

05-2MA-009-A

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- Name of Project Union Pointe Centre
- Location of Project SE Corner of U.S. 42 + Frogtown Road
- Total Acreage of Site 17.68
- Current Zoning of Site SR-1/UTO
- Proposed Zoning (Classification being requested) Union Commercial (UC) - 5.48 Acres
- Proposed Uses (please specify each use) + SR-2 - remaining 12.2 Acres  
Mixed use commercial for UC core  
Pointe Homes for SR-2 zone
- Names of Applicant(s) Riegler Engineering, LLC  
Phone Number (859) 371-5500 Fax No. (859) 371-5710
- Address of Applicant(s) 19 Lendale Drive, Suite B  
Florence KY 41042
- Name of Property Owner(s) Dr. James Wright  
Phone Number (859) 384-1700 Fax No. (859) 384-2789
- Address of Property Owner(s) 1982 Mt. Zion Road  
Union KY 41091
- Proposed Building Intensities (please specify) 6800 to 12,400 (approximate)
- Are there any existing buildings on the site? Yes  
How many? 7 structures - 1 to remain
- Deed Book 883 Page No. 659 Group No. 2064
- Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
- Have you submitted a Concept Development Plan? Yes - see attached
- Have you had a pre-application meeting with BCPC Staff? Yes
- Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- NO Boone County Water District
- N/A Florence Water and Sewer Dept.
- NO Cinergy/U.L.H.&P. Co.
- Yes Sanitation District #1
- NO Cincinnati Bell
- NO Owen County Rural Electric
- NO Boone County Public Works Department
- Yes Kentucky Transportation Cabinet
- N/A City of Florence Public Services Department
- NO Boone County Building Department

9. Property Owners  
Gavin + Sheila Rees  
10336 U.S. Hwy. 42  
Union, KY 41091  
Phone (859) 384-7525  
DB 554 PG 243

# EXHIBIT

“A”

## STAFF REPORT

Request of **Riegler Engineering, LLC (applicant)** for **Dr. James Wright and Gavin & Sheila Rees (owners)** for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract. The request is to rezone approximately 5.48 acres of the site to Union Commercial (UC) and approximately 12.2 acres of the site to Suburban Residential Two (SR-2). The request also involves a variance application ("Front Yard Setback Maximum") from Section 2540 of the Boone County Zoning Regulations. The subject properties involved in the request are located near the southeast corner of the U.S. 42/Frogtown Road intersection, and includes the properties at 1923 Frogtown Road, 10336 U.S. 42, and 10350 U.S. 42, Boone County, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses and a variance to allow a future commercial/office building to exceed the maximum front yard setback requirement.

April 20, 2005

### REQUEST

The request involves two (2) separate applications. Application #1 is for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract. The request is to rezone approximately 5.48 acres of the site to Union Commercial (UC) to allow commercial and office uses and rezone approximately 12.2 acres of the site to Suburban Residential Two (SR-2) to allow attached residential uses (duplexes). Application #2 is for a Variance to allow the future commercial/office building on lot 2 to be up to 167 feet from Frogtown Road (see Concept Development Plans). Section 2540 of the Boone County Zoning Regulations states that the maximum front yard setback in the UC zone is 50 feet.

### CONCEPT DEVELOPMENT PLANS

The Applicant has submitted two Concept Development Plans for the proposed development. Both Concept Development Plans show that the overall acreage of the development is 18.29 acres. The reason that the project acreage is higher than the zone change acreage is that there is an approximate 0.61 acre tract at the southeast corner U.S. 42 and Frogtown Road that is already zoned Union Commercial (UC).

Both Concept Development Plans show that there are six commercial lots and one residential lot. The commercial lots are located in the northwestern portion of the site and front on either U.S. 42, Frogtown Road, or a new 50' wide right-of-way that runs between U.S. 42 and Frogtown Road. Access to the commercial lots is provided from a private driveway system that connects to Frogtown Road and the proposed 50' wide right-of-way. The residential lot is located in the northeastern and southern portion of the site and fronts on the proposed 50' wide right-of-way. Private driveway systems connect the dwelling units to the proposed right-of-way. Other features common to both plans is the conversion of an existing house into a business (see lot 3), a large retention lake in the southwest property corner, horse fencing along U.S. 42 and Frogtown Road, street trees along the proposed right-of-way, and 25' landscaping buffers which screen lot 7 from U.S. 42, Frogtown Road, and existing and future sections of Cool Springs Subdivision.

The following charts summarize the improvements being proposed in the two Concept Plans:

	ZONE	LOT ACREAGE	PERMITTED INTENSITY	PROPOSED IMPROVEMENTS (PLAN #1) SHEET C110
LOT 1	UC	0.50	7,500 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 2,430 sq. ft.</li> <li>• 10 parking stalls</li> </ul>
LOT 2	UC	1.06	15,900 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 2,800 sq. ft.</li> <li>• drive through and 12 parking stalls</li> </ul>
LOT 3	UC	1.22	18,300 sq. ft.	<ul style="list-style-type: none"> <li>• two story office/commercial bldg. – 8,810 sq. ft.</li> <li>• 34 parking stalls</li> </ul>
LOT 4	UC	1.13	16,950 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 6,534 sq. ft.</li> <li>• 43 parking stalls</li> </ul>
LOT 5	UC	0.62	9,300 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 6,000 sq. ft.</li> <li>• 24 parking stalls</li> </ul>
LOT 6	UC	1.36	20,400 sq. ft.	<ul style="list-style-type: none"> <li>• 2 story office/commercial bldg. – 14,000 sq. ft.</li> <li>• 59 parking stalls</li> </ul>
LOT 7	SR-2	10.78	86 dwellings	<ul style="list-style-type: none"> <li>• 38 duplexes with garages</li> </ul>
TOTALS		5.89 UC 10.78 SR-2	88,350 sq. ft. 86 dwellings	<ul style="list-style-type: none"> <li>• 40,574 sq. feet office/commercial with 182 stalls</li> <li>• 38 duplexes with garages</li> </ul>

	ZONE	LOT ACREAGE	PERMITTED INTENSITY	PROPOSED IMPROVEMENTS (PLAN #2) SHEET C111
LOT 1	UC	1.10	16,500 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 7,200 sq. ft.</li> <li>• 32 parking stalls</li> </ul>
LOT 2	UC	0.56	8,400 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 2,769 sq. ft.</li> <li>• 12 parking stalls</li> </ul>
LOT 3	UC	1.22	18,300 sq. ft.	<ul style="list-style-type: none"> <li>• two story office/commercial bldg. – 8,810 sq. ft.</li> <li>• 34 parking stalls</li> </ul>
LOT 4	UC	1.06	15,900 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 6,534 sq. ft.</li> <li>• 43 parking stalls</li> </ul>
LOT 5	UC	1.06	15,900 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 12,000 sq. ft.</li> <li>• 50 parking stalls</li> </ul>
LOT 6	UC	0.85	12,750 sq. ft.	<ul style="list-style-type: none"> <li>• one story office/commercial bldg. – 7,000 sq. ft.</li> <li>• 33 parking stalls</li> </ul>
LOT 7	SR-2	10.78	86 dwellings	<ul style="list-style-type: none"> <li>• 38 duplexes with garages</li> </ul>
TOTALS		5.85 UC 10.78 SR-2	87,750 sq. ft. 86 dwellings	<ul style="list-style-type: none"> <li>• 44,313 sq. feet office/commercial with 204 stalls</li> <li>• 38 duplexes with garages</li> </ul>

The Applicant has also provided elevation drawings of a two-story office/commercial building and a duplex. These elevations show that the office/commercial buildings will be colonial style, constructed predominately of brick, and contain dormers and pillars. The ranch duplexes are also colonial-like in appearance and are constructed predominately with brick and contain similar detailing to the office/commercial structures.

### SITE CHARACTERISTICS

The overall site is 18.29 acres in area. The tract has approximately 900 feet of frontage on U.S. 42 and 755' of frontage along Frogtown Road. The site contains three single family residences, a barn, detached garages, a swimming pool, and a private cemetery which has not been delineated. Access for two of the three residences is provided from a shared driveway that connects to U.S. 42. The other residence has its own gravel driveway on Frogtown Road.

A blue line stream (Fowler Fork of Gunpowder Creek) exists along Frogtown Road and portions of U.S. 42. Mature deciduous tree lines along the north, northeast, and northwest property boundaries. Water and sanitary sewer mains exist along the U.S. 42 frontage and overhead electric lines exist on the property. The topography of the parcel ranges from 910' above sea level at the southeast property line, to 870' above sea level at U.S. 42, and 850' above sea level at Frogtown Road.

### SITE HISTORY

The current SR-1/UTO zone which applies to the site was adopted as part of the Union Town Plan in 2000.

### ADJACENT LAND USES AND ZONING

- North: Frogtown Road & St. Timothy Church (RSE/UTO)
- South: Single-Family Residential Dwellings Fronting on Pavillion Court (SR-1/UTO)
- East: Future Section of Cool Springs (Preliminary Plat Approved) (SR-1/UTO)
- West: U.S. 42 & Ryle High School (PF/UTO)

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the majority of the site for Suburban Residential (SR) uses and smaller portions of the site for Commercial (C) and Rural Lands (RL) uses. These designations are described as follows:

Suburban Residential – "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

Commercial – "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Rural Lands – “wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision.”

The Land Use Element text makes the following statements that relate to the overall area.

- A. This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union’s current residential nature, growth associated with the City of Florence, and proposed improvements to U.S. 42. For these reasons, the 2000 Union town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan’s recommendations are shown on the 2025 Future Land Use Map and also affect the Boone County Zoning Regulations (“Union Area,” pg. 164).
- B. New subdivisions should be developed with connecting roads providing alternative routes for residential traffic and decreasing the impact on major roadways. Road connections should include multi-modal elements such as pedestrian paths and bike lanes, and bus stops; Wetherington Boulevard is an example. Further road connections, that prohibit driveway access and street parking should occur between U.S. 42, Camp Ernst Road, Longbranch Road, and Hathaway Road. Hathaway Road needs special attention to protect this important east-west route. Water and sewer infrastructure should accompany such road connections and extensions as to prevent premature, estate-style residential development associated with sprawl, and to prevent frontage subdivisions that result in poor access management. Development proposals shall be carefully evaluated relative to the area-wide road network and any necessary contributions to the network (“Union Area,” pg. 164).
- C. The 1995 Comprehensive Plan recommended that the Small Community Overlay District should be expanded, or a new overlay district should be created, to incorporate this entire area and be utilized to encourage the development of a centralized, downtown area that coincides with the final alignment of U.S. 42. It was recommended that this downtown area be characterized by reduced setbacks, shared parking areas located between and behind buildings, and a pedestrian-oriented streetscape that builds upon the existing small town fabric. The downtown uses were recommended to include a variety of resident-oriented services and retail, and may include residential uses on second or subsequent floors.

Neighborhood-oriented commercial use may be provided along U.S. 42 between Farmview Subdivision and the Union city center in the form of small-scale nodes that are focused upon existing and future road intersections; regional retail uses are not appropriate in the U.S. 42 corridor. The physical development of these commercial nodes should be reflective of the existing rural environment and should include such elements as vernacular influenced architectural treatments, site planning arrangements reflective of the farmsteads in the area, parking areas situated at the sides and rear of buildings, tree lines along side property lines, and post and rail fencing. Residential subdivisions in this area should be cluster form so that the open space areas and pastures along U.S. 42 are maintained; density bonuses are encouraged for residential subdivisions in this area to accomplish this purpose. The new alignment of U.S. 42 offers a unique opportunity to prepare a model

plan of a Transit Oriented Development (TOD) for the new corridor. This Comprehensive Plan recommends that such a specific area plan, that includes design review procedures, be explored for the U.S. 42 corridor between Farmview subdivision and the south end of the Union City Center within a few years of the Plan's adoption ("Union Area," pp. 164-165).

The following Future Land Use Element Development guidelines relate to the proposal:

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate ("Buffering," pg. 159).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .  
  
Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).
- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).

- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pp. 159 and 160).
- F. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention . . .

Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County . . .

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Designs, Signs, and Historic Preservation," pg. 160).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (887) is expected to increase from 5,973 in the year 2000 to 8,402 in 2010, and to 9,459 in 2020 (pp. 27-30).

The Business Activity Element provides the following statements that relate to the general area.

- A. Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area ("Areas of Future Commercial Activity," pg. 70).
- B. The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth toward the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and

densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form instead of strip style commercial ("Areas of Future Commercial Activity," pg. 71).

- C. Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas. These commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Burlington and Union areas ("Areas of Future Commercial Activity," pg. 71).

The Housing Element makes the following remarks which relate to the proposal or general area.

- A. Although single-family homes are by far the most numerous, they are decreasing in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth. The Union area has a high percentage of single-family housing. Seventy-six percent of all units in Union were constructed between 1970 and 1990. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services, and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of densities and land uses outlined in the Future Land Use Plan ("Housing Types," pg. 82).
- B. 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. This provides a supply of affordable housing for county residents ("Housing Types, pg. 82).
- C. 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, 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. 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 densities should vary within the established developed areas, which is in agreement with the objective of land use selection based on housing densities rather than housing types. In order to support the densities needed to sustain mass transit (as proposed in OKI's Looking Ahead: 2020 Metropolitan Plan), and to foster new affordable housing options, average minimum densities shall be

encouraged for mixed-use, planned developments. This would allow a variety of housing types but also enable a logical progression of intensities. The highest residential densities would be in the activity centers of these mixed-use developments. These activity centers would also include neighborhood commercial, employment, and public uses, as well as transit stations or stops ("Housing Densities," pg. 84).

- D. The areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area.

Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county ("Residential Areas," pg. 87).

- E. The factors that will help fuel growth in this area include the improvements (expand from two to five lanes) of U.S. 42 from Florence to the new Ryle High School and Gray Middle School near Frogtown Road; the extension of water and sanitary sewer lines; access to the interstate highway system and the vast amount of developable land. The Union Town Plan sets the stage for development in this area when the new U.S. 42 is constructed around the year 2002, and sanitary sewer becomes widely available around the year 2006. Areas west and south of the Union Town Plan area, along U.S. 42, Hathaway Road, and Longbranch Road contain an existing agricultural, horse farm and estate residential character. Planning efforts, such as the Union Town Plan should be conducted in these areas. Street connections between developments and to arterials are critical in this central part of Boone County. The connections shown in the Union Town Plan need to be continued outside the study area to the next logical properties and arterial roadways ("Union-West Florence Area," pg. 88).

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).

- G. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- H. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site, without unduly restricting the development. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- K. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity," Commercial [Retail and Office] Objective 1).
- L. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood ("Business Activity," Commercial [Retail and Office] Objective 2).
- M. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- N. Housing supply in Boone County shall be balanced against present and planned commercial, industrial and education bases. Primary and Secondary education capacity shall be a component of housing development review ("Housing," Objective 4).
- O. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing," Objective 5).
- P. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).

- Q. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2<sup>nd</sup> Goal, Objective 2).
- R. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

#### RELATIONSHIP TO UNION TOWN PLAN

The text of the Union Town Plan ("Relationship to the Boone County Comprehensive Plan," pg. 2) states that it was "drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendations."

The 2000 Union Town Land Use Plan Map (see attachments) designates the site for three different land uses. The majority of the site is designated for single-family detached uses at a density of 2.2 dwelling units per acre. However, since the underlying zoning of the property is currently Suburban Residential One (SR-1) the property can be developed with single-family residences at a density of 4.0 dwelling units per acre without a zone change. The U.S. 42/Frogtown Road intersection area is forecasted for commercial uses. This parcel used to house an Ameristop convenience store. The remaining portion of the property immediately adjoins Frogtown Road and is forecasted as a permanent green area. The Union Town Land Use Plan Map illustrates that a walking or bicycle trail should be developed along the Fowler Fork of South Fork of Gunpowder Creek.

#### STANDARDS FOR GRANTING VARIANCES

Section 303 of the Boone County Zoning Regulations states that "at the time of filing an application for a Zoning Map Amendment, an applicant may also request dimensional variances for the same development.

The Planning Commission needs to evaluate the applicant's variance 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 Planning Commission must find that the granting of the variances 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. In making these findings, the Planning Commission shall consider whether:
  - 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 Planning Commission shall deny any request for 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.

#### STAFF COMMENTS

- A. First, the Planning Commission and legislative body will need to consider the Comprehensive Plan and Union Town Plan as they relate to the request. The Land Use Element, states that "the (Union Town) plan's recommendations are shown on the 2025 Future Land Use Map." As discussed previously, the Future Land Use Map designates respective portions of the site for Commercial, Suburban Residential, and Rural Lands uses. The Union Town Land Use Plan Map designates the various parts of the site for Commercial, Suburban Residential, and green areas. The two land use plan maps are fairly consistent with one another based on the terminology used within each document.

Where the Future Land Use Map designates the majority of the site for Suburban Residential uses (single-family housing of up to four units per acre), the Concept Development Plans show 38 attached houses being proposed on 10.78 acres of the site (intensity of 3.53 dwelling units per acre) and up to 44,313 square feet of office and commercial uses being proposed on approximately 5.85 acres of the site (intensity of 7,575 square feet of building per acre of land). Staff believes that there are clear discrepancies between the Future Land Use Map and submitted Concept Development Plans in terms of the type of dwelling units being proposed and the amount of the land being developed as office and commercial. At the same time, the Comprehensive Plan contains the following passages: (1) multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses (Housing Element); (2) The population for zone 887 is expected to increase from 5,973 in the year 2000 to 9,459 in 2020 (Population Element) and (3) The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form instead of strip style commercial.

In short, the Comprehensive Plan and Union Town Plan do plan for growth for this site and the general area. The fundamental question is whether it is the types and manner of growth indicated in this proposal. The governing bodies will need to consider the entirety of the Comprehensive Plan, which has substantial quotes cited in this report. The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

- B. Section 2540 "Design Requirements for UTC, UC, and UNO Zoning Districts" (see attachments) outlines specific standards for developments within the UC zone. Staff offers the following comments regarding the Concept Development Plans compliance with these requirements.
  1. Setbacks: This section requires minimum and maximum front yard setbacks of 10 feet and 50 feet respectively. Except for lot 2, all of the lots meet this requirement. A Variance application has been submitted to increase the maximum front yard setback for lot 2 from 50 feet to a 167 feet.

2. Height: This section requires a maximum building height of 50 feet. Although specific building heights have not outlined, this standard can be readily met by the proposed one and two story buildings.
  3. Impervious Space: This standard does not allow more than 80 percent of a site to be covered with impervious area, and requires the remaining 20 percent to be landscaped or kept in its natural state. Although calculations have not been provided, Staff seriously questions whether this requirement has been met. Staff would like the Applicant to furnish these calculations at the Zone Change Committee meeting.
  4. Interior Open Space: This section pertains to pedestrian/bike connections, civic/public space, landscaped entryways, and a pedestrian/bike path. Staff's conclusion is that landscaping should be added to both sides of all entrance drives and the amenities in the lot #3 civic space should be more clearly defined.
  5. Utilities: This standard requires all utilities to be placed underground and utility boxes that are visible along US 42 to be screened. This Concept Development Plans contain a note which indicate that all utilities will be constructed underground.
  6. Building Orientation: This standard requires the commercial buildings to be oriented toward U.S. 42 when the site adjoins one of these roads. Any drive-through facilities or automatic tellers must be located on the side or rear building facades. The proposed commercial buildings are oriented toward US 42, Frogtown Road, or the proposed right-of-way. Concept Development Plan #1 shows that a drive-through facility is proposed on the side of lot #2. Drive-through facilities are also subject to the requirements in Section 3155 "Drive-Through Facilities."
  7. Fences: This standard states that a post and rail, horse-style fence "must" be provided in the front yard setback. The Concept Development Plans show that horse fencing is being installed along the U.S. 42 and Frogtown Road frontages.
  8. Architecture: This requirement outlines architectural standards that are to be used by the Planning Commission's Technical/Design Review Committee in evaluating proposals in the UC zone. Specific topics for review are also provided in Section 2550 "Technical/Design Review Committee." Staff believes that the submitted office/commercial building elevations are in compliance with these standards.
  9. Streetscape and Improvements: This section describes requirements pertaining to street connections, street trees, sidewalks, parking requirements, bicycle racks, street lights, street furniture, and internal driveway connections. Staff is concerned that street trees are only being shown on the southern and eastern sides of the development's main road. In addition, some of the lots show parking being located in the front yard. Per the UC guidelines, no parking can exist within the front yard. Lastly, the Concept Development Plans indicate that street furniture and lights will exist along the main boulevard, but no specific locations are shown.
- C. Section 2562 "Design Criteria for all Residential and Agricultural Development" (see attachments) outlines specific standards for residential developments within the Union Town Plan. The Applicant's request to rezone the multi-family parcel from SR-1/UTO to SR-2 would nullify these standards. If the project is approved, Staff recommends that the

applicant, property owners, and Zone Change Committee should try to implement as many of these standards that is possible in order to fulfill the intent of the Union Town Plan. Specifically, Staff believes that building orientation, open space, signage, and boulevard landscaping criteria should be analyzed more thoroughly.

- D. The Applicant has provided a list of the principally permitted uses that are allowed in the Union Commercial zone (see attachments). As part of the application, several principally permitted uses have been stricken from consideration. The stricken uses cannot exist within the development.
- E. The Concept Development Plans indicate that a 2 plot family cemetery exists within the boundaries of lot 7 (the residential lot). The boundaries of the cemetery are not delineated on the Concept Plans. The applicant, property owner, or developer may relocate or preserve the cemetery according to applicable local and state laws. Staff would like to point out that a 30' cemetery easement will be required if the cemetery remains on-site. The easement prohibits any new structure, building additions, or parking to be within 30' of the private cemetery.
- F. Staff talked to Gretchen Bartley, with the Division of Water, about the request. She indicated that a blueline stream exists on the site (Fowler Fork of Southfork of Gunpowder Creek) and that permits will be needed from the Division of Water to construct along or across a stream. In addition, a permit from the Army Corps. of Engineers may be needed if more than 200 feet of the stream is filled or channelized.
- G. Staff has several concerns regarding circulation. These include:
  - 1. Staff is concerned about geometrics because the proposed public street contains a large radial curve. The radial curve seems to limit sight distance when motorists are leaving the office/commercial and residential areas. Staff would like the applicant to address if a grid-style street system could be proposed.
  - 2. Staff is concerned about the private streets which serve the office/commercial buildings and the duplex dwelling units. Staff would like to point that the Boone County or City of Union will not be responsible for snow removal or maintenance of these streets.
  - 3. The proposed right-in/right-out curb cut on Frogtown Road is located between the development's main access point on Frogtown Road and the U.S. 42/Frogtown Road intersection. Its location is approximately 210 feet from U.S. 42. Staff is concerned that motorists will use the right-in/right-out as a cut through to avoid the signalized intersection at the U.S. 42/Frogtown Road intersection. In addition, several motorists ignore right-in/right-out layouts and still make left hand turns. Staff believes that the Zone Change Committee should analyze whether this right-in/right out curb cut is necessary.
  - 4. Staff sent copies of the Concept Development Plans to Edmond C. Thompson, of the Kentucky Transportation Cabinet for review. Mr. Thompson provided a letter (see attachments) indicating that entrances on U.S. 42 and Frogtown Road meet their standards and specifications, but that some details regarding drainage would need to be worked out before encroachment permits would be granted.

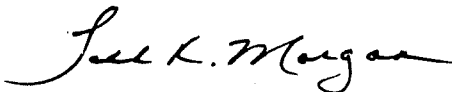
5. Staff would like to point out that no traffic data has been supplied as part of the request.
- H. Staff is concerned about the lack of perimeter landscaping around the commercial lots. Article 36 of the Boone County Zoning Regulations requires Buffer Yard A (10' in width) to be planted along all street frontages and when commercial uses adjoin commercial uses. The Concept Development Plans do not account for these buffers and it appears that some buildings and parking areas are encroaching into the buffer areas.
- I. If the project is approved, Staff recommends a condition which would define the planting materials which are required on lot 6. The Boone County Zoning Regulations don't require landscape buffers between adjoining properties when they are both residentially zoned.
- J. In regard to the Variance application, Staff believes the request to increase the maximum front yard setback from 50' to 167' results from a physical hardship because lot 2 fronts on Frogtown Road. This section of Frogtown Road contains a blue line stream with a defined bank.
- K. Staff talked with Greg Voss, City of Union Attorney, regarding the property owners intent to annex into the City of Union. Mr. Voss indicated that the City of Union will probably have first reading on the ordinance on May 9, 2005 and second reading on June 13, 2005. The Boone County Planning Commission's recommendation on the zone change will be sent to Union City Council if an intent to annex ordinance is finalized by the time the Planning Commission takes final action.
- L. When taking the comments outlined above as a whole, Staff highly recommends that the applicant work on a redesign of the project for the Zone Change Committee to consider. At a minimum, this redesign should examine the limits of the family cemetery, perimeter landscaping requirements, building and parking locations, street geometrics, and implementation of some of the Union Town Plan residential design standards.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations. The Future Land Use Map will need to be amended if this request is approved.

The Planning Commission needs to review Variance applications in terms of Sections 251 of the Boone County Zoning Regulations.

Respectfully submitted,

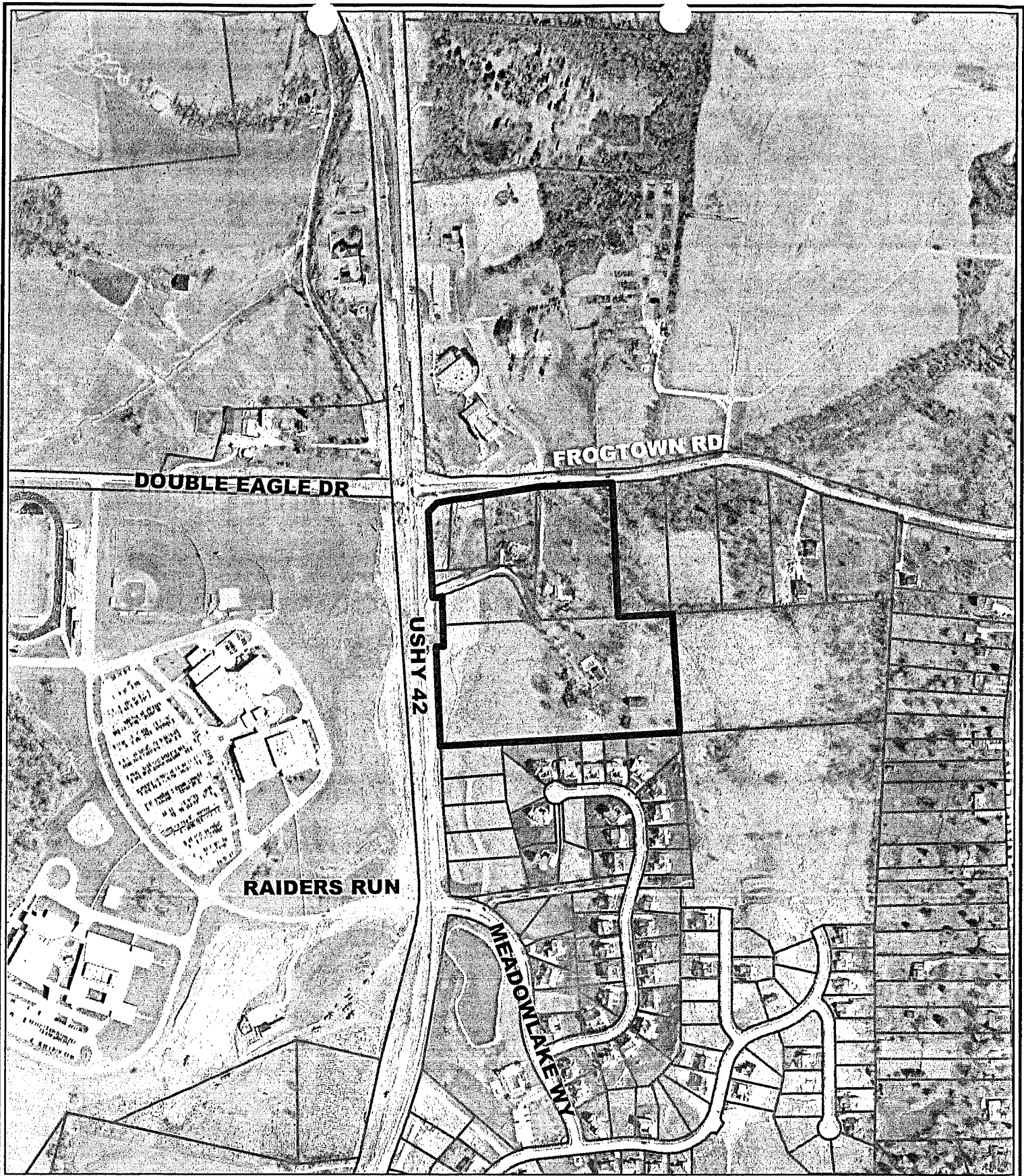


Todd K. Morgan, AICP  
Planner, Zoning Services

TKM\pr

attachments:

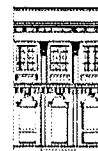
- Aerial Map
- Letter from Property Owner
- Existing Conditions Map
- Concept Plans
- Elevation Drawings
- List of Principally Permitted UC Uses
- Zoning Map
- Future Land Use Map
- 2000 Union Town Land Use Plan
- Section 2540 "Design Requirements for UTC, UC, and UNO Zoning Districts
- Section 2562 "Design Criteria For All Residential and Agricultural Development"
- Topographical Map
- Letter from KY Transportation Cabinet
- Adjoining Property to North (Cool Springs Subdivision Preliminary Plat)
- Application



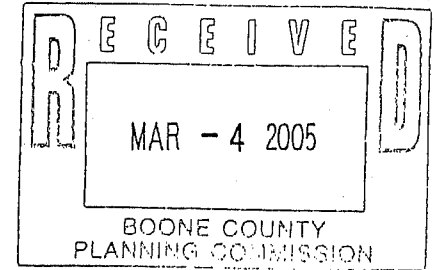
# Union Pointe Centre Aerial Map

500 0 500 Feet

1 inch equals 500 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 April 4, 2005



**James R. Wright, D.M.D.  
1982 Mt. Zion Road  
Union, Kentucky 41091**



March 3, 2005

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

In Re: 18.54 Acre Site located at Southeast corner US 42 & Frogtown Road

Gentlemen:

I am enclosing an application for a zoning map amendment for the above-mentioned property located near the City of Union, Kentucky. The application includes property owned by my neighbors Gavin Rees and Sheila Rees.

My proposed Concept Development Plan which was submitted with my application for a zone change for the subject property creates a mixed use neighborhood commercial area to serve the surrounding residences, professional office space, and single family patio homes. I am requesting a zoning map amendment from SR-1(UTO) to Union Commercial (UC) under Section 2510 of the Boone County Planning Regulations for a 6.23 acre parcel fronting on U.S. 42. I am also requesting a zoning map amendment from SR-1(UTO) to SR-2 [REDACTED] under Section 940. The property is not currently in the City of Union but is covered by the Union Town Overlay in the comprehensive plan for Boone County. I have informally discussed the Concept Development Plan with a planner in your office. In addition, I have discussed my proposed development with representatives of the City of Union and they are generally in agreement with my plans. It is my intention to seek annexation of my property by the City of Union. Accordingly, I would like my application for a zone map change to be considered under Section 290 of the Zoning Regulations which deals with property in the process of being annexed by a city. I will formally follow up with the City of Union to initiate the annexation process.

The proposed Concept Development Plan provides for transitional uses from residential to low density commercial which will integrate into the surrounding neighborhood as part of a mixed use development. The residential portion of the Concept Development Plan which lies to the rear and south of the commercial development along U.S. 42 will serve as a buffer for the adjoining residential subdivision. The architectural style of the development will be Kentucky Colonial which will blend in with the surrounding environment. The property has significant frontage on both a primary and secondary arterial street which provides good access and would be an ideal location for low density commercial use.

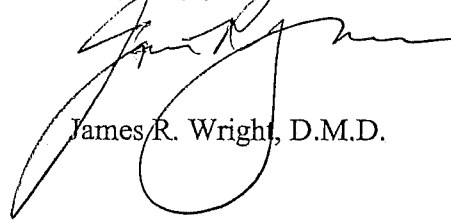
Boone County Planning Commission

March 3, 2005

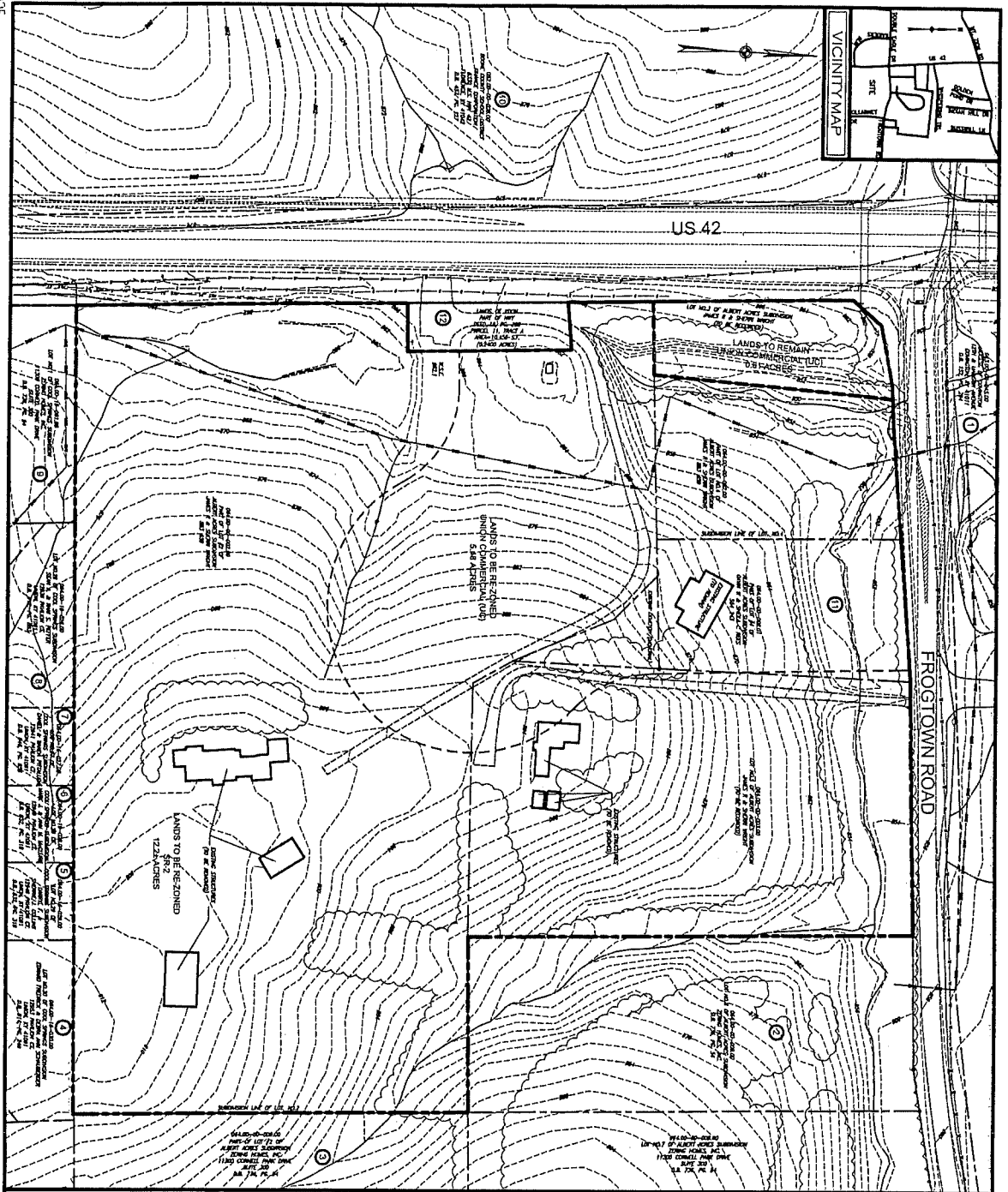
Page 2

I look forward to presenting my case for a zone change and approval of my Concept Development Plan for this property.

Very truly yours,

A handwritten signature in black ink, appearing to read "James R. Wright", with a large, stylized flourish extending from the bottom of the signature.

James R. Wright, D.M.D.



<b>ZONE</b>	SR1 AREA - 1748 ACRES
<b>CURRENT ZONES</b>	UC AREA - 4381 ACRES
<b>PROPOSED ZONES</b>	UC AREA - 1348 ACRES SR2 AREA - 1232 ACRES
<b>PROPERTY OWNER IDENTIFICATION KEY</b>	

**C-100**

EXISTING  
CONDITIONS  
& PROPERTY ID  
MAP

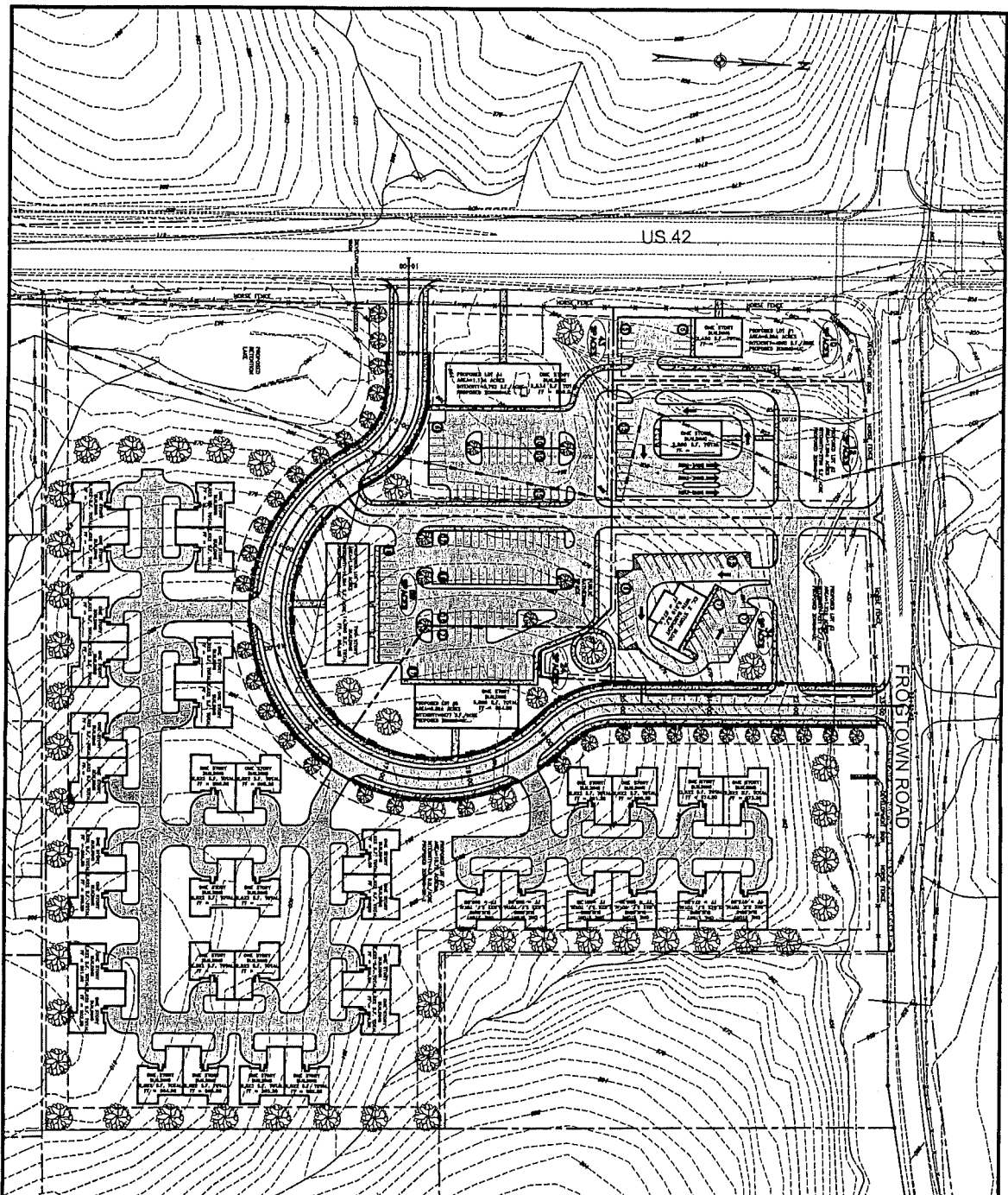
**UNION POINTE CENTRE**  
US 42 & FROGTOWN ROAD  
UNION, KENTUCKY 41091

**Riegler**  
ENGINEERING & SURVEYING, LLC

CIVIL ENGINEERING  
AND LAND SURVEYING

18 FORTNELL DRIVE, SUITE 9  
FLORENCE, KY 40302  
PHONE: 502-771-0000  
FAX: 502-771-9110

DATE	NO.	REVISION DESCRIPTION



ZONE	AREA	ACRES
CURRENT ZONES		
UC AREA	17.89	ACRES
UC AREA	0.81	ACRES
PROPOSED ZONES		
UC AREA	3.44	ACRES
SR2 AREA	1.23	ACRES

NOTES:

1. ALL UTILITIES SHALL BE COMPLETED UNDERGROUND.
2. FROGTOWN ROAD SHALL BE RECONSTRUCTED TO ACCOMMODATE THE PROPOSED DEVELOPMENT.
3. ALL DISTRICT PLANNING COMMISSION (DPC) AND LOCAL GOVERNMENT (LUG) COMMENTS AND COMMENTS OF THE PLANNING BOARD SHALL BE INCORPORATED INTO THE FINAL PLAN.
4. THE PLANNING BOARD SHALL BE RESPONSIBLE FOR THE FINAL REVIEW AND APPROVAL OF THE FINAL PLAN.

**UNION POINTE CENTRE**  
 US 42 & FROGTOWN ROAD  
 UNION, KENTUCKY 41091

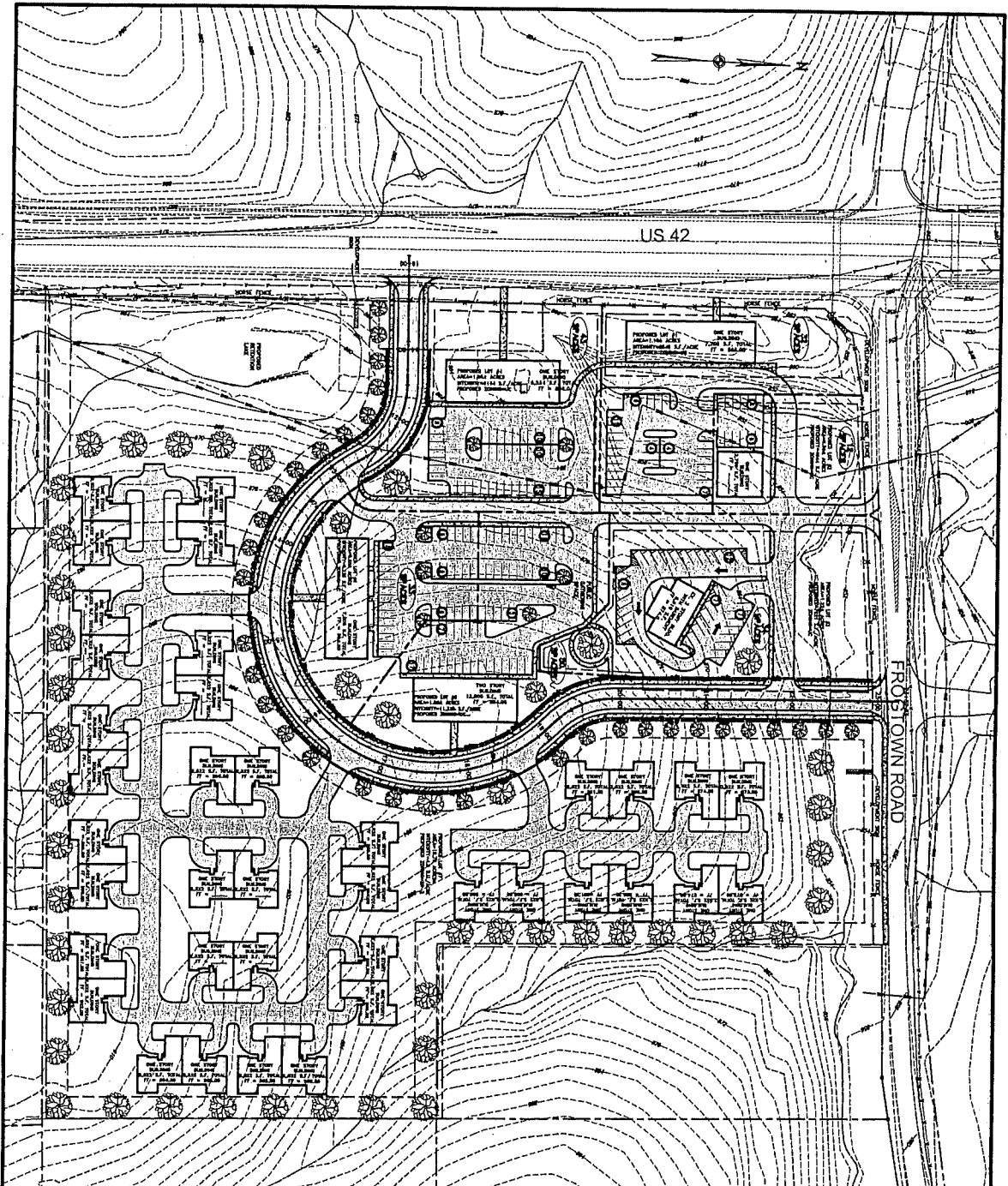
**Riegler**  
 ENGINEERING & ARCHITECTURE, LLC

CIVIL ENGINEERING  
 AND LAND SURVEYING  
 110 ANNE ARD DRIVE, SUITE 114  
 FARMINGDALE, KY 40324  
 PHONE: 502-211-6500  
 FAX: 502-211-6510

DATE	NO.	REVISION DESCRIPTION

CONCEPT PLAN  
 C110

DATE: 04/24/14  
 DRAWN BY: JMM  
 CHECKED BY: JMM  
 PROJECT NO.: 04054



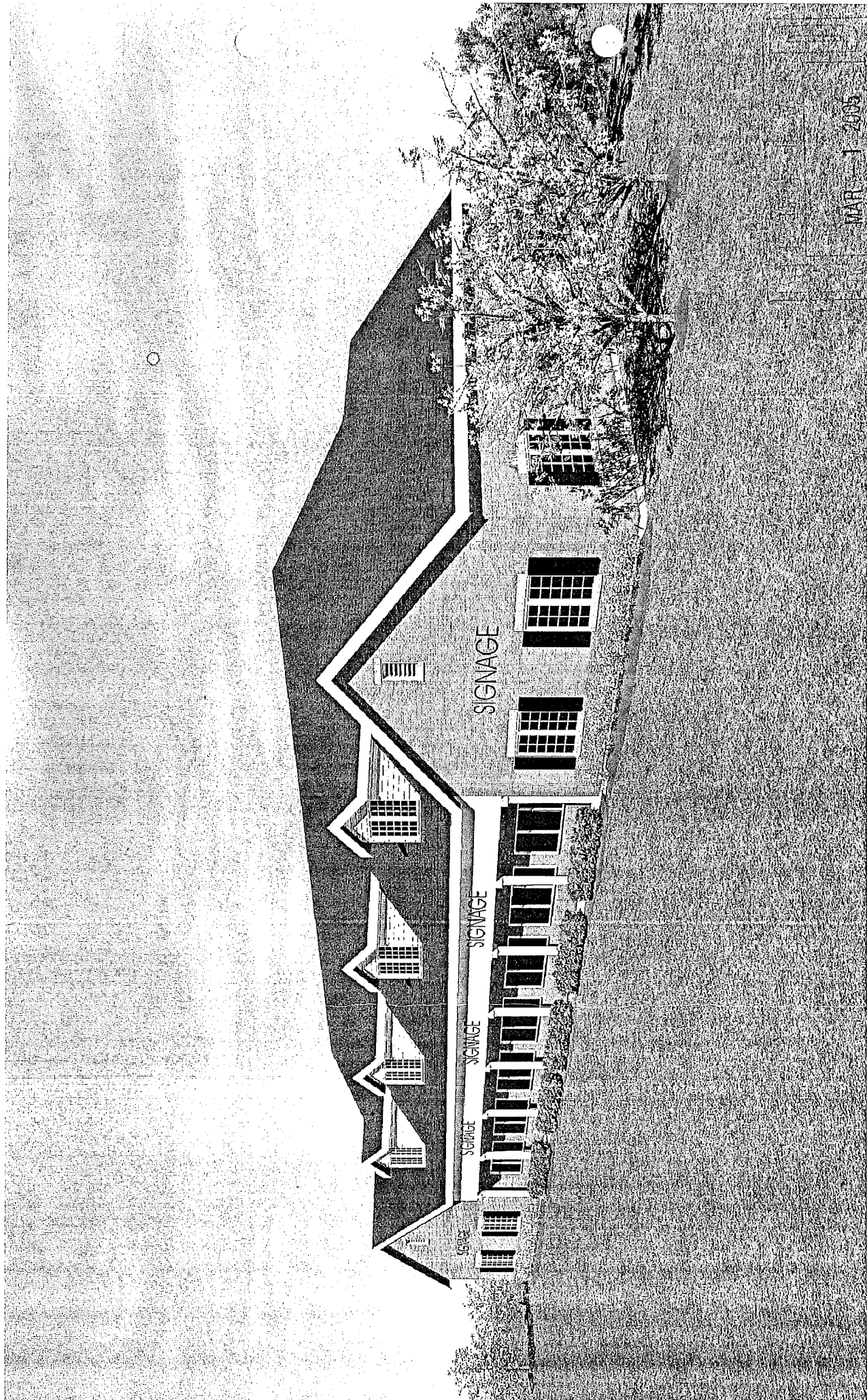
ZONE  
 CLIENT ZONES  
 UC AREA = 837 ACRES  
 SR1 AREA = 1728 ACRES

PROPOSED ZONES  
 UC AREA = 524 ACRES  
 SR2 AREA = 1123 ACRES

NOTES:  
 1) ALL UTILITIES SHALL BE COORDINATED UNDERGROUND.  
 2) STREET LIGHTING, LIGHT FIXTURES SHALL BE PROVIDED ALONG THE CURB LINES FOR EACH SIDE OF THE ROAD.  
 3) ALL EXISTING MARKET CONCEPTS FOR DEVELOPMENT WITHIN THE BOUNDARIES OF PROPOSED CD NO. 7, THE EXACT DETERMINATION SHALL BE THE RESPONSIBILITY OF THE DEVELOPER FOR THIS PROJECT.

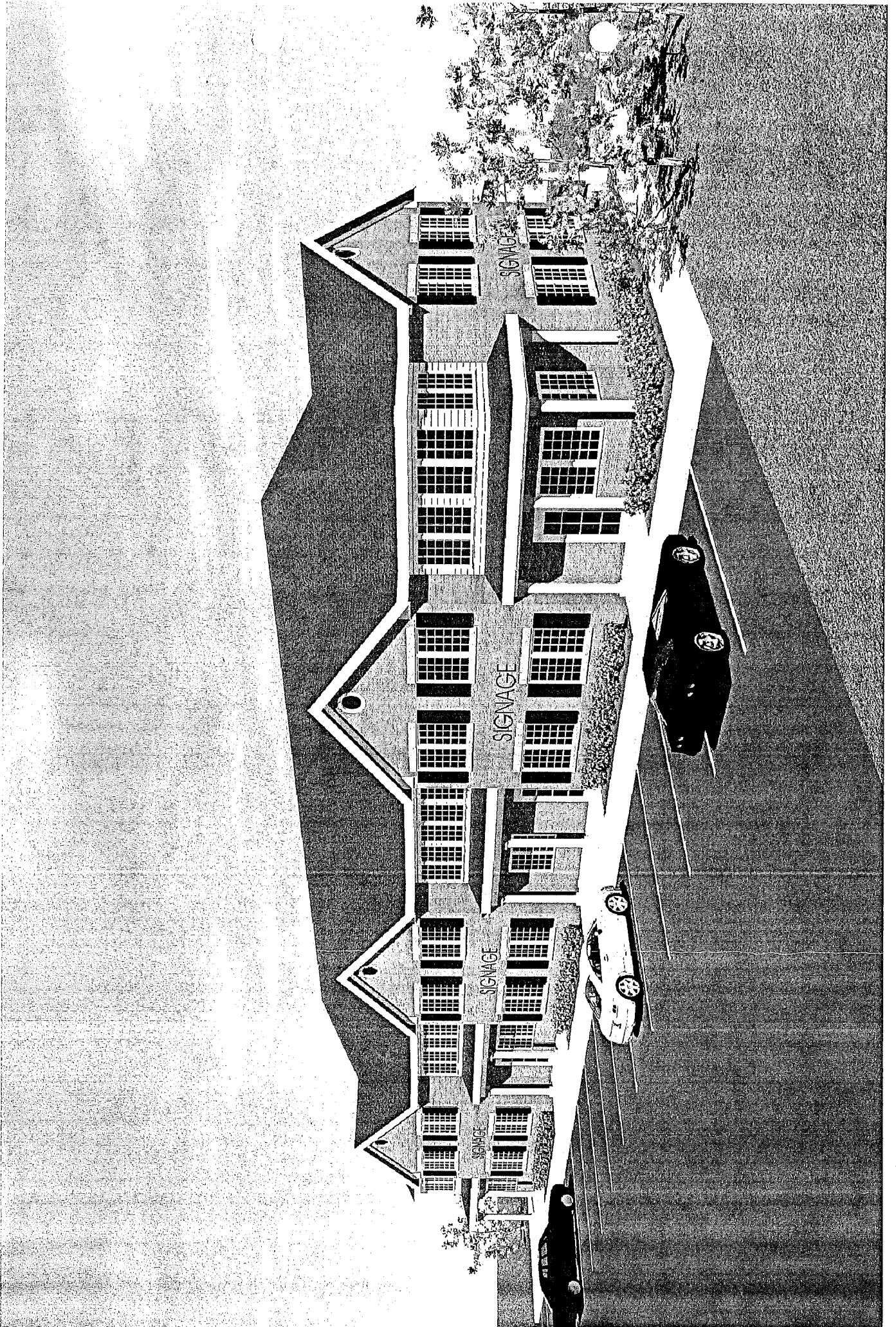


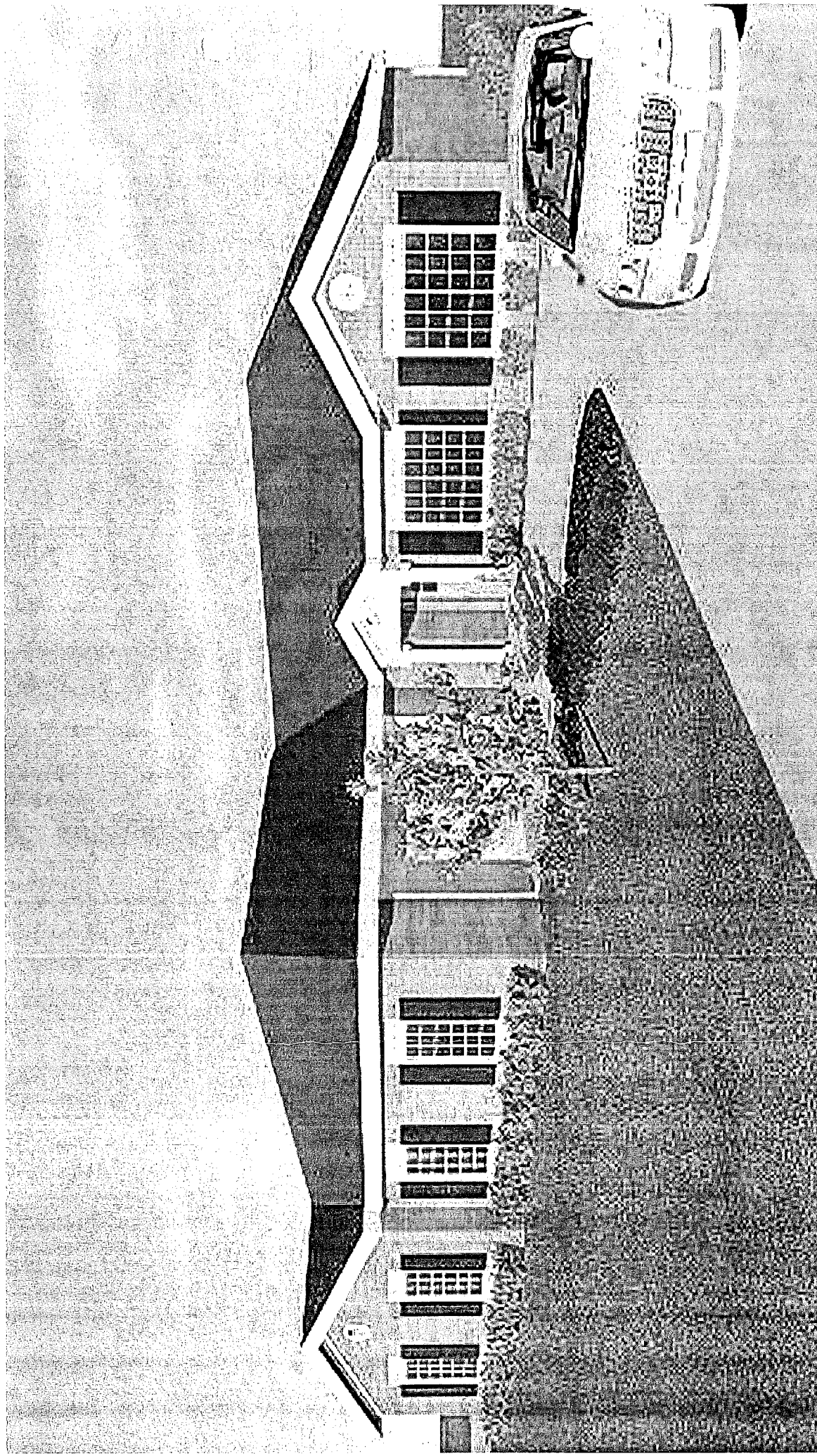
PROJECT NO. <b>C111</b>	CONCEPT PLAN	UNION POINTE CENTRE US 42 & FROGTOWN ROAD UNION, KENTUCKY 41091			CIVIL ENGINEERING AND LAND SURVEYING 14 GENERAL AVE. SUITE 4 FLORENCE, KY 41042 502-331-6000 FAX 502-331-6110	DATE	NO.	REVISION/DESCRIPTION
		DATE	NO.			REVISION/DESCRIPTION		



MAR 1 2005

BOONE COUNTY  
PLANNING COMMISSION





certain development impacts are addressed. The *Union Town Plan* recommendations are specific enough, however, to allow the Planning Commission to consider proposed developments for a shortened review process. If deemed consistent with the recommendations of the *Union Town Plan* for the subject area, the development may be found eligible for normal site plan and subdivision review processes to occur without requiring a zone change, or the review of a Concept Development Plan, or other public hearing processes. Of course, a developer or property owner can at any time apply for other zoning districts and be subject to the normal Zoning Map Amendment process described in Article 3 of the Boone County Zoning Regulations.

## SECTION 2510

### UNION COMMERCIAL (UC)

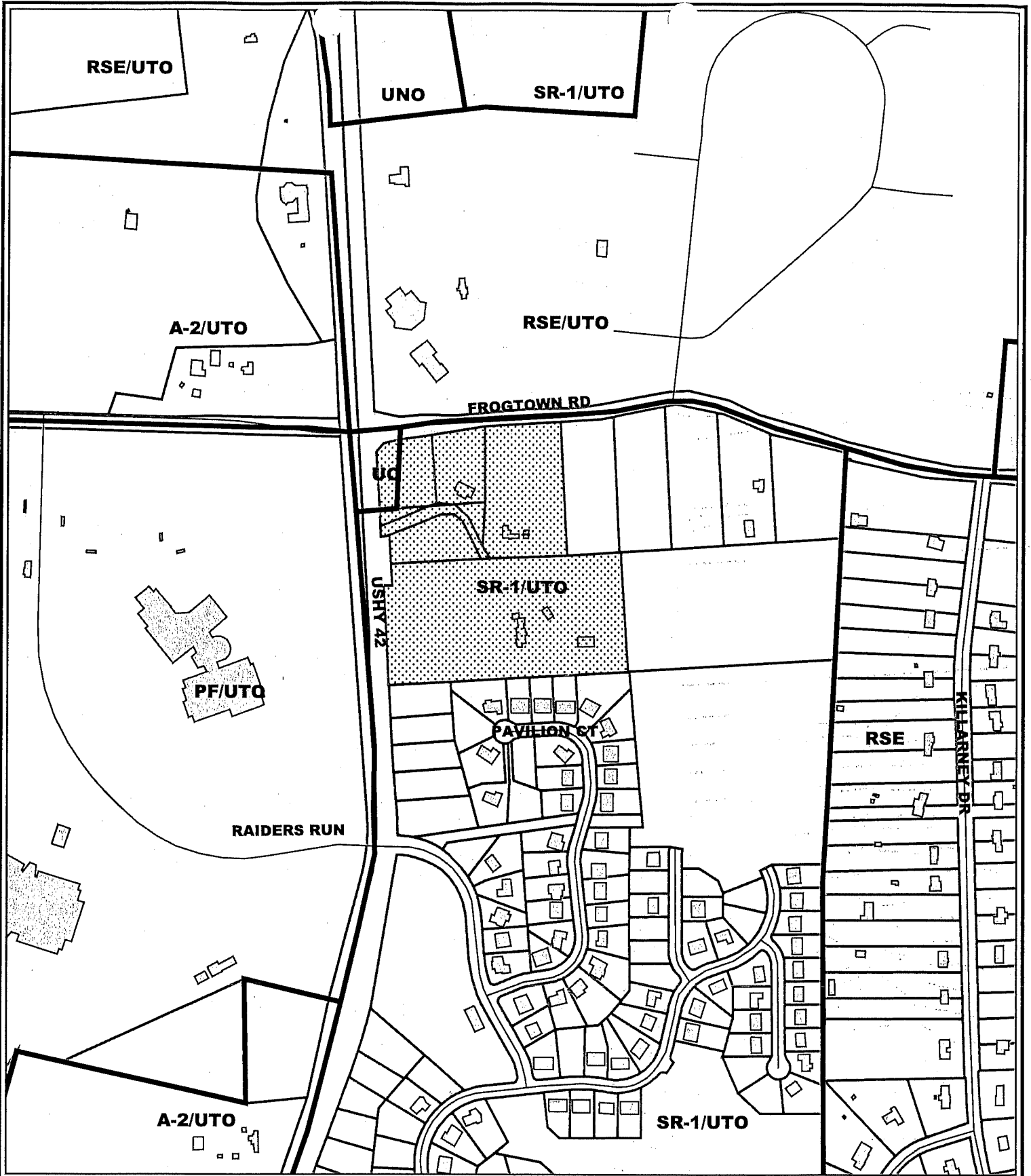
The purpose of the Union Commercial (UC) zone district is to allow for the protection of existing commercial uses, but also to bring them into conformance with the *Union Town Plan* over time. The location of the UC zone district allows limited additional commercial uses or limited expansion of existing commercial uses in areas that have historically supported them, but does not promote a continuous or extensive strip of commercial development. The permitted uses are designed to serve the immediate area and accommodate the demands of an expanding Union area population. The type and scale of commercial uses is not intended to be of a highway commercial nature or bring significant numbers of patrons into the Study Area that would not otherwise be in the area. Residential development can also occur in the UC zone. The extent of the UC zone is shown as commercial land use on the *Union Town Plan*.

## SECTION 2511

### Principally Permitted Uses

1. ~~Detached single-family dwelling units;~~
2. ~~Attached town house-style dwelling units;~~
3. Eating and drinking establishments including alcoholic beverages, and ~~drive-through~~,  
franchise style fast food establishments; no Drive through
4. Hardware Stores;
5. Grocery stores and supermarkets;
6. Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
7. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
8. Liquor, beverage, drug and proprietary stores;
9. Banking services including drive-through facilities;
10. Insurance carriers and agents;
11. Real Estate and related services;
12. Accounting, auditing and bookkeeping services;
13. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
14. Physician, dental, optical goods and services;
15. Veterinary services and pet grooming services but not including the boarding of animals;
16. Beauty and barber services and tanning salons;
17. Nursery and day care centers;
18. Laundering, dry cleaning and dyeing services including self-service;
19. Alteration, and garment repair and custom tailoring;

20. Shoe repair, shoe shining and hat cleaning services;
21. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
22. Jewelry stores;
23. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances and repair;
24. Art, craft and hobby supplies and products, gifts and novelties;
25. Antiques and used merchandise;
26. Books, stationery, newspapers and magazines;
27. Florists excluding greenhouses;
28. Sporting goods including bicycles;
29. Draperies, curtains, upholstery and floor coverings;
30. Paint, glass, and wallpaper stores;
31. Photo finishing services;
- ~~32. Funeral homes and crematoriums excluding cemeteries or mausoleums;~~
33. Furniture, home furnishings including specialty and floor coverings;
34. Specialized upholstery and furniture repair or refinishing services;
35. Apparel stores;
36. Household appliances, china, glassware and metalware;
37. Legal services, engineering, and architectural services;
38. Title abstracting services, holding and investment services;
39. Advertising services including direct mail;
40. Business and management consulting services, credit services;
41. Employment services;
42. Consumer and mercantile credit reporting, adjustment and collection services;
41. Travel arranging, transportation ticket and public event or promotional booking agencies;
42. ~~Radio and television broadcasting studios excluding transmitting stations and towers;~~
43. Art, music and dancing schools, libraries and museums;
44. Medical and Dental laboratory services;
45. Medical clinics - out - patient services;
46. Welfare and charitable services;
47. Business associations and professional membership organizations including civic, social and fraternal organizations;
48. Art and craft galleries and similar exhibit space;
49. Aquariums, botanical gardens and other natural exhibitions;
50. ~~Churches, synagogues, temples and other places of religious assembly for worship;~~
51. Real Estate management services and builders offices excluding any outside storage;
52. Photographic and stenographic services;
53. Research, development and testing services of an office nature;
54. Business colleges or schools;
55. Retail sale of office supplies and equipment;
56. Generic professional offices;
57. Video rental and sales; and
58. Storm water management facilities designed in accordance with Article 3 of the *Boone County Subdivision Regulations* (site plan review required).
59. ~~Expansion of existing auto repair uses, provided the expansion meets the requirements of the *Union Town Plan*.~~



# Union Pointe Centre Zoning Map

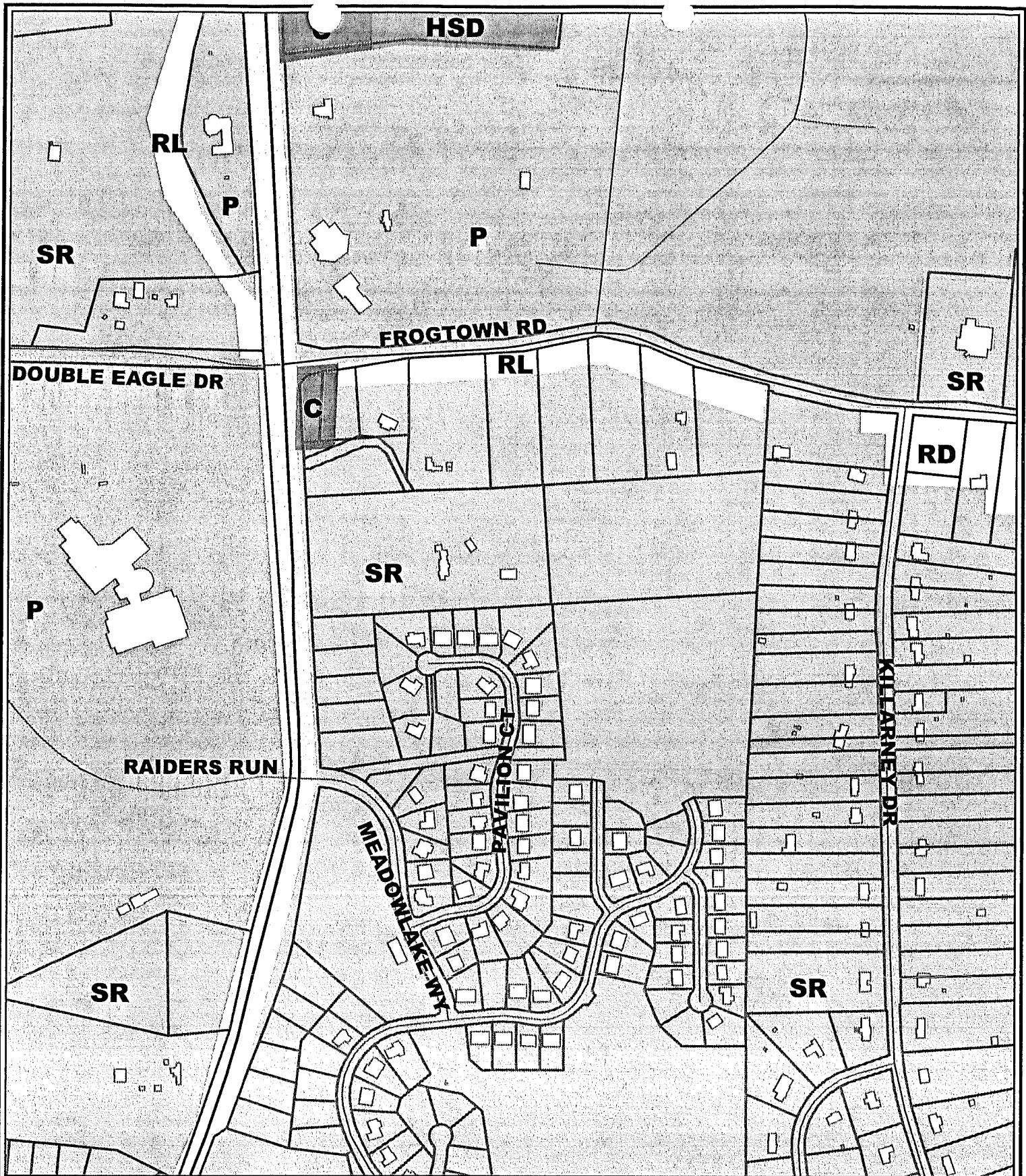
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1 inch equals 500 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 4, 2005

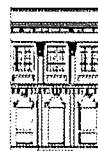


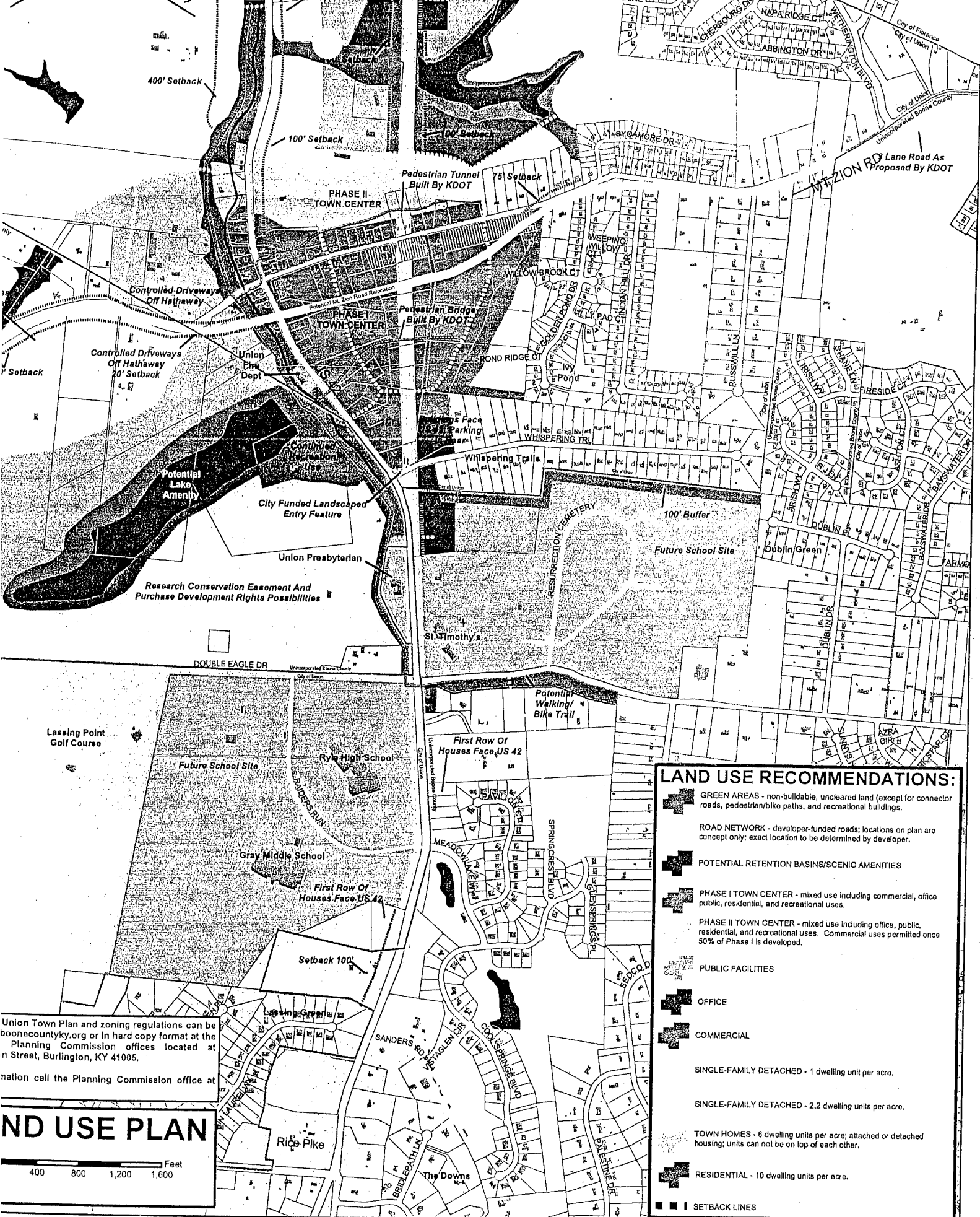


# Union Pointe Centre Future Land Use Map

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Produced by the  
Boone County Planning Commission  
GIS Services Division  
March 23, 2005

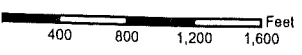

















Union Town Plan and zoning regulations can be found at [boonecountyky.org](http://boonecountyky.org) or in hard copy format at the Planning Commission offices located at 100 West Street, Burlington, KY 41005.

For more information, please call the Planning Commission office at 781-1234.

# LAND USE PLAN



## LAND USE RECOMMENDATIONS:

-  GREEN AREAS - non-bulldable, uncleared land (except for connector roads, pedestrian/bike paths, and recreational buildings).
-  ROAD NETWORK - developer-funded roads; locations on plan are concept only; exact location to be determined by developer.
-  POTENTIAL RETENTION BASINS/SCENIC AMENITIES
-  PHASE I TOWN CENTER - mixed use including commercial, office, public, residential, and recreational uses.
-  PHASE II TOWN CENTER - mixed use including office, public, residential, and recreational uses. Commercial uses permitted once 50% of Phase I is developed.
-  PUBLIC FACILITIES
-  OFFICE
-  COMMERCIAL
-  SINGLE-FAMILY DETACHED - 1 dwelling unit per acre.
-  SINGLE-FAMILY DETACHED - 2.2 dwelling units per acre.
-  TOWN HOMES - 6 dwelling units per acre; attached or detached housing; units can not be on top of each other.
-  RESIDENTIAL - 10 dwelling units per acre.
-  SETBACK LINES

5. Temporary buildings incidental to construction;
6. Automatic teller machines attached to the principle structure; and
7. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

#### **SECTION 2533**

##### **Intensity**

The maximum intensity in a UNO zone district shall not exceed 20,000 square feet of gross floor area per acre of land.

#### **SECTION 2534**

##### **Minimum Lot Size**

The minimum lot size in the UNO zone district is 20,000 square feet.

#### **SECTION 2535**

##### **Design Standards**

Development in the UNO zone follows Section 2540.

#### **SECTION 2540**

##### **Design Requirements for UTC, UC, and UNO Zoning Districts**

1. Setbacks
  - a. Principally Permitted Structures
    - 1) Front Yard Minimum - ten (10) feet from the right-of-way line.  
Front Yard Maximum - fifty (50) feet from the right-of-way line.
    - 2) Rear Yard Minimum Setback - twenty (20) feet from property line.
    - 3) Side Yard Minimum Setbacks - five (5) feet from property line.
  - b. Accessory Structures - The following setbacks shall apply to any accessory structure in the district: All accessory structures shall be located in the rear yards at least five (5) feet from all property lines.
2. Height - Maximum height of any structure is fifty (50) feet.
3. Impervious Space - No more than eighty percent (80%) of the site can be covered with impervious surfaces. The remaining twenty percent (20%) shall be landscaped or kept in its natural state.
4. Interior Open Space - The minimum shall be provided:
  - a. Pedestrian/Bike Connections - at critical points in the development linking the Town Center with green space as depicted on the 2000 *Union Town Plan* Land Use Map and other areas including other residential developments, parks, churches and schools;
  - b. Civic/Public Space - all developments shall provide some form of a public gathering place, such as a landscaped picnic table area or a decorative bus stop area, that is fronted on at least one (1) side by a public street when the site abuts a public street; and
  - c. Landscaped entryways

- d. Pedestrian/Bike Path - developers shall construct a 10' minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.
- 5. Utilities - All utilities except for street lights must be located underground. Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.
- 6. Building Orientation - All structures shall front toward existing Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 when the subject site adjoins one of these roads. Any drive-through windows, automatic teller machines, or gasoline pump canopies must be located on the side or rear building facades away from these roadways.
- 7. Fences - Fences shall conform to Section 3655 of the Boone County Zoning Regulations. The UNO and UC zoning districts must provide a post and rail, horse-style fence in the front setback.
- 8. Architecture  
The following architectural standards shall serve to guide the Planning Commission's Technical/Design Review Committee. Deviations from these standards shall be weighed by the Committee to determine the appropriateness of the design with the overall intent of the 2000 *Union Town Plan* and the extent of which the site is visible from public view.
  - a. Materials - All sides of the principle structure that are visible from all roads except for rear accessed alleys shall constructed of traditional materials including: stone, brick, architectural concrete masonry units with integral color (painted blocks not acceptable), wood or glass; or synthesized materials that appear as such. Rear and side elevations shall have the same architectural treatment as the front. Exposed concrete foundations shall be finished with brick or stone or a material of the appearance of such. Concrete foundations can be exposed at a minimum of two feet but screened with landscaping.
  - b. Garage/Loading/Unloading Doors - If the dwelling unit contains an attached garage or the principle structure contains a loading/unloading area, the garage or loading/unloading doors shall not face the road on which the principle structure faces and in the case of a single-family dwelling unit, the garage wall shall be extended or recessed at least two (2) feet from the front facade. This garage wall shall contain at least two (2) windows giving the garage an appearance of being a finished room within the dwelling unit.
  - c. Entrance - All buildings shall have their main entrance on the primary street with an equally defined rear entry from the parking area.
  - d. Building Length - No building which fronts on to current Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 shall have a linear length along that road of greater than 150 feet.
  - e. Roof - All residential buildings shall have a sloped or pitched roof.
- 9. Streetscape and Improvements
  - a. Street Connections - Street connections shall be provided in accordance with Section 305 - N) Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas - of the *Boone County Subdivision Regulations*.
  - b. Street Trees
    - 1) Spacing - Street trees shall be planted along the affected side of all public streets adjoining the development on average forty (40) feet apart on center. They can be on the right-of-way with permission of the street owner.
    - 2) Caliper Width - Street trees shall have a minimum of a two and one-half (2.5) inch caliper.

- c. Sidewalks - Sidewalks at least 5 feet wide are required on both sides of all local, collector and arterial streets and at least 4 feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives..
- d. Parking Requirements
  - 1) Location - All parking shall be located in the side or rear of all buildings. Buildings along New U.S. 42 shall be considered to front toward that road.
  - 2) Minimum/Maximum Number of Spaces
    - aa. Retail/Office - minimum of one (1) space per 300 feet of gross floor area and a maximum of one (1) space per 200 feet of gross floor area. Adequate shared parking arrangements are permitted upon approval of the Zoning Administrator.
    - bb. Multi-family Residential - two (2) spaces per dwelling unit.
- e. Bicycle Racks - All businesses and office space that is 3,000 square feet or more shall provide and maintain bicycle parking and security features.
- f. Street Lights - Decorative, vintage street lights are required in the UTC zone for all streets at a minimum spacing of at one hundred (100) feet. In the UC and UNO zones, they are required at each drive or pedestrian entrance and at any intersection with new U.S. 42.
- g. Street Furniture - Decorative waste receptacles and street furniture including benches shall be provided in front of each commercial or office building of over 3000 square feet.
- h. Interior Driveway Connections - Parking lots for adjacent uses shall be connected.

## SECTION 2550

### Technical/Design Review Committee

A function of the Boone County Planning Commission's Technical/Design Review Committee shall be to review architectural design plans for all proposed structures or the remodeling of existing structures within the Union Town Center (UTC) Union Commercial (UC) and Union Neighborhood Office (UNO) zoning districts. The Planning Commission staff will provide technical support, and prepare reports for the Technical/Design Review Committee. For proposed buildings in these three zones located in the Union City Limits a member of the Union City Commission shall serve as an adjunct committee member. For proposed buildings in these three zones located in the unincorporated areas a member of the Boone County Fiscal Court or designee shall serve as an adjunct committee member. The committee shall seek professional architectural advice on a case by case basis.

- 1. Members - The Technical/Design Review Committee shall consist of members who are appointed by the Chairman of the Boone County Planning Commission.
- 2. Review Criteria - The Board shall consider the following topics while reviewing the minimum standards (SECTION 2540) within each zoning district for a proposed development:
  - a. Building height;
  - b. Building scale and mass;
  - c. Building facade design and relationship of materials;
  - d. Type, size and location of windows and doors;
  - e. Relationship of colors and accents;
  - f. Entrances and porch projections;
  - g. Architectural details;

- h. Roof types and shapes;
- i. Lighting;
- j. Retaining walls, fences, or similar structures;
- k. Drive-through windows;
- l. Storage areas; and
- m. Dumpster areas;

A member of the Planning Commission staff will present submitted design information to the Technical/Design Review Committee at a scheduled Committee meeting. At a regular Planning Commission Business Meeting, staff will present the design information to the full Planning Commission along with the Technical/Design Review Committee's recommendation. The full Planning Commission shall then vote within 30 days of application, approval, approval with conditions, or denial of the design.

## **SECTION 2560**

### **Residential, Agricultural, And Other Districts**

These proposed zones include the Union Town Overlay (UTO) zone. All residential developments follow the process described below, unless the applicant elects to pursue a zoning map amendment. Agricultural uses may follow the requirements and review procedures described in the Boone County Zoning Regulations for the underlying zoning district. Proposed development can occur according to the underlying zone uses and density without any special review. Any property owner may apply for a zoning map amendment at any time. However, if a developer wishes to pursue the short review process within an area that contains the overlay zone, the following steps must be taken:

1. Pre-application meeting with Planning Commission staff to familiarize the applicant with the process and criteria for review, and to allow staff comment on the proposed development in light of the *Union Town Plan*.
2. Application to full Planning Commission as an official business item to determine if the project is eligible for the shortened review process. Minimum requirements for application include an application form and fee, and a conceptual development plan.
3. The Long Range Planning/Comprehensive Plan Committee evaluates the request and makes recommendation in the form of a written report within two regular business meetings to the full Planning Commission. The full Planning Commission votes to determine the review process that the specific request should follow. The Committee Report may contain conditions which help make the application consistent with the *Union Town Plan*. The applicant and property owner should agree to these conditions or place them on the submitted development plan.
4. If the Planning Commission votes that the request does not meet the recommendations of the *Union Town Plan*, or the request presents unanticipated potential impacts on public infrastructure, then the applicant should apply for a zoning map amendment under the Boone County Zoning Regulations.  
If the Planning Commission determines that the request does meet the recommendations of the *Union Town Plan*, and that no extenuating potential impacts on public infrastructure

are foreseen, the applicant can make application for Preliminary Plat or Site Plan Review, whichever is appropriate. These processes are described in the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

Regardless of which review process is determined for a specific request, an official letter from the Planning Commission shall advise the respective legislative body of the decision. The letter shall include a copy of the Committee Report, any written agreements on conditions, and any minutes of pertinent meetings.

#### **SECTION 2561**

##### **Density in the Union Town Overlay (UTO) zone**

In order to achieve the development density and location of density proposed in the *Union Town Plan*, the items in SECTION 2562, Design Criteria, must be provided. Minimum lot sizes are not specified, however, each development must meet the maximum densities described on the *Union Town Plan* Map. Green areas designated on the *Union Town Plan* Land Use Map shall be included in the density calculation for the lowest immediately adjoining density area on the map. Developments of one lot or several lots under conveyance plat review must also meet the density to avoid unbuildable remnant parcels. The incentive here is to allow flexibility in lot size and placement, as well as dwelling unit placement in relation to topography and other site issues. In addition, as an extra incentive, if the developer submits a development plan that contains a complete true neotraditional design and layout package (grid street system, alleys, traditional house design, small front setbacks, street trees, etc.) for a full development or a section of a development, then moderate density areas depicted on the *Union Town Plan* at 2.2 dwelling units per acre can be developed at a maximum density of 4.0 dwelling units per acre. Areas where significant man made site features, such as the retention ponds shown on the *Union Town Plan* Map can be developed at the lowest adjacent residential density represented on the map if the feature is not constructed for some reason.

#### **SECTION 2562**

##### **Design Criteria for All Residential and Agricultural Development**

1. Building Orientation - the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road must face (contain a typical designed front facade) toward the roadway. They can be served by combined driveways, private streets or alleys, or rear entrance. Maximum building height in high density areas will be a total of three levels.

2. Building Materials - The first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall not contain vinyl or aluminum siding.

Exposed concrete foundations shall be finished with brick, stone, or material having that appearance. Concrete foundations can be exposed at a maximum of two feet if screened with landscaping.

3. Garages - Attached and detached garages of the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be rear or side-entry only with garage doors at least ninety degrees from those roadways.

4. Setbacks - Building setbacks from Old U.S. 42, New U.S. 42, and Hathaway Road generally follow topography and are depicted on the *Union Town Plan* Land Use Map. All other principle structure setbacks shall be determined by the developer. Accessory structures shall be 10 feet from all property lines.

5. Utility/Cable Boxes - Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.

6. Open Space - A minimum of five percent of the total development shall be retained as publically accessible open space in the form of pocket parks, or recreation areas surrounding a lake or pond. The body of water can only be considered a part of the five percent if the entire shoreline is publically accessible. Purely designated landscape areas do not satisfy this requirement. The proposed bike/pedestrian path area along old U.S. 42 can be counted toward this total on this particular part of the Study Area.

Pedestrian/Bike Path - developers shall construct a 10' minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.

7. Fences - Installation of a three or four rail post and board style horse fence is required within the setbacks for Old and New U.S. 42, and Hathaway Road for all developments.

8. At the entrance of all new developments, ornamental street lights are required. These street lights must be depicted and approved as part the Subdivision Plat review process.

9. Street trees are required along New U.S. 42 on average of 40 feet on center.

10. Sidewalks at least 5 feet wide are required on both sides of all local, collector and arterial streets and at least 4 feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives.

11. The first 300 feet of a street entering a new residential development directly accessed from new U.S. 42 shall be a boulevard with landscaping in the middle. The only permitted driveway cuts will be for UNO zone development as shown on the 2000 *Union Town Plan*.

12. Main streets shall contain no private driveway access where described on the 2000 Union Town Land Use Plan.

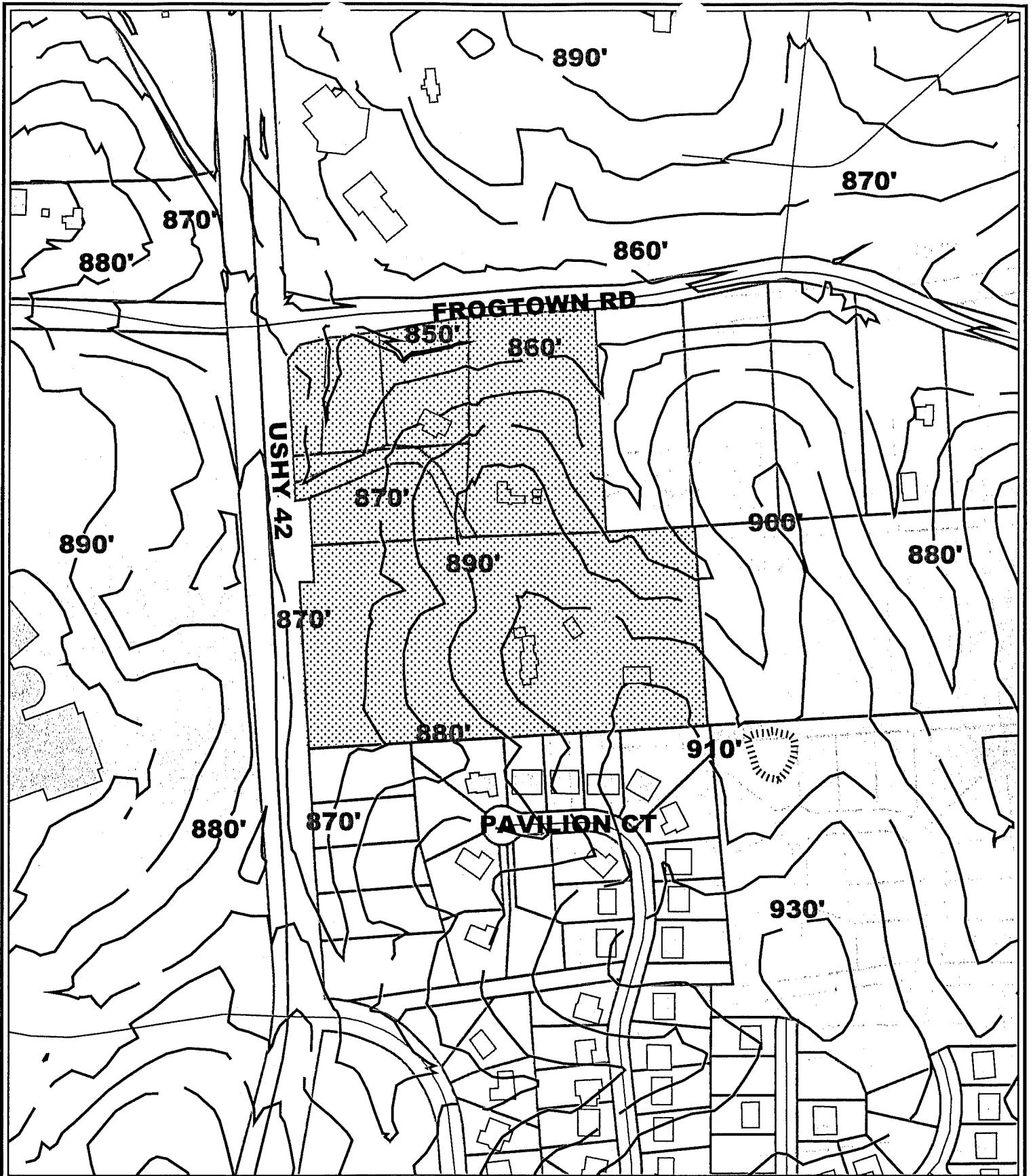
13. A Sign package shall be submitted in accordance with the Union Town Special Sign District.

14. Parking for townhouse or multi-family dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be located outside of the setback and screened from public view from these roads by the building or a berm with landscaping.

## **SECTION 2563**

### **Additional Design Criteria for Neotraditional Residential Development**

To achieve the 4.0 maximum dwelling units per acre density, the development, as reviewed by the Long Range Planning/Comprehensive Plan Committee, must meet the following **Neo-Traditional Design Standards**:



# Union Pointe Centre Topographical Map



1 inch equals 300 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
April 4, 2005





**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.kentucky.gov

**Ernie Fletcher**  
Governor

**Bill Nighbert**  
Acting Secretary

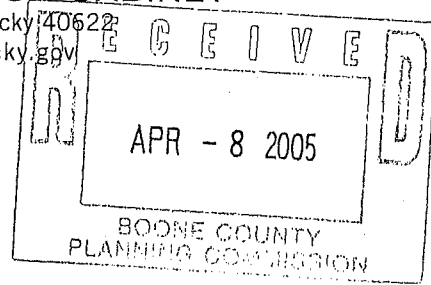
**Jim Adams**  
Deputy Secretary

**Marc Williams**  
Commissioner of Highways

**Dan Druen**  
Commissioner of  
Administrative Services

**Paul Steely**  
Commissioner of Aviation

**Roy Mundy**  
Commissioner of  
Vehicle Regulation



Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Attn.: Todd Morgan, AICP, Planner, Zoning Services

Subject: Riegler Engineering, LLC for Dr. James Wright and Gavin & Sheila Rees  
US 42 – Boone County

April 5, 2005

Dear Mr. Morgan:

This letter is in response to your letter dated April 1, 2005 regarding a proposed development located on the corner of US 42 & Frogtown Road.

The Department has reviewed the proposed development plans for this site. The plan would meet our standards and specifications for entrances to both US 42 and KY 3060 (Frogtown Road). There were some further details concerning drainage in the area that would need additional review before approval would be granted upon those reviews.

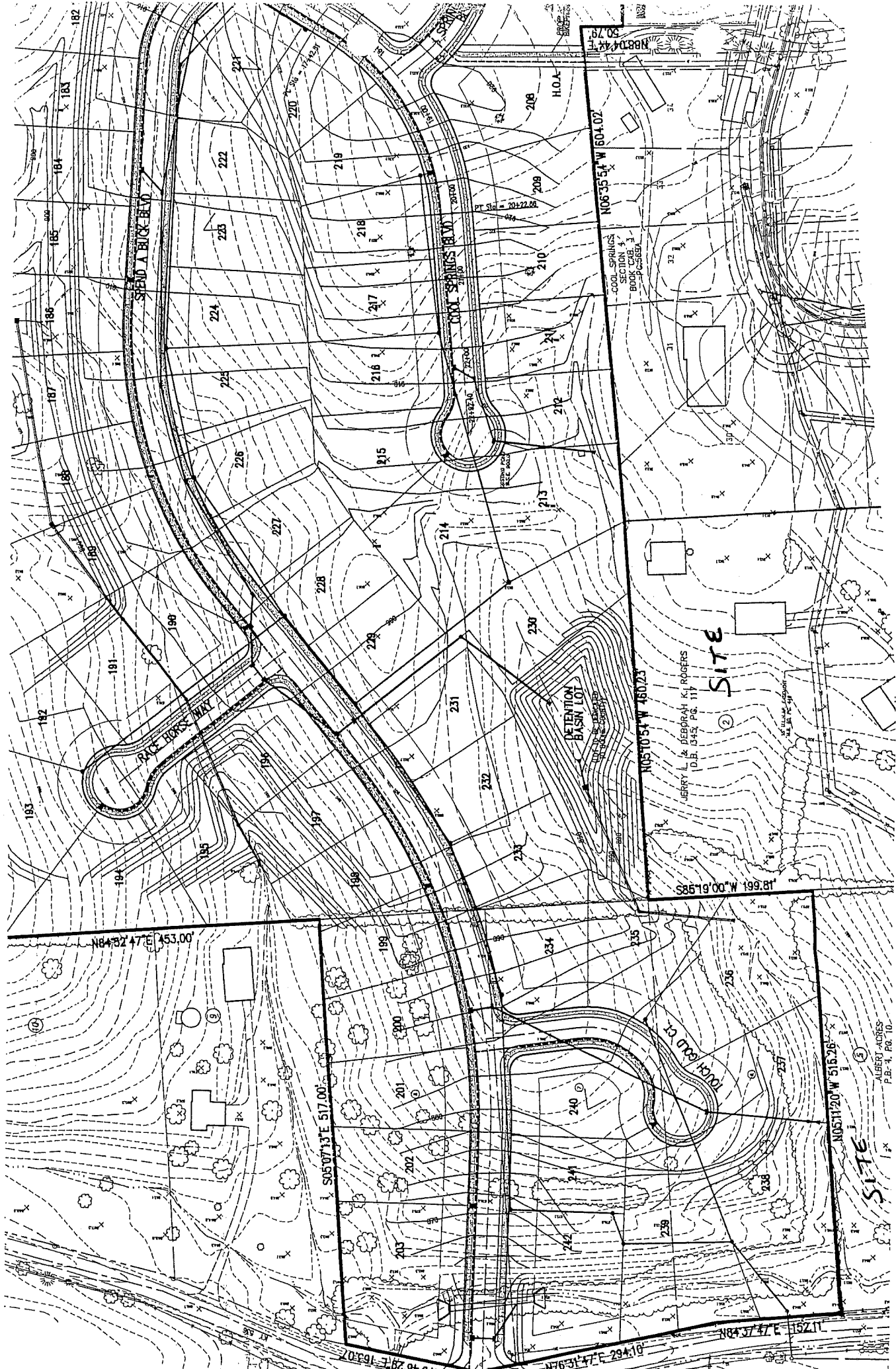
This is subject to the formal encroachment permitting application that is required and forwarded to the Department for final review.

This office would like to thank you for this opportunity to comment on these proposed developments in Boone County. If any additional information is desired, or if you have any further questions, please contact my office at (859)-341-2700, Ext. 307.

Sincerely,

Edmond C. Thompson  
Permit Supervisor

ECT/csm



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COOL SPRINGS  
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BOONVILLE  
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GERRY L. & BEGRAH K. ROGERS  
D.B. 542 P.B. 11

② SITE

S85°19'00" W 199.81'

N05°05'51" W 1607.23'

N64°32'47" E 153.00'

S05°07'13" E 517.00'

N05°11'20" W 516.26'

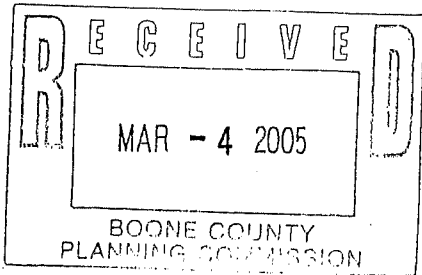
ALBERT ADRES  
P.B. - 1, P.B. 10.

③ SITE

N84°37'47" E 152.11'

N76°31'47" E 294.10'

N46°48'29" E 103.50'



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project: Union Pointe Centre
2. Location of Project: SE Corner of U.S. 42 + Frostown Road
3. Total Acreage of Site: 17.68
4. Current Zoning of Site: SR-1/UTO
5. Proposed Zoning (Classification being requested): Union Commercial (UC) - 5.48 Acres
6. Proposed Uses (please specify each use): + SR-2 - remaining 12.2 Acres
Mixed use commercial for UC zone
Patio Homes for SR-2 zone
7. Names of Applicant(s): Riegler Engineering, LLC
Phone Number: (859) 371-5500 Fax No.: (859) 371-5710
8. Address of Applicant(s): 19 Lendale Drive, Suite B
Florence KY 41042
9. Name of Property Owner(s): Dr. James Wright
Phone Number: (859) 384-1700 Fax No.: (859) 384-2789
10. Address of Property Owner(s): 1992 Mt. Zion Road
Union KY 41091
11. Proposed Building Intensities (please specify): 6800 to 12,400 (approximate)
12. Are there any existing buildings on the site? Yes
How many? 7 structures - 1 to remain
13. Deed Book: 883 Page No.: 659 Group No.:
14. Are you also applying for:
Conditional Use Permit
Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes - see attached
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
Boone County Water District NO
Florence Water and Sewer Dept. N/A
Cinergy/U.L.H.&P. Co. NO
Sanitation District #1 YES
Cincinnati Bell NO
Owen County Rural Electric NO
Boone County Public Works Department NO
Kentucky Transportation Cabinet YES
City of Florence Public Services Department N/A
Boone County Building Department NO
9. Property Owners
Gavin + Sheila Rees
10336 U.S. Hwy. 42
Union, KY 41091
Phone (859) 384-7525
DB 554 PG 243

ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2

- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: City of Union + BCPC

18. Project Jurisdiction/Location  
 Unincorporated Boone County  
 Florence  
 Walton Union

19. Applicant's Signature Paul M. [Signature]  
Property Owner's Signature [Signature]

**SECTION B** (To be completed by BCPC Staff)

- 1. Date Received 3-1-05 - completed info submitted 3/4/05
- 2. Review Fee 1523.00 #S 41588 (\$1423.48)
- 3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - 5 Number of copies of plan received\*\*
- 4. Is application complete?  Yes  No
- 5. Staff Reviewer [Redacted] Todd Morgan
- 6. Committee Chairman \_\_\_\_\_
- 7. Scheduled Public Hearing Date \_\_\_\_\_
- 8. Boone County Planning Commission Action:
  - Approval
  - Approval with Conditions
  - Denial
- 9. Other: \_\_\_\_\_

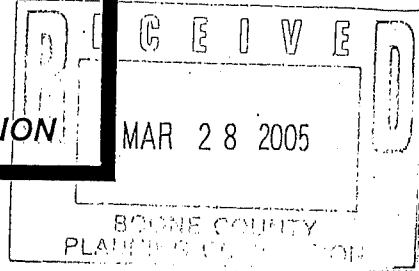
\*\* Five (5) Copies Are Required

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
www.boonecountyky.org - Web Page

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

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations  
SECTION A (To be completed by applicant)

- (Check One)
1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
- (Check One)
2. \_\_\_\_\_ Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name Riegle Engineering, LLC  
Phone Number (859) 371-5500 Fax No. (859) 371-5710  
Applicant's Address 19 Lendale Drive, Suite B  
Florence KY 41042  
City State Zip
4. Description of Request: Maximum front setback for UC Zone increased to 187' for Lot #2 (see sheet C110)
5. Name of Development Union Pointe Centre
6. Location of Development SE Corner of U.S. 42 & Frostown Road  
Unincorporated Boone County to be Annexed by Union
7. Acreage Under Review 18.5±
8. Lot Number and Name of Subdivision (if part of a subdivision)  
Lot # 2 (future)
9. Owner of Property Dr. James Wright  
Phone Number of Owner (859) 384-1700
10. Address of Property Owner 1982 Mt. Zion Road  
Union KY 41081  
City State Zip
11. Proposed Use(s) on Site mixed use commercial and professional office
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
13. Current Zoning on Property SR-1
14. Deed Book 883 Page No. 659 Group No. \_\_\_\_\_
15. Is the site subject to a zone change? yes  
If yes, give date of approval PENDING
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.

Applicant's Signature: *David M. Riegle* David M. Riegle, P.E.

Property Owner's Signature: See attached CDP application

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A

April 20, 2005

7:30 P.M.

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Planner.

**Legal Counsel Present:** Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

**Applicant:** Riegler Engineering, LLC for Dr. James Wright and Gavin and Sheila Rees (owners)

**Request:** Zoning Map Amendment

The request of Riegler Engineering, LLC (applicant) for Dr. James Wright and Gavin & Sheila Rees (owners) for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract. The request is to rezone approximately 5.48 acres of the site to Union Commercial (UC) and approximately 12.2 acres of the site to Suburban Residential Two (SR-2). The request also involves a Variance application (“Front Yard Setback Maximum”) from Section 2540 of the Boone County Zoning Regulations. The subject properties involved in the request are located on the southeast corner of the U.S. 42/Frogtown Road intersection, and include the properties at 1923 Frogtown Road, 10336 U.S. 42, and 10350 U.S. 42, Boone County, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses and a Variance to allow a future commercial/office building to exceed the maximum front yard setback requirement.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He explained that the applicant is asking for the SR-2 zoning classification because duplexes are not allowed in the SR-1 zoning district and they are eliminating some of the Union Town Overlay standards for the duplexes. He noted a correction to the Staff Report on Page 14, Item I., line 2 "lot 6" should be "lot 7". He submitted for the record a letter received from today Boone County Schools (see Exhibit 1) which indicates that they are not in favor of the change from SR-1/UTO to SR-2 and would like to see the residential area developed according to the Union Town Overlay. He stated that the Planning Commission will take final action on the Variance request.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Dr. James Wright, 1973 Richwood Road, speaking on behalf of himself and his wife Sherry, and Gavin and Sheila Rees, owners of Lot #3, stated that he has been a business owner in Boone County since 1983. He stated that U.S. 42 was improved and his current location is now like an alley. He wants to get back on the main road so that his business can prosper. He stated that his youngest son will take over the farm. Dr. Wright will live in one of the patio homes. He stated that the proposed development has been challenging. They met with the City of Union and with the Planning Commission's Staff and the circular drive was put in instead of the grid. He presented architectural renderings and stated that all of the buildings will have the same brick, roof lines, and shingles. This will be the first multi-use residential/commercial development in the Union Town Overlay. The City of Union is generally in support of the development with the changes they have made and is in the process of annexing the property. He stated that the patio homes will sell for approximately \$300,000. Most patio homes are occupied by retired couples and have minimal impact on the area. He stated that there will possibly be a pharmacy, a dry cleaners, and a little Italian restaurant. Most of the businesses will have hours from 8:00 AM to 5:00 PM or 9 AM to 6:00 PM and the disturbance to the community in the evening will be minimal. They have taken out the McDonald's and there will be no drive-thru restaurants. There will be mostly family-owned businesses. He stated that when the new road by-passed Union, it condemned most of the family-owned businesses to die and this development will give Union an opportunity to remain rural with the jobs and businesses staying in the area. He offered to answer any questions.

Mr. Dan Riegler, Riegler Engineering, 3136 Royal Windsor Drive, Edgewood, submitted a letter from Greg D. Voss, Attorney for the City of Union (see Exhibit 2). Mr. Riegler stated that he grew up just outside the City of Union and is familiar with the area. He stated that the existing zoning of a good portion of the subject property is SR-1, which allows four single-family homes per acre. He indicated a corner of existing commercial property on the site. He stated that they decided that an entire area of the site would be commercial in order for Dr. Wright to have his dentist office, some commercial development, and some of the

business from Old Union to locate there. They are asking for SR-2 zoning for the patio homes because they are attached and are considered duplexes – but they will not be low-priced duplexes. The patio homes will be in the \$300,000 range and the density will be the same as the SR-1 zone, which is four units per acre. The only reason for the SR-2 zoning is to allow the duplexes. He stated that they met with the surrounding residents in Cool Springs Subdivision. He stated that the original plan had commercial uses in what is now the residential section, but those uses were removed in order to provide a good transition zone. There will be a transition from residential to residential to commercial so that the commercial uses will not go all the way up to the existing homes. He stated that the lake was silted during the construction of Ryle High School and the stated did not dredge the lake when they reconstructed U.S. 42. The lake will serve as a retention pond for the site and they will reinstate it as a lake. He stated that the entire site is in the Union Town Overlay and they have decided to use the Union Commercial Zone. They will try to be innovative with the design and not do a retail strip center. They have tried to hide the parking behind the buildings as much as possible, which requires the frontage of the buildings to face U.S. 42 and involves considerable additional cost. He stated that the Union Commercial Zone permits pedestrian friendly design and they have provided sidewalks directly into the buildings from U.S. 42. They have tried to address the concerns of the City of Union and of the citizens.

Mr. Riegler addressed the Staff Comments: Staff Comment B. 3./Impervious Space They will provide the calculations. Their calculations show that meeting the requirement of 20% open space will not be a problem. The plan is conceptual and may change. They have not yet worked out all the details, but they believe they will be able to meet the county's requirements. Staff Comment B. 6./Building Orientation This plan is one of two Concept Plans. They are trying to orient the buildings to U.S. 42 and Frogtown Road. The bank will be a challenge. The concept is for a bank, but they do not know what will happen on that lot. He indicated the side of the property he considers to be the front of the lot because of the access road. They will try to match the rest of the development to the architecture of the existing building. Staff Comment E. He indicated the approximate location of the graveyard in the residential section of the development. He stated that they are doing a topographical and boundary survey for the entire site. There are only two graves there and they know the background of the families and the person to contact. It is likely that the graves will be moved. Staff Comment F. He spoke with the Division of Water and sent them copies of the plans. The Division of Water is not opposed to the plans as long as they follow the regulations. They will stay in touch with the Army Corps of Engineers. Staff Comment G. 1. They met with Staff and with a Union City Council representative and either Staff or the City Council representative had a negative reaction to the standard intersecting streets shown on their original plan. They then went with the proposed design to get a workable area to accommodate Dr. Wright's building and to use the land efficiently for commercial uses. There is a significant grade change from U.S 42 and adding the curve to the road helps

to mitigate the steep grade. The road is designed per the Boone County Subdivision Regulations and they believe the curve adds to the sight distance. They will analyze the sight distance for each driveway. They have not completed work on all of the grades, but they are confident there will be a workable solution. They may be able to eliminate some of the trees in the curve to help the sight distance. Staff Comment G. 2. They understand that the county and the City of Union will not be responsible for snow removal on the private streets for the duplex units, but they will ask the City of Union to maintain the curved road. The Homeowner's Association will take care of the maintenance of the private streets. Staff Comment G. 3. They need to keep the right-in/right-out access as part of the design because it helps the viability of the lot. He met with the Department of Highways in regard to the right-in/right-out access and there may be some correspondence with them. The Department of Highways does not have a problem with the sight distance. He stated that they will see what they can do to discourage illegal left hand turns there. Staff Comment G. 5. Without knowing the exact uses, he does not have a forecast of the anticipated traffic. He had informal meetings with the Department of Highways and they told him that they were not concerned about the increase in traffic on U.S. 42 and Frogtown Road. Staff Comment H. He understands that landscaping is a concern and they plan to follow the Boone County regulations. They will put in the appropriate buffer yards. This is a Concept Plan and some things will change slightly. He has no problem with a condition of approval that they follow the Boone County regulations. Staff Comment I. There is no buffer yard requirement between residential/residential uses, but they are showing some trees between the residential uses and he believes it would be helpful for them to define the buffer further. He does not think a restrictive and expensive amount of trees are necessary there because it is two residential uses, but he does not have a problem with a definition as to what can go in there. Staff Comment G. Staff did a good job of explaining the Variance application. He stated that this is a hardship case because the grade falls off quickly and they are trying to avoid the blue line stream as much as possible. The Comprehensive Plan shows it as a greenbelt area and they are trying to preserve that area as much as possible. They are showing open public space in the Union Commercial space, and they may put in some park benches, water fountains, and more detailed landscaping.

Mr. Riegler stated that the scale of the plan keeps them from going into too much detail now. He stated that this is a non-usual approach to this type of development and they are trying to provide a transitional area from the adjacent residential zone. They are asking for SR-2 zoning, but they do not want more than four units per acre. He stated that there was talk about connecting the developments and they do not know how they can do it yet – there could possibly be a shared walkway from the development and they will provide as much circulation as possible. He stated that the Union Commercial Zone asks for underground utilities and they will provide underground utilities. There will be garbage receptacles along the street and park benches. Lighting will be per the regulations.

Dr. Wright stated the graves are of Mr. and Mrs. Baker from the 1800's and Ms. Ashcraft is a descendent. The graves have to be moved and he would like to get information from Ms. Ashcraft on where she would like them to be located. He indicated on the slide a second public area where people can sit and have something to drink. This completed the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Tom Sander, 12994 Pavilion Court, Cool Springs Subdivision, stated that he supports the plan. It is a good utilization of the property and the homes will be similar to those in Triple Crown, which will keep up the property values. He stated that on March 29 the Cool Springs Homeowners' Association had a meeting and reviewed the plan. There were some concerns about the McDonald's and an all-night gas station or an all-night bar – but those issues were addressed and there will be no late night activities. He stated that during the meeting there were no negative comments from the Cool Springs Homeowners' Association.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Charles Facktor, 14873 Cool Springs Boulevard, Union, stated that the Staff Report was very well done. He stated that Dr. Wright could put his dentist office where the old Ameristop used to be or at U.S. 42/Frogtown Road which is zoned commercial. He is opposed to the proposal as presented. They selected Boone County for the close proximity to the airport and quality of life. They moved to Cool Springs for the housing and the zoning. He is an attorney for a major corporation and checked into the zoning before moving in. The zoning is SR-1 and they liked the surrounding agricultural areas. They were impressed that most of the future commercial development would go in around the Kroger's and everything else would mostly be residential or agricultural, which adds value to the community and attracted them to the area. They felt that there was very good planning in this area. He stated that the proposed plan is a bit much – there is a lot of parking and commercial buildings, too many patio homes, and it seems crowded to him. He is opposed the commercial rezoning, which he does not believe is consistent with the surrounding areas. If the residential proposal was scaled back it might be appropriate for the area.

Mrs. Rani Pepper, 12939 Pavilion Court, Union, has lived in the area for four years. They chose Union because it was homey and rural and they thought their property value would go up – they thought it was a safe place to invest. They purchased a \$400,000 home in Cool Springs Subdivision. She is concerned about the proposed commercial area with the associated lights, noise and parking. She is concerned about the residential area being so close to the fence. Their home is

at the end of the cul-de-sac and they will see the patio homes from their bedroom and from their deck. The patio homes are right up against their backyard, which will degrade their quality of life and their property value. She stated that this is an opportunity to send a message to those who may invest in Union in the future that the Planning Commission intends to protect the investment they make. If people do not feel that their property value will be protected, they will go somewhere else.

Dr. Sean Pepper, 12939 Pavilion Court, indicated his property on the Power Point slide. He stated that it is approximately 40 feet from his back yard to the fence. He stated that because of the direction from which the aerial photograph and slides were taken, they do not show how close the homes are to the fence. He stated that the patio homes will be jammed up against the \$400,000 houses. The patio homes are duplexes and he has a hard time believing people will invest \$300,000 in duplexes that are small and jammed in. There is nothing that says they have to be \$300,000 duplexes and he is concerned that once the property is rezoned they could put in cheap duplexes that will affect the property values. He agreed with the previous speakers. He believes that the City of Union supports the proposal because they will get the tax revenue without having the development in the City of Union. He stated that the entire U.S. 42 corridor is built for commercial development and has ingress/egress points. Putting this development in this location is not in the best interest of the people of Boone County. He stated that Union Station Restaurant is a bar – it serves alcohol – so there will be a bar right next to the residential area. He stated that the applicant said there would not be late night uses and noise – but Union Station Restaurant will have noise and alcohol. There will be a high school there with the alcohol. He is concerned that a child will get hit on U.S. 42 walking across to the convenience store or to the bar. He is scared to have these uses here. He stated that in their meetings, no one was in favor of connecting streets so that they could be neighborly with this development. It was a hostile audience at their meeting. He asked to see the letter that was received from Boone County Schools. He stated that he did not know about the meeting with the Homeowners Association and questioned who was there and if it was only one or two people in favor. He questioned Mr. Sander speaking for the Homeowners' Association.

Mr. Jeff Wallace, 10573 Sedco Drive, Union, stated that he is concerned about traffic congestion at U.S. 42 and Frogtown Road. He stated that on school days from 7:30 AM – 8:30 AM traffic backs up all the way to the Post Office (which is two or three tenths of a mile east of U.S. 42) and there is the same problem in the 5:30 PM – 7:30 PM rush hour. He is concerned that the first and second entrances will be blocked by the traffic with people on U.S. 42 trying to turn onto Frogtown Road. The duplex units will conservatively add fifty-seven vehicles trying to access Frogtown Road out of their main drive every morning and add congestion on Frogtown Road. The solution would be to eliminate the Frogtown Road access to the proposed residential and commercial areas or for the builder to finance widening Frogtown Road to three lanes to a point east of the Union Post

Office. The most westerly Frogtown Road entrance to the duplex units is much too close to U.S. 42 and should be eliminated. He stated that Frogtown Road floods at the main 50-foot drive in a heavy thunderstorm or a week of rain. He indicated the existing pond and stated that just before Kilarney Drive is a driveway that goes to a retention pond and that area floods. He questioned if the drainage will be sufficient with the increased surface area. He reviewed the slope of the land going away from the retention pond and questioned what water the retention pond will hold. He questioned how the development will tie into the drainage ditch along Frogtown Road. He asked if the developer will maintain the area around the detention pond after development or will the county have the right to maintain that area and bill the developer? He submitted his written comments (he will take Item 3 up with Fiscal Court) (see Exhibit 3). He believes that the developer will add onto the house on Lot #3, which has not been addressed. He asked if construction traffic will access off U.S. 42 or Frogtown Road. He asked if the county will provide police and traffic direction to the area during construction. He stated that there will be a problem with the entrance if U.S. 42 is not straightened and the curve eliminated. He stated that young people will cut through to avoid the traffic light which will disturb the people in the houses. He asked the Commissioners to visit the area and look at the access and drainage problems before making a decision.

Mr. Jim Brinkman, 14972 Cool Springs Boulevard, stated that he moved to this subdivision because of how it was situated and because the area was residential. He agreed with the previous speakers. He stated that Dr. Wright could have his office at the corner where the Ameristop was. He stated that there will be an additional access on Frogtown Road for the future development of Cool Springs Subdivision. Frogtown Road is already congested. He has a \$450,000 house and putting the patio homes there will do nothing for his property value. He stated that Cool Springs Subdivision is just over one-third complete and people coming into Union should be brought into Cool Springs Subdivision and not into the \$300,000 patio homes. He stated that a lot of effort went into development the Union Town Plan and we should stick with it. These types of businesses should be on U.S. 42 where there is plenty of room for them.

Mr. Dan Pittaluga, 12941 Pavilion Court, Union, stated that they moved to this area because it is primarily single-family homes. He reviewed the Staff Report and stated that the clustering of homes is usually to reduce the cost of construction. He stated that these low cost homes will be next to more expensive homes and take away from their property values. The high-density homes do not follow the guideline that there should be a gradual increase in housing density. He is opposed to the development. He stated that the corner is already zoned commercial and would be a adequate site for Dr. Wright's dental office.

Mr. Darryl Collins, 12949 Pavilion Court, Union, agreed with the other speakers. He stated that he moved to the area for the single-family houses and the rural setting. He is concerned about the schools. Traffic congestion is horrendous now

and there are 150 - 200 dump trucks coming down U.S. 42 and 300 - 400 motorcycles on the weekend. The roads are impassable between 7:30 AM - 9:00 AM and in the afternoon. He is concerned that the \$400,000 - \$450,000 patio homes are now \$300,000 duplexes. He does not think the duplexes will sell on a good day. He suggests that the commercial uses go somewhere else. He believes that commercial and residential areas should be separate and there should be a division. He stated that Peachtree, Georgia is planned with separate residential and commercial -- the commercial does not violate the residential and vice versa -- and some of the highest real estate prices in Atlanta are in that area because it is desirable. He stated that people want to be able to go home and be in their backyard and not have commercial uses nearby. There does not have to have a Chinese shop, a nail place and a drycleaner on every corner -- let's preserve some of Boone County as a residential area where people raise their families.

Mr. Bruce Johnson, 12984 Pavilion Court, stated that the comment was made that the parking would be in the back and people would see nice facades from US 42 -- but the residences in the back are going to be looking at the parking lots. He stated that they were told that the patio homes would be from \$350,000 to \$450,000, but now the applicant is proposing \$300,000 patio homes looking at parking lots. He questioned who would want to buy a home looking at parking lots. He stated that there is a sewage problem. The sewer to build the proposed residential area will not be constructed for two or three years, and in two or three years he believes the applicant will be back asking to rezone the SR-2 area to commercial. He agreed with the comments made by his neighbors. He stated that Dr. Wright can put his dentist office on the corner. He stated that Dr. Wright wants five buildings in order to get rental income, but the neighbors do not want to look at the rental property. He stated that the tenants will be whoever pays the rent, and they may not be socially acceptable businesses with the high school across the street. The homeowners will have to pay fees to maintain the residential streets. The fees are the very first thing people will ask about when they move to these types of residential communities. If those people have to pay to take care of the streets, the property values will go down even more. He is opposed to the development.

Ms. Rebecca Grammer, 12966 Pavilion Court, stated that Averitt Express moved in behind her previous property and she was exposed to the lights and sounds of not abiding by the zoning. She moved to Cool Springs because of it and now her property value will be affected again. She is not opposed to the dentist office, but she is opposed to the other uses. She stated that they were told there would be \$350,000 - \$450,000 homes, but now the prices are going down. She is concerned that there will be teenage hangout type uses. She is concerned for the safety of her daughter who will soon be driving and she does not want someone from a bar seeing her. She would like this development stopped.

Ms. Pam Vice, 10670 Bridlepath Lane, Union, questioned who would will make the property owner accountable for what goes in on the property. She stated that

there have been a lot of changes made to the plan. She stated that if downtown Union has become a ghost town, it would be a good idea to put this development in downtown Union and get people back there and maybe have some antique shops. She is agreeable to the dentist office being on the corner lot. She questioned where development will stop once it starts moving out into this area. She agreed with the other speakers.

Mr. Charles Duty, 14989 Cool Springs Boulevard, stated that he is opposed to the plan because of the traffic problems. He stated that the entrance to U.S. 42, Cool Springs Subdivision exit, and the Ryle High School exit are very close and the traffic is very bad from 7:00 AM to 9:00 AM, which is a problem. He stated that builders will tell you "in this section, it is going to be \$300,000 homes or \$400,000 homes" but three years later economic conditions change and then it is \$200,000 to \$250,000 homes. He stated that the first phase of the development would probably go in fine, but later on economics will change and they will go down to \$200,000 homes or less. He moved to this area because it was rural and residential. If he wants these types of amenities, he can drive to Florence. He wants this area to be kept as a residential community.

Ms. Anita Call, 10671 Mountain Laurel Way, Union, is a teacher at Ryle High School and deals with the traffic every morning and every afternoon. She is opposed to the plan. She agreed with the other speakers.

Mr. Mark McClure, 12945 Pavilion Court, Union, stated that he appreciates the informal meeting they had with Dr. Wright, but he is concerned about the good of the community and wants to stay with the long term plan. He agreed with the other speakers. He is opposed to the plan.

Ms. Sherrie Collins, 12949 Pavilion Court, has a son at Ryle High School and a daughter who will go there next year. She stated that an elementary school will be located in front of Gray Elementary and there will be three schools immediately across from this development. There are about eight hundred students at Ryle High School who are new drivers and this is a particularly congested area in the morning and in the afternoon. There is not a light at the schools and this development will further compound the traffic situation. She agreed with the other speakers. She does not understand moving commercial out practically to the end of the development of U.S. 42 and right in front of these schools when there is so much property yet to be developed from Kroger's and out that way. She stated that the elevation of the subject property is ten to twenty feet higher than their property. The one- or two-story commercial buildings will tower above their homes. She is concerned that there will be parking lights on all night. She does not want to overlook a parking lot. She stated that the property is covered with beautiful mature trees and questioned conservation of the trees. She stated that the area will attract young people who will be hanging out -- they will be driving and skateboarding -- and potentially getting into mischief. She stated that the area is pristine and there is a farm across the street that will be a future

park. There are two churches on the opposite corner, and the rest of the area is residential and schools. She does not understand putting commercial in the middle of this area. She has never seen this type of development put in with residential without a green space, a highway, or buffer. She is opposed to the request.

Ms. Deb Shauberger, 12943 Pavilion Court, Union, stated that her property is adjacent to this development. She asked if there will be a berm next to their property. She asked if the developer will have to follow the architectural guidelines if this property is annexed into the City of Union. She does not want the elevation to remain as it is because they will be looking to the backyards of the patio homes. She stated that they were told that there was a commercial district in the Union Town Plan and that most of the commercial uses would go into that district. She stated that if they put this much development in this area, they will not need the commercial district because all of the development will be right here.

Mr. Chuck Whitlock, 1410 Meadowlake, Cool Springs Subdivision, Union, agreed with the other speakers in opposition to the request. He stated that they were attracted to Boone County for the quality of life. He that there is a plan for Union Center that does a lot for the quality of life of the residents in Union and Boone County and the proposed development is short-sighted. He reviewed Staff Comment A. and stated that he believes the current zoning is appropriate and the proposed zoning is inappropriate and there have not been any changes of an economic, physical or social nature that would dictate a change in zoning. He asked that the Planning Commission keep the vision and not deviate from the plan.

Mr. Phillip Homes, 10611 Aspen Way, stated that they are currently planning to build a house on Blue Yacht. He stated that effort was put into making the two churches have very nice landscaping and maintaining the flow down U.S. 42. This proposal does not maintain that flow. He requested that the landscaping of this development match Ryle High School and the rest of the properties there. If this develop is put in this area, he is concerned about what will happen further down U.S. 42 as more and more people decide that they want to develop their properties.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston asked if there is any historic significance to the white farmhouse proposed to be taken down. Mr. Morgan responded that he reviewed the plan and discussed the issue of the cemetery with the Historic Preservation Planner Matt Becher. He will talk to Mr. Becher again to verify any issues regarding the house and provide the information to the Committee.

Mrs. Poston asked if there is more parking than is needed for Buildings 5 and 6. Mr. Morgan responded that the parking requirement is one parking stall for every three hundred square feet for an office/commercial use. He has not done the parking calculations. He has concerns about the location of the parking in relation to the property lines and the required buffering. He would like the applicant to address those issues further at the Committee Meeting. The applicant does not need to show the specific trees and shrubs, just the buffer areas.

Mrs. Poston questioned green space or public space in the patio homes development. Mr. Morgan responded that there is a 25-foot landscaping buffer, but there are no amenities. No recreational areas are shown on the plan. Mrs. Poston questioned sidewalks. Mr. Morgan responded that there are no sidewalks leading back through the private street system.

Mr. Bunger questioned the availability of sanitary sewer for the site. Mr. Morgan responded that he sent the Concept Plan to Sanitation District No. 1, but did not get a response. He will contact Mr. Aman at Sanitation District No. 1 prior to the Committee Meeting. Mr. Costello stated that there needs to be a letter from Mr. Aman or he needs to attend the Committee Meeting.

Mrs. Kegley asked if the curved road that goes through the development is the only road that will be a publicly dedicated street. Mr. Morgan responded "correct". Mrs. Kegley stated that they are going to have to keep up the streets – which is not just removing snow but also things like fixing potholes. Mr. Morgan agreed. Chairman Caddell stated that the applicant talked about the private streets in the residential section. He asked if the streets in the commercial section will also be private. Mr. Morgan responded "yes" and stated that all the streets, except for the curved road, will be private. Chairman Caddell questioned why they want private streets in the commercial area. Dr. Wright responded that the City of Union wants to annex this property and will maintain the main road. The smaller roads can be maintained by the income from the businesses there. He stated that the roads in the development will be maintained by the development.

Mr. McMillian questioned sidewalks in the residential area. Mr. Riegler responded that the Planning Commission can add the sidewalks to the plan. He stated that they were looking for feedback. They do not have any problem putting sidewalks along the main road and if a connection is desired to Cool Springs Subdivision they can do that. Mr. McMillian stated that he was recently on Catherine Avenue, which is a single-family residential street, and people were walking dogs in the street. He stated that people need to have sidewalks.


Mr. Costello stated that the Boone County Urban Forest Commission has adopted the U.S. 42 Master Landscaping Plan, which outlines a series of improvements from fencing to landscaping features along three miles of the corridor, and there are some features shown to be located in front of this site in the right-of-way. It is

a future phase project intended to soften the visual impact up and down the road. How the U.S. 42 Master Landscaping Plan affects this site on the U.S. 42 corridor will be presented to the Committee.


Chairman Caddell stated that copies of the letter from the Superintendent of Boone County Schools (Exhibit 1) can be obtained by contacting the Staff Office.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 4, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 18, 2005 at 7:00 PM. The Chairman closed this Public Hearing at 9:28 PM.

**APPROVED:**

  
\_\_\_\_\_  
**Arnold Caddell, Chairman**

**Attest:**

  
\_\_\_\_\_  
**Jan Hancock, Recording Secretary**

**Exhibits**

1. Letter dated April 20, 2005 from Bryan Blavatt, Superintendent of Boone County Schools – submitted by Staff
2. Letter dated April 20, 2005 from Union City Attorney Greg D. Voss submitted by Dan Riegler
3. Comments submitted by Jeff Wallace

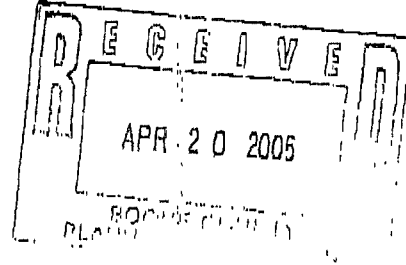
**BRYAN A. BLAVATT**  
Superintendent of Schools

8330 U.S. 42  
Florence, KY 41042  
Phone: (859) 283-1003  
Fax: (859) 282-2376  
[www.boone.k12.ky.us](http://www.boone.k12.ky.us)

**BOONE COUNTY SCHOOLS**

April 20, 2005

Mr. Todd K. Morgan  
Boone County Planning Commission  
2995 Washington St.  
Burlington, KY 41005



Dear Mr. Morgan:

In reviewing Riegler Engineering, LLC (applicant) for Dr. James Wright and Gavin & Sheila Rees (owners) for Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract, Boone County Schools is not in favor of the zone change portion from SR-1/UTO to SR-2. Boone County Schools would like to see the residential area developed according to the existing Union Town Overlay.

Respectfully,

*Bryan Blavatt*  
Bryan A. Blavatt  
Superintendent of Schools

**GREG D. VOSS**  
Attorney and Counselor at Law  
157 Barnwood Drive  
Edgewood, Kentucky 41017

Linda Krohman  
Legal Assistant  
Email [lkrohman@vosslaw.net](mailto:lkrohman@vosslaw.net)

Telephone: (859) 341-0255  
Facsimile: (859) 341-1876  
Email [gvoss@vosslaw.net](mailto:gvoss@vosslaw.net)

April 20, 2005

VIA FAX: 384-2789

Dr. and Mrs. James R. Wright  
10350 U.S. Highway 42  
Union, Kentucky 41091

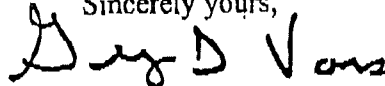
Dear Dr. and Mrs. Wright:

As you know, I represent the City of Union, Kentucky and it is in that capacity that I write you to confirm the City's intent to annex certain property located at the corner of Frogtown Road and U.S. Highway 42. Obviously, this annexation will need your consent.

Further, this letter will confirm I have been in contact with your engineer, Dan Riegler and Todd Morgan of Boone County Planning and Zoning and they are well aware of our intentions. It is our hope that we can have the first reading at our next business meeting on May 9, 2005.

Please do not hesitate to contact me should you have any questions or need anything further.

Sincerely yours,



GREG D. VOSS

GDV/ljk

cc: Hon. Donald Kirby, Mayor  
City of Union, Kentucky

Good evening ladies and gentlemen. My name is Jeff Wallace. I live at 10573 Sedco drive, Union, Ky 41091. This is just off Killarney Drive, which is first street on the right on Frogtown rd approximately 3 tenths of a mile east of U.S. 42, (across from the Union post office.)

I have review the plans for the Union Pointe Center, and I have several addressed.

— BOONE COUNTY PLANNING COMMISSION —  
Date: 4/20/65 Public Hearing # / Exhibit # 3

1. The traffic congestion at Frogtown Road and U.S. 42 is already a problem. Between 7:00 am and 8:30 am on school days, traffic already backs up on Frogtown road to the Union post office. This makes it very difficult to turn left from our subdivision onto Frogtown road. Between 5:30 pm and 6:30 pm, rush hour traffic coming from U.S. 42 makes it very difficult to turn either direction onto Frogtown road from our subdivision. Adding 38 duplex units will conservatively add 57 more vehicles trying to access Frogtown every morning and evening during the peak traffic hours. Add the shopping center traffic to this, and the traffic congestion is increased significantly. A solution to this would be to eliminate the access onto Frogtown road from both the duplex units and the shopping complex. Another possible solution would be to require the builder to finance the widening of Frogtown road to 3 lanes to a point east of the Union post office. The most westerly Frogtown road entrance to the duplex units seems to be much too close to U.S. 42 to avoid traffic conflicts from U.S. 42 traffic entering Frogtown road. It should be eliminated completely.
2. Storm water drainage is another problem in the Frogtown / U.S. 42 area. During periods of heavy rain, the area designated as the Frogtown entrance to the duplex units does not allow enough water to flow past the driveway. As a result, water floods Frogtown road. How will this be corrected?  
Currently, there is a pond just east of the eastern border of the duplex units on Frogtown road. Between this pond and the duplex area is a 2 ft square pond overflow drain box. This is insufficient to allow the pond to drain during thunderstorms and periods of heavy rain. Water currently spills over the driveway and into the drainage ditch on the south side of Frogtown road. The increased parking surface area of the Union Pointe Center complex will dramatically increase the amount of surface runoff water making its way into the drainage ditches along Frogtown road and U.S. 42. How will the drainage of the Union Pointe complex be tied into the current open drainage system? What assurances do we have that Frogtown road flooding caused by the complex will be corrected by the developer, and not become a burden on the state, county or residents? There is a retention lake proposed for the south end of the development on U.S. 42. Will the developer maintain this area after development completion, or will this become a swampy eyesore as it has been in the past. Will the county have any responsibility/authority to maintain this retention pond, and bill the developer if the developer neglects it.
3. Other items I would like the fiscal court to address and assist in correcting, are
  - a. Drainage ditches along the entire length of Frogtown road have not been maintained by the state. Continued calls to the state have resulted in no improvement. I request the county address the issue with the state road department to have the drainage ditches re-dug and maintained to prevent water from flowing onto Frogtown road in at least 12 separate places. Water reaches 2-3 inches deep along these areas and causes a traffic hazard.
  - b. Just to the east of the Killarney/Frogtown road intersection, weeds, trees, and bushes grow out from the area along the south side of the Frogtown road and restricts the view from Killarney east on Frogtown road. By the end of the summer, you have to pull out onto Frogtown road to see if traffic is coming from the east. The property to the east of Killarney needs to be completely cleared of weeds, trees, and brush to provide an unobstructed view east on Frogtown road. This will become increasingly important if the Union Pointe Center project is approved.

Thanks for you time and consideration  
Jeff Wallace  
10573 Sedco Drive  
Union, KY 41091  
384-4028 / 380-9807

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
May 18, 2005  
7:00 P.M.**

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Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Greg Breetz  
Mr. Arnold Caddell, Chairman  
Mr. Jim Carmichael  
Mrs. Janet Kegley  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Don McMillian  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Charlie Reynolds  
Mr. Bob Schwenke  
Mr. Earl White  
Mrs. Lisa Wilson, Secretary/Treasurer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Barlow  
Mr. Kim Bunger  
Mr. Robert Newman  
Mr. Randy Poe

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light, Assistant Zoning Administrator/ZEO  
Mr. Todd Morgan, AICP, Planner  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

overwhelming at the intersection of Oakbrook Drive and KY 18. He reviewed the Concept Plan and stated that they will not be able to buffer the buildings from view because of the height. Mr. Knock questioned the setback. Mr. Breetz responded that the setback is about 90' – 100'.

There being no further discussion, **the Chairman asked for a vote on the motion made by Mrs. Poston which found Mrs. Kegley, Mr. Reynolds, Mr. Schwenke, Mrs. Poston, and Chairman Caddell in favor. Mr. Breetz, Mr. Carmichael, Mr. McMillian, Mr. White, Mr. Knock, and Mrs. Wilson were opposed. With 5 votes in favor and 6 opposed, the motion did not carry.**

Counselor Wilson advised that the motion to approve the rezoning failed, but that does not mean that the application is recommended for denial. A motion with findings for denial would have to be made, or the Planning Commission can continue to discuss the application and make another motion for approval. Mr. Costello stated that when there is a split vote in Committee, the Chairperson will direct Staff to prepare findings for denial. That was not done in this case because the vote in Committee was 3 to 1.

At this time, **Mr. Knock moved to defer the request to the June 1, 2005 Business Meeting at 7:00 PM and instructed Staff to prepare findings for denial. Mr. McMillian seconded the motion and it carried unanimously.**

**2. Zoning Map Amendment**

**The request of Riegler Engineering, LLC (applicant) for Dr. James Wright and Gavin & Sheila Rees (owners) for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract. The request is to rezone approximately 5.48 acres of the site to Union Commercial (UC) and approximately 12.2 acres of the site to Suburban Residential Two (SR-2). The request also involves a Variance application (“Front Yard Setback Maximum”) from Section 2540 of the Boone County Zoning Regulations. The subject properties involved in the request are located on the southeast corner of the U.S. 42/Frogstown Road intersection, and include the properties at 1923 Frogstown Road, 10336 U.S. 42, and 10350 U.S. 42, Boone County, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses and a Variance to allow a future commercial/office building to exceed the maximum front yard setback requirement.**

Staff Member Todd Morgan presented the Committee Report which recommended denial of the request based on the Findings of Fact (see Committee Report).

The Chairman allowed the applicant up to five minutes to summarize their position before the Planning Commission takes action on this request.

Mr. Dan Riegler stated that the plan was to keep the density at four units per acre. He stated that even though these are attached patio homes, they are basically dwellings for retirees and for that reason the density will be less. He stated that U.S. 42 has been revised and widened recently and this busy intersection is the perfect area for commercial uses. They have spoken with the Department of Highways and addressed their concerns regarding the location of the entrances to the property. He stated that U.S. 42 is currently operating at less than its design capacity. He stated that the corner would not be a good location for single-family use because it is a busy corner and it would be difficult to sell valuable homes there. A commercial section would be more viable in that location. The commercial, the access road, and the landscaping on both sides of the access road would act as buffer. They have also shown a buffer yard between the proposed duplexes and the adjacent single-family homes. They tried to design the property in accordance with the Union Town Overlay Guidelines and used Union Commercial as the governing zone. He stated that there is a memorandum included with the Committee Report from Sanitation District No. 1 which says that they cannot tie in at this time -- but they have sent information to Gary Aman at the Sanitation District with the flows and the Sanitation District cannot determine if it will be acceptable until they meet at the end of the month.

At this time, the Chairman allowed a spokesperson for the opposition up to five minutes to summarize their position.

Dr. Sean Pepper, 12939 Pavilion Court, stated that he is speaking for the residents whose properties back up to the subject area. They are opposed to the zone change. They presented their reasons at the April 20, 2005 Public Hearing and they are a matter of record. He stated that they voiced concerns regarding traffic, negative impacts on the people living in the adjoining homes, and negative impacts on the schools. He stated that the letter from Superintendent of Boone County Schools also had negative impacts. He stated that they are in agreement with the Committee Report. He stated that he keeps hearing things like a buffer yard between the duplexes and single-family homes, but there is no buffer yard between the duplexes and the single-family homes shown on the plan. He asked the Planning Commission to vote based on what was actually proposed and not the things that are being said.

Mr. Costello stated that the motion should be by resolution to Boone County Fiscal Court and to the City of Union as the annexation is in process.

**Mrs. Poston moved by resolution to Boone County Fiscal Court and the City of Union that the request be denied based on the Committee Report. Mrs. Wilson seconded the motion.**

Mr. Knock asked if the 17.6 acre tract that had the gas station in the front is included. Mr. Riegler responded that it is part of the request.

Mrs. Poston stated that the Committee worked with Dr. Wright and Mr. Riegler and they did a good job of putting information together at the Committee level. She stated that the request did not meet any of the forward looking parts of the Comprehensive Plan. The Committee talked with Dr. Wright about the possibility of some smaller commercial uses. She stated that Dr. Wright is in a dilemma with his office not being in a prominent location now because of the change to U.S. 42, but the Committee felt that this proposal was very much in opposition to what the Union Town Plan and the Comprehensive Plan have to say about that area.

There being no further comments, the Chairman asked for a vote on the motion **and it carried unanimously.**

**3. Change in Approved Concept Development Plan**

**The request of Unlimited Development, Lynette Smithson (applicant) for R.C. Durr and Richard Crist dba DC-KY18, LLC (owner) for a Change in an Approved Concept Development Plan for a 1.7 acre site located on the west side of Merchants Street, approximately 140 feet north of the property at 5985 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow an auto parts store and general C-2 uses.**

Mr. Reynolds had a conflict of interest in regard to this request due to his relationship with the owner and left the room at this time.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee report). The property owners have signed the letter agreeing to the conditions.

In response to a comment from the Chairman regarding Condition #3, Mr. Light clarified that it should be the 2000 Boone County Comprehensive Plan and the 2005 Goals and Objectives that have been adopted.

There being no further comments, **Mrs. Kegley moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Breetz seconded the motion and it carried unanimously.**

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Susan Poston, Chairwoman

**DATE:** May 18, 2005

**RE:** Request of **Riegler Engineering, LLC (applicant)** for **Dr. James Wright and Gavin & Sheila Rees (owners)** for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract. The request is to rezone approximately 5.48 acres of the site to Union Commercial (UC) and approximately 12.2 acres of the site to Suburban Residential Two (SR-2). The request also involves a variance application ("Front Yard Setback Maximum") from Section 2540 of the Boone County Zoning Regulations. The subject properties involved in the request are located near the southeast corner of the U.S. 42/Frogtown Road intersection, and includes the properties at 1923 Frogtown Road, 10336 U.S. 42, and 10350 U.S. 42, Boone County, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses and a variance to allow a future commercial/office building to exceed the maximum front yard setback requirement.

### REMARKS:

We, the Committee, recommend denial of the above referenced request since the applicant did not provide any evidence at the April 20, 2005 Public Hearing which supported the Zoning Map Amendment findings criteria found in KRS 100.213. The denial is based on the following findings of fact:

### FINDINGS OF FACT

1. The Committee has concluded that the request is not in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
  - A. The Future Land Use Map designates the majority of the site for "Suburban Residential" uses and smaller portions of the U.S. 42/Frogtown Road intersection area for "Commercial" and "Rural Lands" uses. These designations are described as follows:

Suburban Residential – "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

Commercial – "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Rural Lands – “wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision.”

The Committee determined that the proposal is not in conformance with the Future Land Use Map. The Concept Development Plans show 12.2 acres of the site being rezoned to Suburban Residential Two (SR-2) to allow the construction of 38 duplex dwelling units and 5.48 acres of the site being rezoned to Union Commercial (UC) to allow office and commercial uses. The Committee determined that the proposed duplexes are not consistent with the single-family vision and that the area and intensity (up to 44,313 square feet) of office and commercial uses is well in excess of what is sought on the Future Land Use Map.

B. The proposal is not in agreement with the following sections of the Land Use Element:

- The “Union Area” section (pg. 164) states that this section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union’s current residential nature, growth associated with the City of Florence, and proposed improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan’s recommendations are shown on the 2025 Future Land Use Map and also affect the Boone County Zoning Regulations.

The Committee determined that the proposal is not in conformance with the 2000 Union Town Land Use Plan Map since the majority of the site is shown as single-family detached uses and smaller portions of the U.S. 42/Frogtown Road intersection area shown as commercial and permanent green space uses. The Committee determined that the proposed duplexes are not consistent with the single-family recommendation and that the area and intensity (up to 44,313 square feet) of office and commercial uses are well in excess of what is forecasted on the 2000 Union Town Land Use Plan Map. In addition, the Committee has concerns that the requested Zoning Map Amendment to Suburban Residential Two (SR-2) will remove the Union Town Overlay (UTO) zoning district and the associated residential design criteria (see Section 2562 of the Boone County Zoning Regulations). The text of the 2000 Union Town Plan (“Relationship to the Boone County Comprehensive Plan,” pg. 2) states that the document was “drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan’s recommendations.”

- The Future Land Use Development Guidelines ("Access Management", pg. 159) states that "developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system.

The Committee determined that the full impact of the project on the transportation system had not been addressed by the applicant. During the April 20, 2005 Public Hearing the applicant testified that he did not have forecasts of the anticipated traffic because the exact uses were unknown.

- The Future Land Use Development Guidelines ("Buffering," pg. 159) states that developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate.

The Committee determined that the proposed development will have visual, and lighting impacts on adjoining properties. The following concerns were raised: (1) The attached duplexes are wider than the adjoining single-family residences and are located in linear fashions against the rear property lines; (2) The two story building height of some of the office/commercial buildings will overpower the adjoining single-family residential area; and (3) The amount of lighting needed to illuminate the office/commercial parking lots will affect the adjoining single-family residential area.

C. The proposal is not in agreement with the following passage from the Business Activity Element:

- The "Areas of Future Commercial Activity" (pg. 71) states that the land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth toward the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding

land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form instead of strip style commercial.

The Committee determined that 44,313 square feet of office and commercial uses proposed on the Concept Development Plan when taken as a whole are not small scale and will adversely affect adjoining properties (see Committee Conclusions in Subsections A and B of this report).

D. The proposal is not in agreement with the following passage from the Housing Element:

- The factors that will help fuel growth in this area include the improvements (expand from two to five lanes) of U.S. 42 from Florence to the new Ryle High School and Gray Middle School near Frogtown Road; the extension of water and sanitary sewer lines; access to the interstate highway system and the vast amount of developable land. The Union Town Plan sets the stage for development in this area when the new U.S. 42 is constructed around the year 2002, and sanitary sewer becomes widely available around the year 2006... ("Union-West Florence Area," pg. 88).

After receiving information from Sanitation District Number 1, the Committee concluded that the project cannot tie into sanitary sewer service at this time (see attached May 3, 2005 Memorandum from Sanitation District Number 1). In addition, the applicant provided no plans or explanation of how the project would tie into a public sanitary sewer system.

E. The project is not in agreement with the following 2005 Goals and Objectives:

- Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).

The Committee concluded that the project cannot tie into sanitary sewer service at this time (see attached May 3, 2005 Memorandum from Sanitation District Number 1).

- Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).

The Committee determined that the amount of office/commercial development shown on the Concept Development Plan is excessive and is not consistent with the regulations of the Future Land Use Map and Union Town Land Use Plan. In addition, the project is not compatible with the adjoining single-family and public uses.

- Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).

The Committee determined that the proposed duplexes are not compatible with the area or the recommendations of the Boone County Comprehensive Plan or Union Town Plan (see Committee Conclusions in Subsections A, B, and D of this report).

2. The Committee determined that the current zoning is appropriate and the proposed zoning is inappropriate.

The Committee has not determined any facts which support this zone change criterion. The zoning map of the general area was analyzed when the 2000 Union Town Plan was adopted.

3. The Committee determined that there were no major changes of an economic, physical, or social nature that were not anticipated in the comprehensive plan that substantially altered the area's character.

The Committee has not determined any facts which support this zone change criterion. The U.S. 42 improvements were anticipated by the Boone County Comprehensive Plan and Union Town Plan.

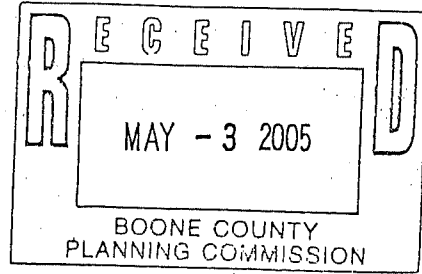
4. The Committee has concluded that the requested building setback variance is a moot issue when considering that the Zoning Map Amendment application has failed to fulfill the necessary statutory criteria.

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



# Memo

**To:** Todd Morgan  
**From:** Gary Aman  
**Date:** 5/3/2005  
**Re:** Union Pointe Center



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This proposed project will flow to our Lakeview Pump Station. Because of the delay in the construction of the new Western Regional Treatment Plant, the District is reviewing the capacity of the Lakeview Pump Station and at this time we are unable to approve capacity for this project. Per our regulation, the Developer will need to submit a written request for the proposed capacity for this project with a build out schedule for the project. This request will then be presented to our Board of Directors for their action.

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A

April 20, 2005  
7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

**Applicant:** Riegler Engineering, LLC for  
Dr. James Wright and Gavin and Sheila Rees (owners)

**Request:** Zoning Map Amendment

The request of Riegler Engineering, LLC (applicant) for Dr. James Wright and Gavin & Sheila Rees (owners) for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract. The request is to rezone approximately 5.48 acres of the site to Union Commercial (UC) and approximately 12.2 acres of the site to Suburban Residential Two (SR-2). The request also involves a Variance application (“Front Yard Setback Maximum”) from Section 2540 of the Boone County Zoning Regulations. The subject properties involved in the request are located on the southeast corner of the U.S. 42/Frogtown Road intersection, and include the properties at 1923 Frogtown Road, 10336 U.S. 42, and 10350 U.S. 42, Boone County, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses and a Variance to allow a future commercial/office building to exceed the maximum front yard setback requirement.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He explained that the applicant is asking for the SR-2 zoning classification because duplexes are not allowed in the SR-1 zoning district and they are eliminating some of the Union Town Overlay standards for the duplexes. He noted a correction to the Staff Report on Page 14, Item I., line 2 "lot 6" should be "lot 7". He submitted for the record a letter received from today Boone County Schools (see Exhibit 1) which indicates that they are not in favor of the change from SR-1/UTO to SR-2 and would like to see the residential area developed according to the Union Town Overlay. He stated that the Planning Commission will take final action on the Variance request.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Dr. James Wright, 1973 Richwood Road, speaking on behalf of himself and his wife Sherry, and Gavin and Sheila Rees, owners of Lot #3, stated that he has been a business owner in Boone County since 1983. He stated that U.S. 42 was improved and his current location is now like an alley. He wants to get back on the main road so that his business can prosper. He stated that his youngest son will take over the farm. Dr. Wright will live in one of the patio homes. He stated that the proposed development has been challenging. They met with the City of Union and with the Planning Commission's Staff and the circular drive was put in instead of the grid. He presented architectural renderings and stated that all of the buildings will have the same brick, roof lines, and shingles. This will be the first multi-use residential/commercial development in the Union Town Overlay. The City of Union is generally in support of the development with the changes they have made and is in the process of annexing the property. He stated that the patio homes will sell for approximately \$300,000. Most patio homes are occupied by retired couples and have minimal impact on the area. He stated that there will possibly be a pharmacy, a dry cleaners, and a little Italian restaurant. Most of the businesses will have hours from 8:00 AM to 5:00 PM or 9 AM to 6:00 PM and the disturbance to the community in the evening will be minimal. They have taken out the McDonald's and there will be no drive-thru restaurants. There will be mostly family-owned businesses. He stated that when the new road by-passed Union, it condemned most of the family-owned businesses to die and this development will give Union an opportunity to remain rural with the jobs and businesses staying in the area. He offered to answer any questions.

Mr. Dan Riegler, Riegler Engineering, 3136 Royal Windsor Drive, Edgewood, submitted a letter from Greg D. Voss, Attorney for the City of Union (see Exhibit 2). Mr. Riegler stated that he grew up just outside the City of Union and is familiar with the area. He stated that the existing zoning of a good portion of the subject property is SR-1, which allows four single-family homes per acre. He indicated a corner of existing commercial property on the site. He stated that they decided that an entire area of the site would be commercial in order for Dr. Wright to have his dentist office, some commercial development, and some of the

business from Old Union to locate there. They are asking for SR-2 zoning for the patio homes because they are attached and are considered duplexes – but they will not be low-priced duplexes. The patio homes will be in the \$300,000 range and the density will be the same as the SR-1 zone, which is four units per acre. The only reason for the SR-2 zoning is to allow the duplexes. He stated that they met with the surrounding residents in Cool Springs Subdivision. He stated that the original plan had commercial uses in what is now the residential section, but those uses were removed in order to provide a good transition zone. There will be a transition from residential to residential to commercial so that the commercial uses will not go all the way up to the existing homes. He stated that the lake was silted during the construction of Ryle High School and the stated did not dredge the lake when they reconstructed U.S. 42. The lake will serve as a retention pond for the site and they will reinstate it as a lake. He stated that the entire site is in the Union Town Overlay and they have decided to use the Union Commercial Zone. They will try to be innovative with the design and not do a retail strip center. They have tried to hide the parking behind the buildings as much as possible, which requires the frontage of the buildings to face U.S. 42 and involves considerable additional cost. He stated that the Union Commercial Zone permits pedestrian friendly design and they have provided sidewalks directly into the buildings from U.S. 42. They have tried to address the concerns of the City of Union and of the citizens.

Mr. Riegler addressed the Staff Comments: Staff Comment B. 3./Impervious Space They will provide the calculations. Their calculations show that meeting the requirement of 20% open space will not be a problem. The plan is conceptual and may change. They have not yet worked out all the details, but they believe they will be able to meet the county's requirements: Staff Comment B. 6./Building Orientation This plan is one of two Concept Plans. They are trying to orient the buildings to U.S. 42 and Frogtown Road. The bank will be a challenge. The concept is for a bank, but they do not know what will happen on that lot. He indicated the side of the property he considers to be the front of the lot because of the access road. They will try to match the rest of the development to the architecture of the existing building. Staff Comment E. He indicated the approximate location of the graveyard in the residential section of the development. He stated that they are doing a topographical and boundary survey for the entire site. There are only two graves there and they know the background of the families and the person to contact. It is likely that the graves will be moved. Staff Comment F. He spoke with the Division of Water and sent them copies of the plans. The Division of Water is not opposed to the plans as long as they follow the regulations. They will stay in touch with the Army Corps of Engineers. Staff Comment G. 1. They met with Staff and with a Union City Council representative and either Staff or the City Council representative had a negative reaction to the standard intersecting streets shown on their original plan. They then went with the proposed design to get a workable area to accommodate Dr. Wright's building and to use the land efficiently for commercial uses. There is a significant grade change from U.S 42 and adding the curve to the road helps

to mitigate the steep grade. The road is designed per the Boone County Subdivision Regulations and they believe the curve adds to the sight distance. They will analyze the sight distance for each driveway. They have not completed work on all of the grades, but they are confident there will be a workable solution. They may be able to eliminate some of the trees in the curve to help the sight distance. Staff Comment G. 2. They understand that the county and the City of Union will not be responsible for snow removal on the private streets for the duplex units, but they will ask the City of Union to maintain the curved road. The Homeowner's Association will take care of the maintenance of the private streets. Staff Comment G. 3. They need to keep the right-in/right-out access as part of the design because it helps the viability of the lot. He met with the Department of Highways in regard to the right-in/right-out access and there may be some correspondence with them. The Department of Highways does not have a problem with the sight distance. He stated that they will see what they can do to discourage illegal left hand turns there. Staff Comment G. 5. Without knowing the exact uses, he does not have a forecast of the anticipated traffic. He had informal meetings with the Department of Highways and they told him that they were not concerned about the increase in traffic on U.S. 42 and Frogtown Road. Staff Comment H. He understands that landscaping is a concern and they plan to follow the Boone County regulations. They will put in the appropriate buffer yards. This is a Concept Plan and some things will change slightly. He has no problem with a condition of approval that they follow the Boone County regulations. Staff Comment I. There is no buffer yard requirement between residential/residential uses, but they are showing some trees between the residential uses and he believes it would be helpful for them to define the buffer further. He does not think a restrictive and expensive amount of trees are necessary there because it is two residential uses, but he does not have a problem with a definition as to what can go in there. Staff Comment G. Staff did a good job of explaining the Variance application. He stated that this is a hardship case because the grade falls off quickly and they are trying to avoid the blue line stream as much as possible. The Comprehensive Plan shows it as a greenbelt area and they are trying to preserve that area as much as possible. They are showing open public space in the Union Commercial space, and they may put in some park benches, water fountains, and more detailed landscaping.

Mr. Riegler stated that the scale of the plan keeps them from going into too much detail now. He stated that this is a non-usual approach to this type of development and they are trying to provide a transitional area from the adjacent residential zone. They are asking for SR-2 zoning, but they do not want more than four units per acre. He stated that there was talk about connecting the developments and they do not know how they can do it yet – there could possibly be a shared walkway from the development and they will provide as much circulation as possible. He stated that the Union Commercial Zone asks for underground utilities and they will provide underground utilities. There will be garbage receptacles along the street and park benches. Lighting will be per the regulations.

Dr. Wright stated the graves are of Mr. and Mrs. Baker from the 1800's and Ms. Ashcraft is a descendent. The graves have to be moved and he would like to get information from Ms. Ashcraft on where she would like them to be located. He indicated on the slide a second public area where people can sit and have something to drink. This completed the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request.

Mr. Tom Sander, 12994 Pavilion Court, Cool Springs Subdivision, stated that he supports the plan. It is a good utilization of the property and the homes will be similar to those in Triple Crown, which will keep up the property values. He stated that on March 29 the Cool Springs Homeowners' Association had a meeting and reviewed the plan. There were some concerns about the McDonald's and an all-night gas station or an all-night bar – but those issues were addressed and there will be no late night activities. He stated that during the meeting there were no negative comments from the Cool Springs Homeowners' Association.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Charles Facktor, 14873 Cool Springs Boulevard, Union, stated that the Staff Report was very well done. He stated that Dr. Wright could put his dentist office where the old Ameristop used to be or at U.S. 42/Frogtown Road which is zoned commercial. He is opposed to the proposal as presented. They selected Boone County for the close proximity to the airport and quality of life. They moved to Cool Springs for the housing and the zoning. He is an attorney for a major corporation and checked into the zoning before moving in. The zoning is SR-1 and they liked the surrounding agricultural areas. They were impressed that most of the future commercial development would go in around the Kroger's and everything else would mostly be residential or agricultural, which adds value to the community and attracted them to the area. They felt that there was very good planning in this area. He stated that the proposed plan is a bit much – there is a lot of parking and commercial buildings, too many patio homes, and it seems crowded to him. He is opposed the commercial rezoning, which he does not believe is consistent with the surrounding areas. If the residential proposal was scaled back it might be appropriate for the area.

Mrs. Rani Pepper, 12939 Pavilion Court, Union, has lived in the area for four years. They chose Union because it was homey and rural and they thought their property value would go up – they thought it was a safe place to invest. They purchased a \$400,000 home in Cool Springs Subdivision. She is concerned about the proposed commercial area with the associated lights, noise and parking. She is concerned about the residential area being so close to the fence. Their home is

at the end of the cul-de-sac and they will see the patio homes from their bedroom and from their deck. The patio homes are right up against their backyard, which will degrade their quality of life and their property value. She stated that this is an opportunity to send a message to those who may invest in Union in the future that the Planning Commission intends to protect the investment they make. If people do not feel that their property value will be protected, they will go somewhere else.

Dr. Sean Peffer, 12939 Pavilion Court, indicated his property on the Power Point slide. He stated that it is approximately 40 feet from his back yard to the fence. He stated that because of the direction from which the aerial photograph and slides were taken, they do not show how close the homes are to the fence. He stated that the patio homes will be jammed up against the \$400,000 houses. The patio homes are duplexes and he has a hard time believing people will invest \$300,000 in duplexes that are small and jammed in. There is nothing that says they have to be \$300,000 duplexes and he is concerned that once the property is rezoned they could put in cheap duplexes that will affect the property values. He agreed with the previous speakers. He believes that the City of Union supports the proposal because they will get the tax revenue without having the development in the City of Union. He stated that the entire U.S. 42 corridor is built for commercial development and has ingress/egress points. Putting this development in this location is not in the best interest of the people of Boone County. He stated that Union Station Restaurant is a bar – it serves alcohol – so there will be a bar right next to the residential area. He stated that the applicant said there would not be late night uses and noise – but Union Station Restaurant will have noise and alcohol. There will be a high school there with the alcohol. He is concerned that a child will get hit on U.S. 42 walking across to the convenience store or to the bar. He is scared to have these uses here. He stated that in their meetings, no one was in favor of connecting streets so that they could be neighborly with this development. It was a hostile audience at their meeting. He asked to see the letter that was received from Boone County Schools. He stated that he did not know about the meeting with the Homeowners Association and questioned who was there and if it was only one or two people in favor. He questioned Mr. Sander speaking for the Homeowners' Association.

Mr. Jeff Wallace, 10573 Sedco Drive, Union, stated that he is concerned about traffic congestion at U.S. 42 and Frogtown Road. He stated that on school days from 7:30 AM – 8:30 AM traffic backs up all the way to the Post Office (which is two or three tenths of a mile east of U.S. 42) and there is the same problem in the 5:30 PM – 7:30 PM rush hour. He is concerned that the first and second entrances will be blocked by the traffic with people on U.S. 42 trying to turn onto Frogtown Road. The duplex units will conservatively add fifty-seven vehicles trying to access Frogtown Road out of their main drive every morning and add congestion on Frogtown Road. The solution would be to eliminate the Frogtown Road access to the proposed residential and commercial areas or for the builder to finance widening Frogtown Road to three lanes to a point east of the Union Post

Office. The most westerly Frogtown Road entrance to the duplex units is much too close to U.S. 42 and should be eliminated. He stated that Frogtown Road floods at the main 50-foot drive in a heavy thunderstorm or a week of rain. He indicated the existing pond and stated that just before Kilarney Drive is a driveway that goes to a retention pond and that area floods. He questioned if the drainage will be sufficient with the increased surface area. He reviewed the slope of the land going away from the retention pond and questioned what water the retention pond will hold. He questioned how the development will tie into the drainage ditch along Frogtown Road. He asked if the developer will maintain the area around the detention pond after development or will the county have the right to maintain that area and bill the developer? He submitted his written comments (he will take Item 3 up with Fiscal Court) (see Exhibit 3). He believes that the developer will add onto the house on Lot #3, which has not been addressed. He asked if construction traffic will access off U.S. 42 or Frogtown Road. He asked if the county will provide police and traffic direction to the area during construction. He stated that there will be a problem with the entrance if U.S. 42 is not straightened and the curve eliminated. He stated that young people will cut through to avoid the traffic light which will disturb the people in the houses. He asked the Commissioners to visit the area and look at the access and drainage problems before making a decision.

Mr. Jim Brinkman, 14972 Cool Springs Boulevard, stated that he moved to this subdivision because of how it was situated and because the area was residential. He agreed with the previous speakers. He stated that Dr. Wright could have his office at the corner where the Ameristop was. He stated that there will be an additional access on Frogtown Road for the future development of Cool Springs Subdivision. Frogtown Road is already congested. He has a \$450,000 house and putting the patio homes there will do nothing for his property value. He stated that Cool Springs Subdivision is just over one-third complete and people coming into Union should be brought into Cool Springs Subdivision and not into the \$300,000 patio homes. He stated that a lot of effort went into development the Union Town Plan and we should stick with it. These types of businesses should be on U.S. 42 where there is plenty of room for them.

Mr. Dan Pittaluga, 12941 Pavilion Court, Union, stated that they moved to this area because it is primarily single-family homes. He reviewed the Staff Report and stated that the clustering of homes is usually to reduce the cost of construction. He stated that these low cost homes will be next to more expensive homes and take away from their property values. The high-density homes do not follow the guideline that there should be a gradual increase in housing density. He is opposed to the development. He stated that the corner is already zoned commercial and would be a adequate site for Dr. Wright's dental office.

Mr. Darryl Collins, 12949 Pavilion Court, Union, agreed with the other speakers. He stated that he moved to the area for the single-family houses and the rural setting. He is concerned about the schools. Traffic congestion is horrendous now

and there are 150 - 200 dump trucks coming down U.S. 42 and 300 - 400 motorcycles on the weekend. The roads are impassable between 7:30 AM - 9:00 AM and in the afternoon. He is concerned that the \$400,000 - \$450,000 patio homes are now \$300,000 duplexes. He does not think the duplexes will sell on a good day. He suggests that the commercial uses go somewhere else. He believes that commercial and residential areas should be separate and there should be a division. He stated that Peachtree, Georgia is planned with separate residential and commercial -- the commercial does not violate the residential and vice versa -- and some of the highest real estate prices in Atlanta are in that area because it is desirable. He stated that people want to be able to go home and be in their backyard and not have commercial uses nearby. There does not have to have a Chinese shop, a nail place and a drycleaner on every corner -- let's preserve some of Boone County as a residential area where people raise their families.

Mr. Bruce Johnson, 12984 Pavilion Court, stated that the comment was made that the parking would be in the back and people would see nice facades from US 42 -- but the residences in the back are going to be looking at the parking lots. He stated that they were told that the patio homes would be from \$350,000 to \$450,000, but now the applicant is proposing \$300,000 patio homes looking at parking lots. He questioned who would want to buy a home looking at parking lots. He stated that there is a sewage problem. The sewer to build the proposed residential area will not be constructed for two or three years, and in two or three years he believes the applicant will be back asking to rezone the SR-2 area to commercial. He agreed with the comments made by his neighbors. He stated that Dr. Wright can put his dentist office on the corner. He stated that Dr. Wright wants five buildings in order to get rental income, but the neighbors do not want to look at the rental property. He stated that the tenants will be whoever pays the rent, and they may not be socially acceptable businesses with the high school across the street. The homeowners will have to pay fees to maintain the residential streets. The fees are the very first thing people will ask about when they move to these types of residential communities. If those people have to pay to take care of the streets, the property values will go down even more. He is opposed to the development.

Ms. Rebecca Grammer, 12966 Pavilion Court, stated that Averitt Express moved in behind her previous property and she was exposed to the lights and sounds of not abiding by the zoning. She moved to Cool Springs because of it and now her property value will be affected again. She is not opposed to the dentist office, but she is opposed to the other uses. She stated that they were told there would be \$350,000 - \$450,000 homes, but now the prices are going down. She is concerned that there will be teenage hangout type uses. She is concerned for the safety of her daughter who will soon be driving and she does not want someone from a bar seeing her. She would like this development stopped.

Ms. Pam Vice, 10670 Bridlepath Lane, Union, questioned who would will make the property owner accountable for what goes in on the property. She stated that

there have been a lot of changes made to the plan. She stated that if downtown Union has become a ghost town, it would be a good idea to put this development in downtown Union and get people back there and maybe have some antique shops. She is agreeable to the dentist office being on the corner lot. She questioned where development will stop once it starts moving out into this area. She agreed with the other speakers.

Mr. Charles Duty, 14989 Cool Springs Boulevard, stated that he is opposed to the plan because of the traffic problems. He stated that the entrance to U.S. 42, Cool Springs Subdivision exit, and the Ryle High School exit are very close and the traffic is very bad from 7:00 AM to 9:00 AM, which is a problem. He stated that builders will tell you "in this section, it is going to be \$300,000 homes or \$400,000 homes" but three years later economic conditions change and then it is \$200,000 to \$250,000 homes. He stated that the first phase of the development would probably go in fine, but later on economics will change and they will go down to \$200,000 homes or less. He moved to this area because it was rural and residential. If he wants these types of amenities, he can drive to Florence. He wants this area to be kept as a residential community.

Ms. Anita Call, 10671 Mountain Laurel Way, Union, is a teacher at Ryle High School and deals with the traffic every morning and every afternoon. She is opposed to the plan. She agreed with the other speakers.

Mr. Mark McClure, 12945 Pavilion Court, Union, stated that he appreciates the informal meeting they had with Dr. Wright, but he is concerned about the good of the community and wants to stay with the long term plan. He agreed with the other speakers. He is opposed to the plan.

Ms. Sherrie Collins, 12949 Pavilion Court, has a son at Ryle High School and a daughter who will go there next year. She stated that an elementary school will be located in front of Gray Elementary and there will be three schools immediately across from this development. There are about eight hundred students at Ryle High School who are new drivers and this is a particularly congested area in the morning and in the afternoon. There is not a light at the schools and this development will further compound the traffic situation. She agreed with the other speakers. She does not understand moving commercial out practically to the end of the development of U.S. 42 and right in front of these schools when there is so much property yet to be developed from Kroger's and out that way. She stated that the elevation of the subject property is ten to twenty feet higher than their property. The one- or two-story commercial buildings will tower above their homes. She is concerned that there will be parking lights on all night. She does not want to overlook a parking lot. She stated that the property is covered with beautiful mature trees and questioned conservation of the trees. She stated that the area will attract young people who will be hanging out -- they will be driving and skateboarding -- and potentially getting into mischief. She stated that the area is pristine and there is a farm across the street that will be a future

park. There are two churches on the opposite corner, and the rest of the area is residential and schools. She does not understand putting commercial in the middle of this area. She has never seen this type of development put in with residential without a green space, a highway, or buffer. She is opposed to the request.

Ms. Deb Shaubarger, 12943 Pavilion Court, Union, stated that her property is adjacent to this development. She asked if there will be a berm next to their property. She asked if the developer will have to follow the architectural guidelines if this property is annexed into the City of Union. She does not want the elevation to remain as it is because they will be looking to the backyards of the patio homes. She stated that they were told that there was a commercial district in the Union Town Plan and that most of the commercial uses would go into that district. She stated that if they put this much development in this area, they will not need the commercial district because all of the development will be right here.

Mr. Chuck Whitlock, 1410 Meadowlake, Cool Springs Subdivision, Union, agreed with the other speakers in opposition to the request. He stated that they were attracted to Boone County for the quality of life. He that there is a plan for Union Center that does a lot for the quality of life of the residents in Union and Boone County and the proposed development is short-sighted. He reviewed Staff Comment A. and stated that he believes the current zoning is appropriate and the proposed zoning is inappropriate and there have not been any changes of an economic, physical or social nature that would dictate a change in zoning. He asked that the Planning Commission keep the vision and not deviate from the plan.

Mr. Phillip Homes, 10611 Aspen Way, stated that they are currently planning to build a house on Blue Yacht. He stated that effort was put into making the two churches have very nice landscaping and maintaining the flow down U.S. 42. This proposal does not maintain that flow. He requested that the landscaping of this development match Ryle High School and the rest of the properties there. If this develop is put in this area, he is concerned about what will happen further down U.S. 42 as more and more people decide that they want to develop their properties.

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston asked if there is any historic significance to the white farmhouse proposed to be taken down. Mr. Morgan responded that he reviewed the plan and discussed the issue of the cemetery with the Historic Preservation Planner Matt Becher. He will talk to Mr. Becher again to verify any issues regarding the house and provide the information to the Committee.

Mrs. Poston asked if there is more parking than is needed for Buildings 5 and 6. Mr. Morgan responded that the parking requirement is one parking stall for every three hundred square feet for an office/commercial use. He has not done the parking calculations. He has concerns about the location of the parking in relation to the property lines and the required buffering. He would like the applicant to address those issues further at the Committee Meeting. The applicant does not need to show the specific trees and shrubs, just the buffer areas.

Mrs. Poston questioned green space or public space in the patio homes development. Mr. Morgan responded that there is a 25-foot landscaping buffer, but there are no amenities. No recreational areas are shown on the plan. Mrs. Poston questioned sidewalks. Mr. Morgan responded that there are no sidewalks leading back through the private street system.

Mr. Bunger questioned the availability of sanitary sewer for the site. Mr. Morgan responded that he sent the Concept Plan to Sanitation District No. 1, but did not get a response. He will contact Mr. Aman at Sanitation District No. 1 prior to the Committee Meeting. Mr. Costello stated that there needs to be a letter from Mr. Aman or he needs to attend the Committee Meeting.

Mrs. Kegley asked if the curved road that goes through the development is the only road that will be a publicly dedicated street. Mr. Morgan responded "correct". Mrs. Kegley stated that they are going to have to keep up the streets – which is not just removing snow but also things like fixing potholes. Mr. Morgan agreed. Chairman Caddell stated that the applicant talked about the private streets in the residential section. He asked if the streets in the commercial section will also be private. Mr. Morgan responded "yes" and stated that all the streets, except for the curved road, will be private. Chairman Caddell questioned why they want private streets in the commercial area. Dr. Wright responded that the City of Union wants to annex this property and will maintain the main road. The smaller roads can be maintained by the income from the businesses there. He stated that the roads in the development will be maintained by the development.

Mr. McMillian questioned sidewalks in the residential area. Mr. Riegler responded that the Planning Commission can add the sidewalks to the plan. He stated that they were looking for feedback. They do not have any problem putting sidewalks along the main road and if a connection is desired to Cool Springs Subdivision they can do that. Mr. McMillian stated that he was recently on Catherine Avenue, which is a single-family residential street, and people were walking dogs in the street. He stated that people need to have sidewalks.

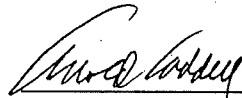
Mr. Costello stated that the Boone County Urban Forest Commission has adopted the U.S. 42 Master Landscaping Plan, which outlines a series of improvements from fencing to landscaping features along three miles of the corridor, and there are some features shown to be located in front of this site in the right-of-way. It is

a future phase project intended to soften the visual impact up and down the road. How the U.S. 42 Master Landscaping Plan affects this site on the U.S. 42 corridor will be presented to the Committee.

Chairman Caddell stated that copies of the letter from the Superintendent of Boone County Schools (Exhibit 1) can be obtained by contacting the Staff Office.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 4, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 18, 2005 at 7:00 PM. The Chairman closed this Public Hearing at 9:28 PM.

**APPROVED:**

  
\_\_\_\_\_  
**Arnold Caddell, Chairman**

**Attest:**

  
\_\_\_\_\_  
**Jan Hancock, Recording Secretary**

**Exhibits**

1. Letter dated April 20, 2005 from Bryan Blavatt, Superintendent of Boone County Schools – submitted by Staff
2. Letter dated April 20, 2005 from Union City Attorney Greg D. Voss submitted by Dan Riegler
3. Comments submitted by Jeff Wallace

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: May 4, 2005

RE: Request of **Riegler Engineering, LLC (applicant)** for **Dr. James Wright and Gavin & Sheila Rees (owners)** for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Union Commercial (UC) and Suburban Residential Two (SR-2) for an approximate 17.68 acre tract. The request is to rezone approximately 5.48 acres of the site to Union Commercial (UC) and approximately 12.2 acres of the site to Suburban Residential Two (SR-2). The request also involves a variance application ("Front Yard Setback Maximum") from Section 2540 of the Boone County Zoning Regulations. The subject properties involved in the request are located near the southeast corner of the U.S. 42/Frogtown Road intersection, and includes the properties at 1923 Frogtown Road, 10336 U.S. 42, and 10350 U.S. 42, Boone County, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses and a variance to allow a future commercial/office building to exceed the maximum front yard setback requirement.

### REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

*Susan Poston*  
\_\_\_\_\_  
**Susan Poston, Chairwoman**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Randy Barlow**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

*Greg Breetz*  
\_\_\_\_\_  
**Greg Breetz**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

*Kim Bunger*  
\_\_\_\_\_  
**Kim Bunger**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

*Janet Kegley*  
\_\_\_\_\_  
**Janet Kegley**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Charlie Reynolds (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Earl White (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

*Lisa Wilson*  
\_\_\_\_\_  
**Lisa Wilson (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

**TOTAL:    \_\_\_\_ DEFERRED    \_\_\_\_ FOR PROJECT    \_\_\_\_ ABSENT**  
**5 AGAINST PROJECT    \_\_\_\_ ABSTAIN**

# **SUPPORTING INFORMATION**

This instrument prepared by  
and after recording return to:  
Ziegler & Schneider, P.S.C.  
541 Buttermilk Pike, Suite 500  
P.O. Box 175710  
Covington, Kentucky 41017-5710

By Sharon Schneider Elliston, Attorney.  
Sharon Schneider Elliston

RETURN TO:

DEED

KNOW ALL PERSONS BY THIS INSTRUMENT:

That JERRY L. ROGERS and DEBORAH K. ROGERS, husband and wife,

the GRANTOR(S), for and in consideration of One (\$1.00) Dollar and other good and valuable consideration as certified to below, paid to the GRANTOR(S) by the GRANTEE(S) herein, the receipt of which is hereby acknowledged, do(es) bargain, sell and convey to the following named GRANTEE(S),

JAMES R. WRIGHT, JR., D.M.D. and SHERRI WRIGHT, husband and wife,

jointly, for and during their natural lives, with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described real estate, in the county of BOONE, state of Kentucky, to wit:

Street Address: 10350 US 42, UNION, KY 41091

Grantee(s) Address: 1973 Richwood Rd. Walton, KY, 41094

Grantor(s) Address: 10350 US. HWY 42, Union Ky 41091

Group No.: 582

PIDN: 064.00-00-002.00

Plat No.: Z04-585-BB

SEE LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND  
MADE A PART HEREOF BY REFERENCE.

Being the same property conveyed to the Grantor(s) herein by deed from Charles L. J. Freihofer, Trustee in Bankruptcy for the Estate of Sara Eloise Ashcraft, dated April 30, 1986, and recorded in Deed Book 345, page 117, of the BOONE County Clerk's records at Burlington, Kentucky.

SUBJECT to conditions, restrictions and easements contained in deeds and instruments of record.

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE(S), in the fashion and manner stated above in the conveying clause, with covenants of general warranty, except all taxes and assessments due and payable in the year 2004 which are to be reasonably prorated as of the date of closing and which the GRANTEE(S) assume(s) and agree(s) to pay.

GRANTOR and GRANTEE both certify, under oath, that the consideration of \$1,075,000.00 is the full consideration paid for the property and GRANTEE joins in this deed for the sole purpose of making this certificate about the consideration.


Dated this 29TH day of SEPTEMBER, 2004.

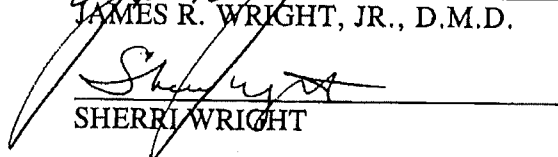
GRANTOR:

  
JERRY L. ROGERS

  
DEBORAH K. ROGERS


GRANTEE:

  
JAMES R. WRIGHT, JR., D.M.D.

  
SHERRI WRIGHT

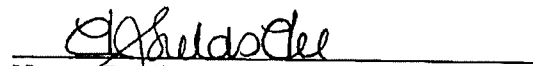
STATE OF KENTUCKY, COUNTY OF KENTON (GRANTOR)

The foregoing instrument was sworn to and acknowledged before me this 29TH day of SEPTEMBER, 2004 by JERRY L. ROGERS and DEBORAH K. ROGERS, husband and wife.

  
Notary Public  
My commission expires: 9-28-05  
My jurisdiction is: STATE AT LARGE

STATE OF KENTUCKY, COUNTY OF KENTON (GRANTEE)

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 29TH day of SEPTEMBER, 2004, by JAMES R. WRIGHT, JR., D.M.D. and SHERRI WRIGHT, husband and wife.

  
Notary Public  
My commission expires: 9-28-05  
My jurisdiction is: STATE AT LARGE

DOCUMENT NO: 279613  
RECORDED ON: OCTOBER 01, 2004 03:27:47PM  
TOTAL FEES: \$12.00  
TRANSFER TAX: \$1875.00  
GROUP : 582  
COUNTY CLERK: MARILYN K ROUSE  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: DONNA COLLINS

EXHIBIT "A"

TRACT ONE (10350 U.S. 42, UNION)

GROUP: 582  
MAP #064.00-00-002.00

BOOK 030-3 PAGES 659 - 661

Being part of Lot No. 2 and all of Lot No. 4 of Albert Acres Subdivision recorded in Plat Book 4, Page 10, of the Boone County Clerk's Records at Burlington, Kentucky, and being more particularly described as follows:

Beginning at the Northeast corner of Lot No. 3 and the Northwest corner of Lot No. 4; thence North 79° 38' East 119.5 feet; thence North 85° 14' East 208 feet to the Northeast corner of Lot No. 4; thence South 1° 25' East 464.3 feet along the West line of Lot No. 5; thence South 33° 14' East 52.7 feet; thence with the South line of Lot No. 6 South 85° 29' West 498.8 feet to the Southeast corner of Lot No. 6; thence South with the East line of Lot No. 6 and the West line of Lot No. 7 projected Southwardly, South 4° 31' East, 460.1 feet to a point in the South line of Lot No. 2; thence with the South line of Lot No. 2 South 85° 29' West 964.07 feet to the Southwest corner of Lot No. 2; thence with the West line of Lot No. 2 North 5° 26' West 675 feet to the Northwest corner of Lot No. 2; thence with the South line of Lot No. 3 North 84° 34' East 119 feet to the Southeast corner of Lot No. 3 North 84° 34' East 119.0 feet; thence with the West line of Lot No. 4 North 1° 28' East 286.4 feet to the place of beginning.

Together with and subject to easements and restrictions of record and all legal highways.

**SAVE AND EXCEPT** all of the property conveyed by Jerry L. Rogers and Deborah K. Rogers, husband and wife to the Commonwealth of Kentucky, for the use and benefit of the Transportation Cabinet, Department of Highways in the Deed dated January 15, 2002 and recorded in Highway Deed Book 18, Page 289, of the Boone County Clerk's records at Burlington, Kentucky

**ALSO SAVE AND EXCEPT THE FOLLOWING (DB554, PAGE 243):**

Located in Boone County, Kentucky, lying on the southerly side of Frogdown Road (Kentucky Highway 536) being a part of Lot No. 2 and 4 of Albert Acres Subdivision, recorded in Plat Book 4, page 10 in the Boone County Clerk's Office at Burlington, Kentucky and is described as follows:

Beginning at an iron pin (set) in the southerly right-of-way line of Frogdown Road (30 feet from centerline) at its intersection with the common line of Lots 4 and 5 of Albert Acres Subdivision; thence with the line of Lots 4, 5 and 2 S 01-25-00 E 454.28 feet to an iron pin (set) corner of Lots 6 and 2; thence with a new division of Lots 2 and 4 N 26-23-30 W 127.79 feet to an iron pin (set); thence N 48-08-20 W 71.41 feet to an iron pin (set); thence S 84-34-05 W 42.60 feet to an iron pin (set); thence N 04-21-24 W 284.15 feet to an iron pin (set) in the right-of-way N 85-15-00 E 164.49 feet to the point of beginning containing 1.1819 acres and being subject to all right-of-ways and easements of record. This legal description and the plat which is attached hereto and incorporated herein by reference was prepared by Timothy R. McNeely, Registered Land Surveyor, L.S.# 2030.

Also subject to and benefited by a 25-foot wide access strip as more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

BOONE COUNTY  
D883 PG 651

RECEIVED

NOV 11 - 91 A 3:47 BOOK 554 PAGE 243

16. *wpd*

CLERK

DEED

PROPERTY TRANSFER TAX PAID \$ 27.00  
JERRY W. ROUSE, CLERK *gms*

KNOW ALL PERSONS BY THIS INSTRUMENT:

That JERRY L. ROGERS and DEBORAH K. ROGERS, husband and wife,

the GRANTORS, for and in consideration of Twenty-six Thousand, Nine Hundred Dollars (\$20,900.00)

paid to the GRANTORS by the GRANTEES herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to the following named GRANTEES, GAVIN W. REES and SHEILA C. REES, husband and wife, jointly, for and during their natural lives, with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described real estate, near the city of Union, county of Boone, and Commonwealth of KENTUCKY, to wit:

Street Address: 1.1919 acres on Kentucky Highway 536, near its intersection with U.S. Highway 42, Union, Kentucky 41091

Grantees' Address: 9522 Apple Valley Drive, Independence, Kentucky 41051

Grantors' Address: 10350 Highway 42, Union, Kentucky 41094

Group No.: 582 Plat No.: See Attached Identification Plat

Located in Boone County, Kentucky, lying on the southerly side of Frogtown Road (Kentucky Highway 536) being a part of Lot No. 2 and 4 of Albert Acres Subdivision, recorded in Plat Book 4, page 10 in the Boone County Clerk's Office at Burlington, Kentucky and is described as follows:

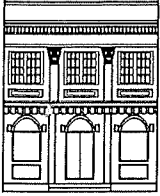
Beginning at an iron pin (set) in the southerly right-of-way line of Frogtown Road (30 feet from centerline) at its intersection with the common line of Lots 4 and 5 of Albert Acres Subdivision; thence with the line of Lots 4, 5 and 2 S 01-25-00 E 454.28 feet to an iron pin (set) corner of Lots 5 and 2; thence with a new division of Lots 2 and 4 N 26-23-30 W 127.79 feet to an iron pin (set); thence N 49-06-20 W 71.41 feet to an iron pin (set); thence S 84-34-06 W 42.93 feet to an iron pin (set); thence N 04-21-24 W 284.15 feet to an iron pin (set) in the right-of-way N 85-15-00 E 164.49 feet to the point of beginning containing 1.1919 acres and being subject to all right-of-ways and easements of record. This legal description and the plat which is attached hereto and incorporated herein by reference was prepared by Timothy R. McNeely, Registered Land Surveyor, L.S.# 2030.

Also subject to and benefited by a 25-foot wide access strip as more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

RETURN TO: *305*



# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

[www.boonecountyky.org](http://www.boonecountyky.org)

## MEMORANDUM

Phone: (859) 334-2196

Fax (859) 334-2264

E-mail: [plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

**TO:** Zone Change/Concept Development Plan Committee

**FROM:** Todd K. Morgan, AICP *TKM*  
Planner, Zoning Services

**DATE:** May 4, 2005

**RE:** Union Pointe Centre – Zoning Map Amendment & Variance Applications

The following issues were discussed at the April 20, 2005 Public Hearing:

1. The applicant made the following comments:
  - A. Impervious area calculations would be brought to the Zone Change Committee meeting;
  - B. A topographical and boundary survey would be done for the entire site. It was likely that the graves were going to be removed from the site;
  - C. Site distance would be analyzed for each driveway;
  - D. The right-in/right-out curb cut is needed because it helps the viability of lot 2;
  - E. The buffer yards between the project and the adjoining residential areas should be defined;
  - F. There is no forecast of anticipated traffic because the exact uses are unknown; and
  - G. A sidewalk connection to Cool Springs could be provided;
2. The following comments were made from citizens that supported the project:
  - A. The Cool Springs Home Owners Association met on 3/29/05 and reviewed the plan. The issues with all night bars and fast food restaurants have been addressed.
3. The following comments were made from citizens that opposed the project:
  - A. Dr. Wright could put his Dentist Office where the old Ameristop used to be;
  - B. The Zoning Map and Future Land Use Map show that future commercial areas would be located by the Union Kroger;

- C. The plan has too many commercial buildings, duplexes, and parking;
  - D. The associated noise, lights, and parking in the commercial area will impact the adjoining residential dwellings;
  - E. The proposed duplexes are in close proximity to Cool Springs Subdivision and will degrade property values and quality of life;
  - F. There is nothing that says that the duplexes have to be \$300,000;
  - G. Children from the schools will cross U.S. 42 and hang out in the development;
  - H. There are concerns about a connection (sidewalk or street) to Cool Springs Subdivision;
  - I. All residents of Cool Springs were not aware of the Home Owners Association meeting with the applicant and property owner;
  - J. There is concern about traffic congestion on U.S. 42 and Frogtown Road;
  - K. There is concern about flooding on Frogtown Road and if the proposed retention system will be sufficient to handle the additional impervious area;
  - L. The proposed road will be used as a cut through to avoid the signalized intersection at U.S. 42 and Frogtown Road;
  - M. The development guidelines and recommendations of the Union town Plan should be followed;
  - N. There is a sewerage problem;
  - O. This type of development should be put in downtown Union;
  - P. There are no traffic lights at the schools and this development will further compound the traffic situation;
  - Q. The topography of the subject property is higher than the topography on Pavillion Court and the one and two story commercial/office buildings will tower above their homes; and
  - R. The current zoning is appropriate and the proposed zoning is inappropriate and there have not been any changes of an economic, physical, or social nature that would dictate a change in zoning.
4. The following comments were made by Staff and the Boone Planning Commissioners:
- A. See Staff Comments in Staff Report;
  - B. Mrs. Poston asked if there was any historic significance of the white farmhouse that was being taken down. Mr. Morgan indicated he would get written comments from Matthew Becher;

Memorandum - Union Pointe Centre

May 4, 2005

Page 3

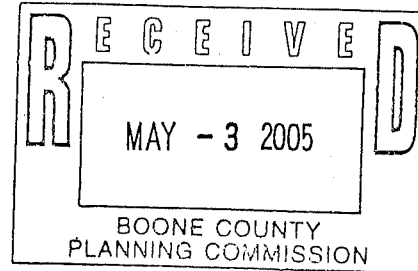
- C. Mrs. Poston asked if lots 5 and 6 had too much parking. Mr. Morgan asked the applicant to address this issue along with the required buffer yards at the Zone Change Committee meeting;
- D. Mrs. Poston questioned if there was any public space, amenities, or sidewalks in the residential area;
- E. Chairman Caddell questioned the use of private streets in the commercial area; and
- F. Kevin Costello indicated that the Boone County Urban Forest Committee has adopted the U.S. 42 Master Landscaping Plan. The affect of this plan on this site will be presented at the Zone Change Committee meeting.

attachments



# Memo

**To:** Todd Morgan  
**From:** Gary Aman  
**Date:** 5/3/2005  
**Re:** Union Pointe Center



---

This proposed project will flow to our Lakeview Pump Station. Because of the delay in the construction of the new Western Regional Treatment Plant, the District is reviewing the capacity of the Lakeview Pump Station and at this time we are unable to approve capacity for this project. Per our regulation, the Developer will need to submit a written request for the proposed capacity for this project with a build out schedule for the project. This request will then be presented to our Board of Directors for their action.

# BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

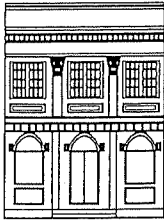
2995 Washington Street, Burlington, KY 41005

859-334-2111

FAX 859-334-2264

E-Mail:

mbecher@boonecountyky.org



## MEMORANDUM

**TO:** Todd Morgan, AICP, Planner, Zoning Services  
**FROM:** Matthew E. Becher, AICP, Rural/Open Space Planner *MEB*  
**DATE:** May 27, 2005  
**RE:** Perry House, Frogtown Road

A Kentucky Historic Resources inventory form for the house at 1923 Frogtown Road was originally prepared in the late 1970s by the Kentucky Heritage Commission; the property was designated as resource number Be-275. The inventory form was last updated in 1993, at which time the property name "Perry House" was added. The architectural historian who prepared the updated inventory form estimated that the central log section of the Perry House was originally constructed in the 1830s. The house was later expanded into its present form, which is a fine example of a 5-bay I-house. That alteration is believed to have taken place in the 1870s. While the interior was damaged by fire in the 1970s, the surviving original interior woodwork is Italianate in style, which was fashionable in the mid to late 19<sup>th</sup> Century.

The Perry House is a good representation of a 5-bay I-house that evolved from a log dwelling in Boone County. It is a type that was once common along the US-42 and Dixie Highway corridors in eastern Boone County. As residential and commercial development proceeds along these transportation routes, the I-houses are disappearing. Indeed, two of the grandest I-Houses in the area, Snow Hill (aka Robert Blankebeker House) and Rosegate Farm (aka Marion Grubbs House) were lost within the last two years.

Overall, the Perry House retains a good deal of historic integrity, although the historic significance of the property has not been assessed since 1993. The Boone County Historic Preservation Review Board would like the opportunity to document the property (i.e., photograph and draw floorplans) and locate parties who might be interested in salvaging historic materials from the building(s). The Review Board requests 30 days notification prior to demolition to accomplish this.

# *U. S. 42 Landscape Master Plan*

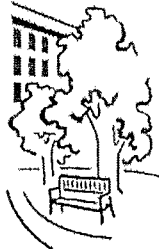
*February 2005*

*City of Union*



*Established 1854*

BOONE COUNTY  
URBAN FOREST  
COMMISSION



*Prepared for:*  
*Boone County Urban*  
*Forest Commission*  
*and*  
*The City of Union*

*Prepared by:*  
*Human Nature*

**SCENIC VIEW ACROSS VALLEY**



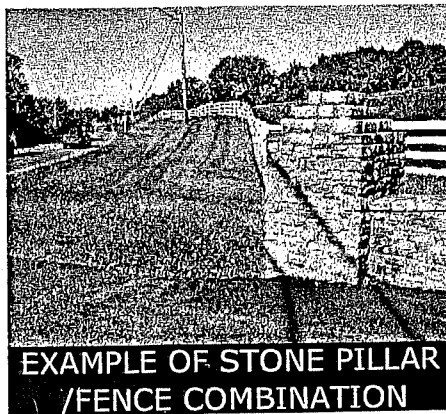
**VIEW OF EXISTING LAKE**



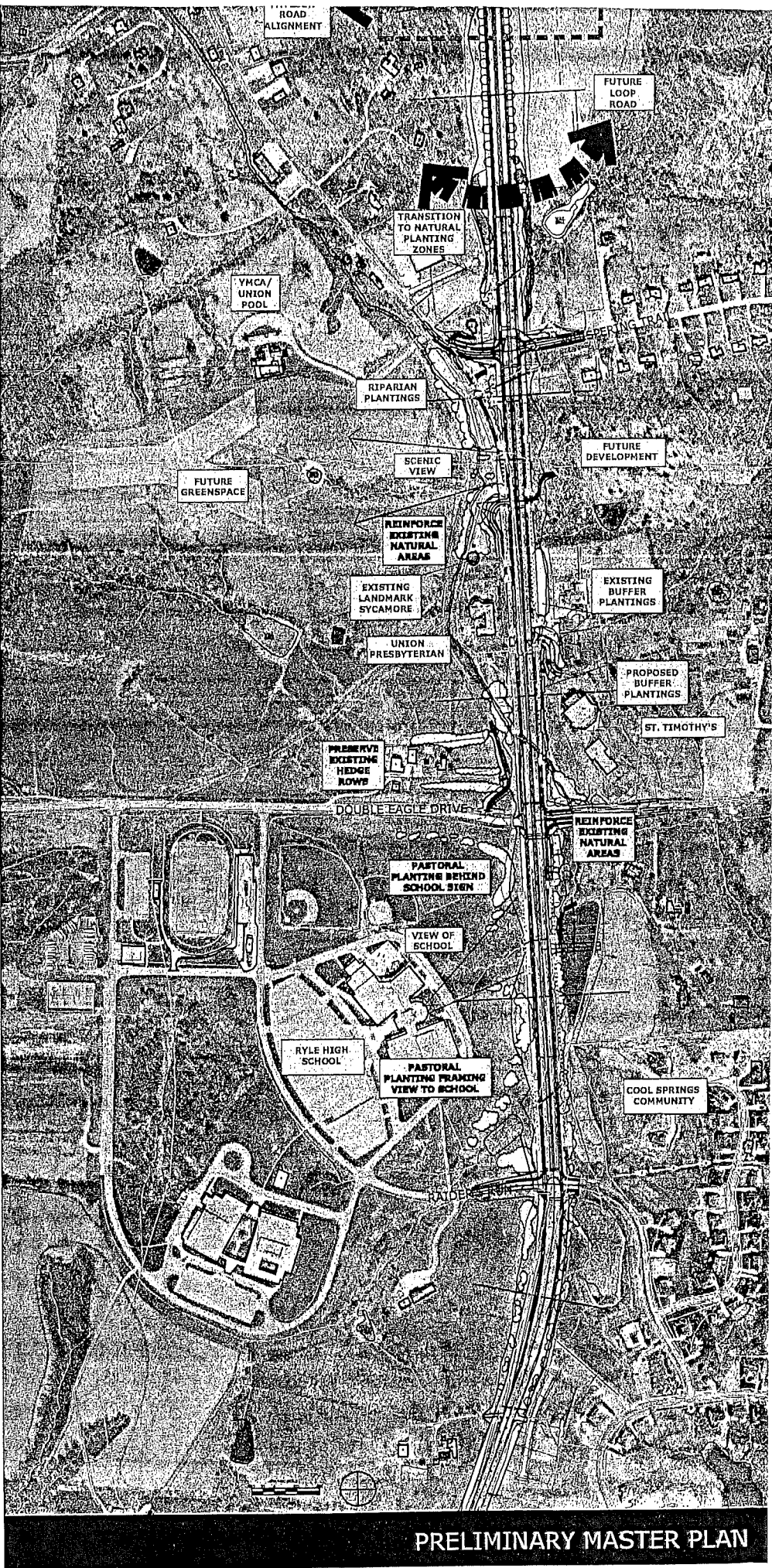
**EXAMPLE OF LAKE WITH FENCE IN FOREGROUND**



**EXISTING NATURAL AREA/  
DRAINAGE WAY**



**EXAMPLE OF STONE PILLAR  
/FENCE COMBINATION**

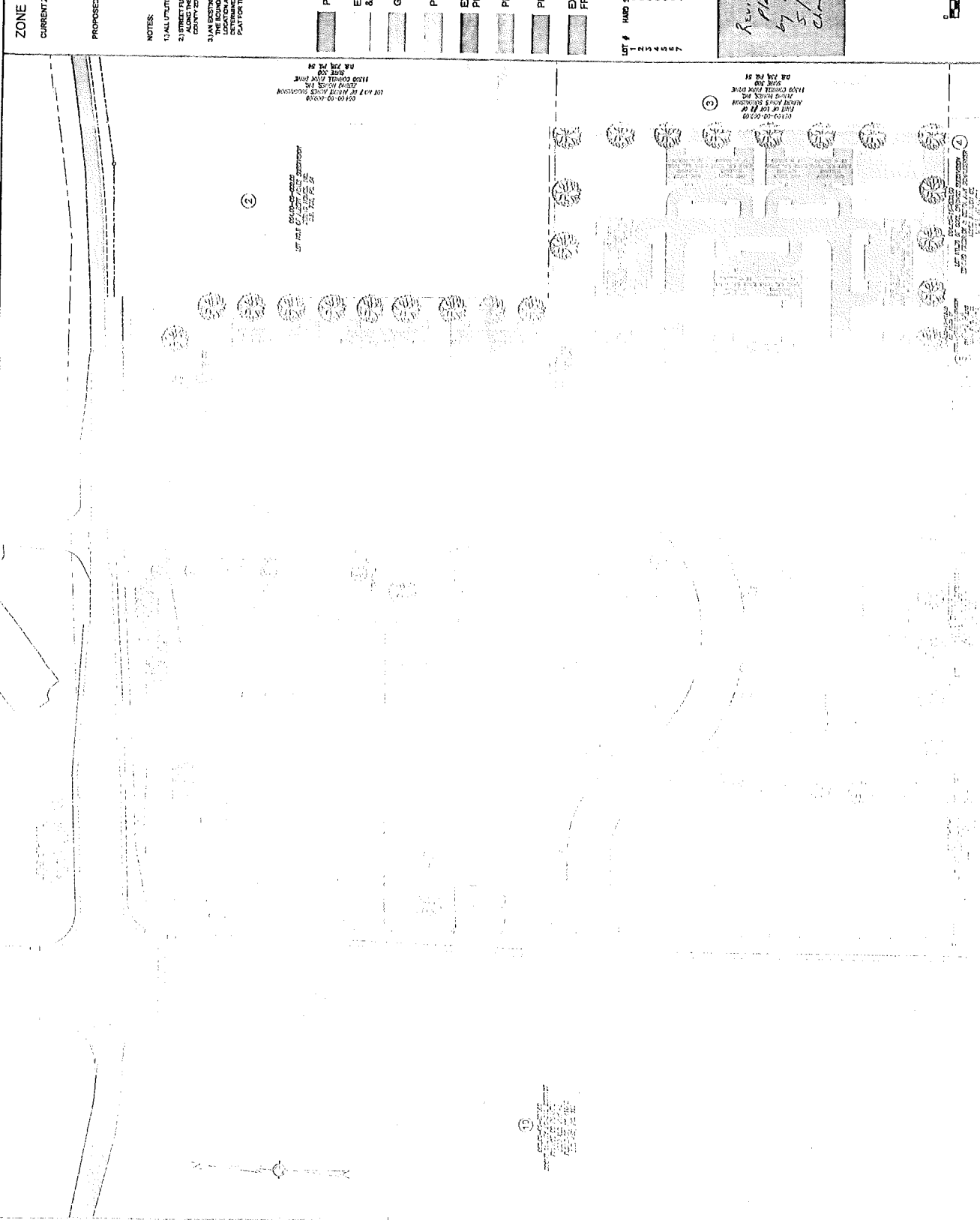


**PRELIMINARY MASTER PLAN**

# US 42 Landscape Master Plan Plant Species & Strategy by Zone

10-Dec-04

Item	Description	Potential Species
<b>Proposed Planting Enhancements</b>		
Proposed Lawn Areas	Lawn Areas Along side of Road	Fine Turf type tall fescue hybrid such as Rebel II, or approved substitute
Proposed Meadow Areas	Lower Maintenance Meadow Mix Could be Native Short Grass Prairie or Movable Conservation Type Mix	Side Oats Grass, Buffalo Grass, Virginia Wild Rye, Switch Grass, Little Blue Stem, Low Native Prairie Forbs OR Orchard Grass, Creeping Red Fescue, Kentucky Blue Grass, White Clover and Birdsfoot Trefoil
Proposed Road Cut Plantings	A mix of Native Coniferous Trees as a Backdrop, Flowering Trees and native shrubs providing the foreground	Eastern Red Cedar, Eastern White Cedar, Red Bud, Flowering Dogwood, Serviceberry, Slaghorn Sumac, Viburnum, Witch Hazel
Proposed Native Plantings around Lakes	A mix of Large Deciduous Trees, Smaller Understorey Trees and native shrubs. Some may be Wetland Species	American Sycamore, Silver Maple, Red Maple, Green Ash, American Elm, Slippery Elm, Ohio Buckeye, Black Willow, Eastern Cottonwood, Swamp White Oak, Willow Oak, Box Elder, Shellbark Hickory, Sweetgum, Black Gum, River Birch
Proposed Pastoral Tree Groupings	Large Native Tree Species Planted In Clusters	Sugar Maple, American Basswood, Northern Red Oak, Shagbark Hickory, Bitternut Hickory, Butternut, Walnut, Black Oak, Bur Oak, Chinkapin Oak, White Oak, Scarlet Oak, Chestnut Oak, Shumard Oak, Shingle Oak, American Beech, Ohio Buckeye, White Ash, Tulip Tree, American Hackberry, Black Cherry, Kentucky Coffee Tree, Persimmon, Sourwood, Blue Ash, Sassafras
Proposed Low Valley Plantings	Low Native Shrubs, Small Native Trees, and Native Short Grass Meadow Ground Cover	Redbud, Flowering Dogwood, Witch hazel, Slaghorn Sumac, Fragrant Sumac, Maple leaf Viburnum, Arrowwood, Prickly ash, Spicebush, Hop hornbeam, Ironwood, Water Ash, Silky Dogwood, Blackhaw, Serviceberry, Nannyberry, Burning Bush, American Crabapple, Hawthorns, Sassafras, Yellowwood, Pawpaw, Fringetree, Carolina Silverbells, Bladder nut
Proposed Ornamental Native Plantings	Native Trees and Shrubs with Attractive Flowers, Leaves or Fall Color	Sugar Maple, American Basswood, Northern Red Oak, Shagbark Hickory, Bitternut Hickory, Butternut, Walnut, Black Oak, Bur Oak, Chinkapin Oak, White Oak, Scarlet Oak, Chestnut Oak, Shumard Oak, Shingle Oak, American Beech, Ohio Buckeye, White Ash, Tulip Tree, American Hackberry, Black Cherry, Kentucky Coffee Tree, Persimmon, Sourwood, Blue Ash
Proposed Native Riparian Plantings	Large Native Trees, Native Shrubs suited for Riparian Corridors and/or Wetland Areas	American Sycamore, Silver Maple, Red Maple, Green Ash, American Elm, Slippery Elm, Ohio Buckeye, Black Willow, Eastern Cottonwood, Swamp White Oak, Willow Oak, Box Elder, Shellbark Hickory, Sweetgum, Black Gum, River Birch, Ninebark, Elderberry, Red Stem Dogwood, Buttonbush, Virginia Bower, Spicebush, Black Chokeberry, Common Winterberry, Huckleberry
Proposed Street Trees	Medium to Large Tree Species, most native, that are tolerant of Urban Conditions. A mix of species, not a monoculture. Large Leaf Species.	Sugar Maple, Silver Linden, Northern Red Oak, Bur Oak, Shingle Oak, White Ash, Tulip Tree, Green Ash, Willow Oak, Hop Hornbeam, Sweetgum, London Plane Tree, Greenspire Littleleaf Linden, Hawthorn
Proposed Buffer Plantings	Shrubs and Small Trees for Screening	Dwarf Burning Bush, Viburnums, Holly, Barberry
Proposed Ornamental Plantings at Mt. Zion Road	Shrubs and Perennials	Mixed Ornamental Perennials & Shrubs
Proposed Flowering Trees at Mt. Zion Road	Ornamental Small Flowering Trees, Some Native	Hawthorns, Redbud, Flowering Dogwood, Serviceberry
Proposed Coniferous Trees at Mt. Zion Road	Large Coniferous Trees as a backdrop. Some Native.	Eastern Red Cedar, White Pine, Serbian Spruce, Norway Spruce
<b>Proposed Feature Enhancements</b>		
Gateway Feature	Architectural/Agricultural Feature	n/a
Fencing	Kentucky Board Fence	n/a
Columns	Stone Pillars	n/a



**ZONE**

**CURRENT ZONES**  
 SR-1 AREA = 17.26 ACRES  
 UC AREA = 0.87 ACRES

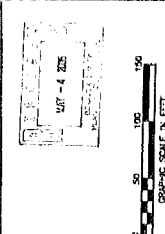
**PROPOSED ZONES**  
 UC AREA = 5.48 ACRES  
 SR-2 AREA = 12.2 ACRES

**NOTES:**  
 1) ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.  
 2) STREET LIGHTS AND TRAILS SHALL BE PROVIDED TO THE PROPERTY LINE OF THE ZONE.  
 3) ALL EXISTING FAMILY GEMINERY (2 PLOTS) LESS WITHIN THE BOUNDARIES OF PROPOSED LOT #6.7, THE EXACT DISTANCE SHALL BE DETERMINED PRIOR TO SUBMISSION OF THE PRELIMINARY PLAN FOR THE PROJECT.

- PROPOSED BUILDINGS
- EXISTING ADJACENT PROPERTIES & RIGHT OF WAY
- GREEN SPACE AREA
- PROPOSED SIDEWALK
- EXISTING SWALE & PROPOSED LAKE
- PROPOSED BUFFER YARD
- PROPOSED PAVEMENT
- EXISTING US 42 & FROGTOWN ROAD

LOT #	HARD SURFACE AREA	LOT AREA	RATIO
1	0.5247	1.22	42.9%
2	0.5114	1.22	41.9%
3	0.5278	1.22	43.3%
4	0.5278	1.22	43.3%
5	0.5278	1.22	43.3%
6	0.5278	1.22	43.3%
7	0.5278	1.22	43.3%

*Revised Concept  
 Plans Provided  
 by Applicant on  
 5/14/15 Zone  
 Change Committee  
 Meeting*



DATE	REVISION/DESCRIPTION

**Riegler**  
 CIVIL ENGINEERING AND SURVEYING  
 1100 COMBELL DRIVE  
 SUITE 200  
 FROGTOWN, KY 40318  
 (502) 371-5210

**UNION POINTE CENTRE**  
 US 42 & FROGTOWN ROAD  
 UNION, KENTUCKY 41091

DATE: 04/23/15  
 APPROVED BY: [Signature]  
 CONTRACT NO.: 04054  
 PROJECT NO.:

**CONCEPT PLAN**

SHEET NO. **C110**

**ZONE**

**CURRENT ZONES**  
 SR-1 AREA = 17.88 ACRES  
 UC AREA = 0.81 ACRES

**PROPOSED ZONES**  
 UC AREA = 5.44 ACRES  
 SR-2 AREA = 12.2 ACRES

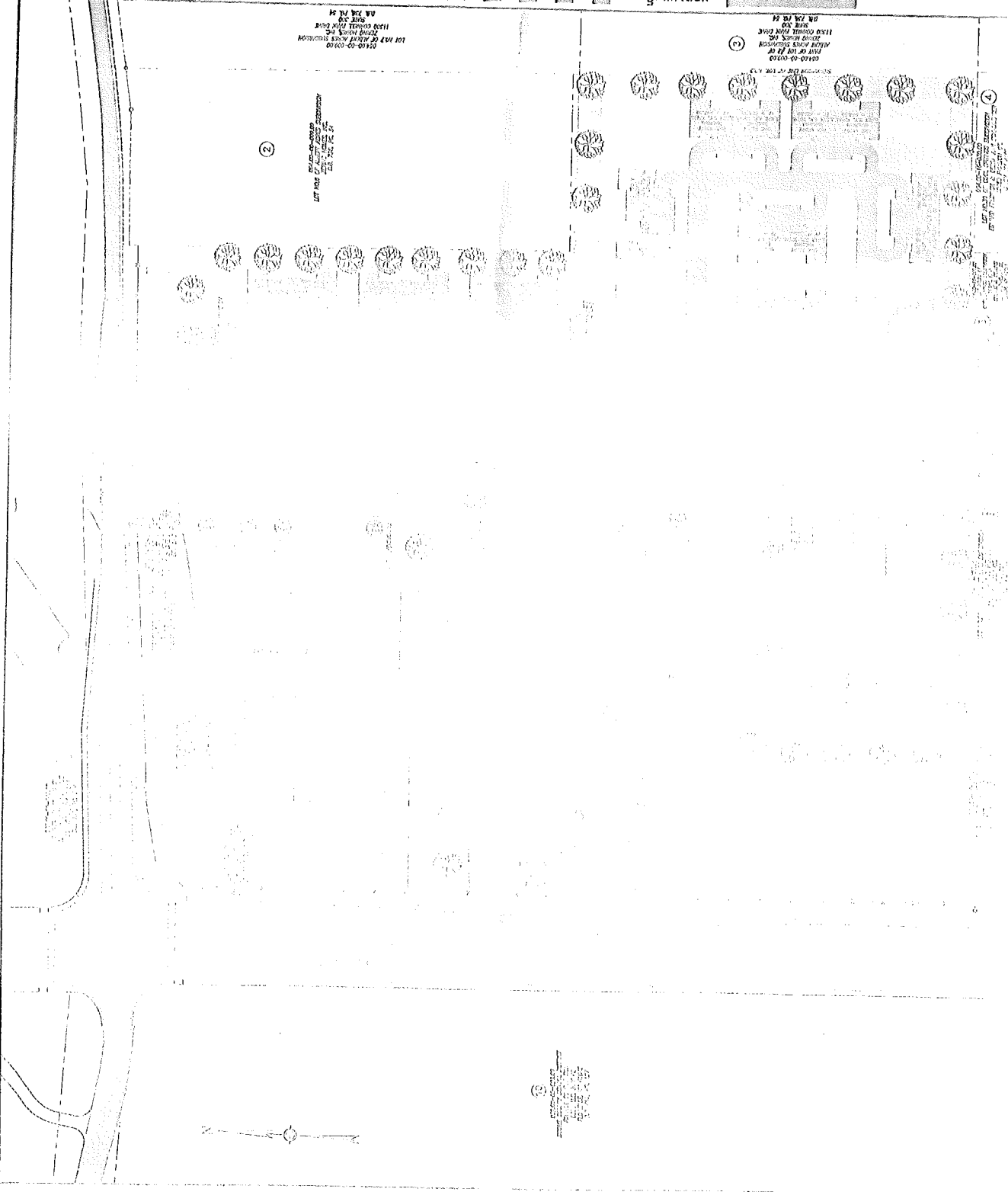
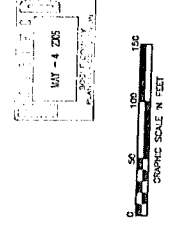
**NOTES:**

- 1) ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
- 2) STREET FURNITURE, LIGHTS AND TREES SHALL BE PROVIDED ALONG THE MAIN BLVD PER SECTION 244 OF THE INCOME TAX REVENUE REGULATIONS.
- 3) ALL GREEN SPACE SHALL BE MAINTAINED PER THE LOCATION AND EXTENT OF THIS CONCEPT SHALL BE SUBJECT TO THE APPROVAL OF THE PRELIMINARY PLAN FOR THIS PROJECT.

PROPOSED BUILDINGS	EXISTING ADJACENT PROPERTIES & RIGHT OF WAY	GREEN SPACE AREA	PROPOSED SIDEWALK	EXISTING SWALE & PROPOSED LAKE	PROPOSED BUFFER YARD	PROPOSED PAVEMENT	EXISTING US 42 & FROGTOWN ROAD
[Pattern]	[Pattern]	[Pattern]	[Pattern]	[Pattern]	[Pattern]	[Pattern]	[Pattern]

LOT #	HARD SURFACE AREA	LOT AREA	RATIO
1	0.8277	1.10	57%
2	0.8164	1.22	59%
3	0.7233	1.13	64%
4	0.5282	0.86	62%
5	4.1867	10.78	39%

*Revised Concept Plans. Provided by Applicant on 5/14/05. Zone Change Committee Meeting.*



**Riegler** ENGINEERING & ARCHITECTURE  
 CIVIL ENGINEERING AND LAND SURVEYING  
 1100 CANTON ROAD  
 SUITE 400  
 FROGTOWN, KY 40121

UNION POINTE CENTRE  
 US 42 & FROGTOWN ROAD  
 UNION, KENTUCKY 41091

DATE APPROVED: 05/14/05  
 APPROVED BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO: 04056

CONCEPT PLAN

SHEET NO. C111