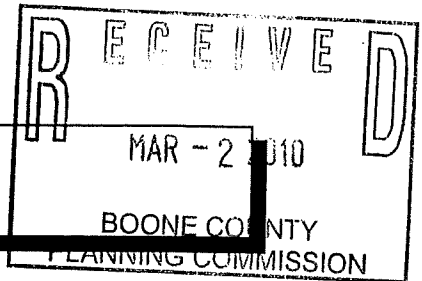


APPLICATION FORM



CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project _____
- 3. Location of Project Lot 1 Union Pointe Center
- 4. Total Acreage of Site 1.38
- 5. Current Zoning UC
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 12-7-05

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Union Towne Plan

8. Proposed Uses (please specify each use) 10,000 sq' BIDG (max.)
Single-story; possible basement

9. Proposed Building Intensities (please specify) CONVENIENCE STORE WITH GAS SALES AND LIQUOR SALES AND OTHER PERMITTED ~~UC~~ UC USES

10. Have you submitted a Concept Development Plan? Yes

11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance

12. Name of Applicant(s) LJM LAND Surveying & Engineering LLC
Phone Number 859 823 0496 Fax No. 859 823 0795

13. Address of Applicant(s) P.O. Box 125
Day Ridge Ky 41035
City State Zip

14. Name of Property Owner(s) Union Pointe Centre LLC
Phone Number _____ Fax No. _____

15. Address of Property Owner(s) 1973 Richmond Rd
Walton Ky 41094
City State Zip

16. Are there any existing buildings on the site? NO
How many? _____

17. Deed Book 916 Page No. 709 Group No. 2064

18. Have you had a pre-application meeting with BCPC Staff? Yes

393-6040
cell

EXHIBIT

“A”

STAFF REPORT

Request of **L&M Land Surveying and Engineering, LLC (applicant)** for **Union Pointe Centre, LLC (owner)** for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogstown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone in a 10,000 square foot building.

April 7, 2010

REQUEST

The request is for a Change in an Approved Concept Development Plan for Lot 1 of Union Pointe Centre Subdivision. The 1.38 acre site is located on the southeast corner of the US 42/Frogstown Road intersection and is zoned Union Commercial (UC). The submitted plan shows a 10,000 square foot building (approximate 7,200 square foot first floor with a partial basement), 42 parking spaces, and a proposed outside seating area. Proposed tenants include a convenience store, with accessory gas sales, and other speculative uses that are permitted in the UC zone. The submitted photos show the building will follow the brick colonial theme that has been established in the subdivision and that the gasoline canopy will be constructed with brick columns and a flat roof with a single gable.

The Change in Approved Concept Development Plan is needed for the following reasons:

1. The 2005 Zoning Map Amendment approval allowed a 7,200 square foot building to be constructed on lot 1. The proposal is for a 10,000 square foot building.
2. The 2005 conditions of approval prohibited convenience stores, liquor or beverage stores, or the retail sales of motor fuels in the portion of the subdivision which is zoned UC.

PERTINENT SITE HISTORY

- 08/00 – The City of Union adopts the Union Town Plan and the property is rezoned to SR-1/UTO.
- 05/05 – The Boone County Planning Commission recommends denial of a Zoning Map Amendment request 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). The Concept Development Plans showed up to 44,313 square feet of office/commercial uses on six (6) lots and thirty-eight (38) duplex dwelling units.

The Boone County Planning Commission denies a Variance to allow the future commercial/office building on lot 2 to be up to 167 feet from Frogtown Road.

- 12/05 – The Boone County Planning Commission recommends approval of a Zoning Map Amendment request 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 4.59 acres of the site to Union Commercial (UC) to allow commercial and office uses and rezone approximately 13.09 acres of the site to Suburban Residential Two (SR-2) to allow attached residential uses (duplexes). The Concept Development Plans showed up to 36,330 square feet of office/commercial uses on four (4) lots and thirty-nine (39) patio homes (see attached conditions).
- 02/06 – The City of Union passed and approved the second reading of the Zoning Map Amendment Ordinance.

SITE CHARACTERISTICS

The site is approximately 1.38 acres in area and has approximately 239 feet of frontage on US 42 and approximately 402 feet of frontage along Frogtown Road. The approved Grading Plan from 2006 shows that the topography of the parcels falls from 872 feet above sea level where the private driveway enters the site to 850 feet above sea level where Fowlers Fork of Gunpowder Creek cuts through the site. A water main exists along the US 42 frontage and a sanitary sewer main runs through the rear of the site. Public sidewalks exist along US 42 and Frogtown Road.

ADJACENT LAND USES AND ZONING

North: Frogtown Road and St. Timothy Church (RSE/UTO)

South: Undeveloped Lot 3 of Union Pointe Centre (UC)

East: Single-Family Residential Dwelling located on Lot 2 of Union Pointe Centre (UC)

West: US 42 and Ryle High School (PF/UTO)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for Commercial (C), Suburban Residential (SR), and Rural Lands (RL) uses. These classifications are described as follows:

Commercial - Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

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."

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 US 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 2030 Future Land Use Map and affect the Boone County Zoning Regulations (Union Area, pg. 146).

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

- A. 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. 141).
- B. 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. 141).
- C. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff (Stormwater Management and Erosion Control", pg. 141).
- 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," pp. 141-142).

- 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," pg. 142).
- 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 (Design, Signs, and Historic Preservation, pg. 142).

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. 63).
- 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 2005 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. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- C. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- D. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- F. 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).
- G. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
- H. 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. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial [Retail and Office] Objective 2).
- I. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multimodal transportation system ("Transportation," 2nd Goal).
- J. 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," 2nd Goal, Objective 2).

- K. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd 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 single-family residential (detached at a density of 2.2 dwelling units per acre), commercial, and green areas.

STAFF COMMENTS

1. Staff would like to note an AmeriStop convenience store with accessory gas sales was located on a portion of the site before U.S. 42 was improved. The closest gas stations to the site are the BP station located at the corner of Old Union Road and Hathaway Road (+/- 0.83 miles to the northwest) and the Kroger gas station (+/- 2.4 miles to the north) located on U.S. 42.
2. Ed Thompson, with the Kentucky Transportation Cabinet, informed Staff that the proposed curb cut on Frogtown Road will be required to be right-in/right-out. An Encroachment Permit application will need to be submitted before for final approval is granted.
3. Sanitation District No. 1 commented that the reserved sanitary sewer capacity for this project expired in 2008. As a result, the developer needs to submit a request to reserve sanitary sewer capacity before proceeding with the project.
4. Staff has the following questions for the applicant:
 - A. What are the proposed hours of operation for the convenience store?
 - B. Are any restaurants proposed in the convenience store?
 - C. Will the convenience store have outdoor banking machines, sales, or display areas, including vending machines, movie kiosks, propane sales, landscaping supplies, automotive supplies, etc?
 - D. Will the patio next to the convenience store be used for outside restaurant seating?
 - E. Where are the underground gasoline storage tanks being proposed?
 - F. Have the turning movements of a typical gasoline tanker been analyzed? Will the tanker be able to navigate in and out of the subdivision and the subject site? If not, Staff would like this information to be provided at the Committee Meeting.

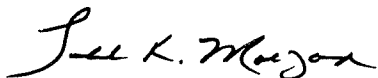
- G. Has the user of the restaurant tenant space been determined? Could a bar be proposed?
 - H. Where will the free-standing sign for the parcel be located? The lot is permitted a 6' tall, 48 square foot monument sign for all tenants.
5. Staff has the following comments and/or concerns:
- A. The approved Concept Plan from the 2005 Zone Change request showed that the private driveway system for the subdivision would extend through lot 2 of Union Pointe Centre. At this time, lot 2 contains a single-family residential dwelling which is not owned by the developer. Staff believes that private driveway segment is needed on lot 2 for the following reasons:
 - The convenience store/gas station will be a high traffic generator.
 - Westbound traffic on Frogtown Road will be able get to lot 1 more directly if they can use the full access point on Frogtown Road and turn on the private driveway on lot 2. Without the private driveway westbound traffic will have to circle the subdivision.
 - Patrons that are leaving the building will be able to get to the full access point on Frogtown Road more directly if the private driveway is installed.
 - Illegal turning movements from the right-in/right-out curb cut are likely if the private driveway system is not built per the 2005 Concept Development Plan.
 - B. Elevation drawings have not been submitted showing the Architectural Design of the building or gasoline canopy. Photos have been submitted showing general representations of what the building and gasoline canopy will look like. Staff would like to note that Architectural Design Review will be required if the Change in Concept Development Plan is approved (see Sections 2540 and 2550 of the Boone County Zoning Regulations).
 - C. The request would allow all the principally permitted uses of the Union Commercial (UC) zone to locate in the proposed building. Staff recommends that the Planning Commission and City of Union review this list of uses and determine which are appropriate on the subject lot. A copy of the 2005 condition letter has been attached to the Staff Report to show which UC uses were permitted in the subdivision.
 - D. Staff is concerned that lighting from the gasoline canopy and audio systems located at the gas pumps could be impact the residential use to the east.

- E. The application indicates that the building could have a partial basement which raises the overall square footage to 10,000 square feet and the plan shows that 42 parking spaces will be located on site. The parking requirement for general office/retail spaces is 1 stall per 300 square foot of gross floor area and the parking requirement for a restaurant is 1 stall per 2 seats (inside and outside). The actual square footage of the building and number of restaurant seats will determine if there is sufficient parking.
- F. The applicant needs to determine if the Kentucky Transportation Cabinet will allow landscaping to be installed in the right-of-way because portions of the street frontage buffer are not 10' wide.
- G. William and Kathy Schlegel submitted an opposition letter for the request. Their letter is attached to the Staff Report.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the City of Union 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.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\pr

attachments:

- *Site Vicinity Map
- *2010 Concept Development Plan
- *Pictures of a Similar Building and Gas Canopy
- *2005 Condition Letter, Concept Development Plan and Permitted Uses
- *2007 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *2000 Union Town Land Use Plan
- *Section 2540 "Design Requirements for UTC, UC, and UNO Zoning Districts
- *E-Mail From Greg Haggard
- *Letter From William C. Schlegel and Kathleen K. Schlegel
- *Application

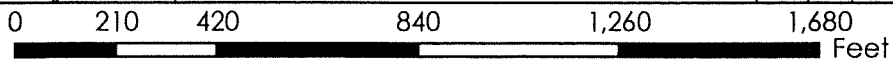
SITE VICINITY MAP

www.boonecountygis.com

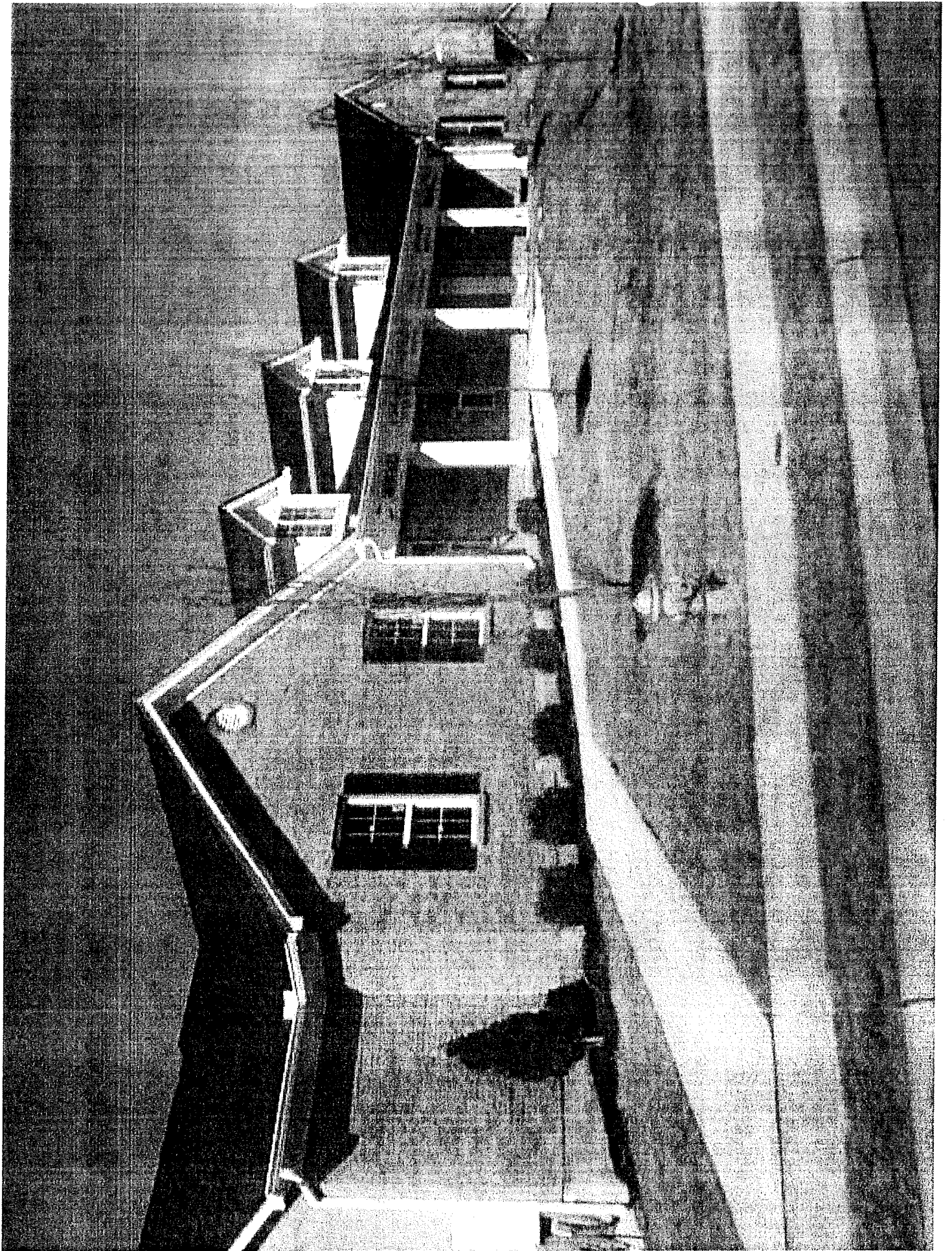


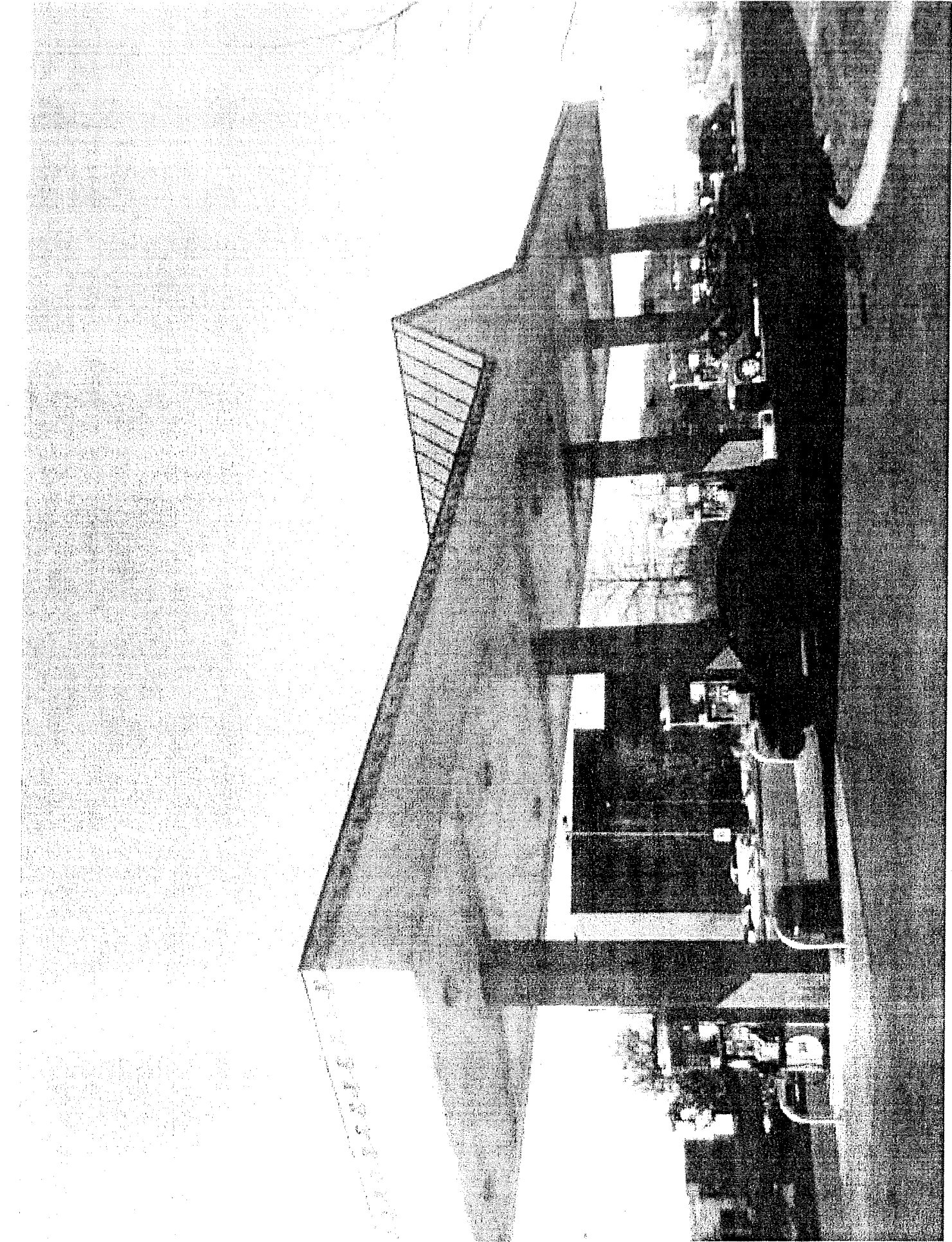
Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

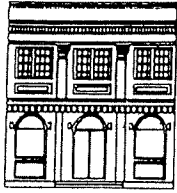


Boone County GIS - Putting Northern Kentucky on the Map





BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountky.org

November 23, 2005

Mr. Daniel Riegler, P.E.
Riegler Engineering, LLC
19 Lendale Drive, Suite B
Florence, KY 41042

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 4.59 acres of the site to Union Commercial (UC) and approximately 13.09 acres of the site to Suburban Residential Two (SR-2). The subject properties involved in the request are located near the southeast corner of the U.S. 42/Frogstown Road intersection, and includes the properties at 1923 Frogstown Road, 10336 U.S. 42, and 10350 U.S. 42, Union, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses.

Dear Mr. Riegler:

The following represents the conditions of approval for the Zoning Map Amendment as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If you, as the applicant, agree to these conditions, please have the property owners of record sign the appropriate spaces on the last page of this letter. Please return this letter with the original signatures of the property owners to the Boone County Planning Commission office by December 5, 2005.

CONDITIONS

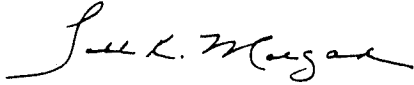
- A. The approval is based on the revised Concept Development Plan that was submitted at the November 16, 2005 Zone Change Committee Meeting (see attachments).
- B. The residential intensity cannot exceed 3.26 dwelling units per acre.
- C. Except for criterion #11 (300' boulevard landscaping island requirement), the residential area will be designed in accord with Section 2562 of the Boone County Zoning Regulations. The Zoning Administrator and County Engineer will determine the length of the boulevard landscape island after determining if it will have any detrimental impacts on sight distance and traffic safety.

Mr. Daniel Riegler
November 23, 2005
Page 2

- D. Ten (10) foot wide buffers will be required along property lines which adjoin existing and future sections of Cool Springs Subdivision. The required plantings will be five (5) small trees from Plant List C, one and a half (1½) large or medium trees from Plant Lists A or B, and one and a half (1½) evergreen trees from Plant List D per 100 linear feet. All selected species will need to meet the minimum installation size requirements (see Article 36 of the Boone County Zoning Regulations).
- E. All proposed light poles (residential and commercial areas) cannot be taller than fifteen (15) feet. All light fixtures must be directed inwards towards the subject property.
- F. All duplex units will be for sale units. A Home Owners Association (H.O.A.) document will be submitted at the time the Improvement Plan is submitted to the Boone County Planning Commission for review. The H.O.A. document will address ownership of yards and driveways, general appearance of structures, accessory structures, etc.
- G. The Boone County Historic Preservation Review Board shall be given 30 days notification prior to demolition of the historic Perry House. During the 30 day period, the Review Board and Staff will document (through photographs and drawings) the property and make an effort to locate individuals who may be interested in salvaging historic building materials from the property.
- H. Delineation of the family cemetery must occur before the Preliminary Plat or Grading Plan is submitted to the Boone County Planning Commission for Review. The applicant, property owner, or developer may preserve or relocate the family cemetery according to applicable local and state laws [see Section 315(f) of the Boone County Subdivision Regulations].
- I. The entire loop road (Wright Way) and the Frogtown Road improvements shown on the Concept Development Plan shall be submitted for review with the Phase 1 Improvement Plan. The subdivision will be limited to six residential units (3 buildings) and one office/commercial building until such time that the loop road and Frogtown Road lane improvements are constructed and open to the public. The Boone County Planning Commission will track the number of office/commercial buildings by approved Major Site Plans. The number of residential units will be tracked by the number of building permits that are signed off on by the Boone County Planning Commission.
- J. An attachment lists the principally permitted and accessory uses which are permitted in the office/commercial portion of the development. Deleted uses have lines drawn through them.

Mr. Daniel Riegler
November 23, 2005
Page 3

Sincerely,



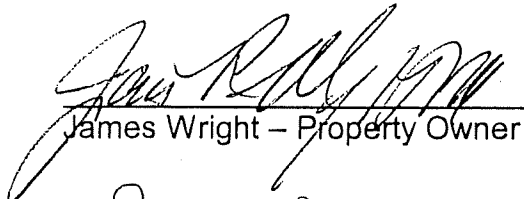
Todd K. Morgan, AICP
Planner, Zoning Services

TKMldw

Attachments

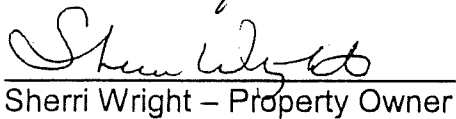
AGREEMENT

We, James Wright, Sherri Wright, Gavin Rees, and Sheila Rees, agree to the listed conditions of approval for a Zoning Map Amendment for the approximate 17.68 acre tract which is described on first page of this letter.



James Wright – Property Owner

12/6/05
Date



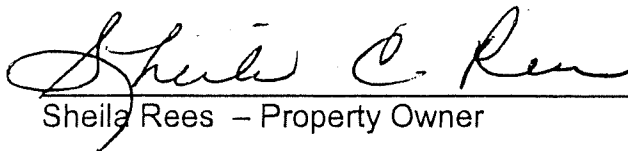
Sherri Wright – Property Owner

12-6-05
Date



Gavin Rees – Property Owner

12/06/05
Date



Sheila Rees – Property Owner

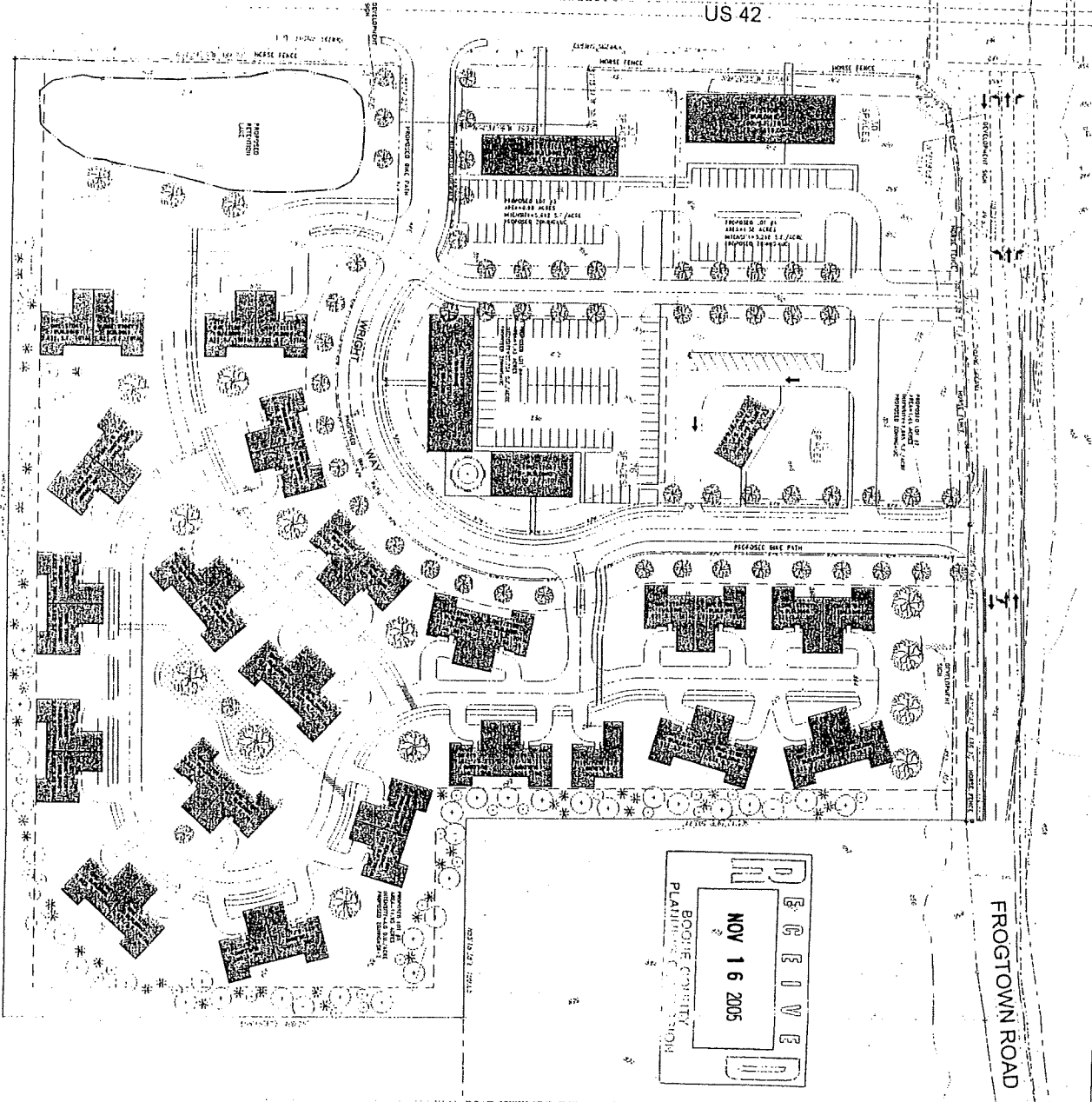
12/06/05
Date

CONCEPT PLAN AS
APPROVED WITH
 CONDITIONS

Jack K. McGee

12/7/05

Union Pointe Centre
 Commission



FROGTOWN ROAD

RECEIVED
 NOV 16 2005
 BOONE COUNTY
 PLANNING COMMISSION

ZONE	AREA
TOTAL AREA OF DEVELOPMENT	AREA = 18.29 ACRES
CURRENT ZONES	SR-1 AREA = 17.99 ACRES UC AREA = 0.31 ACRES
PROPOSED ZONES	UC AREA = 4.29 ACRES SR-2 AREA = 13.99 ACRES

LOT #	SUBD	SURFACE AREA	LOT AREA	RAIO
1		0.0273	1.38	50.2%
2		0.0445	0.86	48%
3		0.137	1.33	70%
4		0.0273	1.38	50.2%
5		0.0445	0.86	48%
6		0.137	1.33	70%

NOTES:
 1) ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND
 2) STREET LIGHTING, LIGHT FIXTURES SHALL BE PROVIDED
 3) ALL EXISTING UTILITIES SHALL BE MAINTAINED
 4) THE BOUNDARIES OF PROPOSED LOTS AND THE EXACT
 DETERMINED PRIOR TO SUBMISSION OF THE PRELIMINARY
 PLAT FOR THIS PROJECT

- LANDSCAPING: PLANTING OF TREES AND SHRUBS TO BE PROVIDED BY THE DEVELOPER. PLANTING SHALL BE IN ACCORDANCE WITH THE LANDSCAPING PLAN AND THE CITY OF UNION POINTE, KENTUCKY LANDSCAPING ORDINANCE.
- UTILITIES: ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
- STREET LIGHTING: STREET LIGHTING SHALL BE PROVIDED BY THE DEVELOPER.
- LANDSCAPING: PLANTING OF TREES AND SHRUBS TO BE PROVIDED BY THE DEVELOPER. PLANTING SHALL BE IN ACCORDANCE WITH THE LANDSCAPING PLAN AND THE CITY OF UNION POINTE, KENTUCKY LANDSCAPING ORDINANCE.
- UTILITIES: ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
- STREET LIGHTING: STREET LIGHTING SHALL BE PROVIDED BY THE DEVELOPER.



C114

UNION POINTE CENTRE
 CONCEPT
 PLAN

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

Riegler
 ENGINEERING & ARCHITECTURE, LLC

CIVIL ENGINEERING
 AND LAND SURVEYING

1810 W. MARKET STREET, SUITE 200
 FLORENCE, KY 40302
 PHONE: 502-241-4100
 FAX: 502-241-4101
 WWW.RIEGLER-LLC.COM

DATE	NO.	REVISION DESCRIPTION

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~~, excluding franchise style fast food establishments;
4. Hardware Stores;
5. ~~Grocery stores and supermarkets and convenience stores;~~
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*.~~

SECTION 2512

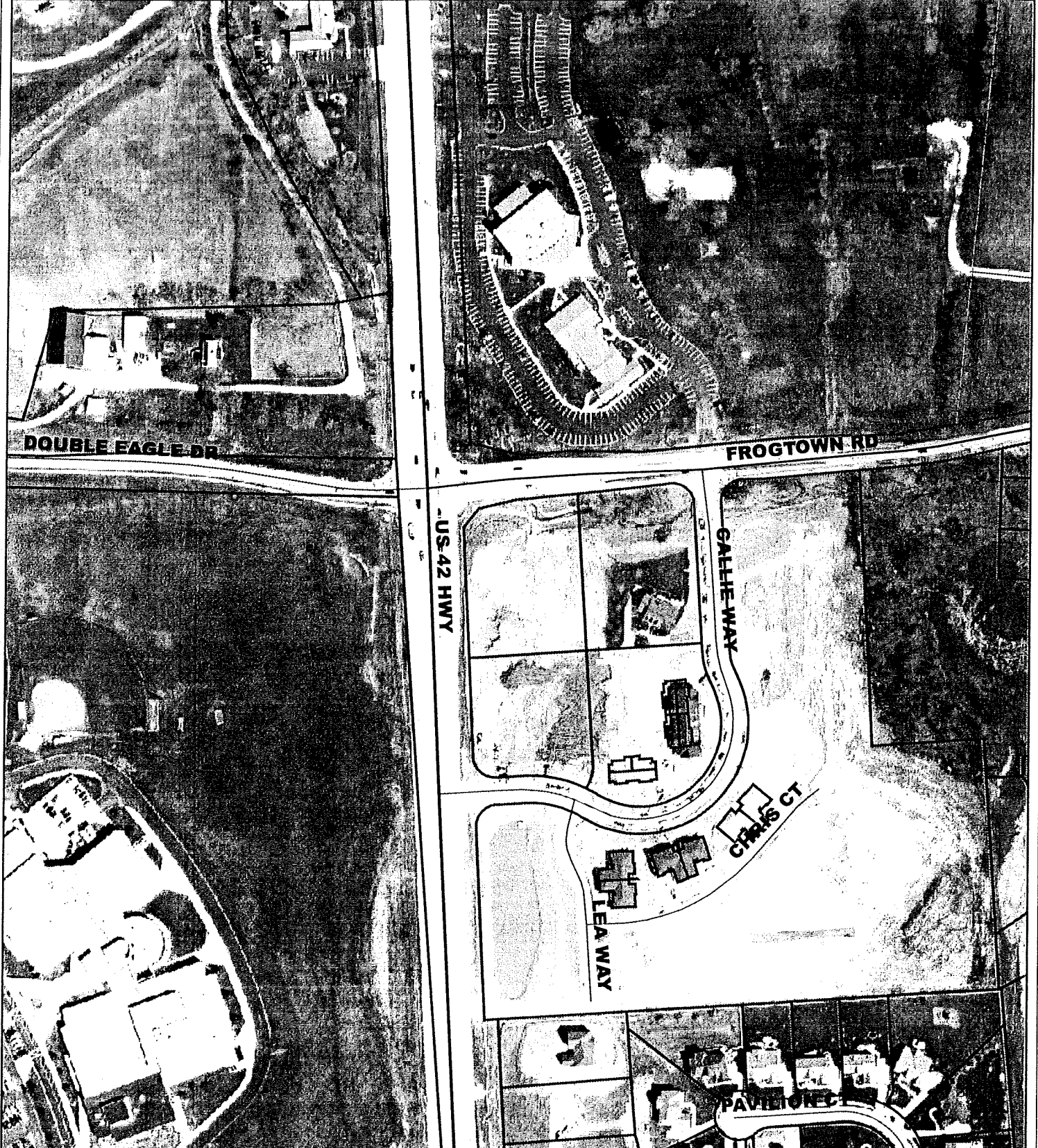
Accessory Uses

Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
 - a. Private garages and parking;
 - b. Structures such as fences, walls, and satellite dishes;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of a recreational vehicle or unit;
 - e. Private recreational courts, fields, swimming pools, or similar recreational activities; and
 - f. Private stable or other keeping and use of pets and animals.
2. Signage (according to this order and Article 34, Section 3451);
3. Parking (according to Article 33 and Section 2576-7. Streetscape and Improvements);
4. Delivery areas with no outside storage or unpacking;
5. Temporary buildings incidental to construction;
- ~~6. Retail sales of motor fuels;~~
7. Automatic teller machines attached to the principle structure; and
8. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

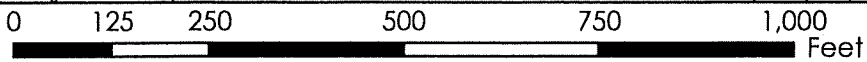
2007 AERIAL MAP

www.boonecountygis.com

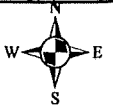


Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



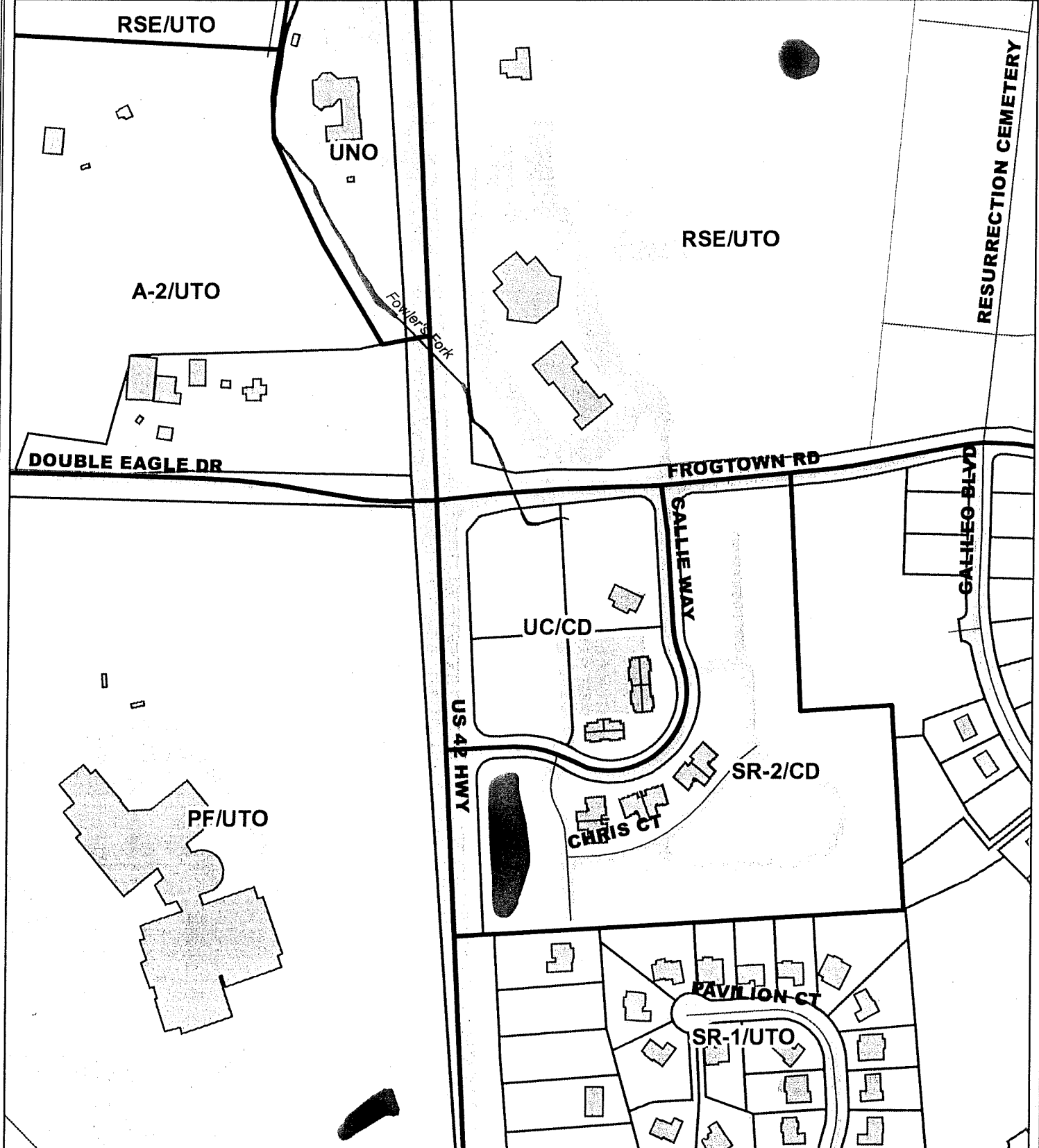
1 inch = 245 feet



Boone County GIS - Putting Northern Kentucky on the Map

ZONING MAP

www.boonecountygis.com



Copyright 2010 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 150 300 600 900 1,200 Feet

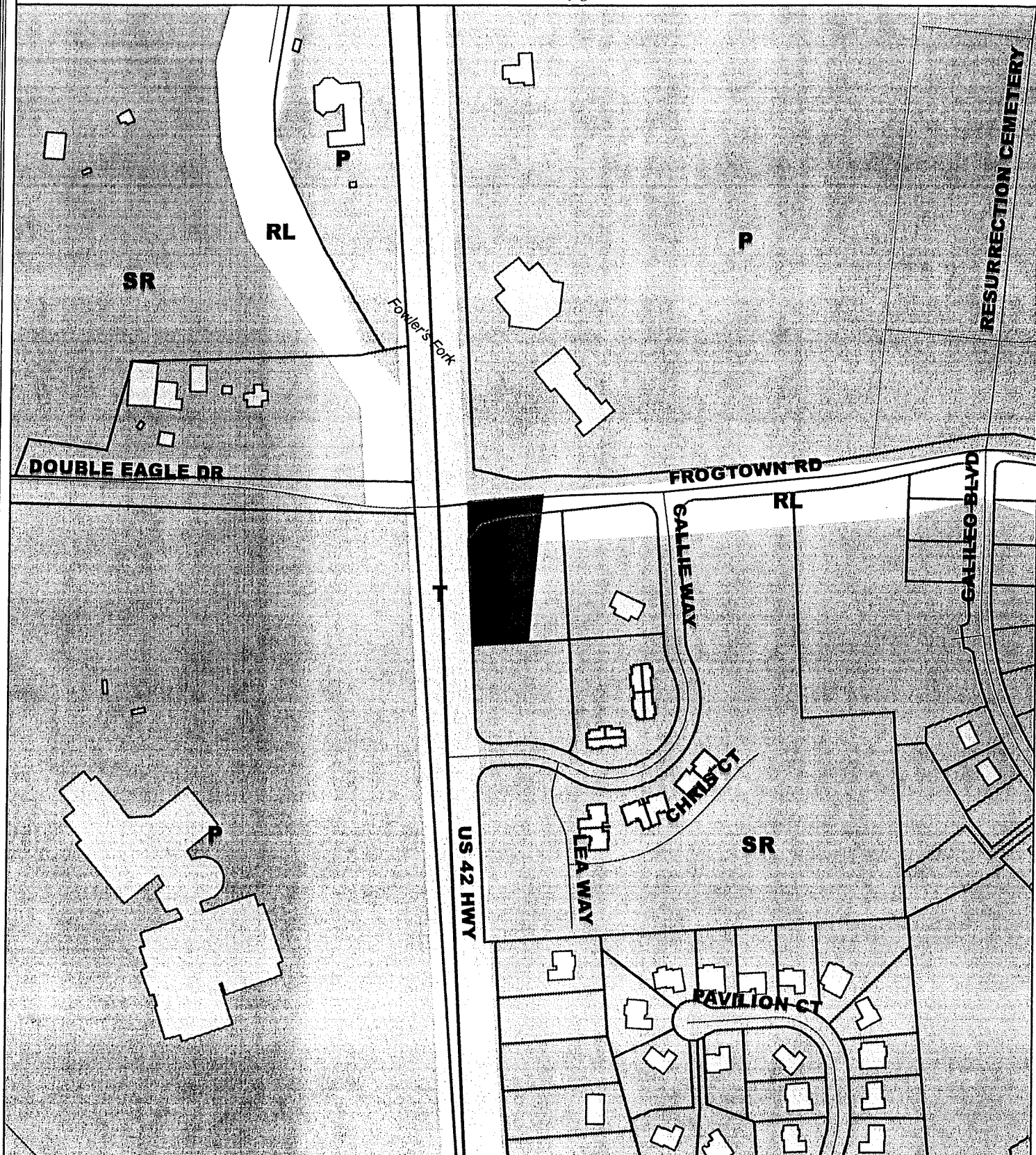
1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

FUTURE LAND USE MAP

www.boonecountygis.com



Copyright 2010 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 150 300 600 900 1,200 Feet
1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

on Presbyterian

And
ilities

incorporate Boone County

City of Union

City of Union

St. Timothy's

RESURRECTION

Potel
Walk
Bike

Ryle High School

First Row Of
Houses Face US 42

City of Union

Unincorporated Boone County

PAVILION

RAIDERS RUN

School

MEADOWS

SPRINGCREST

- d. Storage of a recreational vehicle or unit;
- e. Private recreational courts, fields, swimming pools, or similar recreational activities; and
- 2. Signage (according to this order and Article, Section 3451);
- 3. Parking (according to Article 33 and Section 2586-9. Streetscape and Improvements);
- 4. Delivery areas with no outside storage or unpacking;
- 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

Conditional Uses and Criteria

- 1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 2535

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 2537

Minimum Lot Size

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

SECTION 2539

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 continuous unbroken facade 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. Exceptions to this requirement can be considered by the Zoning Administrator through the waiver procedure in the case of existing buildings, and renovations or additions to existing buildings, only if the proposed development advances the recommendations of the Union Town Plan and intent of this Article.
 - 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;

Todd Morgan

From: Greg Haggard [GHAGGARD@sd1.org]
Sent: Friday, March 12, 2010 1:47 PM
To: Todd Morgan
Cc: Debbie Rizzo
Subject: Union Pointe Center

Todd,

This email is in response to your inquiry regarding the planned strip center at Union Pointe Center. I have no knowledge of any contact the developer has made to SD1 regarding the revised plan. The remaining capacity that had been reserved for this project expired in September of 2008. Therefore, the developer will be required to submit a Request for Reservation of Sanitary Sewer Capacity before proceeding with the project. Additionally, SD1 would need to review a site plan. Please let me know if you have any questions.

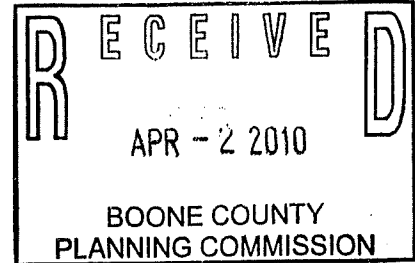
Greg Haggard
Senior Engineering Technician
Plan Review & Development Group
SD1
1045 Eaton Drive
Ft. Wright, KY 41017

Telephone: 859-578-6763
Fax: 850-578-6897

William C. and Kathleen K. Schlegel
10003 Glensprings Place, Union, KY 41091
Phone: (859) 817-9370

April 1, 2010

Todd Morgan
Boone County Planning Commission
2950 Washington Street
Burlington, KY 41005



Re: Change in Concept Development Plan, Item #4, New Business
4/17/10 Public Hearing

Dear Todd:

We are writing to express our views on the request of the L&M Land Surveying and Engineering, LLC application for the Union Pointe Centre, LLC project at the corner of Frogtown Road and US 42.

We are opposed to this development for a number of reasons:
There is sufficient shopping very near this location
Such development near a school campus and church is not necessary
An increase in traffic is not desirable
Preservation of the country, residential nature of the area is desirable

We ask that our opposition to this project be noted in the record. We will be out of town the evening of the meeting; otherwise we would be present at the meeting for discussion of this very important topic.

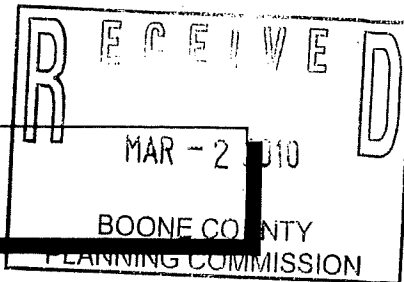
Thank you,

Handwritten signature of William C. Schlegel in cursive.

William C. Schlegel

Handwritten signature of Kathleen K. Schlegel in cursive.
Kathleen K. Schlegel

APPLICATION FORM



CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project _____
- 3. Location of Project Lot 1 Union Pointe Center
- 4. Total Acreage of Site 1.38
- 5. Current Zoning UC
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 12-7-05
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) UNION TOWN C PLAN
- 8. Proposed Uses (please specify each use) 10,000 sq' BLDG (max.)
Single-story; possible basement
- 9. Proposed Building Intensities (please specify) CONVERTIBLE STORE WITH GAS SALES AND LIQUOR SALES AND OTHER PERMITTED ~~UC~~ UC USES
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) LJM LAND Surveying & Engineering LLC
Phone Number 859 823 0496 Fax No. 859 823 0795
- 13. Address of Applicant(s) P.O. Box 125
Day Ridge KY 41035
City State Zip
- 14. Name of Property Owner(s) Union Pointe Centre LLC
Phone Number _____ Fax No. _____
- 15. Address of Property Owner(s) 1973 Richmond Ct
Walton KY 41094
City State Zip
- 16. Are there any existing buildings on the site? NO
How many? _____
- 17. Deed Book 916 Page No. 696 709 Group No. 2064
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

PUBLIC HEARING #4

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Linda Herald
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

APPLICANT: L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner)

REQUEST: Change In Concept Development Plan

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

4. Request of **L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner)** for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.

Staff member, Todd Morgan, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The 1.36 acre site is Lot #1 of Union Pointe Center Subdivision and is located in the City of Union. The submitted Concept Development Plan indicates a 10,000 square foot building versus the 7,200 square foot building which was proposed in 2005. There were conditions that limited uses - no convenience stores, grocery stores, no accessory sales of gas and no sales of liquor. The proposed uses are a convenience store, speculative uses, and accessory sales of gas. Access to the site would be through a private driveway system with a right in and right out turn off Frogtown Road. The applicant will need approval from the Kentucky Transportation Cabinet and the Kentucky Division of Water in order to cross the existing stream. The architecture will follow the design already in place within the subdivision. Mr. Morgan displayed photographs of the existing buildings on lot 4 and the proposed gasoline canopy.

Mr. Morgan then displayed the 2005 Concept Development Plan and an aerial photograph of the site. Photographs of the surrounding area were shown along with the specific site. Mr. Morgan also showed photographs of the existing residential and commercial buildings of Union Pointe Centre Subdivision. He further explained the request as it relates to the Boone County Comprehensive Plan and the Union Town Plan which recommends a Commercial use, either office or retail on a portion of the site. He then proceeded to note the Staff comments and concerns including; (1) the request for accessory gasoline sales and the distance to other such facilities; (2) the permission from the Kentucky Transportation Cabinet to install the right in and right turn out; (3) the provision of sanitary sewer since the capacity for the project expired in 2008; (4) hours of operation for the convenience store and restaurant; (5) the provision of outdoor banking facilities, propane tank sales, vending machines, movie kiosks, automotive and landscaping supplies, etc. (6) Will the patio next to the convenience store be used for outdoor restaurant seating? (7) Where will the underground gasoline tanks be located? (8) Is there enough room for tanker trucks to navigate on the site? (9) Have the proposed building tenants been defined and; (10) Where would the proposed freestanding sign be located on the lot? He added that only a 6 foot high, 48 square foot monument sign advertising the tenants would be permitted for the site.

Mr. Morgan stated that the proposed private drive on Lot #2 serving the proposed site is needed for the following reasons. First, the convenience store/gas station will be a high traffic generator. Second, westbound traffic on Frogtown will be able to get to Lot 1 more directly if they can use the full access point on Frogtown Road and turn on the private driveway on Lot 2. Without the private driveway, westbound traffic will have to circle the subdivision. Third, patrons that are leaving the building will be able to get to the full access point on Frogtown Road more directly if the private driveway is installed. Lastly, illegal turning movements from the right-in/right-out curb cut are likely if the private driveway system is not built per the 2005 Concept Development plan.

Mr. Morgan also noted that elevation drawings have not been submitted showing the architectural design of the building or gasoline canopy. Photos have been submitted showing general representations of what the building and gasoline canopy will look like. He added that Architectural Design Review will be required if the Change in Concept Development Plan is approved. He showed some photographs of the brick Colonial architecture within the subdivision.

Another concern was that the request would allow all of the principally permitted uses of the Union Commercial (UC) zone to be located in the proposed building. Staff recommends that the Planning Commission and the City of Union review this list of uses carefully to determine which uses are appropriate (see Staff Report). Staff is concerned that lighting from the gasoline canopy and audio systems located at the gas pumps could impact the residential use to the east. Further, the actual square footage of the building including the partial basement and number of restaurant seats will determine if there is sufficient parking. The applicant will also need to determine if the Kentucky Transportation Cabinet will allow landscaping to be installed in the right of way because portions of the street frontage buffer are not 10 feet wide. Mr. Morgan informed the Planning Commission that he received letters or e-mails of opposition from William and Kathy Schlegel, Leigh Ann Divine (St. Timothy's Church) and Marc Pillis. He wanted to make these items part of the record as well as the September 21, 2005 Public Hearing minutes and the December 7, 2005 Business Meeting minutes from the Boone County Planning Commission (see Exhibits).

Vice-Chairman Ford asked for the applicant's presentation. Mr. Mills Rouse, Walton Attorney representing Union Pointe Centre, introduced Craig Moore from L&M Engineering. With respect to the location, Mr. Rouse stated that the location in question is zoned for the particular use and has at one time or another been a convenience store in the past. The subject location was a convenience store with gas sales when Ryle High School and St. Tim's were constructed. It was also a carpet store. When the project was approved in 2005, there was very little development in the area. The area has grown up with more residential development. There is no convenience store across Frogtown Road or on Mt. Zion Road until you get to I-75 and there is nothing to the south. The facility will serve a need. The proposed plan from 2005 hasn't materialized, thus a need for a change. It is a vacant lot in an area that is developing. The owner conducted a feasibility study, which suggested the site was an excellent location for a convenience store along with the three proposed uses. It is within walking distance with the sidewalk system in place. In regard to traffic, most people will not travel from Richwood since there are already convenience stores in that area. The same would be true for Florence. It provides a service and need for the homes on the eastside of U.S. 42 and Rice Pike. These people are driving the area already - it won't increase traffic since they are on Frogtown Road and U.S. 42. Lot #2 is privately owned and the developer doesn't have the legal authority to complete the private lane, where it intersects with Callie Lane. In the future, the existing residence could be sold and be incorporated into the Commercial area and the changes could occur. The square footage requested is slightly more - maybe 25-30% more than was previously approved. The additional 2,500 square feet is an underground basement which will include mechanical units. Mr. Rouse then submitted a petition signed by 165 community members indicating their support for the gas station and convenience store at the subject location (see Exhibit).

Mr. Craig Moore, L&M Engineering, explained that the tanker truck will be addressed at Committee as there will be some changes to the parking lot. The exact number of parking spaces will determine the size of the proposed building. In regard to the UC uses, he would like to review those uses at the Committee meeting. Also, they have requested sanitary sewer services from Sanitation District No. 1.

Dr Jim Wright, applicant, indicated that he approached the City of Union first about this project.

He stated that if there would be a gas station in the City of Union, it should be located on the outskirts of town and on a major corridor. This site is located on the outskirts of town and on a major corridor. The City of Union did not take a stance on the matter. They are not against it or for it. They don't want gas service or a convenience store inside the 2000 city plan or in the center of town. He also spoke to Mr. Poe at the School District. From the meeting, Mr. Poe indicated he wouldn't object to the project because it is the same as the other plan. Dr. Wright mentioned that he has not changed anything (e.g. size of buildings, materials, etc) related to this project in the last 5 years. It is important to see progress on the development. Dr. Wright submitted a third party study which shows potential interest in the corner lot (see Exhibit). This is the right corner for this development even though others may not think so. He met with former Judge-Executive Bruce Ferguson and he didn't have a problem with the project. Even when St. Tim's builds their new school, it will increase traffic and he does not have a problem with it. He stated that they tried to do their due diligence on this request. He remarked that he has spent \$300,000 to recruit certain business including restaurants but has been unsuccessful. The proposed building will be like the one story office building made of brick, which exists today. There will be only 1 pump at each brick pillar under the canopy.

Mr. Dave England, Big Bone Road, noted he misses the convenience store which was located at the intersection. With the traffic congestion, it is difficult to get to Kroger. This proposed store will be more convenient for him to than driving to Florence. The area is definitely growing...

At this time, Vice-Chairman Ford asked if there was anyone else present who wished to speak in favor of the request.

Mr. Dan Zmirk, Union resident, owned the IGA on old U.S. 42 and the Ameristop years ago. The Ameristop was purchased by the State because of the U.S. 42 re-construction. The business catered to the neighborhood, school kids, churches and elderly. It was a very successful business. There is a need for a clean store with quality service. He stated that he had 51 years experience in the business and he is not ready to retire.

Mr. Wright explained there won't be any liquor sales from the store, and people will not be drinking beer on the patio. because there is too much liability. The patio is linked to the sidewalk system and will allow customers to sit and have a soft drink or energy drink. People from the office buildings will visit the store and patio.

Ms. Donna Sawyer, 1733 Mt. Zion Road, stated it would be nice to have a clean store in Union rather than going to Kroger. As a senior citizen, she doesn't want to walk all the way to Kroger for milk and bread. She liked the Ameristop. It was a thriving business. It is evident that after 10 years, nothing is moving forward. Her opinion is that the City looks worse than it ever has with the exception of the new developments.

Mr. Fred Bernier, 10862 Kimberly Drive, moved to Union in 1977. He stated that he is supportive of Dr. Jim and Sherri Wright. The Wrights have been active supporters of Ryle High School and of the community. There were no problems with the students at Ryle and the Ameristop. He felt they were a valuable community partner.

Ms. Sheila Rees, 10336 U.S. 42, explained that she and her husband moved to Union in 1994. They purchased their house because they felt they were in the country. They didn't object when Mr. Conrad sold his farm for Cool Springs Subdivision because it was progress. She did all of her grocery shopping at the Ameristop. She is in favor of the request. When her husband retires, they will sell their property. Ms. Rees favors the proposed development over a foreclosed or empty lot. A convenience store existed on the property before and did not cause any problems.

Mr. Phillip Rudolph, 10324 Lea Way, moved to the area from Louisville about 2 years ago. He is supportive of the project because the area is like a suburb of Florence. Not everyone is going to go to Kroger. The flow of traffic will be in both directions.

Vice-Chairman Ford asked if there was anyone present who wished to speak in opposition to the request.

Ms. Deb Schauburger, 12953 Pavilion Court, has lived in Union for 8 years. She chose the Cool Springs neighborhood for its pretty homes and street scapes, and the convenience to schools and her church. She was also pleased that the Planning Commission had put much thought and effort in planning the County's future growth with the Union Town Plan. This gave her confidence that the future growth in the area would be tasteful and compatible with the surrounding land uses. Her financial investment in her home was based in part on the confidence of this Plan. The subject site is surrounded by 3 schools and 2 churches and the Cool Springs neighborhood. The proposed convenience store, gas station and liquor store will have a significant detrimental visual impact on the corner. The convenience for a quick fill up, a gallon of milk or a six pack of beer are very attractive but not when it sacrifices the desirability and attractiveness of the neighborhood. Kroger and numerous other stores are not more than 5 minutes away and she finds doesn't mind driving 5 minutes. This is a minor inconvenience compared with sacrificing the beauty, desirability and compatibility of this neighborhood in Union. When the developer received approval of the Zone Change in 2005, he was given a list of 50 permitted uses for the property. Despite the difficulty in attracting a restaurant, she suggests exploring the 50 uses and she urges the Planning Commission to protect the integrity of this area and reject this request.

Ms. Ann Klensch, 1473 Rolling Meadows Court, moved to Cool Springs Subdivision in 2006 and researched the Union Town Plan at City Hall. She stated that she was given numerous assurances that the proposal made in the past was rejected because of opposition from the residents. Also, she indicated that traffic from Ryle has been cutting through Cool Springs Subdivision in the past several months. At 7:30 a.m., there is a lot of reckless driving at the corner because of the school complex. There have been 2 fatalities on U.S. 42 north of the site. Gas stations are not upscale and she questioned whether people will eat on a patio next to a gas station. She also expressed concern that the sidewalk is not completed from the corner to Galileo Blvd.

Ms. Lorraine Lawfmann, 1472 Rolling Meadows Court, built a house in Cool Springs in 2006. She researched the area and carefully looked at the prior approval. She stated that if she knew a convenience store and gas station were to be built there, they would have never bought their house. It is a quiet residential neighborhood. The businesses there operate from 9:00 a.m.-5:00 p.m. only. A gas station will be a 24 hour nuisance with noise. With 6 subdivisions within walking distance, it will be a kid magnet with teenagers hanging out. This is a potential problem and safety issue. She expressed a concern about future building in the subdivision since there are a lot of lots for sale behind Galileo. There is an existing convenience store on Old Union Road and it is only 2 miles away. She remains concerned about the traffic safety, school buses and 3 schools.

Mr. Don Zembrodt, Frogtown Road, has lived in the Union area since 1968. He thinks it will be a safety issue because of the school traffic. The new entrance off Frogtown for the gas station/convenience store will cause accidents. He stated he did not think the project is needed.

Mr. Kim Leavens, 12965 Pavilion Court, moved to Cool Springs in 2006. Her family is against the request including her son, who attends Ryle, because of the traffic and noise. Frogtown Road is a narrow road. She noted that Dr. Wright is her dentist and her eye doctor is in Union Pointe Centre. She is not opposed to development in the area but rather the type of development. She also stated that the applicant has failed to address the concerns outlined in the Staff Report. There are plenty of gas stations in the area including one at U.S. 42 and Gunpowder Road and at Pleasant Valley Road. She hopes the Planning Commission will decline the request. It is not a good plan for the area. it is speculative in nature.

Mr. Aaron Byrd, 11044 Galileo Blvd., expressed a concern about traffic. Cars back up to the post office on Frogtown Road. There will be illegal left-hand turns from the proposed access point on Frogtown Road. It is very dangerous. Another concern is the speculative nature of the tenants. None have been identified. We have too many empty strip malls in Florence, Union and Richwood area, including Frogtown Connector and the area behind Ace Hardware on U.S. 42. There is no reason to change th 2005 Plan. He is fully supportive of the Union Town Plan.

Mr. Paul Parsons, 12969 Pavilion Court, moved to the area in 2008 from Boston, Massachusetts. He strongly objects to the right in and right out access point. His other concern is light pollution and the hours of operation for the gas station. He felt that the architecture for the proposed building looked good as it will match the existing buildings in the development. There isn't really a need for this type of facility. The parking issues have not been adequately addressed. He hopes the Planning Commission turns down the proposal.

Ms. Ann McClure, 12945 Pavilion Court, stated that she opposes the gas station/convenience store use because there were other uses allowed in 2005. Because there is a lot of vacant retail space in the area, there is no need for the project. In regard to safety, the old convenience store/gas station existed prior to the reconstruction of U.S. 42. There are also a lot of school activities attracting students from other schools. They won't be familiar with the area and it could cause more safety concerns.

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

Mr. Longano asked staff what were the primary reasons or thought process for prohibiting a gas station and a liquor store back in 2005? Mr. Morgan responded that the Union Town Plan recommended a tight knit neighborhood commercial and there was a discussion about how much commercial should be allowed at the corner and 36,000 square feet was approved. There were concerns about gasoline canopies and screening as well as proximity to the school and church. The meeting minutes from the 2005 Public Hearing would be the best indication. Mr. Costello added that back in 2005 there was a concern about having a commercial appearance versus retail in an office building. The applicant chose to delete several commercial uses in 2005. Mr. Longano asked if the City of Union or the Planning Commission thought about a special zoning district at this location. Mr. Costello answered "no". The UC zone also allows office uses.

Mrs. Poston asked what has happened in the area that would support the request for a change? Mr. Rouse responded more people are in the area and the inability to attract a restaurant or build another office building is better than a vacant lot. The proposed change will cause less traffic difficulties versus what is already there-the school, St. Tim's and post office. Mrs. Poston stated it was anticipated that people would move to the area but also understands that the applicant can't make it viable the way it is. Mr. Rouse responded that there are no committed businesses willing to develop within the restrictions approved 5 years ago. Dr. Wright stated that he voluntarily agreed to the restrictions 5 years ago since he wanted to get the project going in order to move his dentist office. He explained that he spent \$250,000 to widen Frogtown Road without any assistance from St. Tim's. The hours of operation for the convenience store will be from 6:00 a.m. - 9:00 p.m. and will not be open 24 hours a day. There won't be loudspeakers not like at Ryle High School. There is more light at Ryle High School. The lights will be under the gas canopy. The proposed store is a hybrid and will include a bakery, deli and restaurant. It is an IGA Express. There is no open tenant space. Mrs. Poston asked about the basement being underground?

Dr. Wright answered that the basement will be totally underground. There will be no mulch sales but an ATM is a possibility. It won't be a huge restaurant. It will include a few tables or booths. All the sidewalks have been completed. Mr. Rouse mentioned that in Walton, there is a patio area adjacent to a gas station. It isn't going to be a Friday's restaurant. There is an existing IGA Express off KY 18. Mr. Rouse stated that the previous approval allowed the retail sale of meats, vegetables, candy items so it isn't much different than the proposed convenience store. Mrs. Poston asked staff to provide copies of the Business Meeting minutes and Public Hearing minutes to the Committee from the 2005 request.

Vice-Chairman Ford asked if the applicant has selected a fuel supplier? Dr. Wright stated that it is unbranded gas through IGA Express. The gas distributor is located in Mansfield. The truck route for supplying gas is not through the residential portion of the development. Where will the underground gas tanks be located? Dr. Wright responded that it will be up to the Engineer, but most likely in the parking lot. Vice-Chairman Ford asked if that information could be provided at the Committee meeting. He asked how he would enter

the site if he was traveling south to Warsaw? Mr. Morgan demonstrated various ways to enter and exit the site.

Mr. Schwenke asked how many doors or entrances would serve the building? Mr. Rouse responded there would be 2 sets of doors just like the Sunoco building with Subway located off Mt. Zion Road. Mr. Schwenke suggested providing more definition on the lighting near the gasoline canopy.

Mr. Brandstetter inquired about the 3-4 businesses shown on the submitted Concept Development Plan. Dr. Wright explained that was the old plan. IGA Express will use the whole building based upon the market study. Mr. Brandstetter asked if there is a difference in the traffic based on the change of use. Is there a comparison of the traffic analysis from both plans? Mr. Morgan stated there was no traffic analysis performed. He asked if the applicant could bring this information to the Committee.

Mr. Bunger stated that the developer in 2005 focused on a high level of residential duplexes mixed with business operation buildings. These were found to be acceptable at the time and fit in with the neighborhood and Cool Springs Subdivision. Part of the total package was the agreement to the type of businesses that would be appropriate at the commercial corner. The applicant strongly wanted to keep the commercial opportunity. He wants the Committee to evaluate or explore whether the current economic conditions would be an appropriate reason for a change or should we continue with the applicant's desire to provide an upscale development.

Mr. Costello questioned the architecture of the proposed building with two building fronts especially along U.S. 42. Dr. Wright referred to the 2005 drawing showing a one-story building and windows on both fronts.

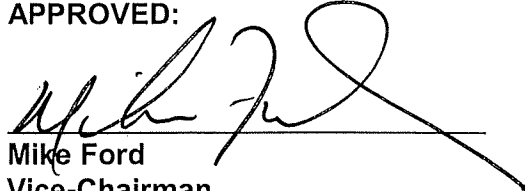
Mr. Wilson remarked that the minutes from the September 21, 2005 Public hearing and the December 7, 2005 Business Meeting involving the previous application will be included in the record along with tonight's minutes.

Vice-Chairman Ford questioned the building setback since the relocation of U.S. 42. Is there enough room? Mr. Morgan explained that the Union Commercial (UC) zone allows a close setback to the road. There is enough room.

Mrs. Poston asked if he could make this project work without a gas station. Dr. Wright answered that it would be less convenient and successful. The gas station would help business by attracting customers according to the third party report. Most hybrid stores have gas pumps.

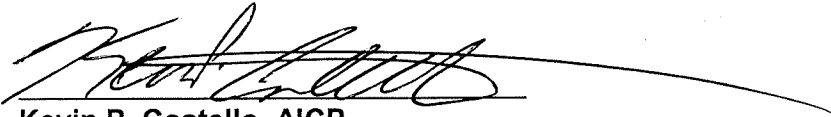
There being no further comments, Mr. Ford stated that the Committee Meeting for this item will be on April 28, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 9:40 P.M.

APPROVED:



Mike Ford
Vice-Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

EXHIBITS

- 1- September 21, 2005 Public Hearing Minutes
- 2- December 7, 2005 Business Meeting Minutes
- 3-e-mail from Leigh Ann Divine
- 4- e-mail from Marc Pillis
- 5-Petition submitted by applicant
- 6-IGA Express Market Study

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 21, 2005
7:30 P.M.

PUBLIC HEARING

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

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:33 PM and introduced the 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 and 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 4.59 acres of the site to Union Commercial (UC) and approximately 13.09 acres of the site to Suburban Residential Two (SR-2). The subject properties involved in the request are located near 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, Union, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He reviewed the attachments to the Staff Report and stated that items received after the Staff Report was prepared were passed out separately and labeled as follows: **Exhibit 1** Petition to Prevent Rezoning (17 pages); **Exhibit 2** Minutes of the April 20, 2005 Public Hearing

held by the Boone County Planning Commission on the request of Riegler Engineering, LLC for Dr. James Wright and Gavin and Sheila Rees (owners) for a Zoning Map Amendment; **Exhibit 3** Letter from Ron and Gayle Spjut submitted via email; **Exhibit 4** Letter from Randall K. Cooper, Principal of Larry A. Ryle High School and Judi Paul, President, Ryle PTSA submitted via Fax to Kevin Costello with attachment; and **Exhibit 5** Letter from Tom Sander via Fax to Kevin Wall.

Mr. Costello asked if a garage is being built on the site. Mr. Wall responded that the garage/pole barn which looked like it was under construction was actually being demolished.

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

Attorney Jay Lang, 4 West Fourth Street, Newport, was present representing Dr. James Wright. He stated that Dr. Wright would like to develop the 18-acre tract and move his professional office there. He wants to expand the building to attract other professionals to the development and he wants to have some low density essentially Neighborhood Commercial uses. He stated that most large commercial uses want to locate in Florence. They anticipate allocating about half of the square footage to Professional Office and about half to Neighborhood Commercial.

Dr. James Wright, 1973 Richwood Road, Walton, stated that he has been a dentist in Union since 1984. He stated that they have asked for about four acres of the site to be Commercial and requested a zone change on the rest of the property from SR-1 to SR-2 in order to allow more green space along the edges. He stated that for patio homes in SR-1, the requirement is five feet between the two properties, but if they can put the two properties together they will have more usable green space. He stated that there will be bicycle trails and sidewalks and he is proud of the development. He plans to live in one of the patio homes when he retires. He stated that one of the concerns of the Committee when they were here last time was that he would develop this project on his own, but they have talked to three developers and a couple of builders. He stated that Drees and H. L. Hinton & Associates in Louisville are interested in partnering with them. He stated that the development will be done correctly.

Mr. Lang stated that after the right-of-way was taken for U.S. 42, it reduced the commercial parcel on the corner by about one-half and it is now only about six-tenths of an acre, which is not a viable size for commercial use. It has been a commercial location for many years. He stated that they are requesting the zone change on the residential portion to allow the patio homes, which are connected. They will be upscale homes in the \$350,000 range. The concept is to allow more green space by having attached dwellings, rather than having all the side and rear yard setbacks that would be needed for detached single-family dwellings. The

density will stay about the same since both residential zones allow four units per acre. The proposed density for this project is 3.5 units per acre. He stated that there will be a lot of green space. He introduced their engineer, Mr. Dan Riegler.

Mr. Dan Riegler, 19 Lindale Drive, Florence, reviewed the proposed plan. He stated that they have reduced the commercial zone from 5.4 acres to 4.59 acres, which increased the SR-2 zone. They have added a few more patio homes to the development and eliminated a commercial lot. They have increased the buffer yard areas along the interior road in an effort to break up the paved area. They have allowed more green space and landscaping and broken up some of the parking. He stated that the Union Town Plan specifies that buildings in the Union Commercial Zone are to be closer to the road with the parking in the rear. This plan was done with the Union Town Plan in mind – the building frontage is visible along U.S. 42 and hides the parking in the rear. He stated that on the loop (interior) road, the parking areas will not be nearly as visible as in traditional commercial zoning. The commercial square footage has been reduced from 44,000 square feet to 36,000 square feet, which is an 18% reduction. The number of parking spaces has been reduced from 182 to 150. The hard surface ratio is 42%, which is low since the requirement is 80%. He stated that they added a bike path along the loop road that approaches Frogtown Road from U.S. 42. He stated that because of the grades, the bike trail is not possible along Frogtown Road. He stated that the Union Town Plan designated the corner of U.S. 42 and Frogtown Road as Commercial, but when U.S. 42 expanded it took a significant portion of that parcel and severely limited its use. He stated that they met with Ed Thompson in regard to the access points. He stated that what is left on the corner is a sliver of Commercial that they cannot get access to and it has to be expanded to make it useable. He indicated a blue line stream, which is now dry, and stated that they will use it for a retention pond or a lake to improve the aesthetics. The blue line stream will be dealt with according to the Army Corps of Engineers requirements. He indicated where they will put in significant fill and provide access. He stated that there will be one contiguous commercial development and the loop road will buffer it from the surrounding residential uses. He reviewed the radius of the curve and the Staff Comment regarding sight distance. He stated that they are not showing vegetation on one side of the road. They will make sure the access meets all the regulations and safe engineering practices. He stated that they have had several discussions with the Department of Highways about the project. They met with Ed Thompson and he has approved with entrances with the note that the one on Frogtown Road is right-in/right-out only. He stated that this intersection has experienced light traffic compared to the rest of the county and it is not listed as a problem area in the Transportation Plan or the Six-Year Plan. He spoke with Jim Brandon and Jim Echler at the Transportation Cabinet and was told that U.S. 42 has a design capacity of 25,000 vehicles per day and it is listed in the Traffic Plan at about 7,000 vehicles per day now, so there is excess capacity. He stated that Frogtown Road is at about 7,000 vehicles per day and they start to get concerned at 10,000 to 15,000 vehicles per day. He stated that U.S. 42 was done with development in mind and they accounted for this type of

development when they sized the U.S. 42 relocation. He has spoken with the Division of Water and the Army Corps of Engineers and there is not a flooding problem at this intersection. In 1996 – 1997 when there were heavy rains, they experienced no flooding. He stated that the drainage will be maintained and everything will be done in accordance with the Army Corps of Engineers and the Division of Water regulations. He reviewed an exhibit of the difference in paved areas from the previous plan. He stated that the previous plan was more dense and they have now tried to break it up and provide more green space. He indicated a gathering space in the area of the patio homes that is to be shared. He stated that in the future they hope to incorporate more amenities into the site.

Mr. Lang stated that this plan reduces the commercial area by about six-tenths of an acre and increased the SR-2 zone by about an acre. He stated that they eliminated one commercial building and reduced the square footage of the commercial area from 44,000 square feet to 36,000 square feet, which is an 18% reduction. They reduced the number of parking spaces to avoid a huge blacktopped surface area and broke up the parking with vegetation. They increased the green space from 52% to 56% and added a bike path. They worked on the radius of the turns in and out and softened the curve around the central part of the project. He stated that they have a letter from the Sanitation District indicating that they have granted about 50% capacity for the project initially and will reconsider it again in two years (see letter from Gary W. Aman with Sanitation District No. 1 which is attached to the Staff Report). He stated that this project is situated on a major arterial road and a secondary arterial road, which is where commercial development should be located. The area in the front is designated for commercial use is not suitable for residential use, and they believe this plan provides a good transition. This low-density commercial project starts the transition from the high use road, goes through the commercial section, across the interior road that separates the commercial and professional office from the residential, and then transitions to the single-family areas to the east and south. He stated that the homes are individual units that are attached – they are not two-family homes. The homes are attached to create more green space. He stated that the Kentucky colonial architectural styling of the development blends in with the area. He stated that they have provided renderings of typical buildings. He stated that there will be a white Kentucky horse fence around the perimeter. All of the parking will be in the rear. They have addressed the concerns raised in the last application and this project meets the criteria for a zone change. He stated that the site is currently partially zoned for commercial, which was reduced by the widening of U.S. 42. The majority of the land is zoned Residential and they are only asking for a zone change on a little more than four acres. The proposed density is 3.5 units per acre, which meets both Residential requirements. The commercial section meets the Union Commercial Zone requirements and the Comprehensive Plan. He quoted from the Comprehensive Plan that “commercial uses that will occur in the future in this area will serve the surrounding development” – which is what they are contemplating – and “will allow smaller areas of commercial along the reconstructed U.S. 42 to serve adjacent

developments". He stated that this is probably the second largest intersection in Union, and Mt. Zion Road is the largest. This is not a quiet little residential neighborhood. He stated that the request meets the requirements of the Comprehensive Plan. The Union Commercial section of the Code indicates that the location of Union Commercial zoning should allow limited additional commercial uses or limited expansion of commercial uses in areas that have historically supported them, but does not promote continuous or extensive commercial or strip development. He stated that this is not a strip center. He stated that the request to change the four acres to commercial is appropriate because the four acres is inappropriate for residential use due to the topography and its location next to a busy arterial road. He stated that this zone change would align with the existing commercial zoning and provide for low-density professional office and commercial zoning that would serve the surrounding residents. He stated that the immediate area surrounding this site, except to the south and east, contains two schools, a church and a park. It is not a concentrated residential area. He stated that the construction of new U.S. 42 was a significant change and it changed the character of the area. U.S. 42 went from a two-lane road to a four-lane road with turn lanes and it is a significant arterial highway. The continued development of adjacent residential areas and the thirteen to fifteen subdivisions within a short distance of the site could use the services of the professional offices and services businesses on this site. He stated that they meet the requirements for the requested zone change. This concluded the applicant's presentation.

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

Mr. Wayne McClellan, 9209 Old U. S. 42, stated that he is a Union City Commission and the Commissioner of Public Works. He was sent by the Commission and the Mayor to support the zone change request, provided it meets the criteria of the Planning & Zoning Commission. He stated that they rely heavily on the Planning Commission's decisions and did not override or even hear the application on the first request since the Planning Commission turned it down. He stated that they have received letters and petitions and he has personally received telephone calls from people in opposition to the request, but the calls were erroneous as far as what was going to happen. He stated that they have annexed this property and there is a need for this development in the City of Union, provided it meets the criteria of the Union Town Plan.

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. Sean Peffer, 12939 Pavilion Court, indicated the location of his property. He asked if there are letters from the Mayor and the Commissioners saying that each of them supports this request as was stated by Mr. McClellan. He questioned Mr.

McClellan speaking for those people when they did not show up this evening. He stated that he has written communication from the Mayor stating that he does not support this request, but he does not have it with him. He questioned the distance between the duplexes and the fence. Mr. Riegler responded that it is 25 feet and in accordance with the regulations. Mr. Peffer reviewed the Land Use Development Guidelines and stated that twenty-five feet and a tree planted there is not what they expected at their back yard. He stated that there are not two schools there – there will be a high school, a junior school, and an elementary school. The elementary school is being built. He is worried that they were told before that there is an intention to try to get a convenience store in here plus there is a quote on the record from Dr. Wright at the City Council Meeting that “I would love to have an Applebee’s in there where I can go after work and have a beer and a steak”. Mr. Peffer questioned having alcohol sales and cigarette sales and a place for kids to hang out after school. He stated that it was a hangout when the convenience store was on the corner and the kids will hang out here unless there is something that says they cannot have a convenience store. He is not sure parents want a place for kids to run across the road to at lunchtime. He questioned if there is anything to preclude commercial development here like there is in Florence. He asked the Commissioners to visit the site. He stated that no pictures were shown of the impact on the houses there. He stated that the traffic counts today are not representative of what is planned there and he asked the Commissioners to consider the traffic counts for what will be there after all of the other commercial development gets done because commercial development is why the four-lane road was put in. He stated that if there is 50% sewer now and the other 50% is considered in two years, part of the site it will be developed and the rest will be an eyesore for two years. He asked the Commissioners to look at Dr. Wright’s other properties, including a rental property on Frogtown Road. He stated that the property has been mowed once and that was due to a complaint and the gutters are falling off. He stated that everything that was said at the last Public Hearing is included here.

Mr. Bruce Johnson, 12984 Pavilion Court, stated that when he moved into the Drees development, he was charged for a rural low-density area. He stated that the proposal is to change this corner to commercial, but commercial is one mile down the road. He stated that thinking that changing this to commercial will not affect the area is not true. He questioned who would want to buy a home in the residential section of this development next to the glow of parking lot lights at night and hearing the garbage trucks coming in and out. He stated that it is proposed that the development will be a professional area with lawyers and dentists, but it could be a Domino’s Pizza. He suggested allowing a little extension of the corner commercial area so that there can be a dentist office there. He stated that the current dental office is not in a huge development. He does not have any problem with a dental office on the corner, but he has a problem with commercial development.

Mrs. Rani Peffer, 12939 Pavilion Court, stated that she lives adjacent to the proposed duplexes. She spoke at the Public Hearing several months ago. She stated that the plan is essentially unchanged and all of the objections they raised before still stand. She and her husband are financial professionals and moved into this area over four years ago. They took their time choosing where they wanted to live and they chose Union for the rural atmosphere. They invested \$400,000 in a home to raise a family and have their investment appreciate over time. They moved to the area for quality of life. She does not see any green space between the duplexes and her back yard. They will see the duplexes from their deck. They paid for eight-tenths of an acre in a rural area, but this will blot out their view and they will not be able to see any green space any more. The green space and their property value will be gone. She stated that rezoning this property will send two messages (1) that it is not safe to invest in Union and (2) that it is acceptable to buy property at residential prices and then go through the rezoning process and get a commercial profit. She stated that there is a lot of green space and residential areas that could be sold for rezoning. She stated that if it was a logical place for commercial development, it would have been zoned Commercial when the Union Town Plan was put in. She stated that this is the wrong place and the wrong time for this development.

Ms. Deb Schauburger, 12953 Pavilion Court, stated that people will buy the duplexes and rent out the other half, which means that 50% of the property will be rentals and that will not increase the value of the adjoining homes. She stated that some of the homes in the area are the most expensive homes in Boone County and it is inappropriate to put rental properties next door. They bought in Union because they liked the character and the future land uses – but if you scrap those land uses, then it will be very difficult to persuade future buyers to invest in Union. She stated that the current zoning is appropriate and the proposed zoning is inappropriate.

Ms. Roseanne Facktor, 14873 Cool Springs, agreed with the other speakers. She is concerned about children crossing a five-lane 55 MPH highway to get to the commercial space. She feels that there is over-saturation already with commercial space in Florence and on U.S. 42, Houston Road and Mall Road. She can be at any of those commercial uses within fifteen minutes. She stated that the Union Town Plan says to put more commercial around Mt. Zion Road and U.S. 42 – so what is the point in putting commercial space here where there are churches and schools? Kroger's and other commercial development is a little further down. She stated that the property is all ground now and the water will soak in, but there is the possibility of flooding in the future with all the pavement. She is concerned that people will use the road to cut through. She questioned why the residences need to be duplexes, which might be rental space, instead of single-family homes.

Mr. Mark McClure, 12945 Pavilion Court, stated that this development would be literally in his back yard. As a parent and a leader of young children, he has serious concerns about safety with the magnet of a convenience store and young

people crossing the street there. He believes that sooner or later someone is going to be hit by a car there. Safety is his big concern. He is against the project.

Ms. Theresa Bick, 1000 Glen Springs Place, stated that multi-family behind single-family residences will desecrate the property values.

Ms. Sherrie Collins, 12949 Pavilion Court, stated that she spoke at the last Public Hearing. She is still opposed to the plan. She does not see enough change in the plan to warrant reconsideration. She questioned putting in a bike trail that goes nowhere. She stated that there is to be a park opposite that corner, but it is not there yet. She stated that they have neighbors who are interested in having small business and if they were interested in Union Town Square, which is yet to be developed, they might now be looking at this location instead because it will happen first – which will take away from the Union Town Square area. She stated that this proposal is so far out of the Comprehensive Plan and the Union Town Plan that it is offensive. She questioned the setback by her house and if there will be bushes or trees there. She stated that their homes are not shown on the map. She will sit on her patio and literally have someone on the fence. She will have two families and some people will have three families in their back yard. She stated that there will be renters. She stated that when people run out of space in their duplex, everything will be in the back yard. She stated that there have been no major changes of an economic, physical or social nature. She stated that there are two professional offices, Summit Medical Group on U.S. 42 and St. Elizabeth Medical Outpatient Medical Group on U.S. 42, which are not busy, and she does not see people looking for office space. There are no hospitals near there and typically medical office buildings locate near hospitals or medical centers. She stated that the buildings will block the view. The road will be a cut-through for the high school kids to get to school quicker. She stated that nothing has been answered in the Findings of Fact for the application filed last spring. The request is not in agreement with the Comprehensive Plan or the Union Town Plan map. The impact on the transportation system has not been addressed. The development will affect the adjoining properties. She stated that considering this plan now is premature. She stated that they can only provide water for nineteen duplexes or the commercial buildings because people are only there during the day. The development is not compatible with the single-family residences. There are many forty to fifty foot tall walnut, oak and maple trees on the property and not one will be left. She stated that there are 186 signatures on petitions. She stated that the Union community has been misled by a sign posted on the property for nine months which said “Coming Summer of 2005 Union Pointe Dental Center”. People thought it was just a dental office. It is also misleading on the Union website. The sign was taken down because she called about it. She does not have a problem with Dr. Wright putting his dental office on the property but she has a problem with the rest of the development.

Ms. Michelle Campbell, 1089 Charley Court, stated that most duplexes are rentals. She stated that this development will depreciate the residential properties

and they lost money on two previous homes in California for this same reason. She travels Frogtown Road and U.S. 42 four times a day and at 7 AM she has to wait through four cycles of the light to get from the post office to where this road will start on U.S. 42. She stated that last winter it was flooded from St. Tim's to the creek.

Ms. Ann McClure, 12945 Pavilion Court, stated that her property is adjacent to the development. She agreed with those who spoke against the request. She stated that U.S. 42 between the high school and this property is four lanes with a turn lane. It is an arterial highway at 55 MPH and she is concerned that there will be foot traffic going back and forth from the high school and the middle school and the proposed elementary school before and after school and on Friday night when there are activities at the school. She stated that they have also heard about a school going on the St. Tim's property. She is also concerned about the abandonment of the commercial space available down U.S. 42 where this type of commercial could be located in the area where it is intended. She is not opposed to a dental office there, but this site was never intended to be a major retail or commercial center – that space is located further down U.S. 42. She stated that the intention is to have professional uses on the site, but the reality is that whoever comes first with their checkbook is who will be there.

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

Mrs. Wilson asked Counselor Wilson to address the comment made about a Council member speaking for other Council members and the Mayor. Counselor Wilson advised that strict evidentiary rules do not apply to a hearing such as this and the Commissioners can give it the weight they choose based on other evidence that has come before the Planning Commission. It should not be assumed what someone who is not here would say. Mr. McClellan stated that the letter the Mayor sent out that was referenced by one of the speakers was in regard to the first proposal that was turned down. At that time, they had a reading and decided not to go against the Planning Commission's recommendation. He stated that the applicant presented the current plan to them when they annexed the property and he has been sent as a representative to say that as long as it meets the criteria set up by the Union Town Plan and the Planning Commission, they are in support of the request.

Counselor Wilson advised that the Planning Commission will treat this like any other application. The Planning Commission looks at the land use appropriate facts and makes a recommendation to the legislative body.

Mrs. Kegley asked the applicant to be prepared at the Committee Meeting to go down the list of possible uses in regard to what may or may not be appropriate in

the office development and to address the transition around this development, particularly up against the existing homes.

Mr. Carmichael questioned the price range of the duplexes. He asked if there are two entrances on Frogtown Road and the distance between them. Dr. Wright responded that there are two entrances on Frogtown Road. He stated that the entrance on U.S. 42 was placed there by the Highway Department because of the legal setback from the corner. The entrance on Frogtown Road is right across from St. Tim's and the right-in/right-out was approved by the Highway Department. He stated that the homes are not rental property. The entry level patio homes will be approximately \$380,000 and they go up to \$450,000 - \$480,000. He stated that this corner has a light and a crosswalk and it is safer than going into the subdivision. He stated that his property on Frogtown Road is leased and they are supposed to maintain the property. They will not let him on the property to mow it.

In response to a question from Mr. Carmichael regarding the distance requirements for the access points, Chairman Caddell explained that if the Planning Commission puts more restrictive conditions on a project than the state, the state will honor those restrictions. Counselor Wilson agreed and stated that the state looks at both standards and both would have to be met.

Mr. Costello asked if they have considered making improvements to Frogtown Road and extending the left turn lane beyond the entrance to St. Tim's. Mr. Wright responded that they will look into it. He stated that they have increased the radius to allow better movement into the development. Mr. Costello stated that there is a sidewalk on Frogtown Road. Mr. Wright responded that they will extend the sidewalk to the edge of their property. Mr. Costello stated that he received a letter from Randy Cooper in this regard.

Mr. Bunger asked the applicant how they plan to address the Sanitation District's approval of nineteen units. In response to Mr. Bunger's questions regarding the duplexes, Mr. Wall responded that SR-1 would allow up to four units per acre and SR-2 would allow up to eight units per acre. The main reason for the SR-2 zoning is the duplexes. He stated that by definition in the code, they are duplexes. Mr. Bunger asked if the applicant would consider reducing the number of units.

Mr. Wright responded that the Sanitation District is reviewing capacity issues for the entire Northern Kentucky area that they serve and is in the process of making a requirement where people have to submit a letter for capacity and then go through a more formalized process. The Sanitation District is only projecting two years out now. He stated that the development is not going to happen all at once and the approval of the amount of capacity is for their construction schedule. He stated that Gavin and Sheila Rees own Lot #2 and they had no intention of developing it as commercial until they retired. He stated that Drees is interested in partnering with them. He stated that the angle of the patio homes will change

and where they are shown is not where they are going to be. He stated that they will discuss saving the trees. He stated that the phasing said nineteen patio homes and half of the commercial development. The first nineteen homes they build will buffer the subdivision, which has a 50 – 60 foot setback, and their setback is 25 feet. He indicated on the Power Point slide where the first patio homes will be located. The first commercial buildings will be for his office and a couple of rental units – and if they rent, then he will build another commercial building. The development will start on U.S. 42 and work its way back as sewer and water become available for the rest of the project.

Mr. Bunger asked the applicant to bring to Committee the most current plan and designs for the homes on the site. Dr. Wright responded that the patio homes will be angled so that they are not looking straight onto U.S. 42. They do not have an exact layout of every home and that is why they did not come in with a Site Plan. How the homes will set will depend on the topography, saving the trees, and making it a nice development.

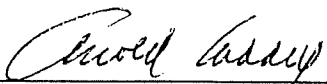
Mrs. Wilson questioned what will happen to the two cemetery plots on the property. Dr. Wright responded that they are the graves of the Ashcraft family's great great grandparents. If they will have to move them, they will contact Jane Ashcraft to see what cemetery she wants them moved to. Mr. Wall stated that they will need to meet the cemetery regulations with a 30-foot exclusive cemetery easement as delineated by an archaeologist or, if Fiscal Court agrees, they could relocate the cemetery.

Mr. Lang stated that both zones have 25-foot setbacks – it would be the same setback if they built single-family residences. These are attached dwellings of 2,500 – 2,700 square feet and they are hardly rental units – they would have to rent for \$3,000 to \$3,500 per month. They were never intended to be rental property and will cost from \$300,000 to \$380,000. He stated that there was a permit for the sign that was on the property, but they agreed to remove it as there was some question as to whether a Sign Permit should have been issued and there was a complaint. He stated that no matter what goes there, there is always the issue of safety. He stated that there is a traffic control system there and it is as safe as it can be. He asked the Planning Commission to approve the zone change request.

Ms. Collins stated that Mr. McClellan and Mr. Wright called a meeting of the five people whose properties back up to this property before this request was filed. The meeting was at the City Building in Union in March. She stated that Mr. McClellan was there and he promoted and supported the development, which she feels is out of the code of conduct for a City Commissioner. She stated that she was told by Planning and Zoning that they were allowed to have the sign up for two weeks and it was up for two months.

There being no further comments, the Chairman stated that the Committee Meeting for this item could be held on October 5, 2005 at 5:00 PM. Mr. Lang asked that the Committee Meeting be postponed for two weeks. Chairman Caddell agreed to schedule the Committee Meeting for October 19, 2005 at 5:00 PM in this room. He stated that the Planning Commission will not be prepared to discuss this request at the October 19, 2005 Business Meeting and it will be on the Agenda for the November 2, 2005 Business Meeting at 7:00 PM. The Chairman closed this Public Hearing at 9:07 PM.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

1. Petition to Prevent Rezoning (17 pages)
2. Minutes of the April 20, 2005 Public Hearing held by the Boone County Planning Commission on the request of Riegler Engineering, LLC for Dr. James Wright and Gavin and Sheila Rees (owners) for a Zoning Map Amendment
3. Letter from Ron and Gayle Spjut submitted via email
4. Letter from Randall K. Cooper, Principal of Larry A. Ryle High School, and Judi Paul, President, Ryle PTSA, submitted via Fax to Kevin Costello with attachment
5. Letter from Tom Sander via Fax to Kevin Wall.

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mrs. Wilson seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. Mr. Carmichael was not yet present. The motion carried.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Riegler Engineering, LLC (applicant) for Dr. James Wright and Gavin and 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 4.59 acres of the site to Union Commercial (UC) and approximately 13.09 acres of the site to Suburban Residential Two (SR-2). The subject properties involved in the request are located near 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, Union, Kentucky. The request is for a zone change to allow commercial, office, and attached residential uses.

Mr. Carmichael arrived at this time.

Staff Member Todd Morgan 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.

At this time, the Chairman allowed the applicant up to five minutes to summarize their position.

Attorney Jay Lange, representing the applicant, thanked the Committee for their diligent work. He accepted the Committee's recommendation and agreed with all of the conditions. He stated that the application in its present form meets the requirements and criteria for a map amendment. He requested approval of the application.

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

Mr. Darryl Collins, 12949 Pavilion Court, stated that he is opposed to the development, but he knows that the application meets the criteria. He asked for a guarantee that the ten-foot buffer between his property and the construction area will be built now so that they do not have to look at the construction site and the

bulldozers for the next few years. He continues to be opposed to the project for the reasons stated at the Public Hearing.

At this time, Mrs. Kegley moved by resolution to the City of Union that the request be approved based on the Committee Report. Mr. White seconded the motion.

Chairman Caddell stated that a great deal of time, effort and expense went into the Union Town Plan and it is questionable to him if there has been enough time to see it come to fruition in the areas affected by it. Mrs. Kegley responded that those considerations were the reasons it was turned down the first time, but the City of Union came to the Public Hearing and said that they are for this request. She stated that the Committee tried to incorporate all of the points from the Union Town Plan that were left out initially and make it work as well as possible. Chairman Caddell asked Mrs. Kegley if she felt that Mr. McClellan was representing the City of Union when he spoke at the Public Hearing. Mrs. Kegley responded that she believes Mr. McClellan stated that he was representing the City of Union, but that was only part of the Committee's consideration. She stated that this is a good design. She agreed that there has not been a lot of time to evaluate the Union Town Plan. She stated that it is difficult to look at the little piece of commercial property and determine how to make it work.

Mr. Bunger stated that whether Mr. McClellan spoke for the City of Union or not, there was not a statement that the City of Union was opposed to the request. He stated that in the original proposal, there was more intense commercial in the area, but the applicant made some modification to the proposal. He stated that the concern raised by Chairman Caddell was given a lot of consideration by the Committee.

Mr. Knock reviewed the Findings of Fact in the Committee Report and questioned the Committee's finding that "the proposal is in general conformance with the 2000 Union Town Land Use Plan Map". He stated that he was Chairman of the Committee in regard to the Union town Plan and he does not agree with that conclusion. Mr. Morgan stated that the SR land use classification allows up to four dwelling units per acre and the proposed development is at 3.26 units per acre and, therefore, in *general terms* it meets the SR designation. He stated that in analyzing conformity with the SR designation, the Committee considered that the SR classification calls for single-family detached houses and these are duplexes -- but they are single-story colonial ranch duplexes and the design will have to be followed if the application is approved.

Mr. Knock questioned the changes from the original application to this application that caused the Committee to come to the conclusion it reached. Mrs. Kegley responded that the applicant dropped one of the commercial buildings and a couple of residential buildings and aligned them differently so that there would not be a straight-on view of the back of the buildings. She stated that the Committee

required landscaping all the way around and a buffer yard as a transition. This is a quality product with one-story buildings and attaching the units gave more of a feel of green space. There is a sidewalk and park area between the buildings. She stated that the Committee felt that these elements were important to the Union Town Plan.

Mr. Bunger stated that one of the important elements is the flow of traffic and one of the substantial changes between the first application and the final application was a substantial change to the length and number of turn lanes on Frogtown Road so that the intersection will function in a satisfactory way and be able to handle the traffic for this commercial and residential area and the other related areas. Mr. Knock asked if ingress/egress to St. Timothy's Church was considered in regard to the ingress/egress to the subject property. Mr. Bunger responded "yes".

Mr. Knock stated that Sanitation District #1 has reserved flow capacity for only a portion of the project. Mrs. Kegley explained that the Sanitation District has a new program and a developer can come in to get approval for what they need for the first two years, and then after the first year they can go back and ask for the third year, and then continue on in that manner. She stated that a development cannot proceed if the Sanitation District does not have enough capacity. The Sanitation District will only give approval for two years. The developer cannot ask for more than two years at this point.

Mr. Knock questioned where this development fits into the overall concept of the Union Town Plan. Mr. Morgan responded that the Union Town Plan recommends single-family residential use in that area at four dwelling units per acre and the Union Town Plan calls for a small area there to have commercial use. The Committee looked at the overall density of the project and considered that these are single-story colonial style duplexes. He stated that the request is not totally in conformance – there are certain aspects that conform and certain aspects that do not conform. The single-family residential aspect is not met with duplexes, but the intensity is well below four units per acre. Mr. Costello asked Staff to also address the commercial use in relation to the Union Town Plan. Mr. Morgan responded that the Union Town Plan talks about small scale commercial there. He stated that the application meets the design guidelines. He stated that only the area where the Ameristop used to be was forecast for commercial and the rest of the site was forecast for residential.

Mr. Knock stated that he is intently concerned with the request because of the amount of time spent in putting the Union Town Plan in place. He feels that the Committee has presented a considered and thought-out recommendation. He questioned an amendment to the motion in regard to requiring the buffer zone as requested by Mr. Collins.

Mrs. Poston stated that she was the dissenting vote on the Committee Report. She does not believe that the request is in conformance with the Union Town Plan. She

stated that the new road (U.S. 42) has only been there since 2004 and the thought was that the Union Town Plan would be a long-term plan to develop a nice community and a nice city. She stated that putting 36,000 square feet of commercial space into an area not designated for that type of commercial use takes away from the residential use that has developed in that part of Union and that is the reason she voted against this request. She disagrees with all of the findings in the Committee Report. She stated that this proposal is so against the Union Town Plan, that we may as well scrap the Union Town Plan if we approve this request.

Mr. Bunger stated that the Committee discussed the commercial area and reviewed all of the possible business that could go there and certain uses were stricken.

Mr. Knock asked Mrs. Poston if her main concern is the commercial use and its effect on the new road. Mrs. Poston responded that her concern was not the effect on the new road. She stated that the Union Town Plan has the commercial development within the city limits and the small businesses within the U.S. 42 corridor. It was not the traffic in this area that was her concern. She stated that most of her concerns are to do with the commercial. She stated that the duplexes are not single-family dwellings, but they do have some appeal and she can see the transition of duplexes to single-family units along there. She stated that there is a church on the other side of the road, but she does not think the intent was to have commercial transition there. She stated that there is a small piece of U.S. 42 for commercial and, if it had been expanded, an office might have gone on that corner – but this application is for a major commercial development on that corner. Mr. Knock stated that there could not be multi-family dwellings there and questioned what use from the Union Town Plan could go on that corner. Mrs. Poston responded that single-family dwellings would be ideal.

Mr. Carmichael asked if the HOA documents would address the undeveloped area from an aesthetic standpoint if sewer is delayed. Mrs. Kegley responded that the undeveloped area would not belong to the HOA, it would belong to the developer and the regulations require that it be mowed and that there be erosion control. She stated that the Sanitation District's new policy will apply to every development and all developments will only have partial sewer agreement.

Mr. Knock asked if there is an official statement from the City of Union on record. Mr. Costello responded that Mr. McClellan was a Union City Commissioner. Counselor Wilson read the comments made by Mr. McClellan at the September 21, 2005 Public Hearing on Pages 5 and 9 of the minutes. Chairman Caddell stated that the City of Union has the final say on whether the application is approved or denied.

Mr. Schwenke stated that he does not want the whole property torn up to build a berm around the perimeter when the project starts. He suggested requiring that they build on the site near the property line in each section first and do the berm at that

time. Mr. Bunger responded that the buffer would be plantings, not a berm, and the plantings were reviewed to try to provide the greatest amount of buffering possible.

Mr. Knock moved to amend the motion on the floor to include that the ten-foot buffers are required to be installed and maintained along property lines for every existing and future section of Cool Springs Subdivision upon approval of any building permit that is subject to this zone change request. Mr. Bunger seconded the motion.

Mr. Bunger asked for clarification – would the buffer be built before the homes are built? Chairman Caddell explained that grading could be done on any portion or all of the site, but when a Building Permit is issued for any construction on the site, then the buffer is required. The intent is that the buffer be in place whether a commercial or residential unit is built. Mr. Bunger asked “the entire buffer around the entire site?” Chairman Caddell responded “yes”. Mr. McMillian stated that the buffer will be trees and shrubs and asked if they would all be installed before any building occurs. Chairman Caddell responded “Yes, according to the amendment”. Mrs. Kegley stated that the buildings are almost on the buffer yard and she does not see how they would be able to dig the foundation because the hole has to be larger than the foundation. She stated that the digging would affect the root structure of the trees and it is not practical to do the buffer before the building. She questioned if the developer would be able to maneuver the equipment to dig the hole without disturbing the trees. She stated that the developer needs to be able to get the equipment around the buildings.

At this time, the Chairman asked for a vote on the motion made by Mr. Knock to amend the motion on the floor. The vote found Mr. Carmichael, Mr. Knock and Chairman Caddell in favor. Mr. Bunger, Mrs. Kegley, Mr. McMillian, Mr. Reynolds, Mr. Schwenke, Mr. White, Mrs. Wilson and Mrs. Poston were opposed. The motion failed by a vote of 3 to 8. Mr. Bunger questioned a condition that buffer be installed after the homes in each section are constructed so that the plantings would survive. Mr. Costello responded that would be the normal practice and a motion to that effect is not necessary. Mr. Morgan stated that the requirement is that the buffer be in place within six months of occupancy.

There being no further discussion, the Chairman asked for a vote on the original motion, which reads **Mrs. Kegley moved by resolution to the City of Union that the request be approved based on the Committee Report.** A vote on the motion found Mr. Bunger, Mrs. Kegley, Mr. McMillian, Mr. Reynolds, Mr. Schwenke, Mr. White and Mr. Knock in favor. Mr. Knock stated that his vote reflected in part, based on the previous discussion, that Mr. McClellan’s representation was an official recommendation from the City of Union. Mr. Carmichael, Mrs. Wilson, Mrs. Poston and Chairman Caddell were opposed. The motion carried by a vote of 7 to 4.

Todd Morgan

From: Leigh Ann Divine [LeighAnnDivine@saint-timothy.org]
Sent: Wednesday, April 07, 2010 2:46 PM
To: Todd Morgan
Cc: Fr. Rick Bolte; Deb Thomas
Subject: Change in an Approved Concept Development Plan - Union Pointe Centre

Mr. Morgan,

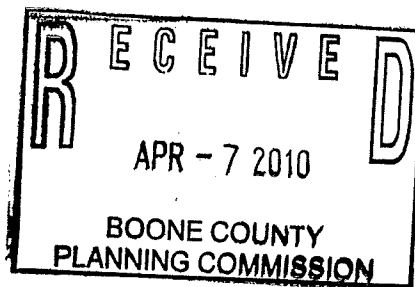
We are writing to make known our concerns regarding the proposed change to the above referenced property.

We prefer that changes not be allowed.

In keeping with the general use of property surrounding the proposal: St. Timothy Church - St. Timothy Pre-School and Kindergarten, Ryle High School, Gray Middle School and Mann Elementary, we believe changes to the zoning and allowance of a convenience store with gas sales, liquor sales and other uses permitted, could cause potential traffic, health and safety issues. At this time, we find no need for this type property in such close proximity.

Respectfully,

Leigh Ann Divine
Business Manager
St. Timothy Church

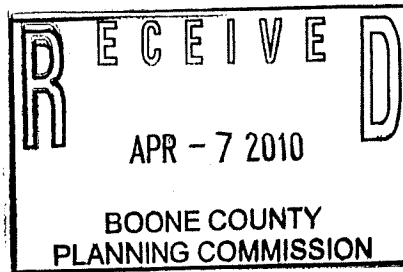


Todd Morgan

From: Marc [marcpillis@insightbb.com]
Sent: Wednesday, April 07, 2010 3:28 PM
To: Todd Morgan
Subject: Opposed to zoning changes at Union Pointe Center

I am opposed to the changes for gas and convenience store etcc at the Union Pointe center. The owners knew when they started their project of the stipulations in 2005 against this. We are still in early stages of the Union Town Center which I am very in favor of seeing come to fruition. Again wwe do not need or want another Florence full of gas stations, McDonalds and Taco Bells. Kepp doing things the right way as planned for Union.

Thank you
Marc Pillis



PLEASE SIGN THE PETITION BELOW TO SUPPORT A GAS STATION
(CONVENIENT STORE) BEING BUILT AT THE CORNER OF FROGTOWN
AND ROUTE 42.

Kim Clark	Shirley Morris
Anna Hunt	Miranda Fitzpatrick
Catherine Meler	Mike Smith
Jennifer R. Young	Lonny Smith
Beverly S. Jennings	Kim Lomax
Ch. Hill	Alan
Natasha Mollen	Christine Barrett
Janel A. Stewart	Shaw Barrett
Ami Westes	Lignard Boat
Henry Carter	Uwona Hampton
Kayla Lester	Cynthia Peace
John Short	Ed Trammell
Mark Stue	Gladya Trammell
Jessica Dech	Conrad
Janet King	Don Spence
Shirley Moore	Christina Bower
Lynda Hunt	Emily Hill
Robert Williams	Sam Murrell
OB 2 Henderson	

2/10

PLEASE SIGN THE PETITION BELOW TO SUPPORT A GAS STATION
(CONVENIENT STORE) BEING BUILT AT THE CORNER OF FROGTOWN
AND ROUTE 42.

Pam Lowery	Nick Singleton
Ray Williams	Deepest Lincoln
Charles R. Jones	J. Smith
Cody Colvin	Carol Perry
Susan Colvin	Er. Perry
Keith Collins	Deepest L. Hicks - Baskaw
Alex Scotland	Christine Anderson
Galen Lowry	Pat Thomas
Maggie Lowry	Ken Brown
Bob Gray	Marta J. Messenger
Quinn S. Harrison	Henry J. Giddis
Virginia Henry	Jeanette Rabe
Lyn Scotland	Danille Ferguson
Mike Scotland	Nicholas Kuebel
Danny Scotland	Mary Kunkle
Nick Evans	Becky Vaske
Courtney Evans	Becky Vaske
Mike Evans	Ami Lestas
Jackie Wright	Kayle Lestas

110

PLEASE SIGN THE PETITION BELOW TO SUPPORT A GAS STATION
(CONVENIENT STORE) BEING BUILT AT THE CORNER OF FROGTOWN
AND ROUTE 42.

96 ①

Emily Carey	Sheila Williamson
Terri Carey	Rich D
Jordan Torline	Melinda Eston
Pat Swanson	Brittany Eston
Julie Emweiler	Wilbur McEless
Maritza Stanley	Sean Cheek
Jeremy Brown	Diana Rice
Josh ^{10/11/11}	Tom Rice
Mark Riley	Suzanne Davis
Paul Mason	Steph Stuber
Steve Hite	James [unclear]
Butta Weirich	gt Jack -
Dale Condit	Paul Leach
Mary Ryan	Michael Poan
Sandy Ryan	Keri Thomas
Jim [unclear]	Henry Otte
Jusan Hodgkiss	Janet Otte
Chip Gregey	

PLEASE SIGN THE PETITION BELOW TO SUPPORT A GAS STATION
(CONVENIENT STORE) BEING BUILT AT THE CORNER OF FROGTOWN
AND ROUTE 42.

Walter Tatt

B McNabb

Val Schum

Lisa Smith

Ch. [unclear]

Bob Hayes

Mark [unclear]

Kim [unclear]

Don [unclear]

Mary [unclear]

[unclear]

Dalene Evangelist

Delvin Hurst

Chad Welch

Linda [unclear]

[unclear]

Ann Kelly M

Joseph F Ludwig

Rick Anderson

Eric Anderson

Ashley Massie

[unclear]

W. Tatt

[unclear]

Don Young

Rosemary Young

Susan Young

Dana Smith

Linda Samchev

Ruth DeBoer

Peggy Browning

KARRALEA LISO

Mehal Stewart

Jan Stewart

W.M. C. [unclear]

ANDREA RHADDERSON

KURKE KEN

Piwa Williams

PLEASE SIGN THE PETITION BELOW TO SUPPORT A GAS STATION
(CONVENIENT STORE) BEING BUILT AT THE CORNER OF FROGTOWN
AND ROUTE 42.

Walter Sobel

Kent Sampson

Tim Wimbenna

Dary Strong

Suzanne Pennington - Strong

Chris Kenter

Mark Nthian

Mike Moore

Crystal Kelly

Sarah Cornelison

Rachael Lankard

Executive Summary

The purpose of this desktop analysis study is to determine whether or not there is enough potential to support an IGA Express with four gasoline pumps serving eight vehicles. Two pumps will offer diesel.

The trade area was determined by the road network and surrounding competition. This trade area extends approximately two miles in all directions of the site. The marketplace contains a high school, junior, high, and two grade schools. It also has three churches and a golf course. All of these amenities increase traffic by the site.

The current population in the trade area is 18,783 people. This represents a growth of 74% since Census 2000. Based on Popstats population data, this trade area is expected to grow 27% more over the next five years.

There are only three main competitors. They are the Kroger on Highway 42, the Union Food Mart on Hathaway Road, and United Dairy Farmers on Haines Drive. The trade area as a whole contains or is surrounded by 13 convenience stores that are competing for sales.

The site is located on the newly upgraded Highway 42 and Frogtown Road. This road improvement reduced the traffic count passed the Union Food Mart. Highway 42 is a 4-lane road with turn lanes that offers good accessibility to the site from north and south. Accessibility is good to the east via Frogtown Road, a 2-lane road with turn lanes. The accessibility from the west is somewhat hindered by the golf course. The intersection is signalized and assuming there is ingress and egress from both Frogtown Road and Highway 42, entering and leaving the site will be very user friendly.

This trade area is one of high household incomes. The traffic around the site created by the churches, schools, and golf course will create peak volume periods at several times of the day. For these reasons the store's presence, signage, forecourt layout along with adequate staffing, is paramount to capturing a large market share. Because of the potential for peak loads it is recommended that the petroleum distributor be consulted about increasing the number of pumps.

A 7,500 square foot IGA Express can achieve in-store sales of \$69,000 per week at first year ending. First year ending petroleum volume of 43,000 gallons per week is attainable.

IGA Express Site



Trade Area Potential

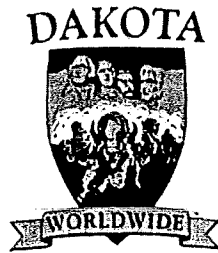
Sector	Population	Liquor Potential	Beer Potential	Wine Potential	Gas Potential	Gas Gallons	Diesel Potential	Diesel Gallons	Grocery Potential
1	1202	\$1,202.00	\$1,237.10	\$1,040.81	\$22,695.56	8,020	\$370.58	125	\$51,652
2	3584	\$7,168.00	\$3,625.93	\$3,083.32	\$67,865.55	23,981	\$1,120.72	377	\$153,796
3	3147	\$9,441.00	\$3,231.02	\$2,979.26	\$61,722.74	21,810	\$1,047.64	353	\$136,436
4	4020	\$16,080.00	\$4,102.01	\$3,782.02	\$77,904.79	27,528	\$1,286.80	433	\$173,678
5	5044	\$25,220.00	\$4,993.56	\$5,544.87	\$99,702.73	35,231	\$1,650.40	556	\$224,949
6	590	\$3,540.00	\$595.07	\$526.81	\$11,112.41	3,927	\$171.28	58	\$25,238
7	370	\$2,590.00	\$373.18	\$330.37	\$6,968.80	2,462	\$107.41	36	\$15,851
8	826	\$6,608.00	\$826.83	\$822.20	\$16,017.05	5,660	\$262.83	88	\$36,238
Totals	18,783	\$71,849.00	\$18,984.71	\$18,109.66	\$363,989.63	128,618	\$6,017.65	2,026	\$817,838

Trade Area Map

Assumptions

The sales projections presented in this report are based on the following key assumptions:

- The IGA Express will have operations and physical conditions that mirror the most up to IGA Express prototype
- The store will be adequately staffed
- Ingress and egress will be available from both Highway 42 and Frogtown Road.
- Population in the trade area will be at or near levels predicted by Synergos Technologies, Inc.
- Pricing will be competitive in the marketplace.



April 2, 2010

Mr. Tom Torline
2400 Callie Way
Union, KY 41091

Dear Tom

Enclosed please find the desktop analysis conducted to determine the feasibility of opening a IGA Express store at the intersection of Highway 42 and Frogtown Road in Union, Kentucky.

The sales forecasts in this report were based on the trade area potential and the site's relationship to competition as found on the internet. Since no visit was made to the site or trade area it is possible that a material fact is missing.

Thank you for selecting Dakota Worldwide for this market study. We appreciate the opportunity to be of assistance to your organization. Please give me a call if you have any questions or if I can be of further assistance.

Sincerely,

Elliot Olson

Enclosures

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

**July 7, 2010
7:00 P.M.**

Mr. Mike Ford, Vice Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mrs. Janet Kegley
Mr. Mark Hicks
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director of Zoning Services
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

Approval of the Minutes:

Vice Chairman Ford, stated that the Commissioners received copies of the Minutes of the June 2, 2010 Business Meeting and the June 2, 2010 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Schwenke moved that the Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

CHANGE IN CONCEPT DEVELOPMENT PLAN

1. **Request of L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner) for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogstown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.**

Staff member, Kevin Wall, presented the Committee Report which recommended denial of the request based on Findings of Fact (see Committee Report). Mr. Wall noted that the Committee vote was 4 in favor of the denial of the request and 0 against the denial.

Vice-Chairman Ford asked if the applicant wanted to make a five minute summary statement in regard to items raised at the Public Hearing or discussed at the Committee meeting before the Planning Commission takes action on the request?

Dr. Jim Wright stated that he thought the Committee Report was very misleading. He felt that all of the concerns - traffic, noise and lighting - were addressed by the Committee five years ago. The traffic flow was okayed by the state five years ago. The submitted traffic study states that there is no significant difference between traffic patterns and traffic counts for the proposed development and what has been approved. The lighting issue was addressed - it is well below on the edges of the property. He didn't realize that the County was interested in the brightness under the canopy. A lighting survey was done. Final drawings of the building were also submitted. The only thing he asked for that has not been previously approved is the ability to sell beer and gas. He stated that he cannot have a store without gas pumps. He can now sell groceries there. He thought that he addressed and corrected all of the concerns. He was not asked for a drawing showing trees and shrubs. There is a need to have a convenience store in the area. There were 10 people who spoke against it but there were 30 people who spoke for it. Also, there are 5 families in Union Pointe Center Subdivision, and none of them didn't want it. Mr. Mills Rouse, attorney for Dr. Wright, felt that 90% of the Findings of Fact had nothing to do with what we were asked to do or provide. It was voted down in the Committee because they didn't want the gas pumps. It had nothing to do with what the concerns of the Committee were at the time. All the concerns were properly addressed. This project is not economically feasible without selling gas. Evidence was submitted that a 7-3 ratio on the gross income of a facility such as this is realized from the gas pumps.

Vice-Chairman Ford then asked whether there was anyone in the audience that wanted to speak against the project? **There being no further discussion, Mrs. Poston moved that the request be Denied by Resolution to the Union City Commission based on the Committee Report. Mr. Breetz seconded the motion.**

Vice-Chairman Ford then asked if any of the Planning Commission members had questions or comments.

Mr. Bob Schwenke stated that he respected the Committee's opinion but he always remembers a store or gas station at that same corner. The locals liked it. When the new road was built, it was removed. It would be nice to see a convenience store back where it used to be after 40-50 years at U.S. 42 and Frogtown Road. When you pass Kroger, there is no gas on U.S. 42 until you drive to Warsaw. There is no gas available at Big Bone State Park, Rabbit Hash and Belleview. Because of the change in U.S. EPA regulations, the small operators (mom & pop stores) have a difficult time selling gas. One has to pump a couple of semi-loads of fuel a week to justify the cost of meeting the new regulations and it is expensive. In the rural area, people always run out of gas. One has to travel to Burlington, Union, Richwood, Florence or Walton. He would like to see this facility to help people in the rural areas and that is why he is voting in favor of the request.

Mrs. Poston stated that in 2005 the Planning Commission had a concern about the traffic generated from the whole development. That is why the uses were restricted in 2005 because of the schools and the traffic at the intersection. The gas pumps are the biggest problem because of the traffic generated. At 7:00 a.m., there is a lot of traffic at the intersection Monday through Friday during the school year, especially traffic making illegal left turns from the right in and right out access point. The internal road work would not be completed as a result of this project. This is badly needed as it affects people getting in and out properly and thus, impacting Frogtown Road. Traffic was the big issue and gas pumps were a problem because of the traffic they would generate.

Mr. Bunger concurs with Mrs. Poston's remarks. In addition, there was a great deal of effort placed upon the original approval - type of businesses and interaction with the commercial and residential activities. At the time, we paid a great deal of attention and concern of the request to which this application seems to move away from. In addition, there was a concern about uniqueness of the mix of traffic- student and school activities. There was also a great deal of time spent on architectural concept of the facility. It was extensively addressed in 2005 and has been built. It is difficult to see how gas pumps and gas canopy can fit in with this planned architectural concept. There is presently a gas station and convenience store in downtown Union.

There being no further discussion, Vice-Chairman Ford asked for a vote on a motion made by Mrs. Poston and seconded by Mr. Breetz. Mr. Breetz, Mr. Bunger, Mr. Ford, Mrs. Herald, Mr. Longano, Mr. McMillian, Mrs. Poston and Mrs. Reeves voted for Denial and Mr. Schwenke and Mr. Turner voted against the Denial. The motion carried by a vote of 8-2.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: July 7, 2010

RE: Request of **L&M Land Surveying and Engineering, LLC (applicant)** for **Union Pointe Centre, LLC (owner)** for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone in a 10,000 square foot building.

REMARKS:

We, the Committee, recommend denial of the above referenced request based on the following findings of fact.

FINDINGS OF FACT

1. The Committee has concluded that the request is not in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The proposal is not in agreement with the following passage from the Business Activity Element:

The "Areas of Future Commercial Activity" (pp. 62-65) 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.
 - B. The proposal is not in agreement with the following passages from the Land Use Element:
 - 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 (Future Land Use Development Guidelines - Buffering, pg. 141).

- 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 (Future Land Use Development Guidelines - Access Management, pp. 141-142).

C. The proposal is not in agreement with the following Goals and Objectives:

- Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
- The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multimodal transportation system ("Transportation," 2nd Goal).

The Committee found that the proposed Change in Approved Concept Development Plan was not in agreement with subsections A, B, and C above for the following reasons:

- The proposed IGA Express with accessory motor fuel sales has the potential to cause impacts to U.S. 42, Frogtown Road, and residential areas which immediately adjoin the subdivision. The submitted photometric plan showed individual measurements under the gasoline canopy which exceeded 50 footcandles. It should also be noted that eight people spoke in opposition to the project at the April 7, 2010 Public Hearing. Specific testimony was given regarding noise, light, and traffic impacts from the proposed use.
- The proposed use is a high traffic generator, and the internal driveway system in the subdivision has not been completed per the approved December 7, 2005 Concept Development Plan. The incomplete driveway network will encourage illegal and dangerous turning movements from the proposed right-in/right-out curb cut on Frogtown Road. Turning movements from the subdivision are of special concern because the Ryle High School/Gray Middle/Shirley Mann Elementary campus is located directly across the street and traffic backups currently occur at the U.S. 42/Frogtown Road/Double Eagle Drive intersection during AM and PM peak hours. The proposed use has the potential to cause further traffic backups and safety concerns because of the incomplete driveway network and proximity to the school campus. Overall, the Committee believes that a land use such as the proposed IGA Express should be located more closely to full access points, and with better access than the submitted plan.

- The applicant's Traffic Study notes that trip distribution was based on existing traffic patterns, with no indication of how overall traffic patterns would change. The Committee believes that a large convenience store with gas pumps may change overall traffic patterns in the immediate area. The 63% AM pass-by rate noted in the applicant's traffic study may be a high number based on the fact that the closest gas station is located approximately 0.83 miles to the northwest and the proximity of the business to the school campus will make it a convenient destination for student drivers that are on their way to school.
 - On December 7, 2005, the Boone County Planning Commission voted to approve 36,330 square feet of office and commercial space in Union Pointe Centre Subdivision. As part of this approval, the Planning Commission and property owners agreed to conditions which prohibited supermarkets, convenience stores, liquor and beverage sales, accessory sales of motor fuels, and light poles over 15 feet tall because of potential impacts they could have on traffic, the school campus, and adjoining residential areas. The testimony given at the April 7, 2010 Public Hearing and subsequent Committee meetings reconfirmed that the proposed use has an auto oriented character that is inconsistent with the rest of the development, school campus, and adjacent residential areas and has the potential to create adverse impacts.
2. The applicant did not provide any evidence at the public hearing indicating that there have been major changes of an economic, physical, or social nature that were not anticipated by the adopted comprehensive plan that substantially alter the area's character.

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.

PUBLIC HEARING #4

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Linda Herald
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

APPLICANT: L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner)

REQUEST: Change In Concept Development Plan

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

4. **Request of L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner) for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogstown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.**

Staff member, Todd Morgan, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The 1.36 acre site is Lot #1 of Union Pointe Center Subdivision and is located in the City of Union. The submitted Concept Development Plan indicates a 10,000 square foot building versus the 7,200 square foot building which was proposed in 2005. There were conditions that limited uses - no convenience stores, grocery stores, no accessory sales of gas and no sales of liquor. The proposed uses are a convenience store, speculative uses, and accessory sales of gas. Access to the site would be through a private driveway system with a right in and right out turn off Frogtown Road. The applicant will need approval from the Kentucky Transportation Cabinet and the Kentucky Division of Water in order to cross the existing stream. The architecture will follow the design already in place within the subdivision. Mr. Morgan displayed photographs of the existing buildings on lot 4 and the proposed gasoline canopy.

Mr. Morgan then displayed the 2005 Concept Development Plan and an aerial photograph of the site. Photographs of the surrounding area were shown along with the specific site. Mr. Morgan also showed photographs of the existing residential and commercial buildings of Union Pointe Centre Subdivision. He further explained the request as it relates to the Boone County Comprehensive Plan and the Union Town Plan which recommends a Commercial use, either office or retail on a portion of the site. He then proceeded to note the Staff comments and concerns including; (1) the request for accessory gasoline sales and the distance to other such facilities; (2) the permission from the Kentucky Transportation Cabinet to install the right in and right turn out; (3) the provision of sanitary sewer since the capacity for the project expired in 2008; (4) hours of operation for the convenience store and restaurant; (5) the provision of outdoor banking facilities, propane tank sales, vending machines, movie kiosks, automotive and landscaping supplies, etc. (6) Will the patio next to the convenience store be used for outdoor restaurant seating? (7) Where will the underground gasoline tanks be located? (8) Is there enough room for tanker trucks to navigate on the site? (9) Have the proposed building tenants been defined and; (10) Where would the proposed freestanding sign be located on the lot? He added that only a 6 foot high, 48 square foot monument sign advertising the tenants would be permitted for the site.

Mr. Morgan stated that the proposed private drive on Lot #2 serving the proposed site is needed for the following reasons. First, the convenience store/gas station will be a high traffic generator. Second, westbound traffic on Frogtown will be able to get to Lot 1 more directly if they can use the full access point on Frogtown Road and turn on the private driveway on Lot 2. Without the private driveway, westbound traffic will have to circle the subdivision. Third, patrons that are leaving the building will be able to get to the full access point on Frogtown Road more directly if the private driveway is installed. Lastly, illegal turning movements from the right-in/right-out curb cut are likely if the private driveway system is not built per the 2005 Concept Development plan.

Mr. Morgan also noted that elevation drawings have not been submitted showing the architectural design of the building or gasoline canopy. Photos have been submitted showing general representations of what the building and gasoline canopy will look like. He added that Architectural Design Review will be required if the Change in Concept Development Plan is approved. He showed some photographs of the brick Colonial architecture within the subdivision.

Another concern was that the request would allow all of the principally permitted uses of the Union Commercial (UC) zone to be located in the proposed building. Staff recommends that the Planning Commission and the City of Union review this list of uses carefully to determine which uses are appropriate (see Staff Report). Staff is concerned that lighting from the gasoline canopy and audio systems located at the gas pumps could impact the residential use to the east. Further, the actual square footage of the building including the partial basement and number of restaurant seats will determine if there is sufficient parking. The applicant will also need to determine if the Kentucky Transportation Cabinet will allow landscaping to be installed in the right of way because portions of the street frontage buffer are not 10 feet wide. Mr. Morgan informed the Planning Commission that he received letters or e-mails of opposition from William and Kathy Schlegel, Leigh Ann Divine (St. Timothy's Church) and Marc Pillis. He wanted to make these items part of the record as well as the September 21, 2005 Public Hearing minutes and the December 7, 2005 Business Meeting minutes from the Boone County Planning Commission (see Exhibits).

Vice-Chairman Ford asked for the applicant's presentation. Mr. Mills Rouse, Walton Attorney representing Union Pointe Centre, introduced Craig Moore from L&M Engineering. With respect to the location, Mr. Rouse stated that the location in question is zoned for the particular use and has at one time or another been a convenience store in the past. The subject location was a convenience store with gas sales when Ryle High School and St. Tim's were constructed. It was also a carpet store. When the project was approved in 2005, there was very little development in the area. The area has grown up with more residential development. There is no convenience store across Frogtown Road or on Mt. Zion Road until you get to I-75 and there is nothing to the south. The facility will serve a need. The proposed plan from 2005 hasn't materialized, thus a need for a change. It is a vacant lot in an area that is developing. The owner conducted a feasibility study, which suggested the site was an excellent location for a convenience store along with the three proposed uses. It is within walking distance with the sidewalk system in place. In regard to traffic, most people will not travel from Richwood since there are already convenience stores in that area. The same would be true for Florence. It provides a service and need for the homes on the eastside of U.S. 42 and Rice Pike. These people are driving the area already - it won't increase traffic since they are on Frogtown Road and U.S. 42. Lot #2 is privately owned and the developer doesn't have the legal authority to complete the private lane, where it intersects with Callie Lane. In the future, the existing residence could be sold and be incorporated into the Commercial area and the changes could occur. The square footage requested is slightly more - maybe 25-30% more than was previously approved. The additional 2,500 square feet is an underground basement which will include mechanical units. Mr. Rouse then submitted a petition signed by 165 community members indicating their support for the gas station and convenience store at the subject location (see Exhibit).

Mr. Craig Moore, L&M Engineering, explained that the tanker truck will be addressed at Committee as there will be some changes to the parking lot. The exact number of parking spaces will determine the size of the proposed building. In regard to the UC uses, he would like to review those uses at the Committee meeting. Also, they have requested sanitary sewer services from Sanitation District No. 1.

Dr Jim Wright, applicant, indicated that he approached the City of Union first about this project.

He stated that if there would be a gas station in the City of Union, it should be located on the outskirts of town and on a major corridor. This site is located on the outskirts of town and on a major corridor. The City of Union did not take a stance on the matter. They are not against it or for it. They don't want gas service or a convenience store inside the 2000 city plan or in the center of town. He also spoke to Mr. Poe at the School District. From the meeting, Mr. Poe indicated he wouldn't object to the project because it is the same as the other plan. Dr. Wright mentioned that he has not changed anything (e.g. size of buildings, materials, etc) related to this project in the last 5 years. It is important to see progress on the development. Dr. Wright submitted a third party study which shows potential interest in the corner lot (see Exhibit). This is the right corner for this development even though others may not think so. He met with former Judge-Executive Bruce Ferguson and he didn't have a problem with the project. Even when St. Tim's builds their new school, it will increase traffic and he does not have a problem with it. He stated that they tried to do their due diligence on this request. He remarked that he has spent \$300,000 to recruit certain business including restaurants but has been unsuccessful. The proposed building will be like the one story office building made of brick, which exists today. There will be only 1 pump at each brick pillar under the canopy.

Mr. Dave England, Big Bone Road, noted he misses the convenience store which was located at the intersection. With the traffic congestion, it is difficult to get to Kroger. This proposed store will be more convenient for him to than driving to Florence. The area is definitely growing.

At this time, Vice-Chairman Ford asked if there was anyone else present who wished to speak in favor of the request.

Mr. Dan Zmirk, Union resident, owned the IGA on old U.S. 42 and the Ameristop years ago. The Ameristop was purchased by the State because of the U.S. 42 re-construction. The business catered to the neighborhood, school kids, churches and elderly. It was a very successful business. There is a need for a clean store with quality service. He stated that he had 51 years experience in the business and he is not ready to retire.

Mr. Wright explained there won't be any liquor sales from the store, and people will not be drinking beer on the patio. because there is too much liability. The patio is linked to the sidewalk system and will allow customers to sit and have a soft drink or energy drink. People from the office buildings will visit the store and patio.

Ms. Donna Sawyer, 1733 Mt. Zion Road, stated it would be nice to have a clean store in Union rather than going to Kroger. As a senior citizen, she doesn't want to walk all the way to Kroger for milk and bread. She liked the Ameristop. It was a thriving business. It is evident that after 10 years, nothing is moving forward. Her opinion is that the City looks worse than it ever has with the exception of the new developments.

Mr. Fred Bernier, 10862 Kimberly Drive, moved to Union in 1977. He stated that he is supportive of Dr. Jim and Sherri Wright. The Wrights have been active supporters of Ryle High School and of the community. There were no problems with the students at Ryle and the Ameristop. He felt they were a valuable community partner.

Ms. Sheila Rees, 10336 U.S. 42, explained that she and her husband moved to Union in 1994. They purchased their house because they felt they were in the country. They didn't object when Mr. Conrad sold his farm for Cool Springs Subdivision because it was progress. She did all of her grocery shopping at the Ameristop. She is in favor of the request. When her husband retires, they will sell their property. Ms. Rees favors the proposed development over a foreclosed or empty lot. A convenience store existed on the property before and did not cause any problems.

Mr. Phillip Rudolph, 10324 Lea Way, moved to the area from Louisville about 2 years ago. He is supportive of the project because the area is like a suburb of Florence. Not everyone is going to go to Kroger. The flow of traffic will be in both directions.

Vice-Chairman Ford asked if there was anyone present who wished to speak in opposition to the request.

Ms. Deb Schauburger, 12953 Pavilion Court, has lived in Union for 8 years. She chose the Cool Springs neighborhood for its pretty homes and street scapes, and the convenience to schools and her church. She was also pleased that the Planning Commission had put much thought and effort in planning the County's future growth with the Union Town Plan. This gave her confidence that the future growth in the area would be tasteful and compatible with the surrounding land uses. Her financial investment in her home was based in part on the confidence of this Plan. The subject site is surrounded by 3 schools and 2 churches and the Cool Springs neighborhood. The proposed convenience store, gas station and liquor store will have a significant detrimental visual impact on the corner. The convenience for a quick fill up, a gallon of milk or a six pack of beer are very attractive but not when it sacrifices the desirability and attractiveness of the neighborhood. Kroger and numerous other stores are not more than 5 minutes away and she finds doesn't mind driving 5 minutes. This is a minor inconvenience compared with sacrificing the beauty, desirability and compatibility of this neighborhood in Union. When the developer received approval of the Zone Change in 2005, he was given a list of 50 permitted uses for the property. Despite the difficulty in attracting a restaurant, she suggests exploring the 50 uses and she urges the Planning Commission to protect the integrity of this area and reject this request.

Ms. Ann Klensch, 1473 Rolling Meadows Court, moved to Cool Springs Subdivision in 2006 and researched the Union Town Plan at City Hall. She stated that she was given numerous assurances that the proposal made in the past was rejected because of opposition from the residents. Also, she indicated that traffic from Ryle has been cutting through Cool Springs Subdivision in the past several months. At 7:30 a.m., there is a lot of reckless driving at the corner because of the school complex. There have been 2 fatalities on U.S. 42 north of the site. Gas stations are not upscale and she questioned whether people will eat on a patio next to a gas station. She also expressed concern that the sidewalk is not completed from the corner to Galileo Blvd.

Ms. Lorraine Lawmann, 1472 Rolling Meadows Court, built a house in Cool Springs in 2006. She researched the area and carefully looked at the prior approval. She stated that if she knew a convenience store and gas station were to be built there, they would have never bought their house. It is a quiet residential neighborhood. The businesses there operate from 9:00 a.m.-5:00 p.m. only. A gas station will be a 24 hour nuisance with noise. With 6 subdivisions within walking distance, it will be a kid magnet with teenagers hanging out. This is a potential problem and safety issue. She expressed a concern about future building in the subdivision since there are a lot of lots for sale behind Galileo. There is an existing convenience store on Old Union Road and it is only 2 miles away. She remains concerned about the traffic safety, school buses and 3 schools.

Mr. Don Zembrodt, Frogtown Road, has lived in the Union area since 1968. He thinks it will be a safety issue because of the school traffic. The new entrance off Frogtown for the gas station/convenience store will cause accidents. He stated he did not think the project is needed.

Mr. Kim Leavens, 12965 Pavilion Court, moved to Cool Springs in 2006. Her family is against the request including her son, who attends Ryle, because of the traffic and noise. Frogtown Road is a narrow road. She noted that Dr. Wright is her dentist and her eye doctor is in Union Pointe Centre. She is not opposed to development in the area but rather the type of development. She also stated that the applicant has failed to address the concerns outlined in the Staff Report. There are plenty of gas stations in the area including one at U.S. 42 and Gunpowder Road and at Pleasant Valley Road. She hopes the Planning Commission will decline the request. It is not a good plan for the area. It is speculative in nature.

Mr. Aaron Byrd, 11044 Galileo Blvd., expressed a concern about traffic. Cars back up to the post office on Frogtown Road. There will be illegal left-hand turns from the proposed access point on Frogtown Road. It is very dangerous. Another concern is the speculative nature of the tenants. None have been identified. We have too many empty strip malls in Florence, Union and Richwood area, including Frogtown Connector and the area behind Ace Hardware on U.S. 42. There is no reason to change the 2005 Plan. He is fully supportive of the Union Town Plan.

Mr. Paul Parsons, 12969 Pavilion Court, moved to the area in 2008 from Boston, Massachusetts. He strongly objects to the right in and right out access point. His other concern is light pollution and the hours of operation for the gas station. He felt that the architecture for the proposed building looked good as it will match the existing buildings in the development. There isn't really a need for this type of facility. The parking issues have not been adequately addressed. He hopes the Planning Commission turns down the proposal.

Ms. Ann McClure, 12945 Pavilion Court, stated that she opposes the gas station/convenience store use because there were other uses allowed in 2005. Because there is a lot of vacant retail space in the area, there is no need for the project. In regard to safety, the old convenience store/gas station existed prior to the reconstruction of U.S. 42. There are also a lot of school activities attracting students from other schools. They won't be familiar with the area and it could cause more safety concerns.

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

Mr. Longano asked staff what were the primary reasons or thought process for prohibiting a gas station and a liquor store back in 2005? Mr. Morgan responded that the Union Town Plan recommended a tight knit neighborhood commercial and there was a discussion about how much commercial should be allowed at the corner and 36,000 square feet was approved. There were concerns about gasoline canopies and screening as well as proximity to the school and church. The meeting minutes from the 2005 Public Hearing would be the best indication. Mr. Costello added that back in 2005 there was a concern about having a commercial appearance versus retail in an office building. The applicant chose to delete several commercial uses in 2005. Mr. Longano asked if the City of Union or the Planning Commission thought about a special zoning district at this location. Mr. Costello answered "no". The UC zone also allows office uses.

Mrs. Poston asked what has happened in the area that would support the request for a change? Mr. Rouse responded more people are in the area and the inability to attract a restaurant or build another office building is better than a vacant lot. The proposed change will cause less traffic difficulties versus what is already there-the school, St. Tim's and post office. Mrs. Poston stated it was anticipated that people would move to the area but also understands that the applicant can't make it viable the way it is. Mr. Rouse responded that there are no committed businesses willing to develop within the restrictions approved 5 years ago. Dr. Wright stated that he voluntarily agreed to the restrictions 5 years ago since he wanted to get the project going in order to move his dentist office. He explained that he spent \$250,000 to widen Frogtown Road without any assistance from St. Tim's. The hours of operation for the convenience store will be from 6:00 a.m. - 9:00 p.m. and will not be open 24 hours a day. There won't be loudspeakers not like at Ryle High School. There is more light at Ryle High School. The lights will be under the gas canopy. The proposed store is a hybrid and will include a bakery, deli and restaurant. It is an IGA Express. There is no open tenant space. Mrs. Poston asked about the basement being underground?

Dr. Wright answered that the basement will be totally underground. There will be no mulch sales but an ATM is a possibility. It won't be a huge restaurant. It will include a few tables or booths. All the sidewalks have been completed. Mr. Rouse mentioned that in Walton, there is a patio area adjacent to a gas station. It isn't going to be a Friday's restaurant. There is an existing IGA Express off KY 18. Mr. Rouse stated that the previous approval allowed the retail sale of meats, vegetables, candy items so it isn't much different than the proposed convenience store. Mrs. Poston asked staff to provide copies of the Business Meeting minutes and Public Hearing minutes to the Committee from the 2005 request.

Vice-Chairman Ford asked if the applicant has selected a fuel supplier? Dr. Wright stated that it is unbranded gas through IGA Express. The gas distributor is located in Mansfield. The truck route for supplying gas is not through the residential portion of the development. Where will the underground gas tanks be located? Dr. Wright responded that it will be up to the Engineer, but most likely in the parking lot. Vice-Chairman Ford asked if that information could be provided at the Committee meeting. He asked how he would enter

the site if he was traveling south to Warsaw? Mr. Morgan demonstrated various ways to enter and exit the site.

Mr. Schwenke asked how many doors or entrances would serve the building? Mr. Rouse responded there would be 2 sets of doors just like the Sunoco building with Subway located off Mt. Zion Road. Mr. Schwenke suggested providing more definition on the lighting near the gasoline canopy.

Mr. Brandstetter inquired about the 3-4 businesses shown on the submitted Concept Development Plan. Dr. Wright explained that was the old plan. IGA Express will use the whole building based upon the market study. Mr. Brandstetter asked if there is a difference in the traffic based on the change of use. Is there a comparison of the traffic analysis from both plans? Mr. Morgan stated there was no traffic analysis performed. He asked if the applicant could bring this information to the Committee.

Mr. Bunger stated that the developer in 2005 focused on a high level of residential duplexes mixed with business operation buildings. These were found to be acceptable at the time and fit in with the neighborhood and Cool Springs Subdivision. Part of the total package was the agreement to the type of businesses that would be appropriate at the commercial corner. The applicant strongly wanted to keep the commercial opportunity. He wants the Committee to evaluate or explore whether the current economic conditions would be an appropriate reason for a change or should we continue with the applicant's desire to provide an upscale development.

Mr. Costello questioned the architecture of the proposed building with two building fronts especially along U.S. 42. Dr. Wright referred to the 2005 drawing showing a one-story building and windows on both fronts.

Mr. Wilson remarked that the minutes from the September 21, 2005 Public hearing and the December 7, 2005 Business Meeting involving the previous application will be included in the record along with tonight's minutes.

Vice-Chairman Ford questioned the building setback since the relocation of U.S. 42. Is there enough room? Mr. Morgan explained that the Union Commercial (UC) zone allows a close setback to the road. There is enough room.

Mrs. Poston asked if he could make this project work without a gas station. Dr. Wright answered that it would be less convenient and successful. The gas station would help business by attracting customers according to the third party report. Most hybrid stores have gas pumps.

There being no further comments, Mr. Ford stated that the Committee Meeting for this item will be on April 28, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 9:40 P.M.

APPROVED:


Mike Ford
Vice-Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

EXHIBITS

- 1- September 21, 2005 Public Hearing Minutes
- 2- December 7, 2005 Business Meeting Minutes
- 3-e-mail from Leigh Ann Divine
- 4- e-mail from Marc Pillis
- 5-Petition submitted by applicant
- 6-IGA Express Market Study

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: June 16, 2010

RE: Request of **L&M Land Surveying and Engineering, LLC (applicant)** for **Union Pointe Centre, LLC (owner)** for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.

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.

Union Pointe Centre

June 16, 2010

Susan Poston

Susan Poston, Chairwoman

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

Ben Brandstetter

Ben Brandstetter

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

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

Linda Herald (Alternate)

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

Charlie Reynolds (Alternate)

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

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: April 28, 2010

RE: Request of **L&M Land Surveying and Engineering, LLC (applicant)** for **Union Pointe Centre, LLC (owner)** for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.

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.

Union Pointe Centre

April 28, 2010

Susan Poston

Susan Poston, Chairwoman
 For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred

Ben Brandstetter

Ben Brandstetter
 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

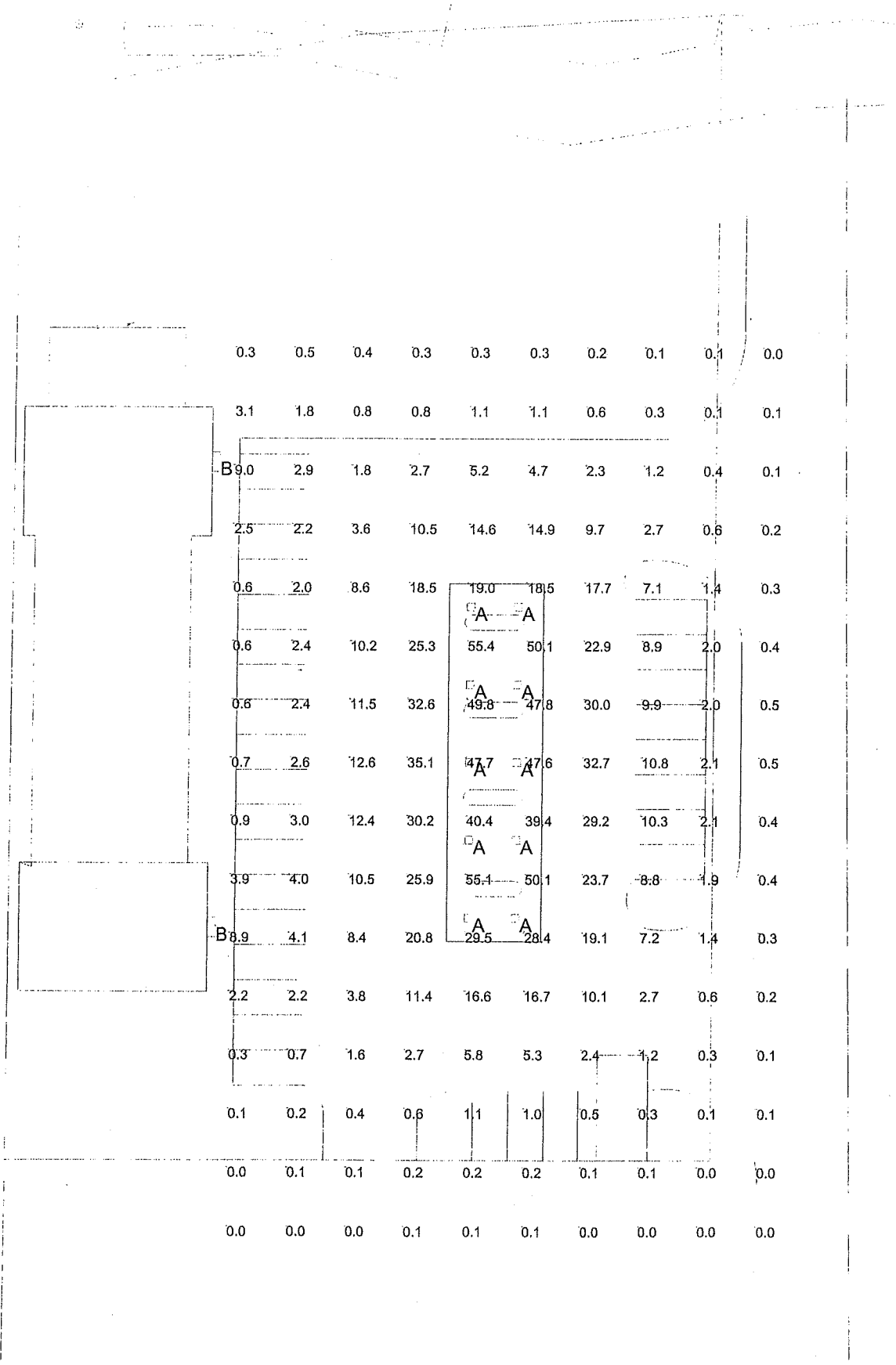
Janet Kegley
 For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

Linda Herald (Alternate)
 For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

Charlie Reynolds (Alternate)
 For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____



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

SUPPORTING INFORMATION



STATISTICS					
Description	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	8.3 fc	55.4 fc	0.0 fc	N/A	N/A

- NOTES**
1. Type A: 14' Mounting Height
 2. Type B: 12' Mounting Height
 3. Readings taken at grade

LUMINAIRE SCHEDULE								
Symbol	Label	Qty	Catalog Number	Description	Lamp	Lumens	LLF	Watts
	A	10	CST2 T5 400P 6 XX WH	Canopy Star II	400w PS Vertical Position	40000	0.80	458
	B	2	EELP	EELP Wall Mount	175MMH	17500	0.80	468

D Jk D JI S A D

Legal Description for:

Dr. James Wright

Prepared by:
Riegler Engineering, LLC
March 16, 2006

Lands of James R. & Sherri Wright
Portion of the Lands Described in
Deed Book 883, Page 659
12.4970 Acres

A certain tract of land in Boone County, Kentucky lying on the south side of Frogtown Road and the east side of US 42 and being more particularly described as follows:

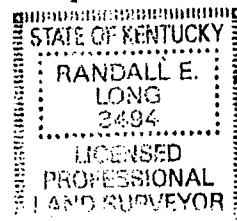
All references below to a set pin and cap indicate a 1/2" iron pin and yellow cap, PLS. 3494. All deed book references below are of record at the county clerk's office in the Boone County record's room in Burlington, Kentucky. All parcels referenced in this description are part of the Albert Acres Subdivision, Plat Book 4, Page 10 as recorded in the same county clerk's office. The source of bearings for this description is based upon Cool Springs Subdivision, Section 4, Plat Slide 569-A.

BEGINNING at the intersection of the centerline of Frogtown Road and US 42, shown as station 11+134.059 = 5+00 according to KDOH plans for the fiscal year 2002.

Thence, leaving the intersection and centerline of said roads and continuing in a southeast direction, South 70°07'03" East 104.35 feet to a found right of way monument in the southern right of way of Frogtown Road. Said monument contains a brass disk with a hole in its center.

Thence, continuing along the right of way of Frogtown for the following calls:

North 75°38'08" East, 71.11 feet to a found right of way monument, said monument contains a brass disk with a hole in its center;
North 82°26'09" East, 16.44 feet to a point being the northwest corner of the lands of herein described and being a portion of the lands conveyed to James R. & Sherri Wright in Deed Book 883, Page 659. Said point being the Real Point of Beginning;
North 82°26'09" East, 97.32 feet to a set pin and cap, said point being a new corner of the lands of Wright and the northwest corner of a 0.4547 acre tract of land conveyed to Gavin W. and Sheila C. Rees from the parent tract of the lands herein described.



Thence leaving said right of way and along a new division line of the lands of Wright and Rees, **South 05°12'39" East 288.11 feet** to a set ½" iron pin and cap, PLS 3494;

Thence continuing along a new dividing line through the parent tract and being the new south line of the lands of Gavin W. & Shelia Rees (Deed Book 554, Page 243) **North 84°47'21" East 123.57 feet** to a set pin and cap;

Thence leaving the lands of Rees and continuing along an old southwesterly line of Rees, **South 49°47'53" East 49.78 feet** to a set pin and cap;

Thence **South 27°05'03" East 127.79 feet** a found ½" iron pin and cap (cap damaged) at the old south corner of the lands of Gavin W. & Shelia Rees (Deed Book 554, Page 243) and the southwest corner of James R. Wright and Sherri Wright (Deed Book 894, Page 802, said point being the corner of lots 2 and 5;

Thence leaving the lands of Rees and with the line of Lots 2 and 5 the following two calls:

South 33°55'33" East 52.70 feet to a point;

North 86°09'43" East 297.22 feet to a found 1½" iron pipe at the common corner of Lots 2, 5 and 6, said lot 6 being the lands of Zering Homes (Deed Book 736, Page 54);

Thence leaving lot 5 and continuing along the south line of lot 6, **North 85°18'38" East 199.65 feet** to a found 1" pipe at the corner of Lot 6;

Thence leaving said corner of Lot 6, through Lot 2 along the Westerly line of Zering Homes, Inc. (Deed Book 736, Page 54) **South 05°15'37" East 460.25 feet** to a found ½" iron pin and cap (PLS 3275) in the south line of Lot 2, the North Line of Cool Springs Subdivision, Section 4 and the northeast corner of Lot 30 of Cool Springs Subdivision;

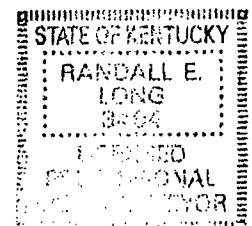
Thence with the Northerly line of the Cool Springs Subdivision and the Southerly line of Lot 2 **South 85°09'47" West 955.81 feet** to a set ½" iron pin and cap (PLS 3494) in the easterly right of way of US 42 and the common corner of Lot 1 of Cool Springs Subdivision and Lot 2;

Thence with Easterly right of way line of US 42 and the Westerly line of Lot 2 the following five calls:

North 04°23'25" West 384.70 feet to a found right of way monument (with hole in disk);

North 85°39'02" East 55.77 feet to a found right of way monument;

North 04°34'09" West 190.65 feet to a found right of way monument;



South 81°35'31" West 55.18 feet to a found 1/2" iron pin and cap (PLS 3494);

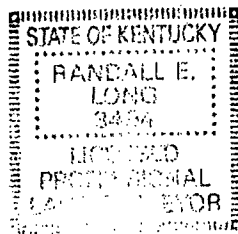
N 04°20'58" W 102.06 feet to a point being the corner of Lots 2 and 3;

Thence leaving said right of way of US 42 and with the line of Lots 2 and 3 North 83°52'35" East 91.43 feet to a point being the common corner of Lots 2, 3 and 4;

Thence with the line of Lots 3 and 4 N 00°47'47" East 273.95 feet to the Point of Beginning.

Said parcel being a portion of the lands conveyed to James R. and Sherri Wright on October 1st, 2004, in Deed Book 883, Page 659, now containing 12.4970 Acres.

This parcel is subject to a 25 foot wide ingress/egress easement as described in Deed Book 554, Page 243. Together with and subject to easements and restrictions of record and all legal highways.



6

AFTER RECORDING, PLEASE RETURN TO
ADAMS, STEPNER, WOLTERMANN
& DUSING, P.L.L.C.
40 West Pike Street
Covington, KY 41012

DEED

RETURN TO:

KNOW ALL MEN BY THESE PRESENTS:

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

for and in consideration of -- \$1.00 -- and other good and valuable considerations to them paid by the Grantee herein, the receipt of which is hereby acknowledged, do bargain, sell and convey:

UNION POINTE CENTRE, LLC, a Kentucky Limited Liability Company, its

successors and assigns forever, the following described real estate, in the County of Boone and Commonwealth of Kentucky, to-wit:

Property Address:	12.4970 Acres, US Highway 42 and Frogtown Road Union, Kentucky 41091
Grantors' Address:	1973 Richwood Road, Walton, Kentucky 41094
Grantee's Address:	1973 Richwood Road, Walton, Kentucky 41094

**GROUP: 582
PLAT BOOK 4, PAGE 10**

THE LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN

Being the remainder of the property conveyed to the Grantors herein by reason of a General Warranty Deed from JERRY L. ROGERS and DEBORAH K. ROGERS, husband and wife, dated September 29, 2004 and recorded in Deed Book 883, Page 659 and by reason of a Corrective Deed from JERRY L. ROGERS and DEBORAH K. ROGERS, husband and wife, dated April 29, 2005 and recorded in Deed Book 894, Page 802. All references being to the Boone County Clerk's records at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

UNION POINTE CENTRE, LLC, a Kentucky Limited Liability Company, its

successors and assigns forever, the Grantors, their heirs, executors and administrators, HEREBY COVENANTING with the Grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantors, **JAMES R. WRIGHT, JR., D.M.D., and SHERRI WRIGHT, husband and wife,** hereunto set their hands, this 30th day of May, 2006.

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2010-007**

The City of Union, Kentucky at its Special Meeting on September 29, 2010 had a second reading of Ordinance 2010-007 and same was adopted by the City Commission of the City of Union, Kentucky, a Summary of which is set forth below.

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING THE REQUEST OF L&M SURVEYING AND ENGINEERING, LLC FOR UNION POINTE CENTRE, LLC FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A UNION COMMERCIAL (UC) ZONE FOR A 1.38 ACRE SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE U.S. 42/FROGTOWN ROAD INTERSECTION, UNION, KENTUCKY.

WHEREAS, a majority of the Union City Commission desires to override the recommendation of the Boone County Planning Commission pursuant to K.R.S. 100.211 within ninety (90) days of the Planning Commission's final action;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY as follows:

SECTION I

That the request for a Change in an Approved Concept Development Plan in the Union Commercial (UC) Zone for the 1.38 acre site located on the southeast corner of the U.S. 42/Frogtown Road Intersection, Union, Boone County, Kentucky and more particularly described below shall be and is hereby approved, with conditions.

SECTION II

That as a basis for overriding the recommendation of the Planning Commission, the Union City Commission sets forth the following findings of fact:

1. That in February, 2006, the City of Union, passed and approved a Zoning Map Amendment for a 17.68 acre tract which includes the subject 1.38 acre tract.

2. The change in an Approved Concept Development Plan is in agreement with the adopted Comprehension Plan, specifically the areas of future commercial activity, which states that the U.S. 42 area will experience additional commercial growth and should be done on a smaller scale as defined in the 2000 Union Towne Plan. Commercial development should occur in Neighborhood Business District form instead of Strip Style Commercial. The proposed Change in an Approved Concept Development Plan is a minor change and is small in scale and shall be in Neighborhood Business District form.

3. That the Union City Commission finds that the citizens and residents of Union, Kentucky will benefit from approving the change in an Approved Concept Development Plan subject to certain conditions which are marked Exhibit "B."

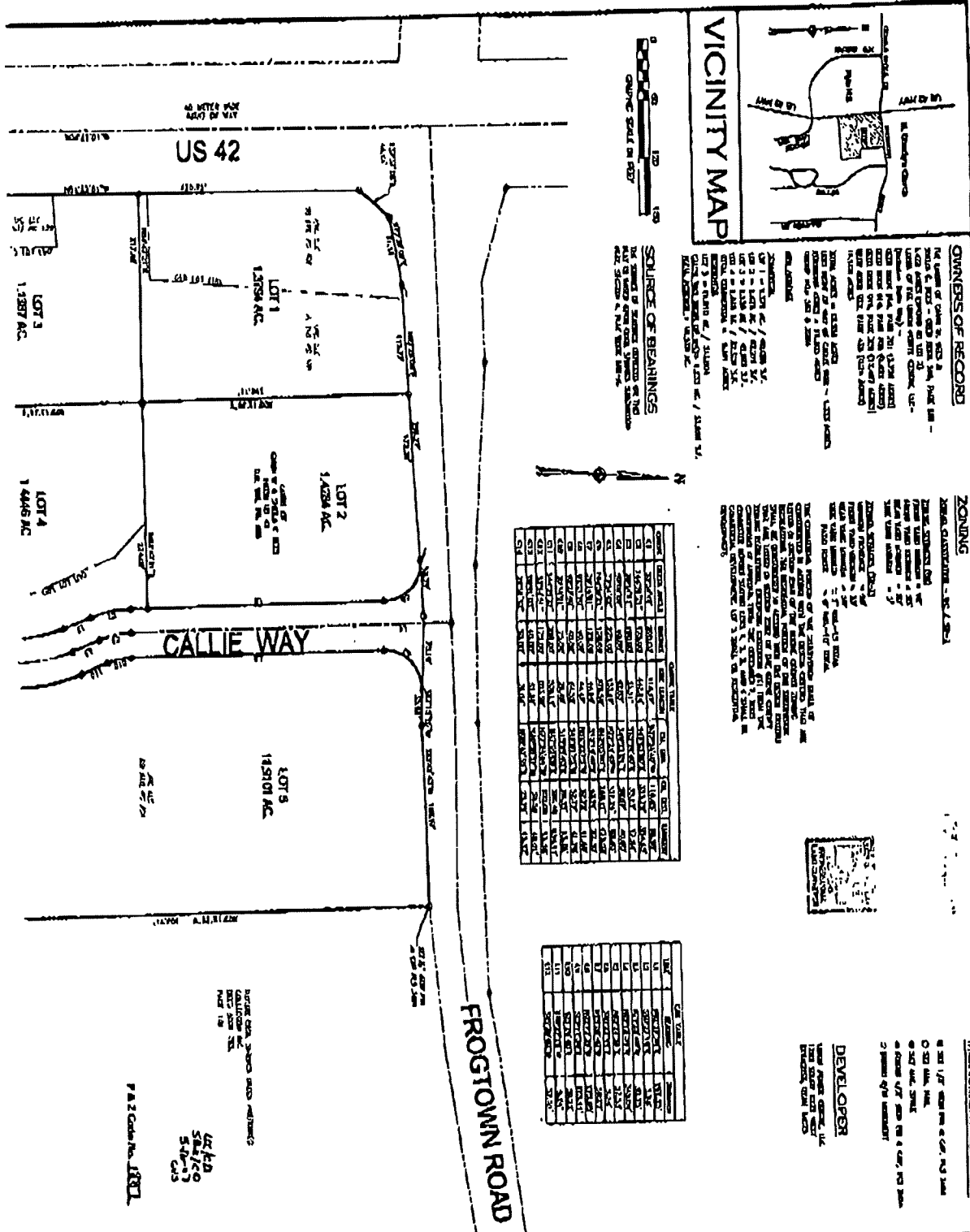
This Summary of the Ordinance was prepared by Greg D. Voss, Esq., 6900 Houston Road, Building 600, Ste. 16, Florence, Kentucky 41042, an attorney licensed to practice law in the Commonwealth of Kentucky.

A complete copy of this Ordinance may be reviewed during normal business hours at the Warren S. Moore Union City Building, 1843 Mt. Zion Road, Union, Kentucky 41091.

ATTEST:


KATHY PORTER, CITY CLERK

EXHIBIT "A"



LINE	BEARING	DISTANCE	AREA	PERIMETER
1	N 89° 15' 00" E	120.00	120.00	120.00
2	S 89° 15' 00" E	120.00	120.00	120.00
3	S 00° 00' 00" E	120.00	120.00	120.00
4	N 89° 15' 00" W	120.00	120.00	120.00
5	N 00° 00' 00" W	120.00	120.00	120.00
6	N 89° 15' 00" E	120.00	120.00	120.00

LINE	BEARING	DISTANCE	AREA	PERIMETER
1	N 89° 15' 00" E	120.00	120.00	120.00
2	S 89° 15' 00" E	120.00	120.00	120.00
3	S 00° 00' 00" E	120.00	120.00	120.00
4	N 89° 15' 00" W	120.00	120.00	120.00
5	N 00° 00' 00" W	120.00	120.00	120.00
6	N 89° 15' 00" E	120.00	120.00	120.00

UNION POINT & CENTRE
SOUTHEAST CORNER OF US 42
AND FROGTOWN ROAD
UNION, KENTUCKY 41091

Riegler CIVIL ENGINEERING
AND LAND SURVEYING
1111 S. MAIN ST.
UNION, KY 41091
TEL: 502-253-1111
FAX: 502-253-1112

DATE: 10/5/2010
DRAWN BY: JRS
CHECKED BY: JRS
PROJECT NO: 06081-2
SHEET NO: 1 OF 3
TITLE: FINAL PLAT

EXHIBIT "B"

Request of L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner) for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone in a 10,000 square foot building.

CONDITIONS OF APPROVAL

1. The approval is based on the revised Concept Development Plan was submitted to the Boone County Planning Commission on April 28, 2010. The plan shows a single use building (9,000 square foot IGA Express). The building is permitted to have a partial basement and the gross floor area of the building shall not exceed 10,000 square feet in area.
2. The building and gasoline canopy shall be constructed per the elevation drawings that were submitted to the Boone County Planning Commission on June 16, 2010. The screen wall shown on the north side of the building shall be attached to the principal structure and shall only be accessible from a 4 foot wide gate that is oriented towards the store parking lot.
3. Building mechanical units and propane tanks are the only items permitted behind the building screen wall. No building mechanical units or propane storage tank racks shall be taller than the screen wall.
4. The hours of operation for the business shall be limited from 6 AM to 12 AM.
5. All soda machines, vending machines, etc., must be located inside the building (they are not permitted on the sidewalk in front of building).
6. An ATM can be built into the building per the Union Commercial (UC) accessory use requirements.
7. Any proposed speakers at the gas pumps shall not be audible past the property lines.
8. A photometric plan shall be required when the Major Site Plan application is submitted for review. The footcandle measurements shall comply with Section 3316 and Figure 33.5 of the Boone County Zoning Regulations. In addition, any proposed light poles shall not be taller than 15 feet in height and shall be directed downwards and inwards towards the subject site.
9. The turning movements of gasoline tankers shall be analyzed in more detail when the Major Site Plan application is submitted for review. The applicant shall document that gas tankers can navigate the public streets, private driveway, and subject site in a safe manner. The tankers shall be able to travel in a forward motion and stay in their own traffic lane at all times. Any proposed modifications to the public roads or private driveways shall be at the expense of Union Pointe Centre, LLC and shall be subject to the appropriate approvals from the Boone County Planning Commission and the owners of the streets.
10. Liquor sales shall be limited to packaged liquor only.

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2010-007**

**AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING THE
REQUEST OF L&M SURVEYING AND ENGINEERING, LLC FOR UNION POINTE
CENTRE, LLC FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT
PLAN IN A UNION COMMERCIAL (UC) ZONE FOR A 1.38 ACRE SITE
GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE U.S.
42/FROGTOWN ROAD INTERSECTION, UNION, KENTUCKY.**

WHEREAS, the City of Union, Kentucky is a member of the county-wide planning unit, having a county-wide planning commission know as the Boone County Planning Commission; and

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept development Plan in the Union Commercial (UC) Zone for a 1.38 acre site generally located at the southeast corner of the U.S. 42/Frogtown Road Intersection; and

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Union, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the Zoning Map Amendment; and

WHEREAS, the Boone County Planning Commission by Resolution No. R-10-007-D recommended denial of the rezoning described above; and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Commission for the City of Union, Kentucky; and

WHEREAS, that the Union City Commission held a public hearing on September 27, 2010 allowing its residents to present their respective opinions regarding the proposed Change in an Approved Concept Development Plan; and

WHEREAS, a majority of the Union City Commission desires to override the recommendation of the Boone County Planning Commission pursuant to K.R.S. 100.211 within ninety (90) days of the Planning Commission's final action;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY as follows:

SECTION I

That the request for a Change in an Approved Concept Development Plan in the Union Commercial (UC) Zone for the 1.38 acre site located on the southeast corner of the U.S. 42/Frogtown Road Intersection, Union, Boone County, Kentucky and more particularly described below shall be and is hereby approved, with conditions. The subject property involved in the request is generally located at the southeast corner of the U.S. 42/Frogtown Road Intersection. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II

That as a basis for overriding the recommendation of the Planning Commission, the Union City Commission sets forth the following findings of fact:

1. That in February, 2006, the City of Union, passed and approved a Zoning Map Amendment for a 17.68 acre tract which includes the subject 1.38 acre tract. As a result, the subject real property is currently zoned Union Commercial (UC). That Section 2511 of the Boone County Zoning Regulations sets forth principally permitted uses in the current zoning for the subject real estate as "(5) grocery stores and supermarkets and convenience stores"; "(8) liquor, beverage stores"; and Section 2512 sets forth accessory uses "(6) retail sales of motor fuels". However, the Approved Concept Development Plan for the 1.38 acre tract, deleted the aforementioned uses and those uses are not currently permitted in the 1.38 acre tract.

2. The change in an Approved Concept Development Plan is in agreement with the adopted Comprehension Plan, specifically the areas of future commercial activity, which states that the U.S. 42 area will experience additional commercial growth and should be done on a smaller scale as defined in the 2000 Union Towne Plan. Commercial development should occur in Neighborhood Business District form instead of Strip Style Commercial. The proposed Change in an Approved Concept Development Plan is a minor change and is small in scale and shall be in Neighborhood Business District form.

3. That the Union City Commission finds that the citizens and residents of Union, Kentucky will benefit from approving the change in an Approved Concept Development Plan subject to certain conditions which are marked Exhibit "B" and hereby incorporates by reference those conditions into the Change in an Approved Concept Development Plan.

SECTION III

If this approval for a Change in an Approved Concept Development Plan shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

SECTION IV

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.

PASSED AND APPROVED ON FIRST READING this the 27th day of September, 2010.

PASSED AND APPROVED ON SECOND READING this 29th day of September, 2010.

APPROVED:



DONALD KIRBY, MAYOR

BOB KELLY, MAYOR PRO TEM

ATTEST:


KATHY PORTER, CITY CLERK

Submitted at 6/16/10
 Zone Change / Concept Development Plan
 Committee Meeting



ADVANCED CONSTRUCTION SERVICES, LLC.
Building Better for Your Business

PROPOSED BUILDING ELEVATIONS

UNION POINTE CENTER MERCANTILE BUILDING

DRAWING TITLE: PROPOSED BUILDING ELEVATIONS

DRAWN BY: _____

CHECKED BY: _____

DATE: 05-06-10

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

DRAWING NOTES:

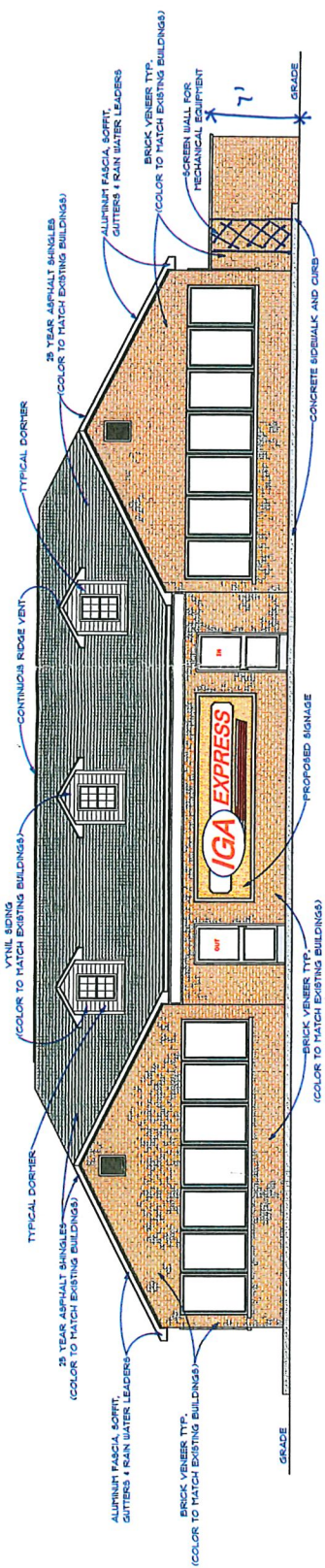
Comment Type: Draft Issue

Drawing Complete: 05-06-10

Drawing Author:

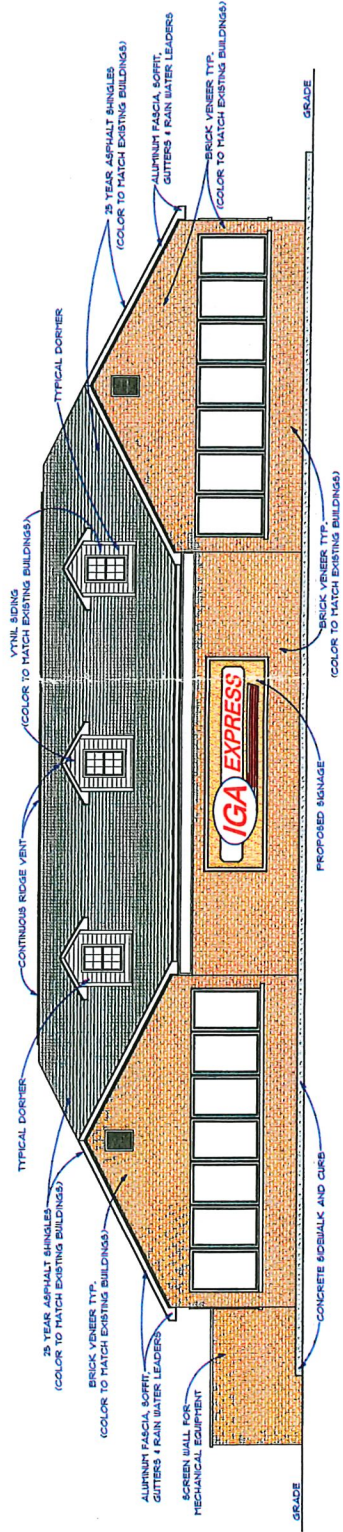
SHEET NUMBER: **A1.1**

SHEET 1 OF 3



REAR ELEVATION

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



FRONT ELEVATION

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

Copyright © 2010. This document is the property of Advanced Construction Services, LLC. It is to be used only for the project and site specifically identified herein. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Advanced Construction Services, LLC.



ADVANCED CONSTRUCTION SERVICES, LLC.
Building the Right Way For Over 30 Years

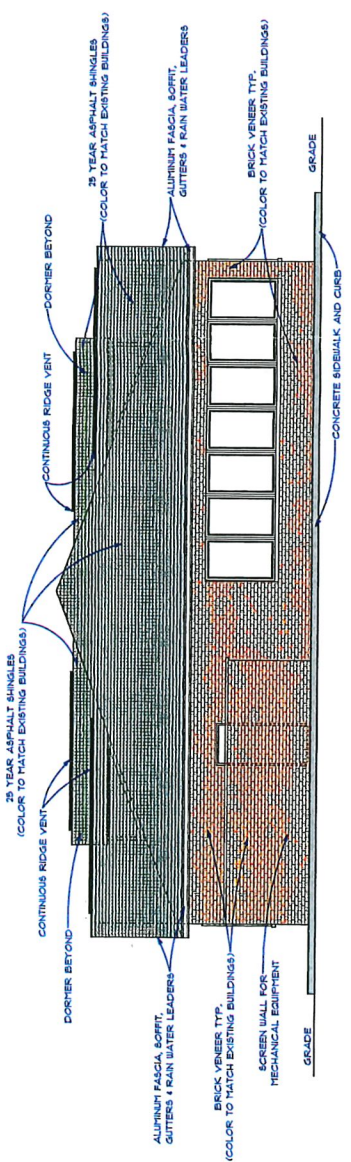
PROPOSED BUILDING ELEVATIONS

DRAWING TITLE:
UNION POINTE CENTER MERCANTILE BUILDING

DRAWN BY:
 CHECKED BY:
 DATE: 09-08-10
 SCALE: 1/4" = 1'-0"

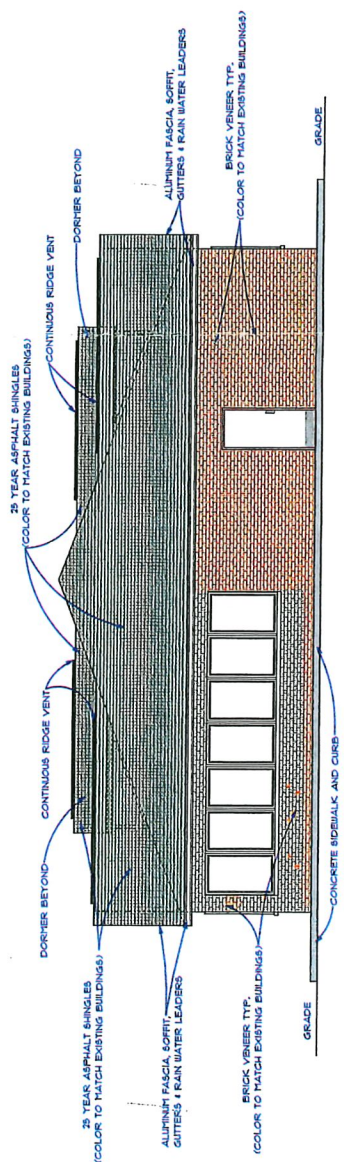
DRAWING NOTES:
 Comment Type: Date Issued:
 Drawing Complete: 05-09-10.
 Drawing Revises:

SHEET NUMBER:
A1.2
 SHEET 2 OF 3



LEFT ELEVATION

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



RIGHT ELEVATION

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

UNION POINT CENTER, 1000 UNIVERSITY BLVD. UNION POINT, INDIANA 46081. THIS DOCUMENT IS THE PROPERTY OF ADVANCED CONSTRUCTION SERVICES, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN CONSENT OF ADVANCED CONSTRUCTION SERVICES, LLC IS STRICTLY PROHIBITED.



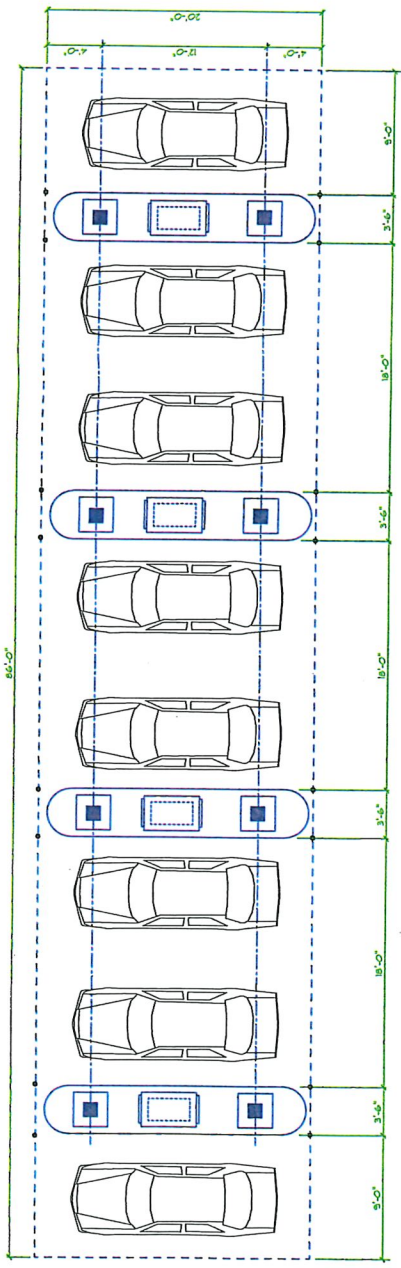
ADVANCED CONSTRUCTION SERVICES, LLC
Building the Way We Think

PROPOSED FUEL CANOPY ELEVATIONS

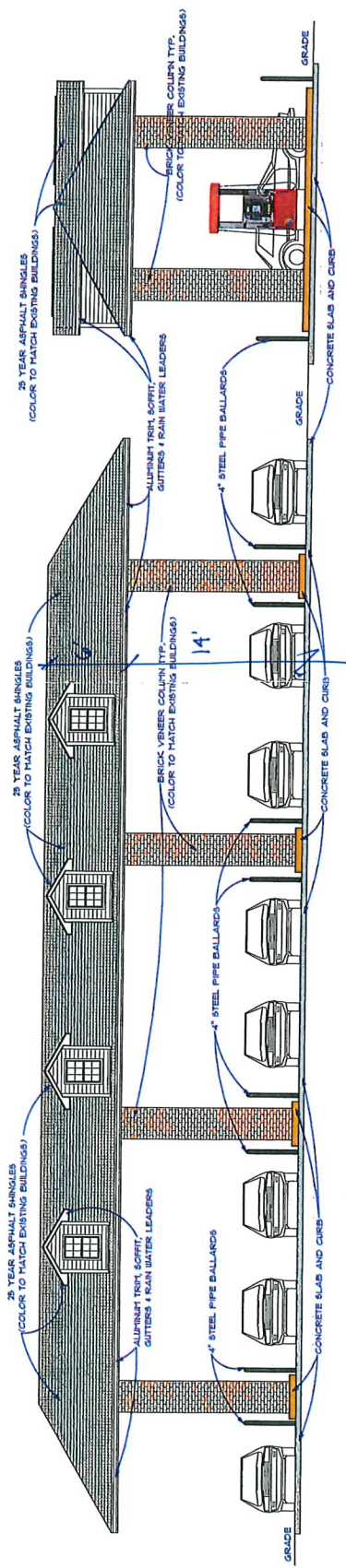
DRAWING TITLE: UNION POINT CENTER MERCANTILE BUILDING
 DRAWN BY: []
 CHECKED BY: []
 DATE: 08-08-10
 SCALE: 1/4" = 1'-0"

DRAWING NOTES:
 Comment Type: Data Issued
 Drawing Complete: 05-06-10
 Printing Method: []

SHEET NUMBER: **A1.3**
 SHEET 3 OF 3



PLAN VIEW
 SCALE: 1/4" = 1'-0"



SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

END ELEVATION
 SCALE: 1/4" = 1'-0"