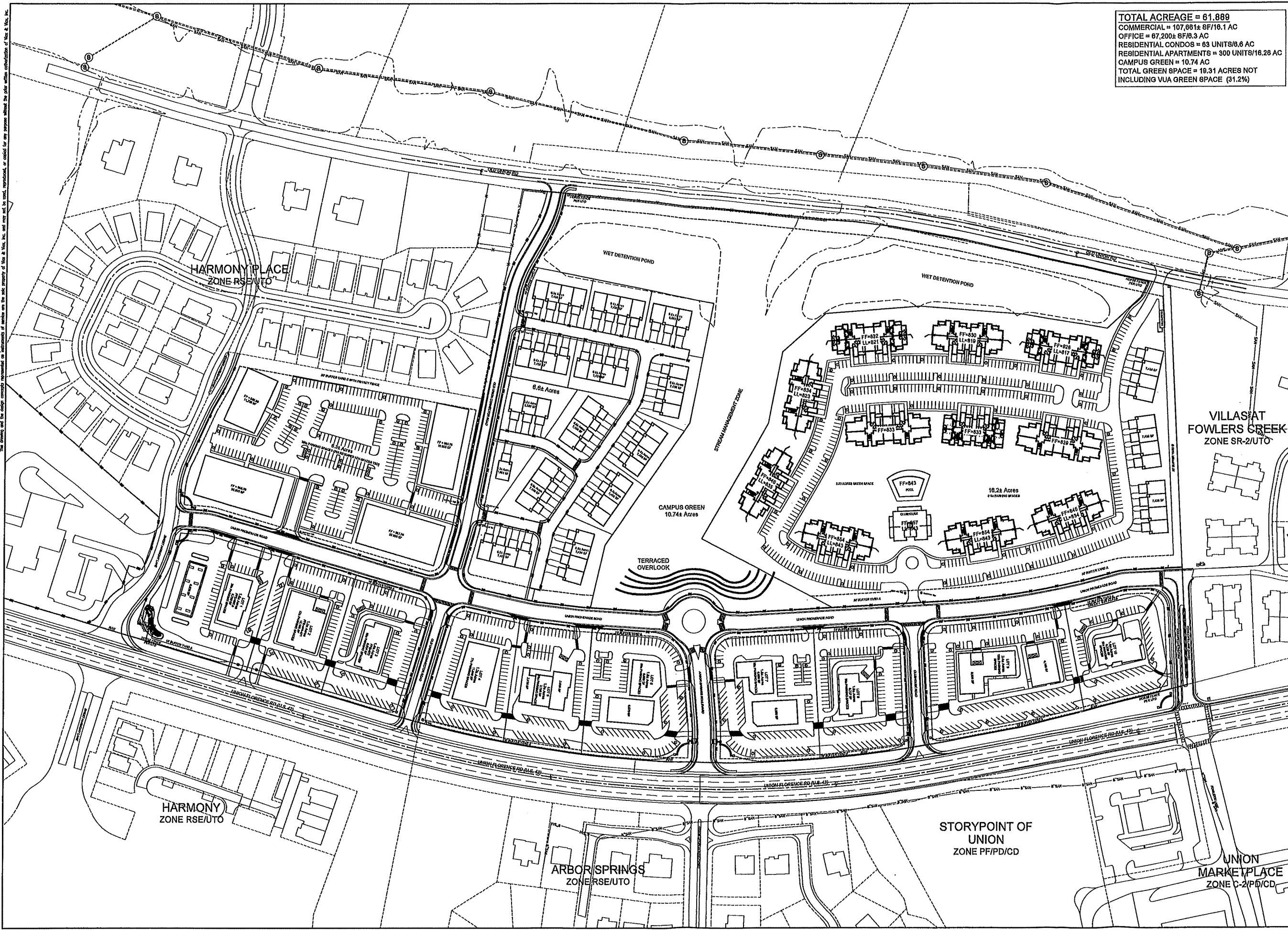
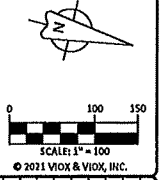


Note: Proposed landscape in cross section exhibit is approximately shown at maturity (20 - 40 years).

2 CROSS SECTION - 2021 ZONING PLAN

B SCALE: 1" = 50'

TOTAL ACREAGE = 61.889
 COMMERCIAL = 107,881± SF/16.1 AC
 OFFICE = 87,200± SF/6.3 AC
 RESIDENTIAL CONDOS = 63 UNITS/6.6 AC
 RESIDENTIAL APARTMENTS = 300 UNITS/16.26 AC
 CAMPUS GREEN = 10.74 AC
 TOTAL GREEN SPACE = 19.31 ACRES NOT
 INCLUDING VUA GREEN SPACE (31.2%)

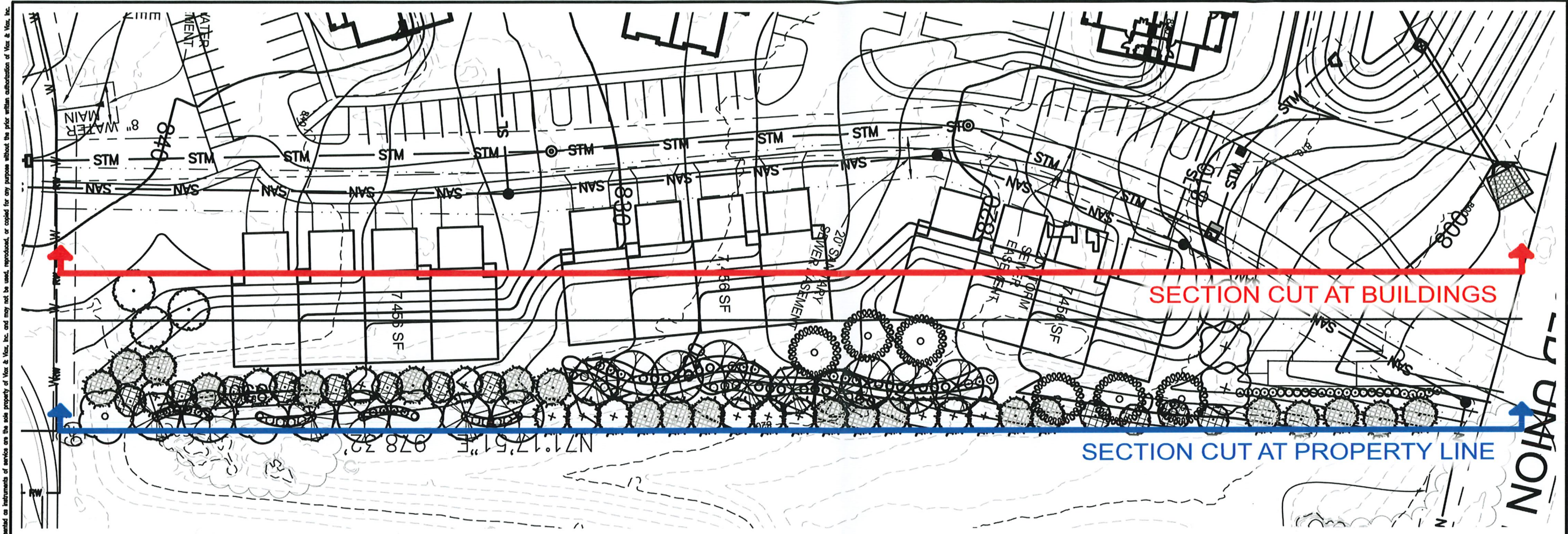


VIOX & VIOX
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 402 Lila Avenue • Milford, Ohio 45150
 Ph: Erlanger (859) 727-5293 • Ph: Milford (513) 576-1000
 www.vioxinc.com

**UNION PROMENADE
 OLD UNION RD / US 42**
 UNION, BOONE COUNTY, KENTUCKY
OVERALL LAYOUT PLAN

Project No: 48520202	Checked: MIL
Date: 07/05/21	Ref: BMM
Sheet: C0.1	

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1 PLAN VIEW - 2021 ZONING PLAN
 B SCALE: 1" = 50'



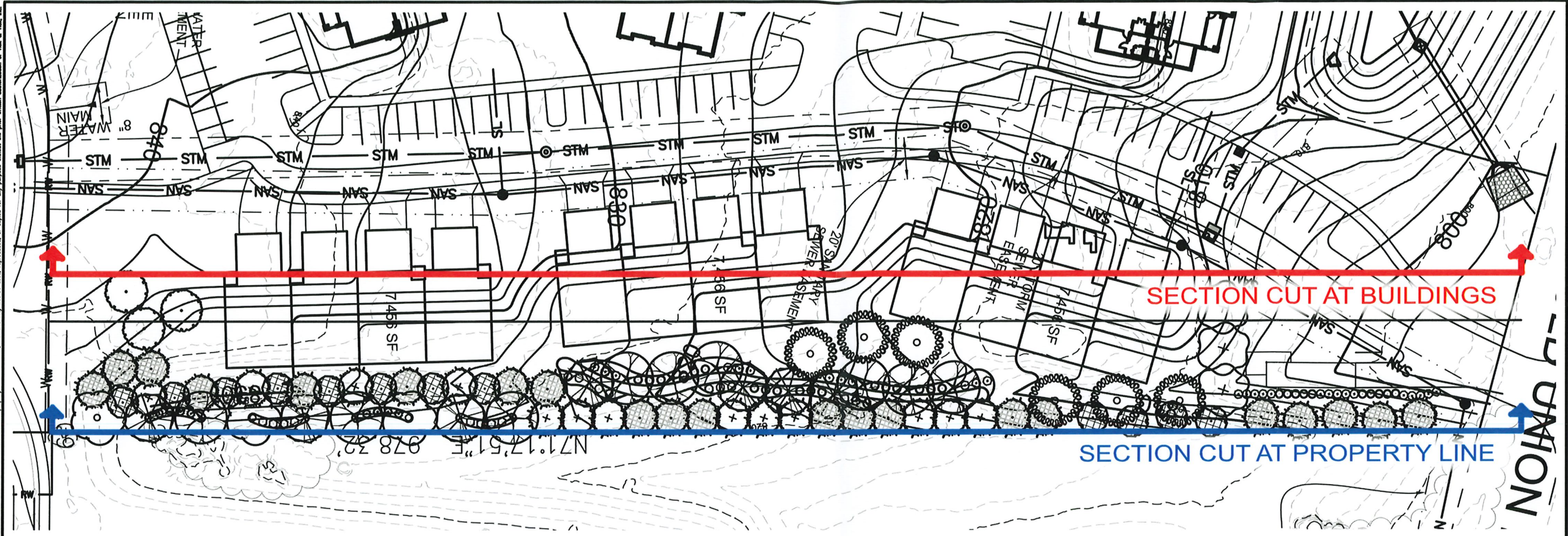
Note: Proposed landscape in cross section exhibit is approximately shown at **1 year after installation.**

2 CROSS SECTION - 2021 ZONING PLAN
 B SCALE: 1" = 50'

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UNION CLUB APARTMENTS UNION PROM.- LOT 25 Boone County, Kentucky TOWNHOME ELEVATIONS	
Project No:	Checked:
Date:	Ref:
10/02/2023	

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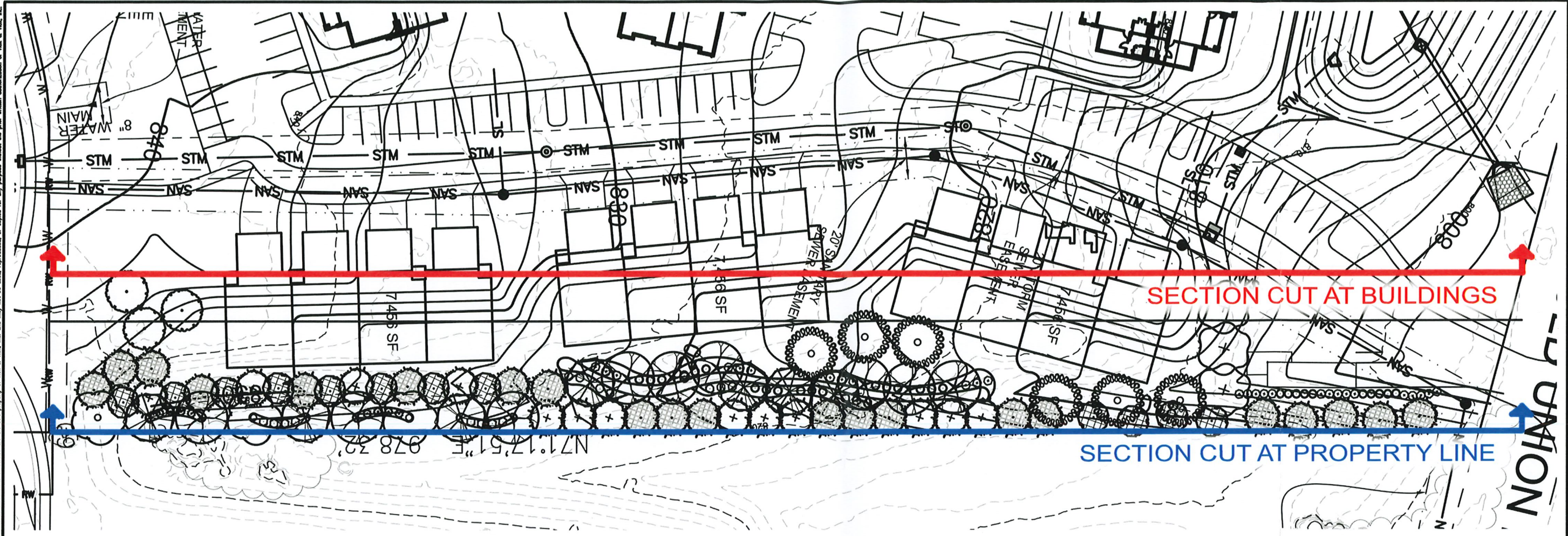
1 PLAN VIEW - 2021 ZONING PLAN
B SCALE: 1" = 50'



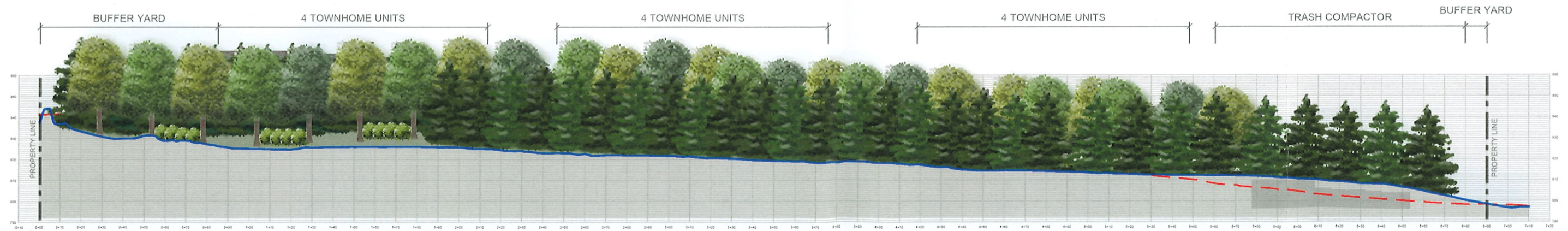
2 CROSS SECTION - 2021 ZONING PLAN
B SCALE: 1" = 50'

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Project No: Date: 10/02/2023	Checked: Ref:

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1 PLAN VIEW - 2021 ZONING PLAN
 B SCALE: 1" = 50'

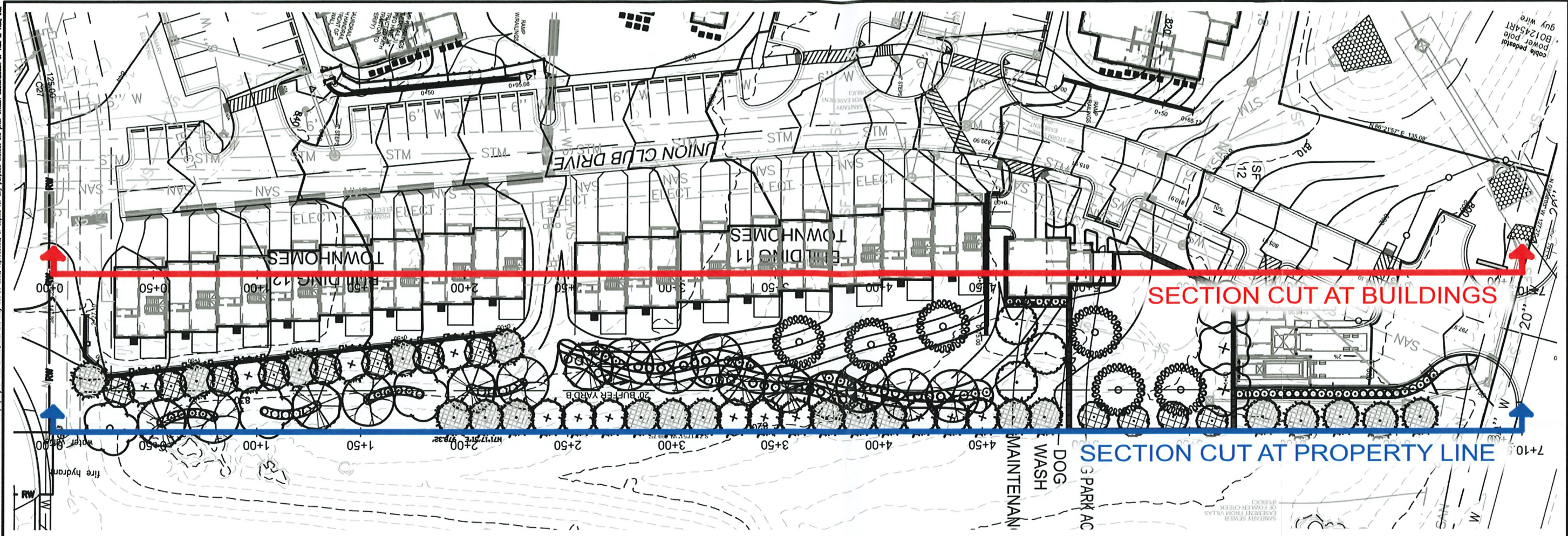


Note: Proposed landscape in cross section exhibit is approximately shown at **maturity** (20 - 40 years).

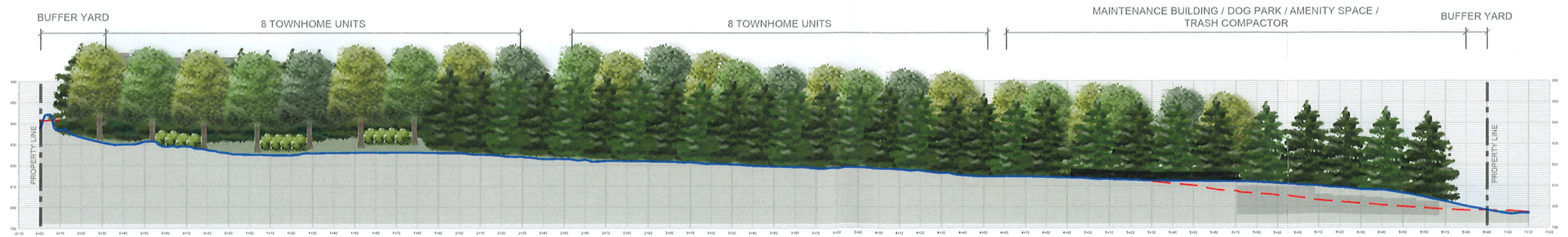
2 CROSS SECTION - 2021 ZONING PLAN
 B SCALE: 1" = 50'

 VIOX & VIOX Civil Engineers, Surveyors, and Landscape Architects 466 Eranger Road • Eranger, Kentucky 41018 402 Lia Avenue • Millford, Ohio 45150 Ph: Eranger (859)727-3293 • Ph: Millford (513)576-1000 www.vioxinc.com	UNION CLUB APARTMENTS UNION PROM.- LOT 25 Boone County, Kentucky TOWNHOME ELEVATIONS	Checked: Ref:	Project No: Date: 10/02/2023
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1 PLAN VIEW - 2023 SITE PLAN
A SCALE: 1" = 50'



Note: Proposed landscape in cross section exhibit is approximately shown at **maturity** (20 - 40 years).

2 CROSS SECTION - 2023 SITE PLAN
A SCALE: 1" = 50'

	<p style="font-size: 8px; margin: 0;">Civil Engineers, Surveyors, and Landscape Architects 466 Eranger Road • Eranger, Kentucky 41018 402 Lita Avenue • Millford, Ohio 45150 Ph: Eranger (859)727-3293 • Ph: Millford (513)576-1000 www.vioxinc.com</p>	<p style="font-size: 8px; margin: 0;">SCALE: 1" = 50' © 2023 VOIX & VOIX, INC.</p>							
			<p style="font-weight: bold; font-size: 12px; margin: 0;">UNION CLUB APARTMENTS</p> <p style="font-weight: bold; font-size: 12px; margin: 0;">UNION PROM.- LOT 25</p> <p style="font-weight: bold; font-size: 12px; margin: 0;">Boone County, Kentucky</p> <p style="font-weight: bold; font-size: 10px; margin: 0;">TOWNHOME ELEVATIONS</p>						
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; font-size: 8px;">Project No:</td> <td style="width: 50%; font-size: 8px;">Checked:</td> </tr> <tr> <td style="font-size: 8px;">Date:</td> <td style="font-size: 8px;">Ref:</td> </tr> <tr> <td style="font-size: 8px;">10/02/2023</td> <td style="font-size: 8px;"></td> </tr> </table>	Project No:	Checked:	Date:	Ref:	10/02/2023	
Project No:	Checked:								
Date:	Ref:								
10/02/2023									