

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

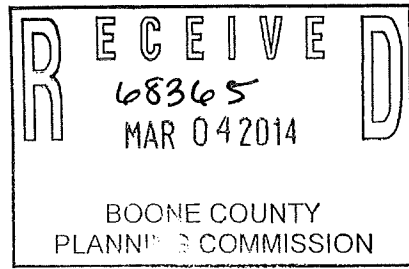
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project PLANTATION POINTE NORTH
2. Location of Project US 42 AT FARMVIEW DRIVE
3. Total Acreage of Site 1.14
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) C2/PD/CD
6. Proposed Uses (please specify each use) AS SPECIFIED IN THE EXISTING CONCEPT DEVELOPMENT PLAN FOR PLANTATION POINTE NORTH
7. Names of Applicant(s) BSM DEVELOPMENT, LLC
8. Address of Applicant(s) 3001 ARMORY DRIVE NASHVILLE TN 37204
9. Name of Property Owner(s) ERPS, INC
10. Address of Property Owner(s) 4205 DIXIE HIGHWAY ELSMERE KENTUCKY 41018
11. Proposed Building Intensities (please specify) AS SPECIFIED IN THE EXISTING CONCEPT DEVELOPMENT PLAN FOR PLANTATION POINTE NORTH
12. Are there any existing buildings on the site? NO
13. Deed Book 425 Page No. 301 Group No. 2048
14. Are you also applying for: NO Conditional Use Permit NO Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- _____ Boone County Building Department
- _____ Northern Kentucky Health District
- _____ USDA NRCS/Boone County Conservation District
- _____ KY Division of Water
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

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

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

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

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/4/14
2. Review Fee \$ 2,304.80 R# 68365
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - _____ Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer MICHAEL KENT
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - _____ Approval
 - Approval with Conditions
 - _____ Denial
9. Other: _____

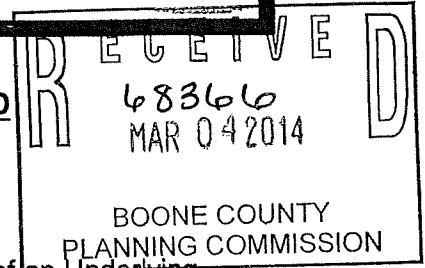
**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED



(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 (marked with 'x')
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)
Zoning Administrator Review (As stated in the Mall Road District Study)

2. Name of Project PLANTATION POINTE NORTH

3. Location of Project 8739 US 42, FLORENCE, KY 41042

4. Total Acreage of Site 10.8

5. Current Zoning C-2/PD/CD

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1996

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) NO

8. Proposed Uses (please specify each use) NO CHANGES

9. Proposed Building Intensities (please specify) NO CHANGES

10. Have you submitted a Concept Development Plan? NO

11. Are you also applying for:
Conditional Use Permit
Dimensional Variance (marked with 'x')

12. Name of Applicant(s) BSM DEVELOPMENT, LLC

Phone Number 615-373-9511 Fax No. 615-373-9542 E-Mail

13. Address of Applicant(s) 3001 ARMORY DRIVE SUITE 250

NASHVILLE TN 37204
City State Zip

14. Name of Property Owner(s) ERPS, INC

Phone Number 727-4200 Fax No. 342-5852 E-Mail RHEPE@ECE-INC.NET

15. Address of Property Owner(s) 4205 DIXIE HIGHWAY

ELSMERE KENTUCKY 41018
City State Zip

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

How many? N/A

17. Deed Book 486 Page No. 120 Group No. 2048

18. Have you had a pre-application meeting with BCPC Staff? NO

(over)

Concept Development Plan
Page 2

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union

21. ORIGINAL Property Owner's Signature

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 3/4/14 Fee Received \$ 2498⁰⁰ R# 68366
2. Check what has been submitted:
 - Application Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
 - 5 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer MIRA LANT
5. Committee Chairperson _____
6. Scheduled Public Hearing Date _____
7. Boone County Planning Commission Action:
 - Approved
 - Approved With Conditions
 - Denied
8. Other: _____

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

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT

“ A ”

STAFF REPORT

Request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky. The request is to modify a previous condition of approval to increase the permissible building height to 50 feet; and request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky. The request is for a zone change to allow commercial uses.

April 2, 2014

REQUEST

1. A Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to modify a previous condition of approval to increase the permissible building height to 50 feet for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky.
2. A Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky.

SITE HISTORY

In 1996, a Zoning Map Amendment for 321 acres located on both sides of US 42 was approved with conditions to allow a mixed-use residential/commercial development (Plantation Pointe). The 10.8 acre tract that is the subject of the Change in an Approved Concept Development Plan in a C-2/PD zone is designated as Area 12 in the 1996 Concept Development Plan.

ADJACENT LAND USES AND ZONING

North: Across Old US 42, properties zoned Suburban Residential One (SR-1) and Urban Residential One (UR-1).

- East: Across Natorp Drive (private), properties zoned Commercial Two Planned Development with an approved Concept Development Plan (C-2/PD/CD).
- West: Across Farmview Drive, properties zoned Office One with an approved Concept Development Plan (O-1/CD) and Suburban Residential One Planned Development with an approved Concept Development Plan (SR-1/PD/CD).
- South: Across US 42, properties zoned Commercial Two with an approved Concept Development Plan (C-2/CD) and Commercial Two Planned Development with an approved Concept Development Plan (C-2/PD/CD).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates this area as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("3. Pleasant Valley/Oakbrook," pg. 168).

- A. Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that 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 ("Buffering," pp. 162 and 163).

- B. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. 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 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 land uses ("Landscaping," pg. 163).

- C. 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, 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. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pg. 163).
- D. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications 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.

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 ("Transportation and Pedestrian Network," pp. 163 and 164).

- E. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," pg. 164).

The Business Activity Element states the following regarding the general area ("Recommended Areas of Commercial Activity," pg. 68).

- 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 KY 18 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.
- B. The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards 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.
- 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 and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas.

The 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. 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).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. 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).
- E. 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).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- H. 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," Objective).
- I. 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).
- J. 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).

- K. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial [Retail and Office] Objective 3).
- L. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
- M. 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 multi-modal transportation system ("Transportation," 2nd Goal).

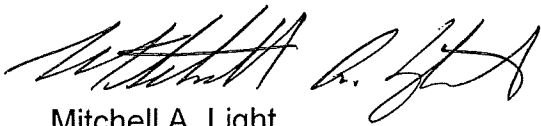
STAFF COMMENTS

1. The applicant is requesting an increase in the overall building height from 30' to 50' to accommodate an architectural feature on the proposed LA Fitness building. The 30' height condition was part of the original conditions of approval for Plantation Pointe in 1996 (attached).
2. The applicant is also requesting a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky.
3. The Future Land Use Map designates this area as "Commercial" and therefore will not need to be amended if these requests are approved.

CONCLUSION

The Boone County Planning Commission, Florence City Council and Union City Commission need to evaluate the applications 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,

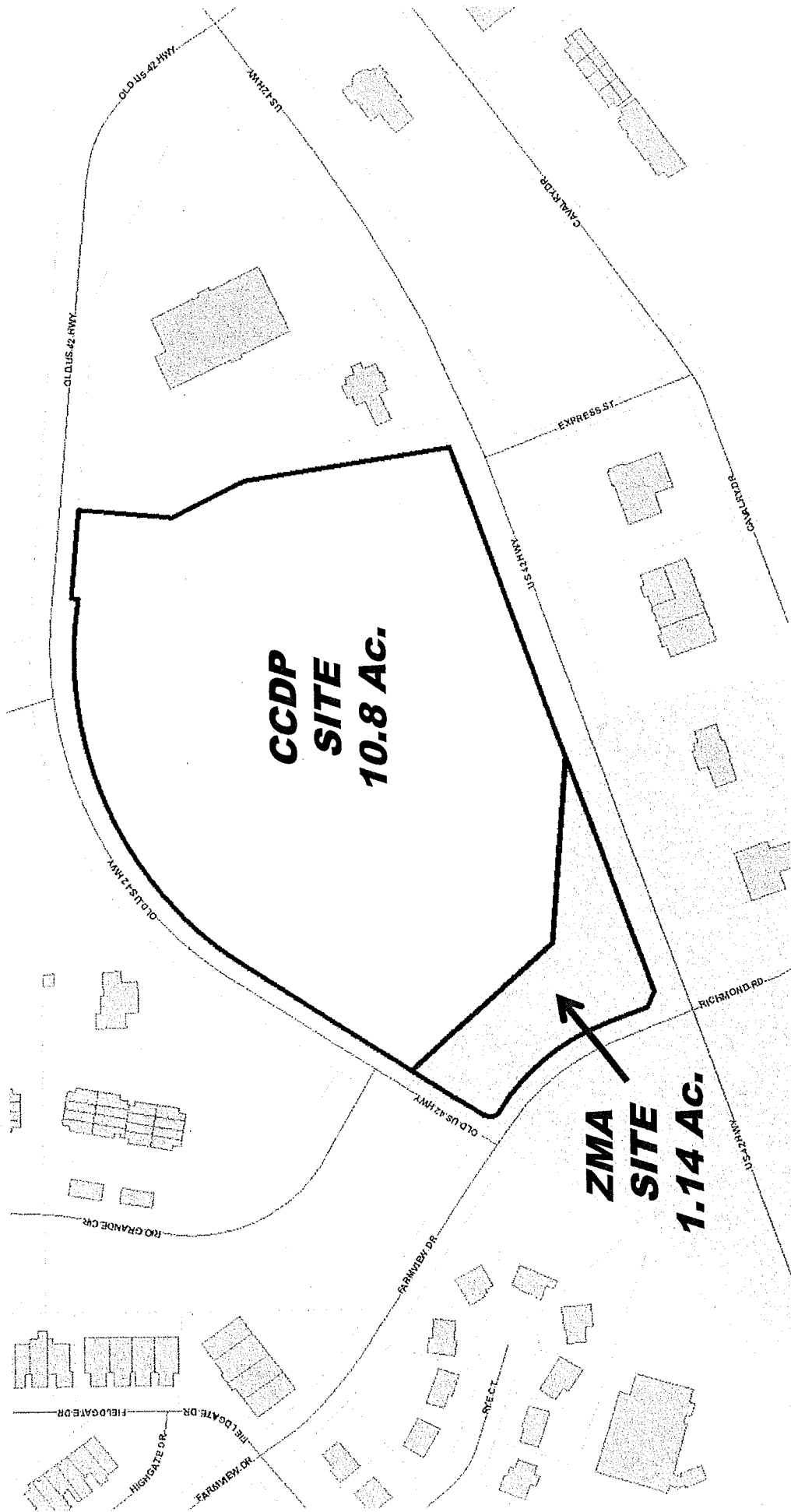


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

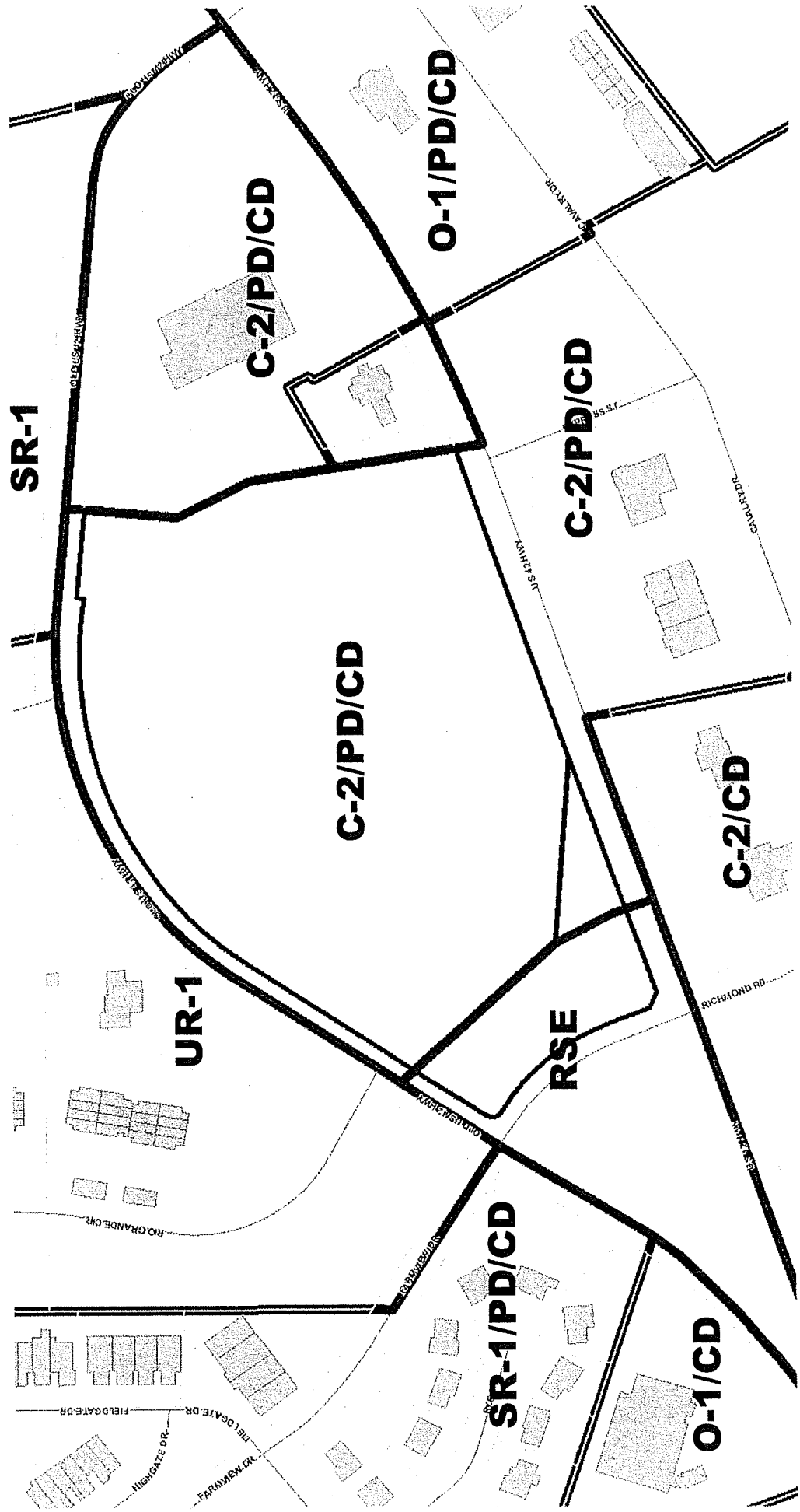
MAL/tib

Attachments:

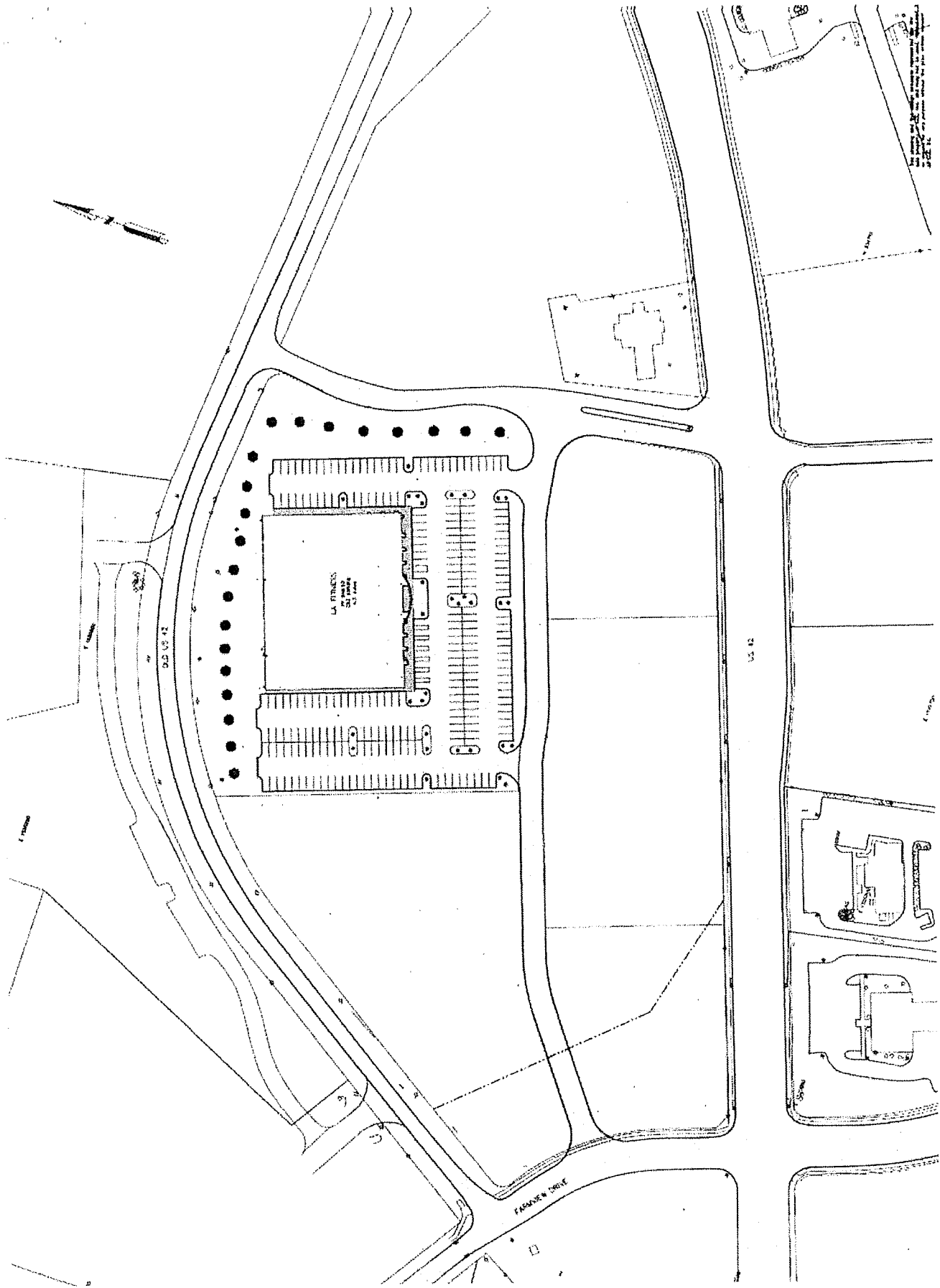
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Conceptual Site Layout
- Proposed Elevations for LA Fitness
- 1996 Conditions of Approval
- Planned Development Standards
- Applications



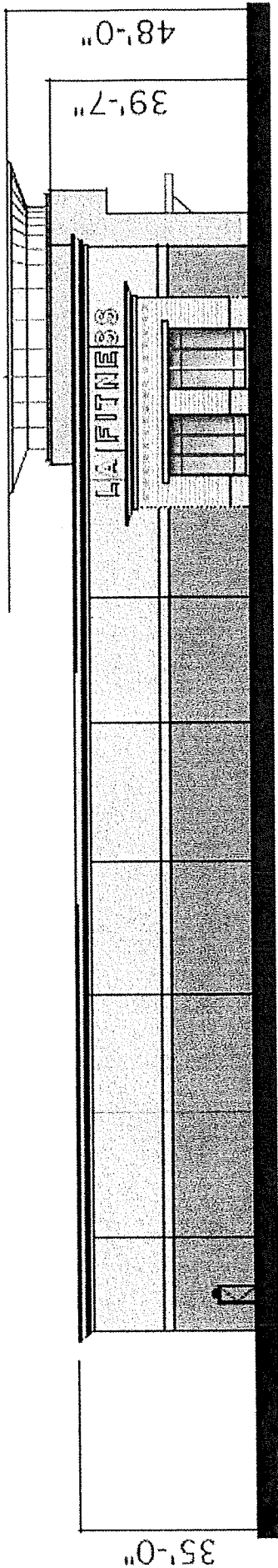
VICINITY MAP



ZONING MAP

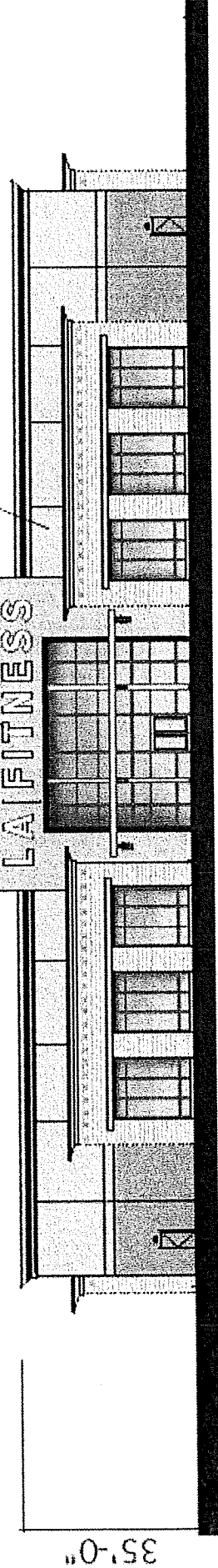


CONCEPTUAL SITE LAYOUT



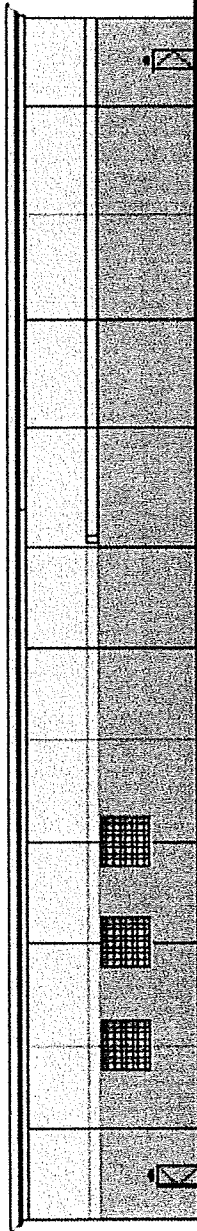
Side Elevation

60" high internally illuminated letters, 330 SF
 Integral color/textured concrete masonry block or EIFS
 Brick Veneer at entry and arcades

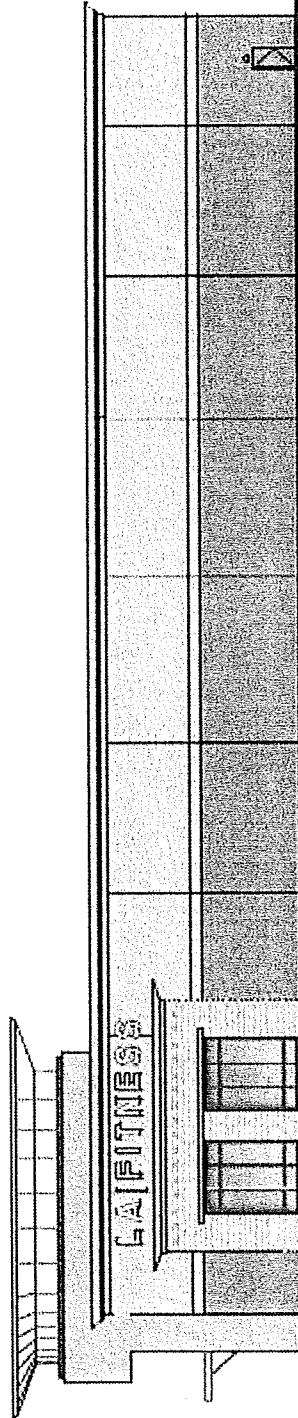


Front Elevation

PROPOSED ELEVATIONS



Rear Elevation



Side Elevation

35'-0"

PROPOSED ELEVATIONS

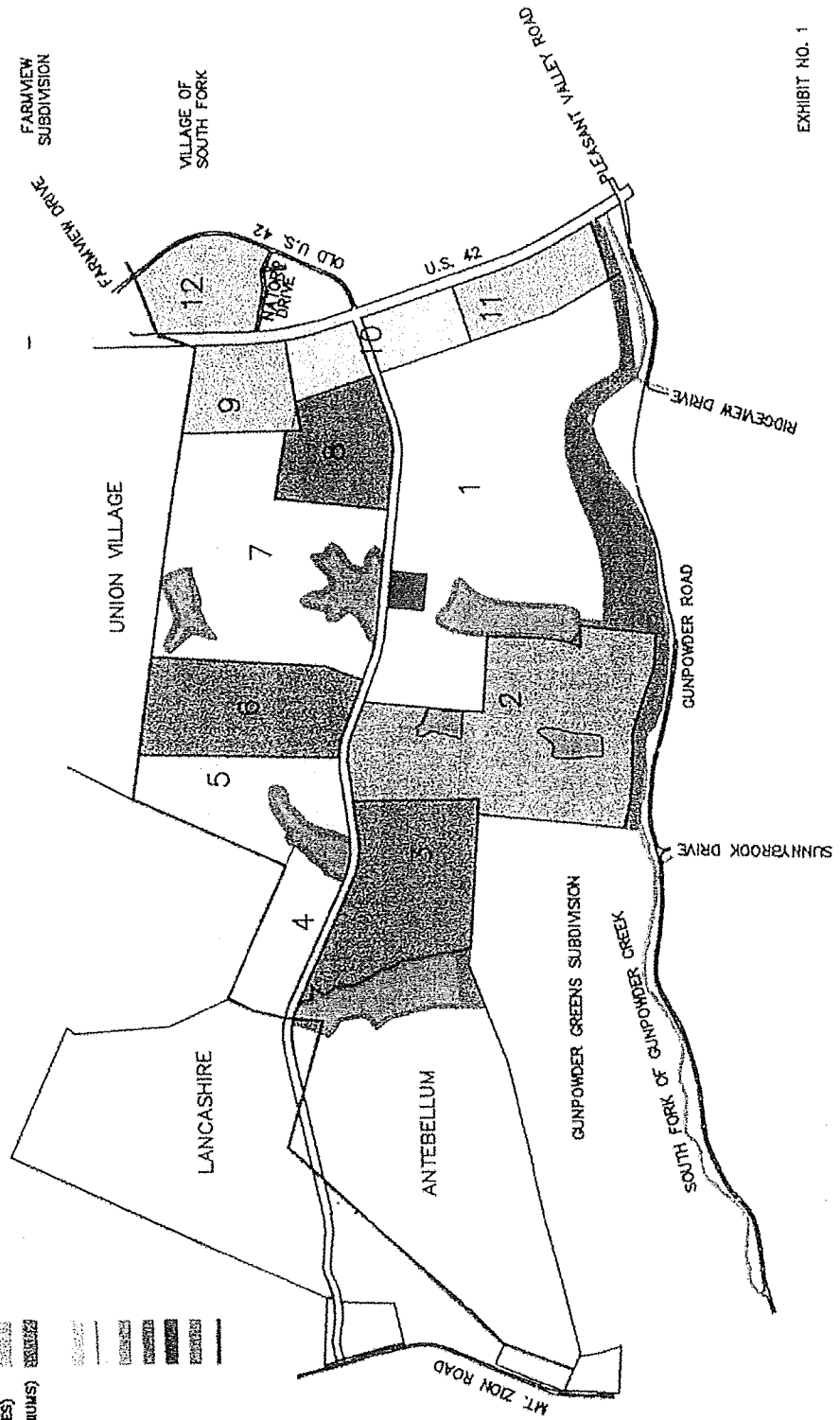
CONCEPT DEVELOPMENT PLAN PLANTATION POINTE - NORTH CITY OF FLORENCE

SUMMARY BY LAND USE

	NUMBER OF UNITS (ACRES)	APPROX. AREA	DENSITY UNITS/ACRE	% OF TOTAL UNITS	% OF TOTAL LAND AREA
SINGLE FAMILY--DETACHED	455	130	3.5 U/A	31%	40.5%
SINGLE FAMILY--ATTACHED (TOWNHOMES)	270	45	6.00 U/A	18.4%	14%
SINGLE FAMILY--ATTACHED (CONDOMINIUMS)	552	46	12.00 U/A	37.6%	14.3%
MULTI--FAMILY	192	16	12.00 U/A	13%	5%
COMMERCIAL/OFFICE	---	42.5	---	---	13.2%
COMMUNITY SWIMMING POOL	---	1.5	---	---	0.5%
OPEN SPACE & LAKES	---	20	---	---	6.2%
COLLECTOR ROAD R.O.W.	---	7	---	---	2.2%
ELEMENTARY SCHOOL SITE	---	13	---	---	4.1%
TOTAL	1,469	321	4.58 U/A	100.0%	100.0%

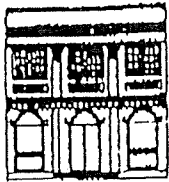
LEGEND

- SINGLE FAMILY DETACHED
- SINGLE FAMILY ATTACHED (TOWNHOMES)
- SINGLE FAMILY ATTACHED (CONDOMINIUMS)
- MULTI--FAMILY
- COMMERCIAL
- OFFICE
- LAKES
- OPEN SPACE
- COMMUNITY SWIMMING POOL
- ELEMENTARY SCHOOL
- CITY LIMITS



BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2284



July 15, 1996

Mr. Raymond Erpenbeck
Raymond Erpenbeck Consulting Engineers
4205 Dixie Highway
Elsmere, KY 41018

FAX: 342-5852

RE: Conditions of Approval for Zone Change Application from SR-1 to RPD, C-2/PD,
and O-1/PD for Plantation Pointe North - US 42/Gunpowder Creek Area, Florence,
Kentucky

Dear Mr. Erpenbeck:

The following represents the conditions of approval for the above referenced zone change request as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant, agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 12:00 p.m., Wednesday, July 17, 1996.

1. No building within Area 12 shall exceed 35 feet in height.
2. Design guidelines that address general qualitative (versus quantitative) architectural, landscape, site (including general site arrangement and representative examples of site furniture and appurtenances), and signage design elements for the commercial and office uses and pool facility shall be submitted for review and approval by the Zone Change Committee prior to the submittal of any review application for said uses. The commercial uses shall be regulated by the design guidelines, in addition to any other site plan requirements, through the Site Plan procedure.

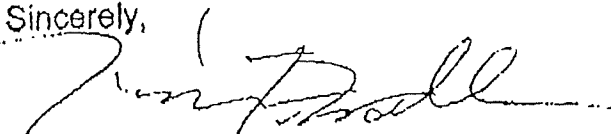
The guidelines shall include general statements of intent which describe development standards within the non-commercial phases that may deviate from the letter of the Subdivision Regulations and/or Zoning Regulations.

1966-1996

30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY

3. The design guidelines for the commercial and office uses shall outline a consistent architectural theme and shall include architectural elements that are vernacular in nature; i.e., influenced by traditional Boone County architectural forms, materials, and details. The character created by the design guidelines as a whole shall be compatible with the existing rural landscape and the horse farms in the area.
4. Freestanding signs for any commercial or office use shall be monument style which may not exceed 60 square feet in area or 10 feet in height. With the exception of the style, size, and height restrictions for freestanding signs as noted herein, the current signage regulations within the Zoning Regulations shall regulate signage on the site unless alternate regulations are approved through the design guidelines. Alternate size and height limitations for freestanding signs may also be proposed through the design guidelines.
5. The HOA open space areas and public walkways shall be constructed along with, and considered a part of, the Infrastructure for the applicable phase and reviewed as part of the applicable Improvement Plan. A site plan application for the pool facility must accompany the Improvement Plan submittal for the applicable phase. The pool facility shall be constructed prior to the issuance of 410 Zoning Permits for new single family residences within the entire Plantation Pointe development; the 410 figure includes the Lancashire and Antebellum phases of Plantation Pointe which are not subject to the current application.
6. The development shall provide the following street connections:
 - A. A connection between Area 4 and the adjoining property immediately to the west (Seltman property).
 - B. A connection between Area 9 and the commercial area in Union Village Subdivision, and a connection between Area 9 and Area 10 within the proposed development.
 - C. A connection between Area 10 and Area 11 within the proposed development.

Sincerely,

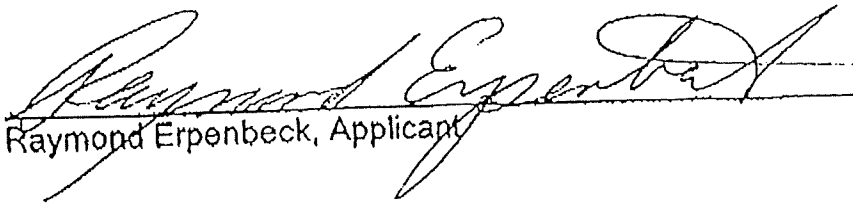


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment from SR-1 to RPD, C-2/PD, and O-1/PD for the approximate 321 acre site located on US 42 along Gunpowder Creek, Florence, Kentucky.


Raymond Erpenbeck, Applicant

7/15/96
Date

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level; and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

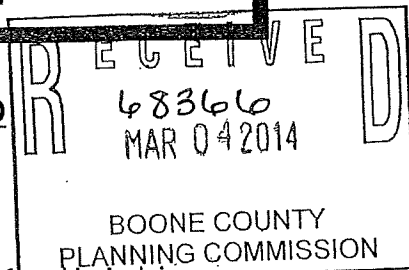
If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED



(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)
_____ x 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)
_____ Zoning Administrator Review (As stated in the Mall Road District Study)

- 2. Name of Project PLANTATION POINTE NORTH
3. Location of Project 8739 US 42, FLORENCE, KY 41042
4. Total Acreage of Site 10.8
5. Current Zoning C-2/DP/CD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 1996
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) NO
8. Proposed Uses (please specify each use) NO CHANGES
9. Proposed Building Intensities (please specify) NO CHANGES
10. Have you submitted a Concept Development Plan? NO
11. Are you also applying for:
_____ Conditional Use Permit
_____ x Dimensional Variance
12. Name of Applicant(s) BSM DEVELOPMENT, LLC
Phone Number 615-373-9511 Fax No. 615-373-9542 E-Mail
13. Address of Applicant(s) 3001 ARMORY DRIVE SUITE 250
NASHVILLE TN 37204
City State Zip
14. Name of Property Owner(s) ERPS, INC
Phone Number 727-4200 Fax No. 342-5852 E-Mail RHEPE@ECE-INC.NET
15. Address of Property Owner(s) 4205 DIXIE HIGHWAY
ELSMERE KENTUCKY 41018
City State Zip
16. Are there any existing buildings on the site? NO
How many? N/A
17. Deed Book 486 Page No. 120 Group No. 2048
18. Have you had a pre-application meeting with BCPC Staff? NO

(over)

APPLICATION FORM

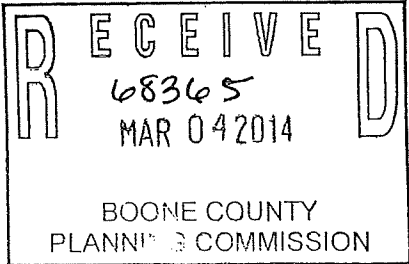
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project PLANTATION POINTE NORTH
2. Location of Project US 42 AT FARMVIEW DRIVE
3. Total Acreage of Site 1.14
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) C2/PD/CD
6. Proposed Uses (please specify each use) AS SPECIFIED IN THE EXISTING CONCEPT DEVELOPMENT PLAN FOR PLANTATION POINTE NORTH
7. Names of Applicant(s) BSM DEVELOPMENT, LLC
8. Address of Applicant(s) 3001 ARMORY DRIVE
9. Name of Property Owner(s) ERPS, INC
10. Address of Property Owner(s) 4205 DIXIE HIGHWAY
11. Proposed Building Intensities (please specify) AS SPECIFIED IN THE EXISTING CONCEPT DEVELOPMENT PLAN FOR PLANTATION POINTE NORTH
12. Are there any existing buildings on the site? NO
13. Deed Book 425 Page No. 301 Group No. 2048
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: May 7, 2014

RE: Request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky. The request is to modify a previous condition of approval to increase the permissible building height to 50 feet; and request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky. The request is for a zone change to allow commercial uses.

REMARKS:

We, the Committee, recommend approval of both requests based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment for the 1.14 acre tract, Union, Kentucky, is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
2. The Committee has concluded that Zoning Map Amendment for the 1.14 acre tract, Union, Kentucky, is consistent with the original and overall Concept Development Plan for Plantation Pointe.
3. The Committee has concluded that the request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract, Florence, Kentucky, is in agreement with the Business Activity Element of the 2010 Boone County Comprehensive Plan for the following reasons:

3. The Property Owner agrees that the 1.14 acre tract in the City of Union will follow all of the original conditions of approval for Area 12 from the 1996 Zoning Map Amendment as well as the building height provision outlined in Condition 2 above.

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 Zone Change/Concept Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: April 16, 2014

RE: **CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Kim Bunger, Chairman, Mitch Light, Staff**

Request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky. The request is to modify a previous condition of approval to increase the permissible building height to 50 feet; and request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky. The request is for a zone change to allow commercial uses.

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.

BSM /ERPS, INC.

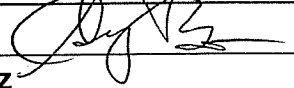
April 16, 2014

Ben Brandstetter

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

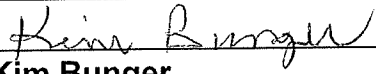
_____ 

Greg Breetz

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

_____ 

Kim Bunger

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

Janet Kegley

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Susan Schultz, Chairwoman

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Charlie Reynolds (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Mark Hicks (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Jim Longano (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

TOTAL: ___ DEFERRED ___ FOR PROJECT ___ ABSENT

___ AGAINST PROJECT ___ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bungler
Mrs. Janet Kegley
Ms. Susan Schultz
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, Director, AICP, Zoning Services
Mr. Todd Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 9:01 P.M. and introduced the fourth item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Mitch Light, Staff

4. Request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky. The request is to modify a previous condition of approval to increase the permissible building height to 50 feet; and request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky. The request is for a zone change to allow commercial uses.

Staff member, Kevin Wall presented the Staff Report (see Staff Report) on behalf of Mitch Light. It included a Powerpoint presentation. Mr. Wall stated that the request represents 2 applications. The first application involves a 10.8 acre area in the City of Florence and a Change in an Approved Concept Development Plan. It is part of Area 12 of the original Plantation Pointe zone change approval. The applicant is requesting to change a condition, which restricts the building height to 35 feet. The applicant has a potential user and would like to change the building height restriction to 50 feet. The second application involves a 1.14 acre tract located in the City of Union. The zone change request is from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD). Mr. Wall showed photographs of the site and adjoining properties as well as the Future Land Use Map. He also referenced the submitted Concept Development Plan, which included drawings of a LA Fitness building. The applicant needs the 50 foot height because they are installing a crown feature above the entrance to the building. The maximum height of the proposed building is 48 feet. The maximum height allowed in a C-2 zone is 50 feet.

In terms of Staff Comments, it is important to evaluate the proposed building height relative to other buildings and the residential uses in the area. In addition, the Planning Commission must evaluate the request in relation to the 3 criteria necessary for granting a Zoning Map Amendment and the Planned Development (PD) standards.

Chairman Rolfsen asked if the applicant was present and wanted to make a presentation? Mr. Ray Erpenbeck of Erpenbeck Consulting Engineers stated that he was representing the developers. He introduced Mr. Andy Findplatt of BSM Development, LLC. Mr. Erpenbeck stated that the actual building structure meets the original 35 foot height restriction but it is the crown that brings the height of the building to 48 or 50 feet. The zone change request site is located in the City of Union. It was not part of the original 1996 zone change because it was in a different city. The intent is to bring the 1.14 acre parcel into the same zoning classification as the remaining tract. The total size of the parcel is approximately 12 acres. It is in conformance with the Comprehensive Plan. The existing residential zoning at the corner is really not appropriate.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no one in the audience, Chairman Rolfsen inquired whether the Board Members had any questions or comments?

Mr. Bessler stated that he belongs to the LA Fitness in Crescent Springs and it seems that it is the same height as the proposed building. Mr. Erpenbeck replied that both buildings are the same height.

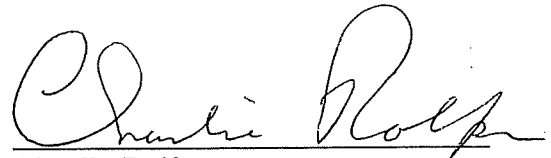
Chairman Rolfsen reminded everyone that LA Fitness wanted to go in across the street but couldn't because of the gable roof.

Mr. Longano asked what was the size of the LA Fitness building? Mr. Erpenbeck responded that the building was 37,000 square feet. Mr. Longano inquired about the size of the LA Fitness on Meijer Drive. Mr. Erpenbeck responded that he didn't know the square footage of the building. Mr. Longano asked if there was any other information about possible tenants for the outlots? Mr. Erpenbeck replied there are no other commitments for the remaining outlots including the 1.14 acre site. At this time, LA Fitness is the only known use.

In response to a question from Mr. Kevin Costello, Mr. Erpenbeck stated that the 50 foot height limit would apply to all lots and not just the LA Fitness lot. He acknowledged that in reality, it probably will only be used for the LA Fitness building.

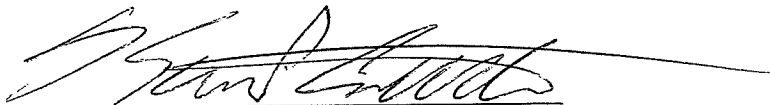
There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 16, 2014 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 7, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:11 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

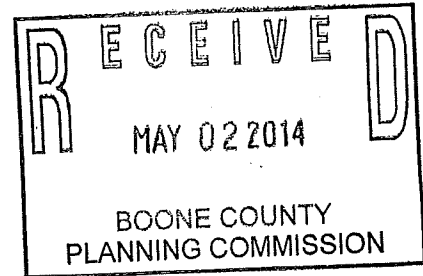
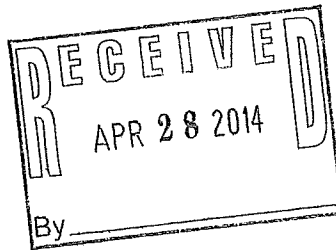


BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org



April 24, 2014

Mr. Raymond Erpenbeck
ECE Consulting Engineers
4205 Dixie Highway
Elsmere, KY 41018

RE: Request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract located at 8739 US 42, Florence, Kentucky. The request is to modify a previous condition of approval to increase the permissible building height to 50 feet; and request of **BSM Development, LLC (applicant)** for **ERPS, Inc. (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract located on the northeast corner of the US 42/Farmview Drive intersection and southeast corner of the Old US 42/Farmview Drive intersection, Union, Kentucky. The request is for a zone change to allow commercial uses.

Dear Mr. Erpenbeck:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their April 16, 2014, Zone Change Committee Meeting. Please provide the signature of the property owner in the space provided at the end of this letter and return to the Planning Commission office by Friday, May 2, 2014.

CONDITIONS

1. The Property Owner agrees that all of the original conditions approved by the Boone County Planning Commission and City of Florence for Area 12 from the 1996 Zoning Map Amendment will still apply unless amended below.

Mr. Ray Erpenbeck
BSM Development LLC
April 24, 2014
Page 2

2. The Property Owner agrees that the lots with frontage on "new" US 42 can have a 50 foot building height and that the building height for the lots with frontage along Old US 42 will remain 35 feet with the provision that architectural details/features can extend above to a maximum of 50 feet from grade.
3. The Property Owner agrees that the 1.14 acre tract in the City of Union will follow all of the original conditions of approval for Area 12 from the 1996 Zoning Map Amendment as well as the building height provision outlined in Condition 2 above.

Sincerely,




Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/tlb

AGREEMENT

I, Raymond Erpenbeck, do hereby agree to the recommended conditions of approval stated above for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 10.8 acre tract to modify a previous condition of approval to increase the permissible building height to 50 feet; and for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Two/Planned Development (C-2/PD) for a 1.14 acre tract to allow commercial uses.

 Vice President
Raymond Erpenbeck, ERPS, Inc. 4/30/14
(owner) Date

Legal Description

Being a parcel of land located along the north side of U.S. 42 and the city limits of Union and Florence, and being more particularly described as follow:

Beginning in the north right of way line of U.S. 42 and in the city limits of Union and Florence, also being the common corner between ERPS, Inc (DB 425 PG 301) and ERPS, Inc (DB 486 PG 120); thence with said common line N 75°05'19" W 164.85 feet to a point; thence N 42°48'38" W 295.64 feet to a point in the south right of way line of Old U.S. 42; thence with said right of way line N 32°24'50" E 19.76 feet to a point; thence N 32°40'15" E 283.20 feet to the PC of a curve' thence with the chord of said curve to the right N 63°49'44" E 563.97 feet (R=545.00' A=592.75') to the PT of said curve; thence S 85°00'47" E 152.89 feet to a common corner with Old US 42 Development LLC (DB PG); thence leaving said right of way and continuing with the common line with Old US 42 Development LLC for the following 3 calls S 04°59'13" W 136.88 feet; S 26°16'43" E 118.78 feet; S 08°42'18" E 300.00 feet to a point in the north right of way line of US 42; thence leaving said common line with Old US 42 Development LLC and continuing with the north right of way line of US 42 along the chord of a curve to the right S 68°52'03" W 85.17 feet (R=1867.86 A=85.17) to the PT of said curve; thence S 70°09'46" W 395.27 feet to a point; thence S 70°05'56" W 93.41 feet to the point of beginning. Containing 10.8 acres

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-17-14

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-17-14 on July 1, 2014. The title of this Ordinance is as follows:
ORDINANCE NO. 0-17-14

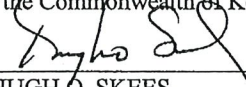
AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 10.8 ACRE SITE LOCATED AT 8739 US 42, FLORENCE, KENTUCKY, TO INCREASE THE PERMISSIBLE BUILDING HEIGHT TO 50 FEET. (BSM DEVELOPMENT, LLC/ERPS, INC.)

The effect of this Ordinance is to allow an increase in the permissible building height to 50 feet in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10.8 acre site located at 8739 US 42, Florence, Kentucky.

The full text of Ordinance No. 0-17-14, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-17-14 and that it has been prepared by me on the 20th day of June, 2014, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



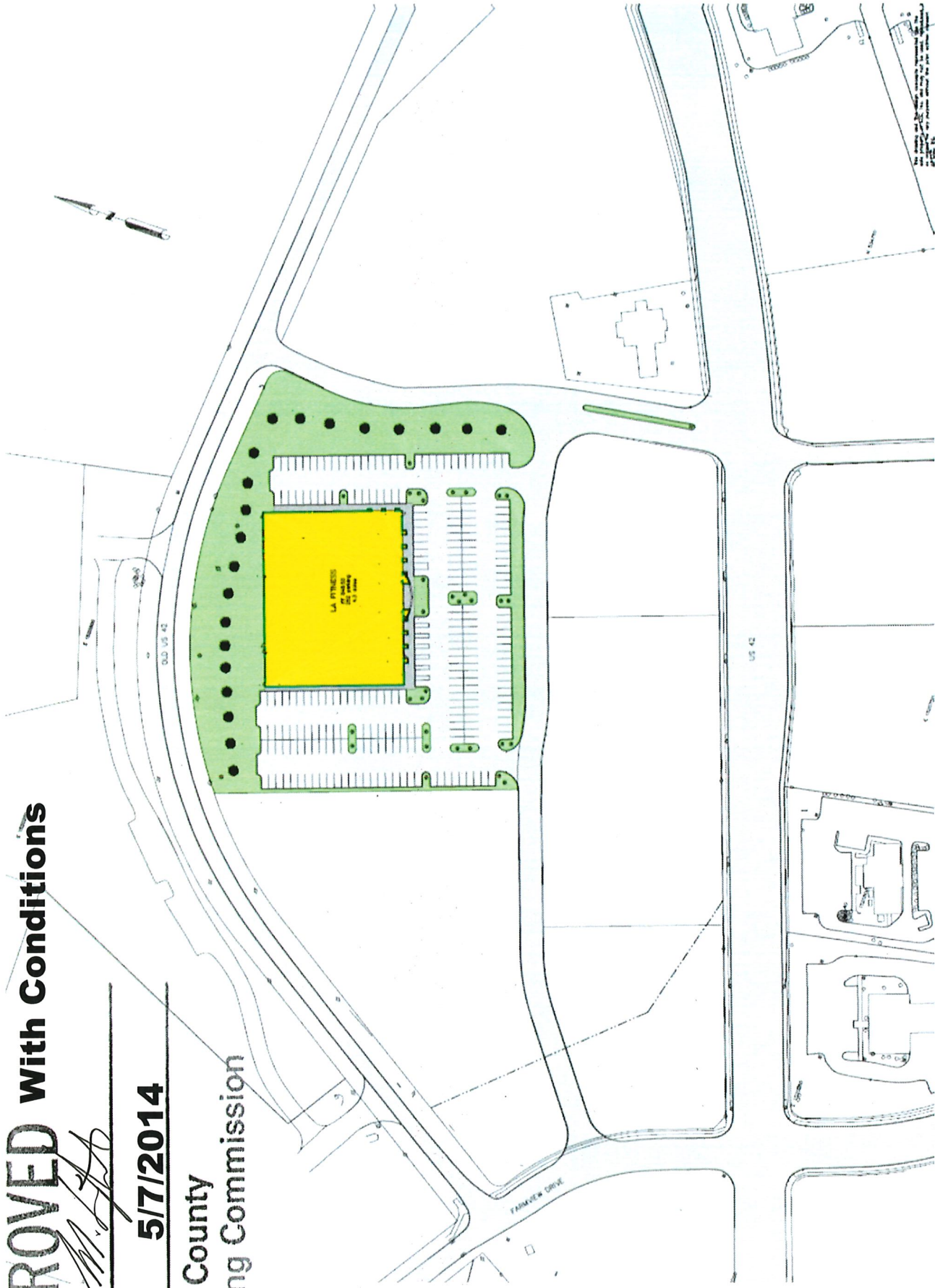
HUGH O. SKEES
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-7407

APPROVED With Conditions

Staff _____

Date **5/7/2014**

Boone County
Planning Commission



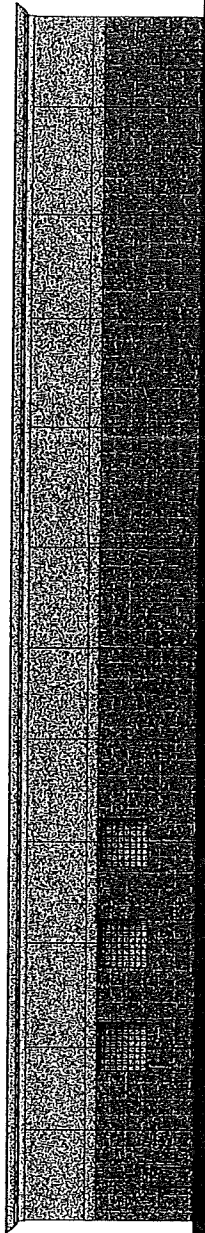
CONCEPTUAL SITE LAYOUT

APPROVED *w/conditions*

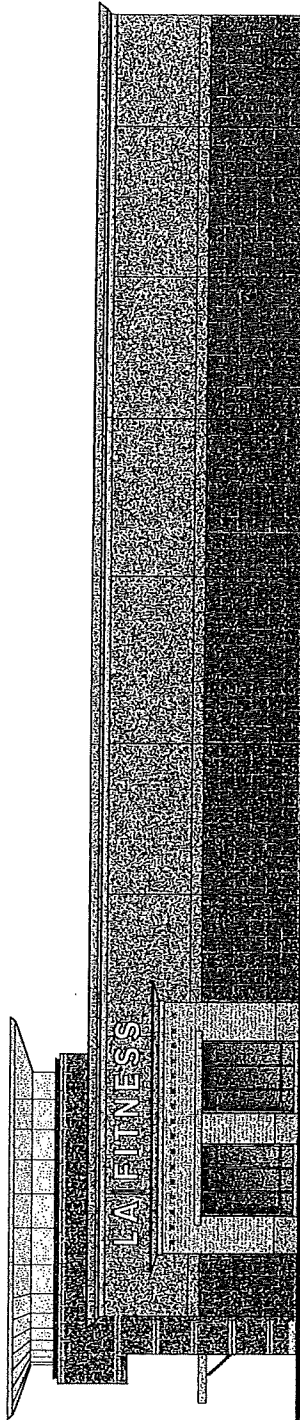
Staff *M. [Signature]*

Date *5/2/14*

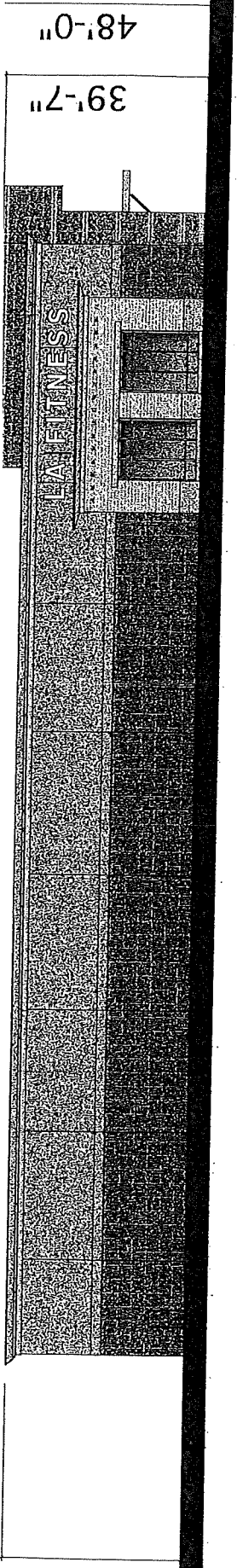
Moone County
Planning Commission



Rear Elevation

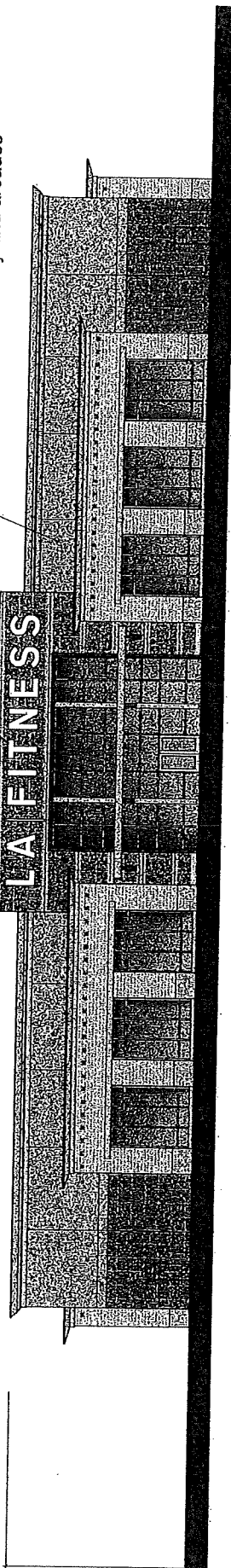


Side Elevation



Side Elevation

60" high internally illuminated letters, 330 SF
 Integral color/textured concrete masonry block or EIFS
 Brick Veneer at entry and arcades



Front Elevation

R E C E I V E D
 MAR 04 2014
 BOONE COUNTY
 PLANNING COMMISSION



Concept Elevation