

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 Technical Design 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 Gunpowder Centre
3. Location of Project Bill Wentz Drive, Florence, Kentucky
4. Total Acreage of Site 3.46 +/- Acres
5. Current Zoning C-2/PD/CD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2001 R-01-010-A
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) Commercial - existing building to remain

9. Proposed Building Intensities (please specify) No additional building, only additional patio for outdoor restaurant seating and parking as shown

10. Have you submitted a Concept Development Plan? Yes, see attached plan.

11. Are you also applying for: No Conditional Use Permit Dimensional Variance

12. Name of Applicant(s) Viox & Viox, Inc. Phone Number 859-727-3293 Fax No. 859-727-8452 E-Mail bmackay@vioxinc.com

13. Address of Applicant(s) 466 Erlanger Road Erlanger KY 41018 City State Zip

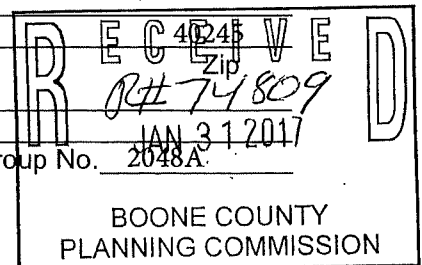
14. Name of Property Owner(s) Covington Shopping Center, LLC Phone Number (502) 664-1778 Fax No. NA E-Mail rumpke.matt@mac.com

15. Address of Property Owner(s) 15405 Crystal Springs Way Louisville KY City State Zip

16. Are there any existing buildings on the site? Yes How many? One

17. Deed Book 1078 Page No. 693 Group No. 2048A

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APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

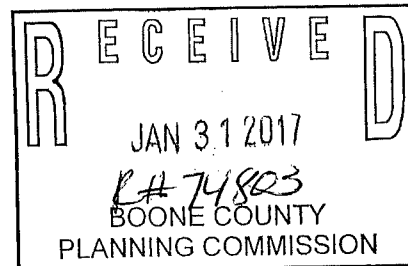
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Gunpowder Estates
2. Location of Project 8378 Gunpowder Road, Florence, KY
3. Total Acreage of Site 4.392 (sum of lot 7 and lot 9)
4. Current Zoning of Site C2/PD
5. Proposed Zoning (Classification being requested) UR-2/C2/PD
6. Proposed Uses (please specify each use) Senior multifamily apartment building, with flexibility to keep current commercial use classification should our efforts at securing financing be unsuccessful.
7. Names of Applicant(s) Episcopal Retirement Services Affordable Living LLC
8. Address of Applicant(s) 3870 Virginia Avenue, Cincinnati OH 45227
9. Name of Property Owner(s) James L. Morgan and Sherry A. Morgan
10. Address of Property Owner(s) 289 Cherokee Trail, Dry Ridge KY 41035
11. Proposed Building Intensities (please specify) 48 units / 3.49 acres on lot 9 = 13.75 units/acre
12. Are there any existing buildings on the site? no
13. Deed Book See note 1 at right Page No. Group No. 2048 A
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes, please see attached
16. Have you had a pre-application meeting with BCPC Staff? 11/18/16, 12/19/16, 1/4/17, 1/23/17
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)



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# EXHIBIT

“A”

## STAFF REPORT

Request of **Episcopal Retirement Services Affordable Living LLC (applicant)** for **James L. Morgan and Sherry A. Morgan (owners)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection and a 3.635 acre tract located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection, Florence, Kentucky. The request is for a zone change to allow a residential apartment development in addition to previously approved commercial uses; and the request of **Viox & Viox, Inc. (applicant)** for **Covington Shopping Center, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.46 acre site located at 8537 US 42 (south side of Bill Wentz Drive), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an outdoor restaurant seating area and landscaping/parking/vehicular area changes.

March 1, 2017

### REQUEST

The following applications have been submitted:

1. A Zoning Map Amendment to rezone 0.518 and 3.635 acre tracts (lots 7 and 9 of Gunpowder Centre Subdivision) from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) to allow a senior apartment development or the commercial development that was approved by the City of Florence in 2014 (see pertinent site history below). Two alternative Conceptual Site Plans were submitted for the senior apartment development and they show the following improvements for the properties:

#### Alternative 1 (Sheets A-001 and A-002)

A 3-story, 48 unit senior apartment building, with 69 parking spaces, is shown on a 3.499 acre tract (proposed building intensity of 13.72 dwelling units per acre). Notes on the plans indicate the building will have a 16,600 square foot footprint (16,600 x 3 = 49,800 square foot building), 28 one-bedroom and 20 two-bedroom units, and 35' and 36' building setbacks from the northwest and northeast property lines. Amenities include an outdoor patio, a gazebo and seating area, and a sidewalk system that connects to Bill Wentz Drive. Vehicular access to the development is proposed from a shared driveway, which is located on the southeast side of the Bill Wentz Drive/Mel's Lane intersection. The driveway would be shared with the shopping center that is located on lot 5 of Gunpowder Center Subdivision.

A 0.176 acre tract would be sold to Covington Shopping Center, LLC so they can construct additional parking spaces for their shopping center (lot 5, Gunpowder Centre). The new parking lot would contain 18 parking spaces and be accessed from the shared driveway, which connects to Bill Wentz Drive

The 0.518 acre tract located at the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection (lot 7, Gunpowder Centre) would remain as green space.

Alternative 2 (Sheet A-001a)

The only difference on the option 2 plan is thirteen (13) additional parking spaces are shown on the senior apartment lot. These parking stalls would be installed in the event the apartments cease to be senior apartments and would bring the parking count up to eighty-two (82) stalls.

The submitted floor plans and building elevations show the following:

- A. One-bedroom units are 625 square feet in area and two bedroom units are 845 square feet in area.
  - B. The building will contain a dining/community room, meeting room, fitness room, clinic, offices, library, and elevators.
  - C. The building will be approximately 44' tall to the highest roof peak. The building is shown with brick, accent brick, fiber cement lap siding and accent trim, precast concrete lintels, vinyl windows, entry canopies, exterior lighting, and asphalt shingle roofing.
2. A Change in an Approved Concept Development Plan to allow modifications to lots 5 and 8 of Gunpowder Centre Subdivision. The 2001 Concept Development Plan approval contained a condition which required all the lots in the subdivision to comply with the City of Florence landscaping regulations. The property owner is seeking to modify this condition so a 1,400 square foot patio can be constructed on the southwest side of the building and 39 additional parking spaces can be added on the lot. Part of the proposal also includes reworking the southeast side of the Bill Wentz Drive/Mel's Lane intersection. The driveway currently located at the intersection will be removed and reconstructed to the southwest. The new driveway will be shared and provide access to both the strip center and future development on the Morgan property.

Two alternative Conceptual Site Plans were submitted with the application. The first plan (Concept Plan A) shows the shared landscaping buffers that will be installed if the senior apartment development is constructed on the lot. The second plan (Concept Plan B) shows the shared buffer that will be installed if the previously approved commercial development is constructed on the Morgan property.

The following Planned Development (PD) Waivers are being sought with the applications:

Common to Both Applications

- A. Allow a commercial development and residential development to share landscaping buffers.

Senior Apartments

- A. Reduce the parking requirement from 82 parking spaces to 69 parking spaces. The Boone County Zoning Regulations require 1.5 parking spaces to be provided for each 1 bedroom unit and 2 parking spaces to be provided for each 2 bedroom unit. The applicant has provided an explanation indicating why the Waiver should be approved. They have also submitted a second development plan showing where 13 additional parking spaces will be constructed in the event that development ceases to be senior apartments in the future.

Lot 5, Gunpowder Centre

- A. The applicant's Engineer informed Staff that the owner of the strip center plans on constructing the common portion of the shared driveway, patio (seating area), and 39 additional parking stalls as soon as possible. The Waiver would allow the shared buffer that is proposed along their property line to be installed at the time Morgan property develops. The shared buffer will be Buffer Yard C if the Morgan property develops with the senior apartments and Buffer Yard A if it develops with the commercial uses.

PERTINENT SITE HISTORY

1. In 2001, Zoning Map Amendment and Concept Development Plan applications were approved for Gunpowder Centre Subdivision. The zone change rezoned 1.35 acres of property, located at the southeast corner of US 42 and Gunpowder Road, from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD). The approved Concept Development Plan allowed a commercial shopping center and four outlots in the approximate 10 acre subdivision. One of the conditions required all the properties in the subdivision to comply with the City of Florence landscaping regulations and another required the landscaping buffer along the southern property boundary to be approved by the Technical Design Review Committee.
2. In 2004, a Major Site Plan application was approved allowing a 28,000 square foot commercial strip center and 116 parking stalls to be constructed on lot 5 of Gunpowder Centre Subdivision.
3. In 2014, a Zoning Map Amendment application was approved to rezone a 5.291 acre area from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD). 0.899 acres of the zone change area was owned by Gunpowder Properties and the remaining 4.392 acres was owned by James and Sherry Morgan. The approved Concept Development Plan allowed two multi-tenant buildings (10,150 square feet and 12,250 square feet) with office, retail, and restaurant uses on the Morgan property. Access to the development was shown from a shared driveway, which connected to Bill Wentz Drive.

SITE CHARACTERISTICS

The overall site is approximately 7.613 acres in area. It contains 3.46 acres of property (lots 5 and 8 of Gunpowder Centre Subdivision) that is owned by Covington Shopping Center, LLC and 4.153 acres of property (lots 7 and 9 of Gunpowder Centre) that is owned by James and Sherry Morgan.

Lot 5 of Gunpowder Centre Subdivision is approximately 3.21 acres in area and has 587 feet of frontage on the southeast side of Bill Wentz Drive. The property contains a 28,000 square foot commercial strip center and 116 parking stalls. Access to the property is provided from two curb cuts on Bill Wentz Drive. A public water main extends through the front parking lot. The landscaping buffer along the front property is comprised of a number of landscaping islands that are integrated into the parking lot. The landscaping buffers along the side and rear property lines contain mature deciduous and evergreen trees. Boone County GIS shows that the topography of this parcel falls from 866' above sea level at the northeast property line to 850' above sea level at the southwest property line.

Lot 7 of Gunpowder Centre Subdivision is 0.518 acres in area and has 295.51 feet of frontage on the northeast side of Gunpowder Road and 295.61 feet of frontage on Bill Wentz Drive. A 15' public access easement exists along the parcel frontage and CVS Pharmacy has a curb cut at the northeastern tip of

this property. The property also contains public walks along Gunpowder Road and Bill Wentz Drive and a shared monument sign at the intersection. The sign contains three panels. The top panel advertises CVS Pharmacy and the bottom two are currently vacant. The vacant panels were intended to advertise the future commercial tenants on lot 9.

Lot 8 of Gunpowder Centre Subdivision is 0.201 acres in area and has 172.34 feet of frontage on the east side of Bill Wentz Drive. The property is currently vacant and was graded when Bill Wentz Drive was extended to Gunpowder Road.

Lot 9 of Gunpowder Centre Subdivision is 3.635 acres in area and has 371 feet of frontage on the southeast side of Bill Wentz Drive and 19 feet of frontage on the east side of Gunpowder Road. The only structure currently on the property is a residential garage. An overhead utility line runs through the southwestern part of the site. With the exception of the Bill Wentz Drive frontage, the perimeter of the property contains mature deciduous vegetation. The Bill Wentz Drive street frontage area was graded when the road was constructed.

#### ADJACENT LAND USES AND ZONING

Northeast: Storage Garage on Balyout Property (SR-1 and C-2/PD)

Northwest: Bill Wentz Drive, CVS, Children's House, Citizens Deposit Bank, Uniquely Senise/Bruster's (C-2/PD)

Southeast: Undeveloped 5.4 Acre Tract (SR-1)

Southwest: Gunpowder Road and Gunpowder Creek, Plantation Pointe Commercial Open Space (C-2/PD) and Open Space Owned by Boone County (SR-1)

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Land Use Plan" designates the overall site for "Commercial", "Suburban Residential", "Rural Lands", and "Developmentally Sensitive" uses. These designations 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 does not preclude 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."

Developmentally Sensitive - "Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project..."

The Boone County Comprehensive Plan states the Future Land Use Map is intended to be used in tandem with the Land Use Element text and that the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies (Land Use Maps, pg. 164).

The Land Use Element makes the following statements regarding the general area:

- A. The U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the newly rebuilt Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals. Through redevelopment of the former Boone Kenton Warehouse site and adjacent parcels, access to Weaver Road should be implemented, as well as well-planned access to U.S. 42. If improvements are made to Gunpowder Road from U.S. 42 to Mt. Zion Road, more intense land uses could be examined for the property behind Wentz Drive as well as the possibility of having access to Gunpowder Road. If commercial development occurs in this area, it should primarily be accessed from U.S. 42 (Gunpowder, pg 169).
- B. 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 (Pleasant Valley/Oakbrook, pg. 168).

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography, pp. 161-162).
- B. As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development. The Goals and Objectives also acknowledge that fluctuations in the economy and housing market should be considered when evaluating the uses and design of developments.

Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access through them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed use development should serve side streets for businesses rather than serving individual

businesses directly, include an urban curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development, but be readily marketed.

Sanitary sewer issues have larger impact on where development occurs than do the other types of infrastructure in Boone County. The presence of sanitary sewer has a direct impact on the lot sizes of residential development in particular. Most residential development in outlying areas without access to sewer service typically develops on lots that are larger than an acre. In fact, septic system permits almost always require residential lots of greater than one acre to accommodate leach areas. On the other hand, the presence of public sanitary sewer facilities have normally resulted an increased demand for more dense single-family residential development. This development often occurs roughly in the range of three dwelling units per acre - which typifies single family projects in Boone County at this time. There is little development occurring in Boone County between these two general density levels. As pointed out in the Housing Element, this phenomenon often results in different housing and lot characteristics adjacent to each other. In these conditions, proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

The proposed development should consider in its design a band of larger lots and setbacks along the affected perimeter of the site adjacent to existing development to provide an adequate transition.

The proposed development should consider a band of development along the existing main roadway in which the houses face the main road to appear rural, and where the lots in this band are larger than those in the balance of the proposed development. Building setbacks and lot frontages should imitate existing setbacks along the road.

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor .

These recommendations are site specific and should be evaluated on a case-by-case basis. There may be other design mechanisms not identified here that may work in some instances Development Layout, Lot Sizes, and Setbacks, pg. 162).

- C. 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 open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot size and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density

residential areas. Buffer areas should use and supplement existing site features where possible (Buffering, pp. 162-163).

D. 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. 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).

E. 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 by increasing on-site infiltration is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds (Stormwater Management and Erosion Control, pg. 163).

F. 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).

G. 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. 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 to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Transportation and Pedestrian Network, pp. 163-164).

- H. 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. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs, and Historic Preservation, pg. 164).

The Population Element contains the following passages which relate to the request:

- A. Boone County's median age in 2010 was 35.7 which is younger than the Kentucky median age of 38.1. Over time, the older age groups have increased their proportion of the total population. Table 2.8 indicates that the 45-64 and 65+ age groups have increased in percentage in Boone County since 2000 while the younger age groups have decreased. As is the case nationwide, people are generally having fewer children while living longer (Age and Sex Distribution, pp. 18-19).

Age	2000		2010	
	Number	Percent	Number	Percent
0-4	6,849	8.0	9,019	7.6
5-19	20,011	23.3	27,225	22.9
20-44	33,872	39.3	40,342	34.0
45-64	18,318	21.3	30,912	26.0
65+	6,941	8.1	11,313	9.5

Source: 2010 U.S. Census

- B. The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The site is located on the border of the Florence and Union regions. The population of the Florence region is estimated to change to 32,385 in 2020, and to 34,153 in 2030. The population of the Union region is estimated to change to 33,568 in 2020, and to 41,886 in 2030 (OKI Traffic Zone Forecast, pp. 20-21).

The Business Activity Element provides the following comment that relates 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 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. A mix of commercial, office, and residential uses, along with limited access, should be encouraged along KY 18. Along the entire KY 18 corridor east of Burlington, there are traffic congestion problems that can be worsened by adding commercial access points (Recommended Areas of Commercial Activity, pp. 67-70).
- B. 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. This principle should apply to the Limaburg area and surrounding area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community and create neighborhood centers rather than just a strip extending out of Florence. An example of this type of design is the Oakbrook Marketplace, which ties into the subdivision while serving a larger trade area (Recommended Areas of Commercial Activity, pp. 67-70).

The Housing Element contains the following passages and tables which relate to the request:

**Table 6.1 Boone County Population and Households**

	1980	1990	2000	2010	2020	2030
Population	45,842	57,589	85,991	118,811	153,933	190,270
Households	14,848	20,127	31,258	43,216	57,870	71,530
People/H.H.	3.09	2.85	2.73	2.73	2.66	2.66

Source: U.S. Census; KY State Data Center estimate (University of Louisville)

- A. Table 6.1 reveals an important trend where household sizes are continuing to decrease, but are expected to level off by 2020. The household projections are used as a general guideline for future housing need. Because they represent occupied housing units, the total number of housing units for any given year will be greater by the amount of the vacancy rate. Household characteristics also change as evidenced by the increase in single-parent families. The resulting housing needs impact the size, type, and location of units demanded by the population. Multi-family units near commercial areas often constitute the demand of singles or single-parent families and 'empty nesters'.

The demand for more affordable single-family and multi-family residences, generated by the commercial and industrial employment growth centers, has helped generate the development of many new subdivisions and apartment developments. New subdivision and apartment design has been uniform in suburban areas and has in the past offered little variation or innovation from one development to another. Recent development proposals have contained concepts that include landminiums, neotraditional single-family, and a greater variety of attached housing. Mixed-use, planned developments that provide a mix of housing options, commercial, office, and public uses with multiple transportation options (i.e. transit, pedestrian, park-and-ride) could be one strategy for meeting this demand (see Housing Densities in this element and the Land Use/Transportation Connection section in the Transportation Element). The local development community should be encouraged to examine other markets around the nation to uncover new trends that may be beneficial in Boone County (Housing Demand, Population Trends, pg. 73-74).

- B. With the exception of Walton, the County's incorporated areas and the unincorporated area, as a whole, have higher percentages of young and middle aged persons than Kentucky. Union has the highest youth and the lowest elderly percentages. Walton displays the lowest youth and the highest elderly percentages. Table 2.10, which appears in the Population Element, further shows the percentages for the remainder of the county and Kentucky. Boone County's population is becoming more elderly in proportion. This "graying" of the population will have an impact on housing demand. Many of these "empty nesters" will want to move out of their high-maintenance, large lot single-family homes and into condominiums, landominiums, or small lot single-family homes. This demographic shift, in part, engendered the recent development of the Elmcroft Senior Living center on Main St., in Florence, on the former site of the Florence YMCA (Housing Demand, Age Composition, pg. 74).
- C. Demand for multi-family housing has historically been in, or around Florence. The emphasis on new construction, however, has shifted to the unincorporated county. The continuing in-migration of a young, professional population combined with the increased growth of single-parent families and the overall graying of the population, means the demand for various multi-family housing options will continue in the future for Boone County (Housing Demand, pg. 75).

**Table 6.2 Housing Unit Types by Jurisdiction**

	Single-Family			Multi-Family & SF Attached			Mobile Homes			Totals		
	1990	2000	2010	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	4,209 30.2%	4,808 22.2%	N/A	3,060 56.4%	5,399 58.4%	N/A	31 1.6%	45 1.9%	N/A	7,300 21.9%	10252 30.7%	N/A
Union	307 2.2%	867 4%	N/A	3 <0.1%	5 <0.1%	N/A	2 0.1%	2 <0.1%	N/A	312 1.5%	874 2.6%	N/A
Walt.	548 3.7%	751 3.5%	N/A	240 4.4%	542 5.9%	N/A	12 0.6%	7 0.3%	N/A	800 3.8%	1,006 3.5%	N/A
Uninc. B.C.	8,846 63.9%	15260 70.4%	N/A	2,122 39.1%	3,593 38.9%	N/A	1,860 97.6%	2,351 97.8%	N/A	12828 60.4%	21219 63.6%	N/A
Total	13910	21686	33307	5,425	9,239	11056	1,905	2,405	1,897	21240	33351	46260

Source: Boone County Building Inspection Data & U.S. Census

**Table 6.3 Percent Housing Unit Types by Jurisdiction**

	Single-Family			Multi-Family			Mobile Homes		
	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	57.7	46.9	N/A	41.9	52.7	N/A	0.4	0.4	N/A
Union	98.4	99.2	N/A	1.0	0.6	N/A	0.6	0.2	N/A
Walt.	68.5	74.7	N/A	30.0	24.1	N/A	1.5	0.7	N/A
Uninc.	68.9	71.9	N/A	16.5	16.9	N/A	14.5	11.1	N/A
B.C.	65.5	65.0	72.0	25.5	27.7	23.9	9.0	7.2	4.1

Source: Boone County, Florence & Walton Building Inspection Data & U.S. Census

- D. It should be noted that the number of housing units increased in all the major housing construction types for each municipality, except multi-family units in the City of Union. County-wide, the percentage of total housing units that are single-family detached units, has decreased while multi-family units have increased in percentage. The City of Florence has a lower percentage of single-family units than other areas of the county.

In 1980, multi-family housing comprised 20.9% of the total housing units in Boone County. This percentage continued to rise as the county urbanized and stood at 25.5% in 1990 and 27.7 in 2000 (see Table 6.3). This was during a time of enormous growth in single-family housing development. This increase in multi-family housing happened primarily in the unincorporated part of Boone County. Since 2000, the percentage of multi-family decreased to 23.9. The percentage of mobile homes throughout the county has decreased steadily since 1990 and now stands at 4.1% of the total 46,260 housing units in the county in 2010 (Housing Supply, Housing Type by Municipality, pg. 76).

- E. The major reason for Boone County's rapid population growth is in-migration. Often the higher income families (or new population) locate in the developing rural areas of the county. While this is practical because they can afford the estate lifestyle and cost of transportation over greater distances, this spatial phenomenon separates people of different income levels. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided. Housing for the elderly population or for those who are handicapped needs to be located near public transit, commercial areas, and public facilities (Meeting Housing Needs, Population Needs, Pg. 79).
- F. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents (Meeting Housing Needs, Housing Types, pp. 79-80).
- G. During the last decade, housing construction in Boone County has occurred mainly in the mid-value range, with some high-end for both single-family and multi-family housing. However, attempts at more affordable single-family or apartment construction often meet with localized hostility. Creative site design and architecture can help overcome some of this resistance (Affordable Housing and Homelessness, pg. 80).
- H. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of

the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed (Housing Densities, pg. 81).

The 2010 Boone County Comprehensive Plan's 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. 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).
- C. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community (Environment, Objective 2).
- D. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- E. 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).
- F. Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Commercial Objective).
- G. 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 Objective).
- H. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (Housing, Objectives).
- I. No housing policy shall have the effect of causing discrimination against any person on the basis of age, race, color, religion, sex, familial status, disability, or national origin (Housing, Objectives).
- J. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units (Housing, Objectives).
- K. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient

access to major streets and highways (Housing, Objectives).

- L. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- M. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- N. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- O. 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, Objective)
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, Objective).
- Q. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system.

#### PLANNED DEVELOPMENT STANDARDS

The applications needs to be evaluated in terms of the Planned Development Standards that are found in Section 1514 of the Boone County Zoning Regulations. A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachments).

#### STAFF COMMENTS

1. Staff sent an agency memo to City of Florence and Florence Fire Department once the applications were submitted. Fire Marshal Vogelpohl commented on the applications and Staff forwarded his comments and some others to the applicants (see attachments). The senior apartment project plans have revised based on these comments and are being presented this evening. The updated plans show a grass paver fire lane to the northwest of the apartment building. At the time the Staff Report was finalized, plan revisions had not been submitted for the shopping center project.
2. The applicants provided the following information with their plans (see attachments):

##### Senior Apartments

- A. A memo outlining their development experience and why they chose a 3-story building.
- B. A company resume.
- C. The relationship of the proposed zone change with the Comprehensive Plan.
- D. A rationale for the parking waiver.
- E. A trip generation comparison was submitted to show the difference in traffic impacts between the previously approved office and restaurant development and the proposed senior apartment development (see attachments). The previously approved site's (commercial, office, restaurant) AM and PM peak is 172 trips and 220 trips, respectively. The newly proposed site (senior apartments) has an AM peak hour trip generation of 9 trips and a PM peak hour generation of 13 trips.
- F. An email addressing the Florence Fire Department and preliminary Staff comments.

Gunpowder Centre

- A. A brief summary of the project.
3. Staff recommends that the following Planned Development (PD) Standards should be analyzed in more detail by Boone County Planning Commission and Florence City Council:
- A. Mixed Use Development and Pedestrian Orientation: Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites.
- Staff recommended a multi-family development option on the Morgan property when the 2014 Zoning Map Amendment application was submitted. Staff was concerned that single-story commercial buildings would have poor visibility from Gunpowder Road and US 42.
  - Staff believes the projects have good pedestrian orientations. Sidewalks connect the apartment building to the strip center and the public sidewalks on Bill Wentz Drive.
- B. Compatibility of Uses: Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites.
- The 2035 Future Land Use Map shows the majority of the Morgan property forecasted for Suburban Residential uses and the adjoining property to the south predominately forecasted for Suburban Residential and Rural Lands uses. The Planning Commission and City of Florence need to determine if a three-story senior apartment building is an appropriate transitional use between the commercial area to the north and residential area to the south. As noted earlier, the proposed apartment building is approximately 44' tall to the highest roof peak.
  - Staff would like the applicant to address lighting.
- C. Landscaping: Substantial landscaping shall be provided in Planned Developments with emphasis given to street scape areas and buffer zones.
- The Planning Commission and City of Florence need to determine if shared buffers should be permitted between commercial and residential uses. Section 3645 of the Boone County Zoning Regulations does not permit such shared buffers.
  - The senior apartment plans show Buffer Yard B plantings (20') will be installed along the Bill Wentz Drive street frontage. Staff would like the applicants to indicate if this is their intent. The normal code requirement is Buffer Yard A.
  - The senior apartment plans show that a portion of their sidewalk system is located within a required buffer yard. Staff recommends the sidewalk should be constructed outside the buffer yard.
  - The Gunpowder Centre shopping center plans do not address street frontage landscaping. Staff would like the applicant to address what is being proposed?

- D. Architecture: 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 submitted building elevations should be reviewed against this standard.
- E. 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.
- Two sign conditions were imposed on the 2014 approval that should be re-analyzed.  
  
One condition allowed a 12' tall, 60 square foot monument sign to be constructed near the Gunpowder Road/Bill Wentz Drive intersection. CVS was permitted to advertise on the upper tenant panel and the bottom two panels were reserved for the future tenants locating in the office/retail buildings on the Morgan property. A note on the Concept Plan indicates the senior apartments would advertise on this sign.  
  
A City of Florence condition allowed a 10' tall, 100 square foot monument sign to be constructed near the US 42/Mel's Lane intersection at the time the Morgan property developed. The sign was only to be used by tenants locating in the office/retail buildings on the Morgan property. Staff would like the applicant to address if they plan on constructing this sign.
  - Staff would like the applicant to address if any building mounted signage is being proposed on the senior apartment building.
- F. 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.
- One of the 2014 conditions required the Gunpowder Centre multi-tenant building curb cut located near the Bill Wentz Drive/Mel's Lane intersection to be relocated when the Morgan property develops. Florence Fire Department and Planning Commission Staff has asked the applicant to re-analyze this intersection and see if the centerline of Mel's Lane and the shared driveway could be aligned.
- G. Conformance with the 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.

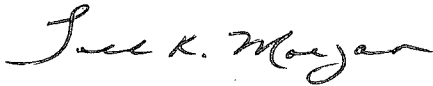
4. Staff talked with Mike Bezold, with Kentucky Transportation Cabinet, regarding Project 6-367.00. The plan includes making improvements to US 42 and KY 842 (Weaver and Hopeful Church Road) and constructing a "Quadrant Road" between US 42 and Weaver Road (see attachment). Project construction is planned to start this fall.

It's possible that a private driveway or public road could be constructed in the future that would connect Bill Wentz Drive to the "Quadrant Road".

### CONCLUSION

The Change in Approved Concept Development Plan and Zoning Map Amendment requests need to be evaluated by the Boone County Planning Commission and Florence City Council in terms Articles 3 and 15 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area. The 2035 Future Land Use Map will need to be amended if the requests are approved.

Respectfully Submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/ss

### **Attachments:**

- \*Site Vicinity Map
- \*Gunpowder Centre Subdivision Section 5, Final Plat
- \*Concept Development Plans and Application Materials for Senior Apartment Project
- \*Concept Development Plans and Application Materials for Gunpowder Centre Shopping Center
- \*2/2/17 Agency Memo
- \*2/3/17 Comments From Fire Marshal Vogelpohl
- \*2/9/17 Staff Email To Applicants
- \*2/10/17 Email From Fire Marshal Vogelpohl
- \*2/17/17 Memo from Episcopal Retirement Services Addressing 2/9/17 Staff Email
- \*2001 Concept Development Plan and Conditions
- \*2014 Concept Development Plan and Conditions
- \*2016 Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*Future Land Use Map
- \*Findings Necessary for Map Amendment
- \*Planned Development Standards
- \*Right-of-Way Map for Project 6-367.00

# SITE VICINITY MAP

www.boonecountygis.com



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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet

**Boone County GIS - Putting Northern Kentucky on the Map**

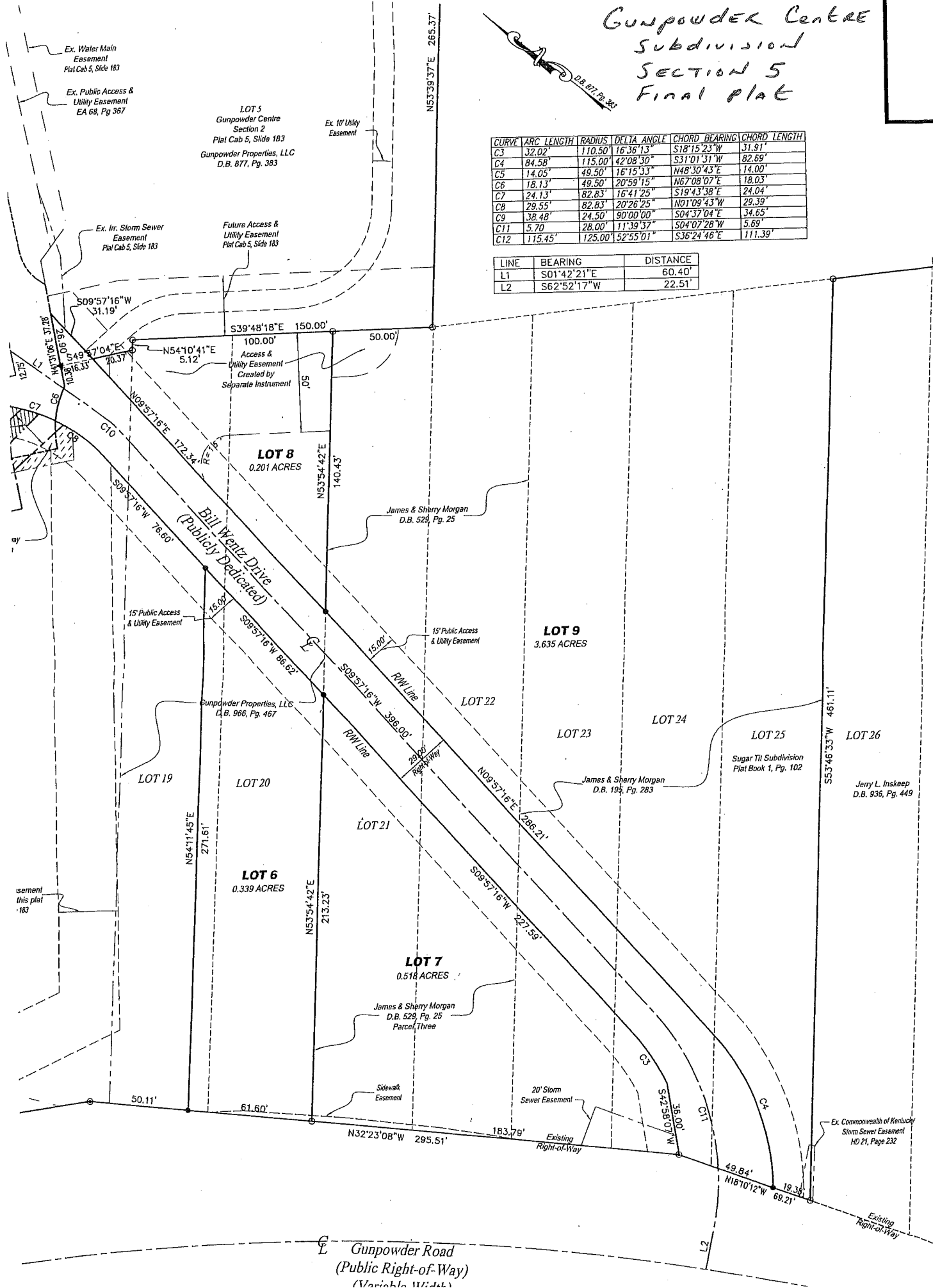


Map Created: 07/01/2013  
ArcMap Document: BooneMap (RtE).mxd

# Gunpowder Centre Subdivision SECTION 5 Final Plat

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C3	32.02'	110.50'	16°36'13"	S18°15'23"W	31.91'
C4	84.58'	115.00'	42°08'30"	S31°01'31"W	82.69'
C5	14.05'	49.50'	16°15'33"	N48°30'43"E	14.00'
C6	18.13'	49.50'	20°59'15"	N67°08'07"E	18.03'
C7	24.13'	82.83'	16°41'25"	S19°43'38"E	24.04'
C8	29.55'	82.83'	20°26'25"	N01°09'43"W	29.39'
C9	38.48'	24.50'	90°00'00"	S04°37'04"E	34.65'
C11	5.70'	28.00'	11°39'37"	S04°07'28"W	5.69'
C12	115.45'	125.00'	52°55'01"	S36°24'46"E	111.39'

LINE	BEARING	DISTANCE
L1	S01°42'21"E	60.40'
L2	S62°52'17"W	22.51'



Sanitary Sewers Sanitation District No. 1 Misc. Book 1179, Pg. 942

D.B. 977, Pg. 283

Sablon & Agustina Baluyot, Trustees  
The Sabino T. Baluyot Trust  
D.B. 947, Pg. 324

LOT 42

S38°41'42"E 354.98'

Gunpowder Centre  
Subdivision  
SECTION 5  
Final Plat

LOT 41

James & Sherry Morgan  
D.B. 185, Pg. 283  
Parcel Four

LOT 9  
3.639 ACRES

LOT 43

Jerry L. Inskip  
D.B. 536, Pg. 449

S55°41'49"W 230.52'

N44°29'01"W 149.80'

Jerry L. Inskip  
D.B. 536, Pg. 449

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD	BEARING	CHORD LENGTH
C3	32.02'	170.50'	16°36'13"	118.15'	21°01'	31.91'
C4	84.58'	115.00'	42°08'30"	53.10'	31°11'	82.69'
C5	14.05'	49.50'	16°15'33"	14.87'	30°43'E	14.00'
C6	18.13'	49.50'	20°59'15"	16.77'	08°07'E	18.00'
C7	24.13'	82.83'	16°41'25"	19.43'	38'E	24.04'
C8	29.55'	82.83'	20°26'25"	20.99'	43°W	29.39'
C9	38.48'	24.50'	90°00'00"	50.47'	04'E	34.65'
C11	5.70'	28.00'	11°39'57"	5.69'	07°28'W	5.69'
C12	115.45'	125.00'	32°55'01"	53.62'	24°45'E	111.39'

LINE	BEARING	DISTANCE
L1	S01°42'21"E	60.40'
L2	S62°52'17"W	22.51'

N53°39'37"E 265.37'

N53°54'42"E

James & Sherry Morgan  
D.B. 524, Pg. 25

**UTILITY ACKNOWLEDGEMENT - GRAN**  
For valuable consideration, We, the under-Ohio/Kentucky, Inc. and their parent entity affiliate entities, and Owen Co. Rec. CAT their successors and assigns, forever, not as designed "15' Public Access and Utili repair, or replacement of any and all necer electric, telephone, telecommunications or shall have the right of ingress and egress overhanging branches within the easer structures may built within the easer to (1) Reduce the clearances of emer ove Grantee Facilities; (3) Impair the ability to the easement forever. We acknowledge h the same against all claims.  
Also hereby granted to Duke Energy Ohio right to laterally extend, repair, and mainti original builder allowing disturbance only, which the service is located. Reconstruct parcel owner and said utility provider to a encumber existing buildings or adjoining l GUNPOWDER PROPERTIES, LLC

SIGNED

JAMES MORGAN

SIGNED

SHERRY MORGAN

SIGNED

**PUBLIC**  
I hereby sewers, applicab or phase the reco acceptin STREET  
Amount  
STORM  
Amount

- Surface drainage easements shown on this plat are not accepted by the legislative body of jurisdiction. The legislative body is not obligated to maintain or ree air any channels or installations in said easement. The easement area of each lot and all improvements in it shall be maintained continuously by the owners of the lots. Within the easements, no structures, paving, fill material or other material shall be placed or permitted to remain which may obstruct, retard or change the direction of flow of water through the drainage channel in the easement.

- Surface drainage easements shown are approximate locations. The actual easement is centered on the existing drainage channel.

- Setbacks for building construction shall be in accordance with the current Boone County Zoning Ordinance.

- Unless otherwise designated on the record plat, a 10' wide Private Drainage Easement shall exist along all common building lot lines. The common building lot line being the center line of said easement, and 5' of easement on each lot.

**SITE DATA**

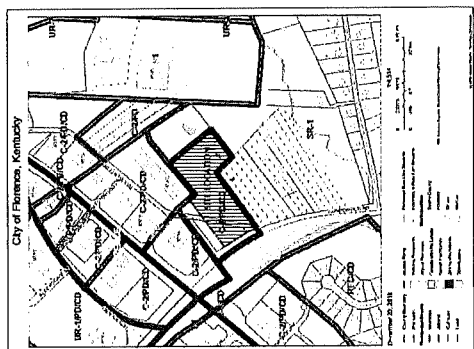
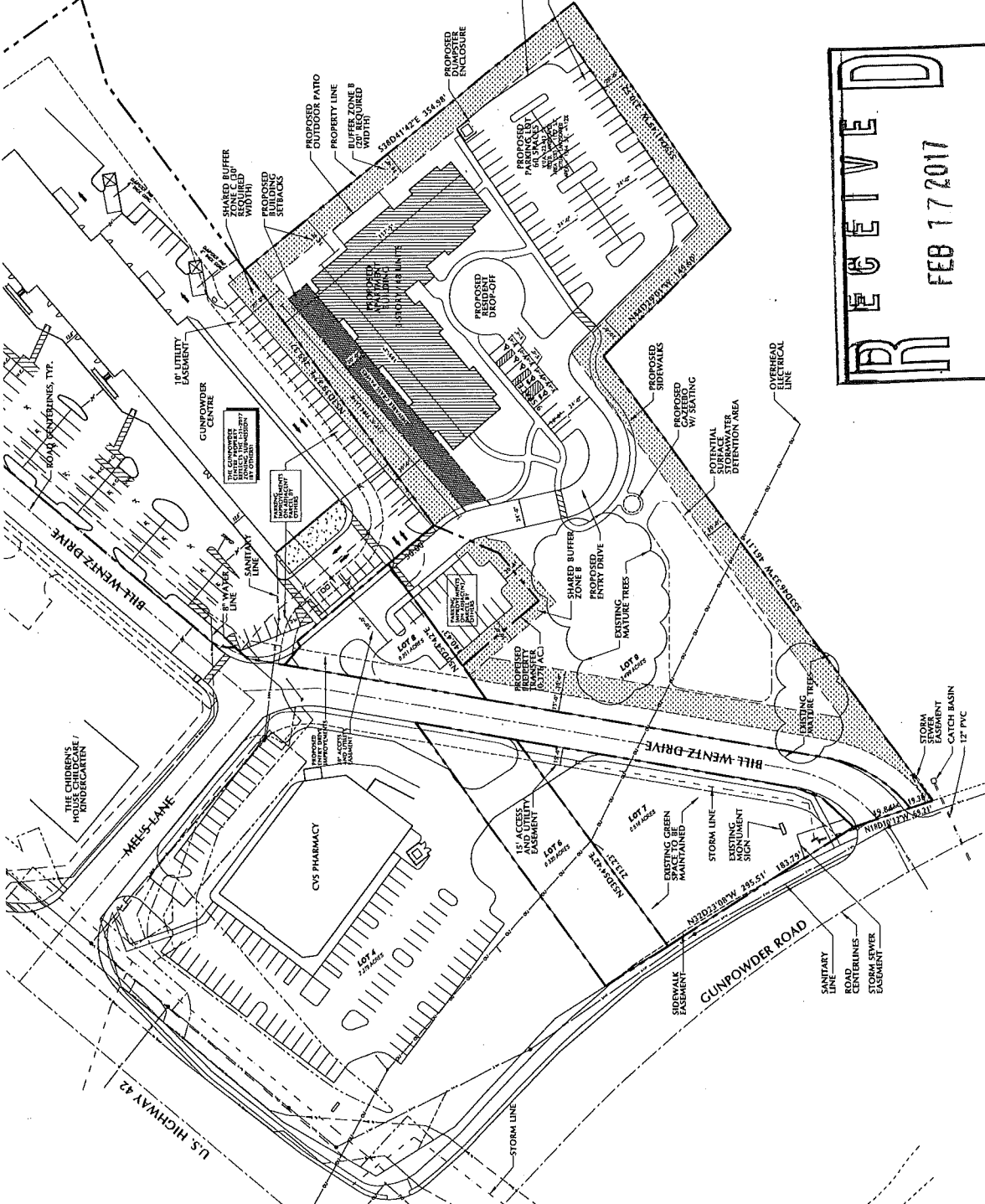
- ADDRESS: U.S. HIGHWAY 42 AND GUNPOWDER ROAD
- ACTEAGE: 3.499 ACRES (LOT 5 ONLY)
- CURRENT ZONING: C-2 PD/C
- PROPOSED ZONING: UR-2 PD/C
- PROPOSED USE: SENIOR LIVING
- MAXIMUM USE INTENSITY: 3 STORIES, 48 APARTMENTS
- PROPOSED USE INTENSITY: 20 UNITS PER ACRE
- BUILDING HEIGHT: 13.7 UNITS PER ACRE
- BUILDING FOOTPRINT: 16,600 S.F.
- PARKING SUMMARY: 69 TOTAL SPACES, 54 ACCESSIBLE SPACES, 2 ACCESSIBLE VAN SPACES
- REQUIRED BUILDING SETBACKS: FRONT: 30' SIDE: 10'
- REQUIRED BUFFER YARDS: 30' WIDTH, BUFFER ZONE B
- OPEN SPACE CALCULATION: 30' WIDTH, BUFFER ZONE C
- LOT 5 ONLY: BUILDING FOOTPRINT AND DROP-OFF AREA = 11.3 ACRES
- SEGNAGE: TOTAL SITE AREA = 3.49 ACRES
- FIRE ACCESS: TOTAL GREEN SPACE = 59%

**LOCAL FACILITIES NARRATIVE**

There are several community and commercial facilities located very close to the proposed project, that are available to both the residents and employees. These include a pharmacy, a daycare, a bank, an eye care center, a grocery store, a post office, a library, and a fire station. This development would potentially increase the number of users for these and other local facilities and businesses.

THIS FACILITY WILL UTILIZE THE EXISTING MONUMENT SIGN NOTED ON THE SITE PLAN. ALL OTHER BUILDINGS ARE WITHIN 150 FEET OR LESS OF A DRIVE ON THE DRIVE.

**GUNPOWDER ESTATES**  
 PROPOSED SENIOR APARTMENTS  
 U.S. HIGHWAY 42 AND GUNPOWDER ROAD  
 FLORENCE, KY 41042



**RECEIVED**  
 FEB 17 2017  
 BOONE COUNTY  
 PLANNING COMMISSION

SCALE: 1" = 40'

SCALE: 1" = 40'

A-001

SITE DEVELOPMENT PLAN

PROJECT NO:	17086
DATE:	1/17/17
PREPARED BY:	ARCHITECTURE
CHECKED BY:	ARCHITECTURE

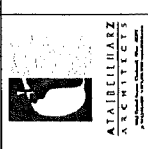
ISSUE DATE:

CERTIFICATION:









**GUNPOWDER ESTATES**  
 PROPOSED SENIOR APARTMENTS  
 U.S. HIGHWAY 42 AND GUNPOWDER ROAD  
 FLORENCE, KY 41042

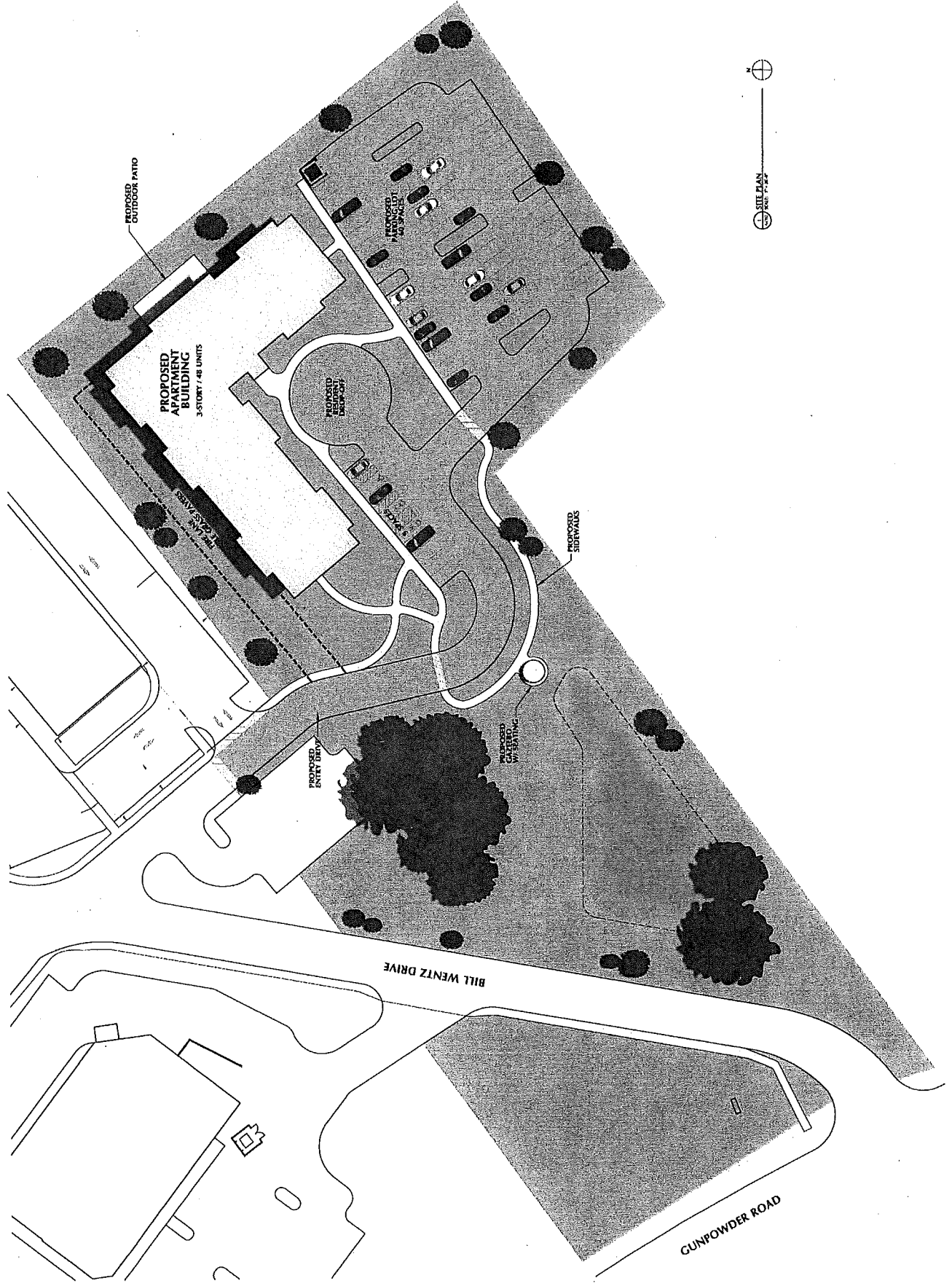
CERTIFICATION

ISSUE DATE

PROJECT NO. 1508  
 DRAWN BY CHA  
 CHECKED BY JCL

SITE PLAN

**A-002**



THIS PLAN IS THE PROPERTY OF ATAIBELHARZ ARCHITECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF ATAIBELHARZ ARCHITECTS.



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Florence, KY 40302  
Phone: 606/335-1111  
Fax: 606/335-1112

**GUNPOWDER ESTATES**  
PROPOSED SENIOR APARTMENTS  
U.S. HIGHWAY 42 AND GUNPOWDER  
FLORENCE, KY 4032

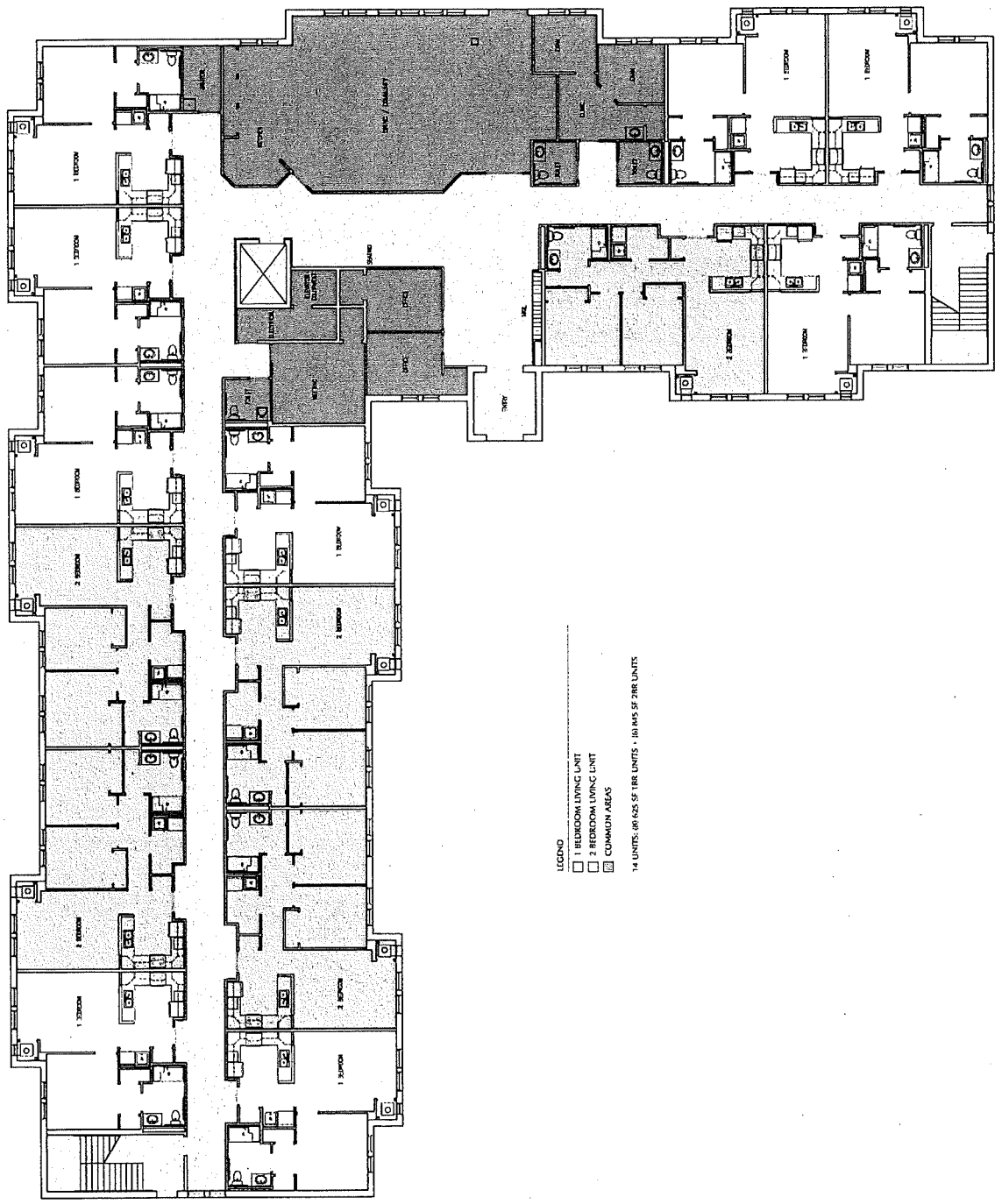
CERTIFICATION

DATE: DATE

PROJECT NO: 1005  
DRAWN: [Name]  
CHECKED: [Name]

FIRST FLOOR PLAN

**A-101**



FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"

**LEGEND**

- 1 BEDROOM LIVING UNIT
- 2 BEDROOM LIVING UNIT
- 3 BEDROOM LIVING UNIT
- COMMON AREAS

14 UNITS: 68 KIDS SF TIR UNITS - 163,845 SF 2BR UNITS



**ATAL BEHARAR  
ARCHITECTS**  
1000 Peachtree Street, Suite 2000  
Atlanta, Georgia 30309

**GUNPOWDER ESTATES**  
PROPOSED SENIOR APARTMENTS  
U.S. HIGHWAY 42 AND GUNPOWDER ROAD  
FLORENCE, KY 41042

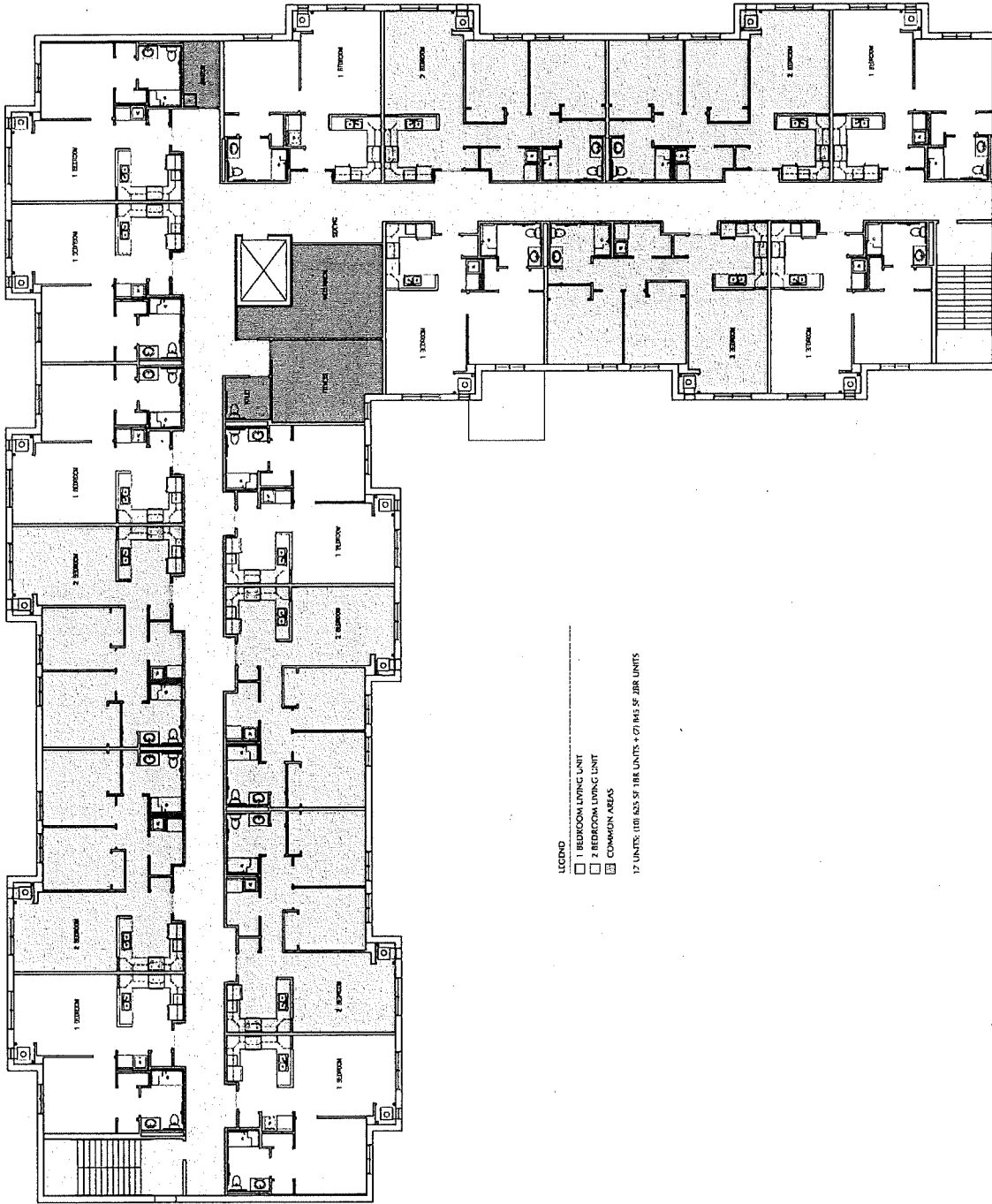
CERTIFICATION

ISSUE DATE

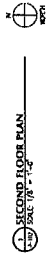
PROJECT NO. 1009  
DRAWN: [blank]  
CHECKED: [blank]

SECOND FLOOR PLAN

**A-102**



**LEGEND**  
 [Symbol] 1 BEDROOM LIVING UNIT  
 [Symbol] 2 BEDROOM LIVING UNIT  
 [Symbol] COMMON AREAS  
 17 UNITS: (10) 623 SF 1BR UNITS + (7) 845 SF 2BR UNITS



SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**ATAJ HEILMARTZ**  
ARCHITECTS  
1000 W. Main Street, Suite 200  
Florence, KY 40442

**GUNPOWDER ESTATES**  
PROJECT SENIOR APARTMENTS  
U.S. HIGHWAY 12 AND GUNPOWDER ROAD  
FLORENCE, KY 41042

CERTIFICATION

ISSUE DATE

PROJECT NO.: 1000  
DRAWN BY: [blank]  
CHECKED BY: [blank]

THIRD FLOOR PLAN

**A-103**



**LEGEND**  
 □ 1 BEDROOM LIVING UNIT  
 □ 2 BEDROOM LIVING UNIT  
 □ COMMON AREAS  
 17 UNITS: (10) 625 SF 1BR UNITS + (7) 145 SF 2BR UNITS

1 THIRD FLOOR PLAN  
 SCALE: 1/8" = 1'-0"  
 NORTH



# ERS

## Episcopal Retirement Services

### MEMORANDUM

**TO:** Boone County Planning Commission

**FROM:** Jay Kittenbrink, Senior Development Manager  
Episcopal Retirement Services Affordable Living LLC

**DATE:** January 31, 2017

**RE:** Gunpowder Estates  
Application for Zoning Map Amendment

---

Dear Commission Members,

Thank you for the opportunity to submit an application for Zoning Map Amendment for Gunpowder Estates, ERS's proposal to build 48 units of high-quality senior housing at the parcel at 8678 Gunpowder Road in Florence.

**Development Experience.** ERS, along with our longtime development partner The Model Group, welcomes the opportunity to build service-rich housing for seniors at a great location in Boone County. ERSAL and Model have a strong track record of success in developing, owning, and managing affordable housing for seniors, and we look forward to bringing that experience to this project. We have long recognized that seniors requires a specific set of features and amenities. Through our work on 15 previous projects, we have cultivated knowledge of the best in universal design and comfort for seniors; for example, greater lighting in units and common areas, counter finishes that are friendly for senior eyesight, layouts that maximize the ability to age-in-place and adapt units for resident needs. Model Construction consistently drives great value to each project by integrating its talent throughout each step of the planning and construction phases of a project.

ERSAL emphasizes a complete wellness program for our senior residents by focusing its services on six dimensions of wellness. These six dimensions are physical, social, emotional, spiritual, intellectual and vocational. Notably, ERSAL always purchases fitness equipment for residents, including specially designed rehab-capable treadmills, equipment that works all four extremities, and other equipment, which can be used both for regular fitness as well as on-site rehabilitation after specific incidents. ERSAL also coordinates a variety of programs and

activities such as: planned social events on-site and trips off-site, education programs, and programs with local churches for residents' spiritual needs. Research suggests emotional and intellectual well-being reduces the risks of hospitalizations and nursing home admissions. We attached a brief resume for ERSAL to this exhibit.

We will bring a strong set of amenities to this project, as well as the high-quality finishes that we know keeps potential residents comfortable and healthy in our properties.

**Below are several items we'd like to note along with our application:**

1. **Zoning designation.** The property is currently zoned C2/PD with a concept plan to build a commercial use (restaurant, retail, or office). Our request is for a map amendment for UR-2/C2/PD such that, should our application for financing for the project be unsuccessful, the owner is not precluded from using the site for commercial use in the future.
2. **Request for Variance Related to Parking.** We are making a request for a variance related to parking, which is included in Exhibit E of this application.
3. **Intersection of Mel's Way and Bill Wentz Drive, and coordination with Gunpowder Center owner.** Todd Morgan made us aware that when the Change in Approved Concept Plan was granted for Gunpowder Properties, LLC to allow for a strip center there, the Commission conditioned that approval such that "the existing Gunpowder Center multi-tenant building curb cut located near the Bill Wentz Drive/Mel's Lane intersection shall be relocated when the Morgan property develops. The relocated curb cut shall align with Mel's Lane and be part of a four-way intersection." We worked with the new owner of Gunpowder Centre, Matt Rumpke, on including a plan in this application that will:
  - a) Allow for a four-way intersection with Mel's Lane and Bill Wentz Dr;
  - b) Provide for the additional parking Mr. Rumpke needs to allow for a restaurant use in his building;
  - c) Allow for access on to our property from Bill Wentz Dr.

Mr. Rumpke is simultaneously submitting an application to the Boone County Planning Commission which coordinates with our plan; our designers shared CAD files with each other to ensure that the plans we are submitting match each other.

4. **Transitional zone.** We understand that the 2010 Comprehensive Plan calls for this to be a transitional area between intense uses near the Gunpowder/US 42 intersection, and the less intense single-family neighborhoods to the east and south, and as such, we are encouraged to limit the height of our building. We believe we comply with this transition given that a senior multifamily building like ours will not have much traffic or noise, compared with the single-story commercial building that the current concept plan includes. Moreover, we've situated our building far away from both Bill Wentz Drive and from Gunpowder Road, and left 59% of lot 9 area as green space, and have left the entire 0.5 acre lot 7 as green space. We've also exceeded rear and side setbacks, and further, we

intend to leave several mature trees that will be seen from these two roads, thereby further screening our building and ensuring that transition. It is very likely our building will not be seen from Gunpowder Road, and given the large berm along Bill Wentz Drive, it is very likely the building won't be seen from that road either.

We chose a three-story building because:

- a. **Cost concerns.** Our chief concern on senior multifamily housing projects such as this one is the construction costs. Senior affordable housing in Kentucky is overwhelmingly funded through Kentucky Housing Corporation's Low Income Housing Tax Credit program. KHC just started new cost containment limits where each project's total development costs (including both hard and soft costs) must be lower than \$164,000 for 1BR units and \$200,000 for 2BR units. This is a good deal lower than our project costs would typically be, absent this guideline. To stay within these guidelines, a three-story building (vs. two-story or one-story) greatly keeps costs low by limiting some of the most expensive parts of the building: earthwork, foundation costs, and roofing costs. It also allows us to make more effective use of the elevator cost.
- b. **Senior access concerns.** We prefer a building design under which seniors do not need to walk far from the parking lot to their units, and from their units to amenity space in the building, such as the community room and fitness room. A three-story building means fewer long hallways and less strain on the seniors, and makes it more likely we'll have one main entrance to the building where our staff can better interact with staff as they enter and leave the building.

5. **Development Schedule.** Our development schedule is as follows:

- a. Apply for housing credits from Kentucky Housing Corporation, October 2017
- b. Award notification of housing credits, March 2018
- c. Close and start construction, December 2018
- d. Construction completion, December 2019

**This package includes the following:**

- A. Completed Application
- B. Legal Description of the Area to be Rezoned
- C. Names and Addresses of Adjacent Property Owners
- D. Check for application fee
- E. Concept Development Plan
- F. Traffic Study

Again, thank you for the opportunity to submit. Please do not hesitate to contact us with any questions.



## Affordable Living

### Episcopal Retirement Services Affordable Living LLC Company Resume

Episcopal Retirement Services Affordable Living LLC ("ERSAL") is a wholly owned subsidiary of Episcopal Retirement Services ("ERS"). ERSAL owns and/or manages affordable senior developments in Ohio, Kentucky and Indiana. These comprise over 1,600 affordable housing units serving seniors below 60% of the AMI under the Low Income Housing Tax Credit ("LIHTC") program, with HUD financing and rental assistance and/or bond financing in several of the developments.

Communities owned and/or managed by ERSAL include:

*Ohio, Kentucky and Indiana:*

- Canterbury Court in West Carrollton, Ohio - 150 units originally financed by HUD 202 and LIHTC, with Section 8 rental subsidies on all units.
- Cambridge Heights Apartments in Cambridge, Ohio - 65 units originally financed by HUD 202 and LIHTC, with Section 8 rental subsidies on all units.
- Shawnee Place Apartments in Springfield, Ohio - 85 units financed by LIHTC and City HOME funds.
- Parkview Place Apartments in Anderson, Indiana- 30 units financed by LIHTC, HOME, and FHLB, with Housing Authority vouchers on all units.
- Trent Senior Village in Lexington, Kentucky - 54 units financed by HOME and LIHTC.
- Quaker Apartments in Wilmington, Ohio - 80 units originally financed by HUD, with Section 8 Rental Subsidy on all units.
- Prairie View Apartments in Wilmington, Ohio - 74 units originally financed by HUD, with Section 8 Rental Subsidy on all units.
- Friendly Center in Wilmington, Ohio - 55 units financed with conventional mortgage
- Mulberry Place in Wilmington, Ohio - 10 units originally financed with HUD 202 PRAC, with Section 8 Rental Subsidy on all units.
- Friendship Acres in Blanchester, Ohio - 114 units financed by HUD, with Section 8 Rental Subsidy on all units.
- Green Hills Apartments in West Liberty, Ohio- 76 units financed by LIHTC, USDA 538 and OHFA HDL, with USDA Rental Assistance vouchers on 65% of units.
- Senior Citizens Associates Apartments in New Carlisle, OH - 96 units financed with USDA 515 with UUSDA Rental Assistance vouchers on 70% of the units.

*Cincinnati:*

- St. Paul Village 1 - 103 units originally financed by HUD 236 and LIHTC, with Section 8 rental subsidies on 96 units.
- St. Paul Village 2 - 65 units originally financed by HUD 202 and LIHTC, with Section 8 rental subsidies on all units.
- St. Pius Place - 18 units financed by HUD 202 and LIHTC, with Section 8 rental subsidies on all units.
- Elberon Senior Apartments - 37 units financed by LIHTC and NSP, with project-based vouchers on 9 units..
- Woodburn Pointe Apartments - 24 units financed by LIHTC and NSP.
- Forest Square Apartments - 21 units financed by LIHTC and HOME, with project-based vouchers on 5 units.

- Walnut Court Apartments in Cincinnati, Ohio - 30 units financed by HUD 202, HOME and LIHTC, with Section 8 rental subsidies on 100% of units.
- Central Parkway YMCA in Cincinnati, Ohio - 65 units financed by HOME and LIHTC with Housing Authority vouchers on all units.
- Madison Villa Apartments in Cincinnati, OH – 95 units financed with HUD 221(d)3 financing and Mortgage Restructuring with Section 8 project-based Voucher for 99% of the units.

Communities which are funded and under construction or soon to begin construction include:

*Cincinnati:*

- Knowlton Northside in Cincinnati, Ohio – 56 units financed by LIHTC and FHLB, with project-based vouchers on 8 units.
- Marlowe Court in Cincinnati, Ohio – 53 units financed by HOME, LIHTC and FHLB.
- Maple Knoll Meadows in Springdale, Ohio – 149 units financed by HUD 202 and LIHTC.

As property manager, ERSAL brings our core values of Dignity, Integrity, Ministry, Transparency, Person-centeredness and Interdependence to all our communities as part of our service philosophy and responsibility to seniors regardless of economic status. To this end we often provide services and amenities far above and beyond the norm such as wellness programs, transportation, social services, and community activities. With over 1,330 units in operation and a vacancy rate under three percent, ERSAL excels in high standards of excellence in legal compliance, property maintenance and financial soundness. We have also been voted by our employees as a Top Workplace in Cincinnati for 7 years running.

ERSAL communities are also built or renovated to high standards so that the economic status of the residents is not evident by building appearance and, in fact, residents and leaders in surrounding neighborhoods often report that ERSAL communities help these neighborhoods to grow and improve.

## Gunpowder Estates

### Zoning Map Amendment Application

#### Relationship of Proposed Zone Change with Comprehensive Plan

We understand that the comprehensive plan intends for this area to be a transition from the intense uses at Gunpowder/US 42 intersection to single family homes to the east and south. We believe we comply with this transition given that a senior multifamily building like ours will not have much traffic or noise, compared to commercial buildings. Moreover, we've situated our building far away from both Bill Wentz Drive and from Gunpowder Road, leaving open land and mature trees within view from those streets, thus further ensuring that transition.

Per zoning requirements, Lot 9 property borders will comply with buffer zone B landscaping requirements. Buffer zone C landscaping will be designed for the common boundary between the project and the adjacent existing commercial property. The overall development will exceed landscaping and greenspace standards in several ways:

1. Minimized built area. The building footprint, parking lots, drives and drop off area comprise 1.43 acres of the overall 3.49 acres of Lot 9, therefore 59% of the site will be green space.
2. VUA landscaping exceeded. The development as shown provides 12% landscaping within the VUA, which exceeds the 5% zoning requirement.
3. Increased building setback. The building has a 35' foot rear and side yard setback which exceeds the minimum zoning setback requirements (30' front, 20' rear, 10' side).
4. Preserving mature trees. The proposed development plan has been created to promote the conservation of the last few significant mature trees on the site.
5. Lot 7 greenspace. The existing .5 acre Lot 7 will not be improved and will remain a greenspace.

**Gunpowder Estates**  
**Zoning Map Amendment Application**  
Request for Parking Variance

Per UR-2 requirements for multifamily housing developments, 1.5 parking spaces are required for every one-bedroom unit and 2 parking spaces for every two-bedroom unit. The development's 48 apartment units (28 one-bedrooms and 20 two-bedroom units) would therefore require 82 parking spaces.

We propose providing 69 total parking spaces for our senior low-income housing project. Our experience owning and managing 15 affordable multifamily buildings tells us only about half of the units will have a car, and an additional number of spaces are needed for visits from family and friends. Further, based on our experience, the majority of the units will have only one occupant – even the two bedroom units. In our past projects, our buildings have continued to be successful with as few as one parking space per unit. This led us to 69 total parking spaces, and we hereby request a parking variance to that amount.

Further, we propose that if the project ever ceases to be a senior project, it will need to comply with the UR-2's designation for number of parking spaces, and thus create the additional spaces needed to reach 82. To that end, we prepared an "Alternative Parking Layout" site plan that shows this number of spaces.



CINCINNATI  
COLUMBUS  
DAYTON

6305 Centre Park Drive  
West Chester, OH 45069  
phone 513.779.7851  
fax 513.779.7852  
www.kleingers.com

December 15, 2016

Episcopal Retirement Services Affordable Living LLC  
3870 Virginia Avenue  
Cincinnati, OH 45226

ATTN: Mr. Jay Kittenbrink  
Senior Development Director

RE: 8678 Gunpowder Road Senior Multi-Family Housing Development  
Estimated Site Trip Generation

Dear Mr. Kittenbrink:

To assess the difference in traffic impact between the previously proposed office and restaurant development and the newly proposed senior multi-family housing development, trip generation calculations were performed for the housing development. These calculations were performed using the Institute of Transportation Engineers' Trip Generation Manual, 9<sup>th</sup> Edition. No traffic data collection was performed as part of these calculations. An October 14, 2014 traffic impact study addendum performed by TEC Engineering, Inc. was used for the previously proposed office and restaurant development site generated trips in this report.

The previously proposed development included a 12,500 sq ft general office building and a 10,150 sq ft high turnover sit down restaurant. This site trip generation from the TEC report is summarized in Table 1.

The newly proposed development is a 48-unit senior multi-family housing development. The ITE land code used to develop the site generated trips was 252 (Senior Adult Housing – Attached). The results are summarized in Table 2.

Morgan Property Generated Trips (From 10/14/14 TEC Study)						
CONDITION	FITTED CURVE EQUATION	SITE-GENERATED TRIPS				
		ENTERING TRIPS		EXITING TRIPS		TOTAL TRIPS
		PCT	NO.	PCT	NO.	
Weekday A.M. Peak Hour (7-9am)		53%	102	35%	70	172
Weekday P.M. Peak Hour (4-6pm)		47%	90	65%	130	220

TABLE 1: PREVIOUSLY APPROVED DEVELOPMENT

Senior Adult Housing - Attached						
		ITE Land Use Code: 252		X= 48 Dwelling Units		
CONDITION	FITTED CURVE EQUATION	SITE-GENERATED TRIPS				
		ENTERING TRIPS		EXITING TRIPS		TOTAL TRIPS
		PCT	NO.	PCT	NO.	
Weekday A.M. Peak Hour (7-9am)	$T = 0.20 (X) - 0.13$	34%	3	66%	6	9
Weekday P.M. Peak Hour (4-6pm)	$T = 0.24 (X) + 1.64$	54%	7	46%	6	13

TABLE 2: PROPOSED 48 UNIT SENIOR ADULT HOUSING DEVELOPMENT

JOB #: 160791.000

December 15, 2016  
Episcopal Retirement Services Affordable Living LLC  
8678 Gunpowder Road Senior Multi-Family Housing Development  
Estimated Site Trip Generation

THE  
**KLEINGERS**  
GROUP



According to the calculations, the previously proposed site's AM and PM peak hour trip generation is 172 trips and 220 trips, respectively. The newly proposed site has an AM peak hour trip generation of 9 trips and a PM peak hour trip generation of 13 trips. Based on the calculations, the traffic generated by the newly proposed housing development is expected to be significantly less than the previously proposed office and restaurant development on this site.

I trust this information addresses your concerns. If you have any questions or if there is any additional information you need, please do not hesitate to contact me.

Sincerely,  
THE KLEINGERS GROUP

Mark W. Nolt, PE, PTOE  
Traffic Project Manager

cc: FILE

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

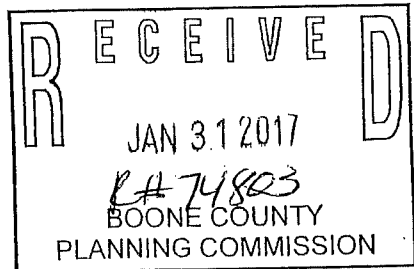
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

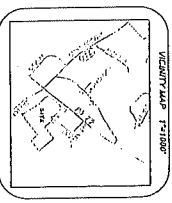
SECTION A (To be completed by applicant)

- 1. Name of Project Gunpowder Estates
2. Location of Project 8378 Gunpowder Road, Florence, KY
3. Total Acreage of Site 4.392 (sum of lot 7 and lot 9)
4. Current Zoning of Site C2/PD
5. Proposed Zoning (Classification being requested) UR-2/C2/PD
6. Proposed Uses (please specify each use) Senior multifamily apartment building, with flexibility to keep current commercial use classification should our efforts at securing financing be unsuccessful.
7. Names of Applicant(s) Episcopal Retirement Services Affordable Living LLC
8. Address of Applicant(s) 3870 Virginia Avenue
9. Name of Property Owner(s) James L. Morgan and Sherry A. Morgan
10. Address of Property Owner(s) 289 Cherokee Trail
11. Proposed Building Intensities (please specify) 48 units / 3.49 acres on lot 9 = 13.75 units/acre
12. Are there any existing buildings on the site? no
13. Deed Book See note 1 at right Page No. Group No.
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes, please see attached
16. Have you had a pre-application meeting with BCPC Staff? 11/18/16, 12/19/16, 1/4/17, 1/23/17
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)





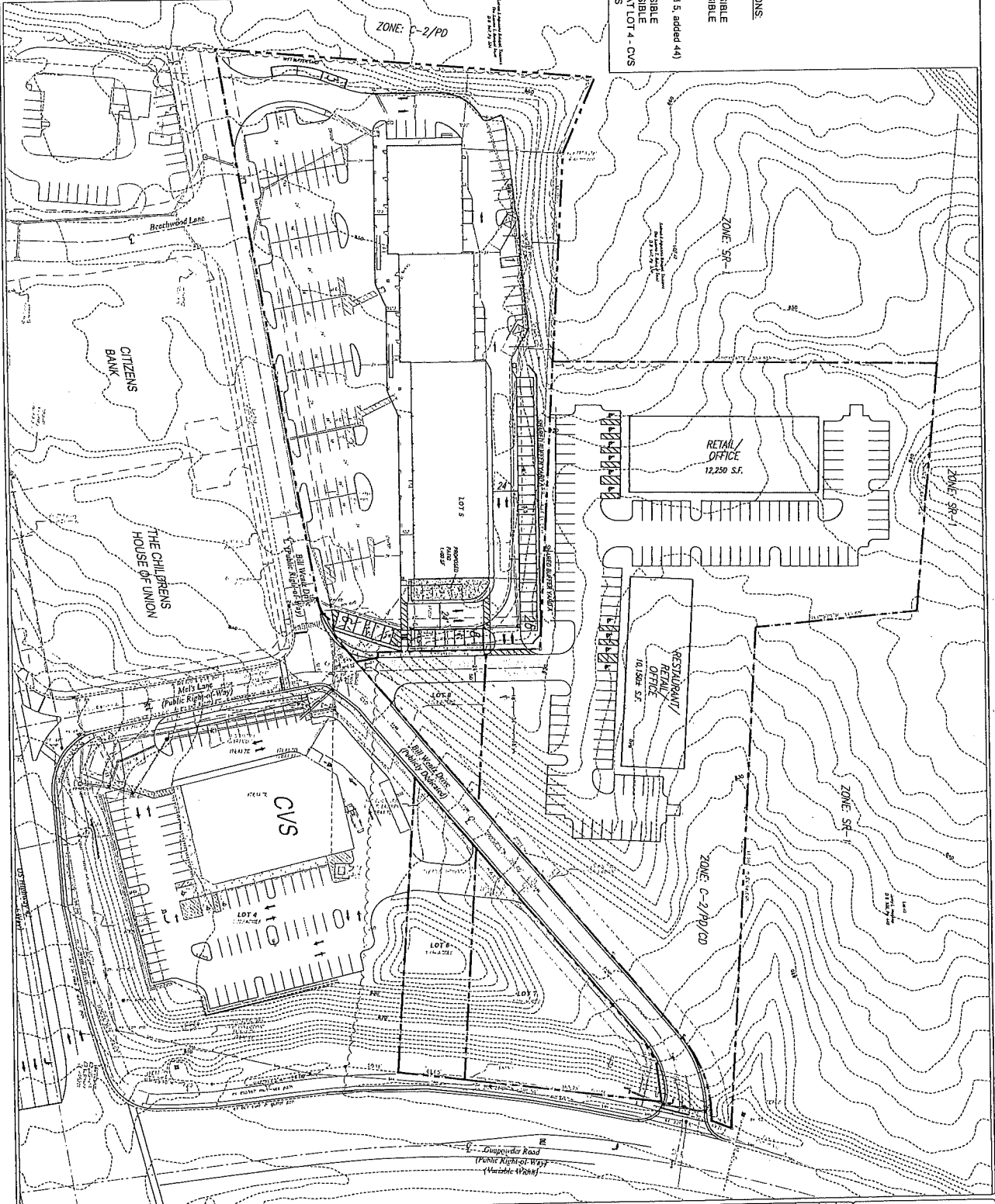


LOT 5 & 8 AREAS:  
 LOT 5 = 3.21 ACRES  
 LOT 8 = 0.02 ACRES  
 BUILDING: 28,000 SF

ORIGINAL PARKING CALCULATIONS:  
 REQUIRED: 112 STALLS  
 PROVIDED: 116 STALLS  
 REQUIRED HC 5: 1 VAN ACCESSIBLE  
 PROVIDED HC 5: 1 VAN ACCESSIBLE  
 REQUIRED HC 6: 1 VAN ACCESSIBLE  
 PROVIDED HC 6: 1 VAN ACCESSIBLE

PARKING EXPANSION:  
 39 ADDITIONAL STALLS (removed 5, added 44)  
 REQUIRED HC 5: 1 VAN ACCESSIBLE  
 PROVIDED HC 5: 1 VAN ACCESSIBLE  
 REQUIRED HC 6: 1 VAN ACCESSIBLE  
 PROVIDED HC 6: 1 VAN ACCESSIBLE  
 SHARED PARKING: 14 STALLS AT LOT 4 - CVS  
 TOTAL AVAILABLE = 189 SPACES

- GENERAL NOTES:  
 1. OWNER & DEVELOPER: GUNPOWDER CENTRE  
 2. TOTAL AREA = 3.48 ACRES  
 3. BUILDING ZONING: C-2/PO  
 4. MIN. LOT FRONTAGE: 500 FT  
 5. MIN. LOT AREA: 5,000 SQ FT  
 6. MIN. REAR SETBACK: 20 FT (50 FT WHERE IT ADJACES SR-1)  
 7. MIN. SIDE SETBACK: 10 FT  
 8. EXISTING SOIL TYPES = FED. JUD. 18B  
 9. WATER: CITY OF FLORENCE  
 10. SEWER: CITY OF FLORENCE  
 11. GAS: TOWN OF BURNETT ELECTRIC  
 12. TELEPHONE: CINCINNATI BELL  
 13. CABLE: SPECTRUM  
 14. THIS SITE DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN.

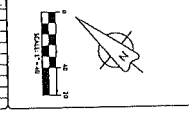


**GUNPOWDER CENTRE LOT 5**  
**PARKING EXPANSION**  
 FLORENCE, BOONE COUNTY, KENTUCKY  
**CONCEPT PLAN B**

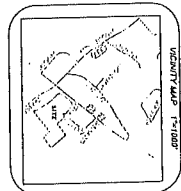
**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 188 Simpson Road • Florence, Kentucky 41018  
 Ph: (502) 727-3792 • Fax: (502) 727-4452 • www.vioxandviox.com

Project No.	Checked	Approved	Approved	Approved	Approved
02/10/17	KAL	AMM	Full Stamp	Full Stamp	Full Stamp

Sheet	Revision	Date	By	CHK.
1				



C-102

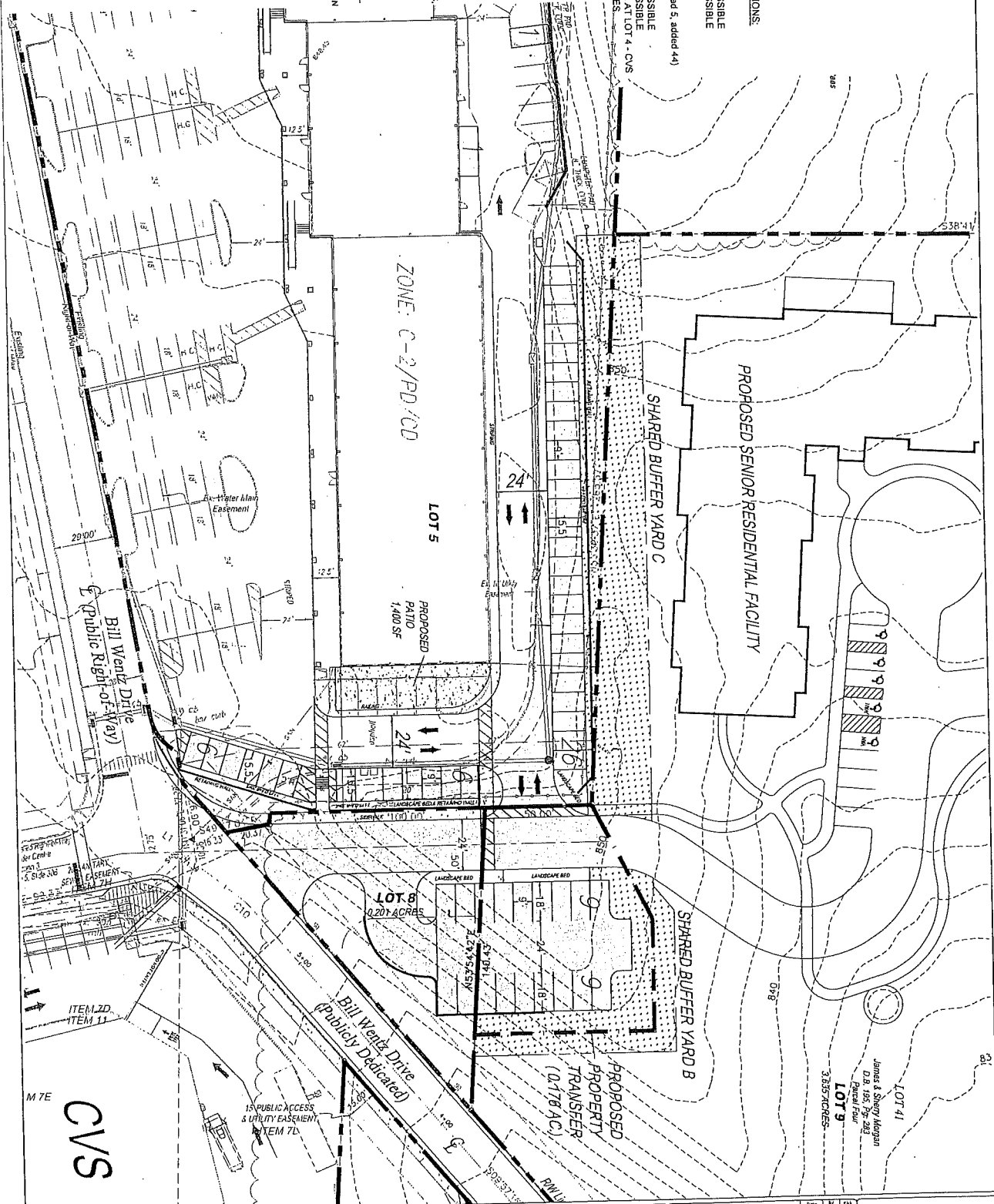


LOT 8 & 8 ACRES -  
 LOT 9 = 3.21 ACRES  
 LOT 9 = 3.21 ACRES  
 BUILDING: 28,000 SF

ORIGINAL PARKING CALCULATIONS:  
 REQUIRED: 112 STALLS  
 PROVIDED: 116 STALLS  
 REQUIRED HC: 5, 1 VAN ACCESSIBLE  
 PROVIDED HC: 6, 1 VAN ACCESSIBLE

PARKING EXPANSION:  
 33 ADDITIONAL STALLS (removed 5, added 44)  
 NEW TOTAL = 155 SPACES  
 REQUIRED HC: 6, 1 VAN ACCESSIBLE  
 PROVIDED HC: 6, 1 VAN ACCESSIBLE  
 SHARED PARKING: 14 STALLS AT LOT 4 - CVS  
 TOTAL AVAILABLE = 169 SPACES

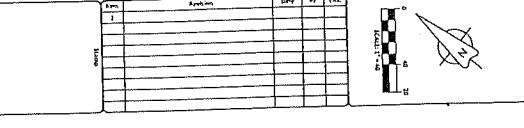
GENERAL NOTES:  
 1. OWNER & DEVELOPER: GUNPOWDER CENTRE, LLC, 200 SPRINGS WAY LOUISVILLE, KY 40245  
 2. TOTAL AREA = 3.88 ACRES  
 3. BUILDING AREA = 28,000 SF  
 4. MIN. LOT FRONTAGE: 300 FT  
 5. MIN. FRONT SETBACK: 20 FT (50 FT WHERE IT ADJACENT SR-1)  
 6. MIN. SIDE SETBACK: 10 FT  
 7. MIN. REAR SETBACK: 10 FT  
 8. EXISTING SOIL TYPES = F&D, J&C, R&B  
 9. WATER: CITY OF FLORENCE  
 10. FLORENCE  
 11. STORM SEWER: CITY OF FLORENCE  
 12. GAS: DUKE ENERGY  
 13. TELEPHONE: CINCINNATI BELL  
 14. CABLE: SPECTRUM  
 15. COMMUNICATIONS: LOT 11 WITHIN THE 100 YEAR FLOOD PLAIN.



**GUNPOWDER CENTRE LOT 5**  
 PARKING EXPANSION  
 FLORENCE, BOONE COUNTY, KENTUCKY  
**CONCEPT PLAN A**

**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 186 Stanger Road • Florence, Kentucky 41016  
 PH: 502-727-3920 • Fax: (502) 727-4452 • www.viox.com

Prepared by:	Checked by:	Approved by:	Approved by:	Approved by:
10/1/2016	JAL	RAM		
Date:	Scale:	Plot Name:	Project Name:	Project No.:
10/20/16	ASAP			



C-103



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452  
www.vioxinc.com

January 31, 2017  
Todd Morgan  
P.O. Box 958  
2950 Washington Street  
Burlington, KY 41005

Attn: Mr. Todd Morgan

RE: Gunpowder Centre Lot 5 & 8 Parking Expansion

Dear Mr. Morgan:

Thank you for the pre-application meetings regarding this proposed project. This letter is intended to provide a brief summary of the proposed project and requests of the change in concept plan.

Gunpowder Centre is proposing a parking expansion to meet the requirements of a broader range of tenants. The majority of the parking expansion is proposed on the west and south side of the shopping center to create more parking in close proximity to the relevant building square footage. An outdoor patio is also proposed as part of this enhancement.

The Owner of Gunpowder Centre, the adjoining property owners, and design teams have collaborated to develop plans that meet the goals and objectives of the land uses in a compatible way that is mutually acceptable. As you are aware, co-participation is required due to easements and previous concept plans of record. The current application for Lot 5 & 8 requires two concept plans to account for two different potential outcomes. Concept Plan A shows the requested parking expansion and buffer yards if the property is developed as UR-2/PD/CD, per the Episcopal Retirement Services concept plan. Concept Plan B shows the requested parking expansion and buffer yards if the property is developed as C-2/PD/CD. Thanks for the consideration of these two outcomes related to different adjoining land uses. The property Owners have met and mutually support the requested change in concept plans.

Respectfully Submitted,

Brock M. MacKay, PLA, ASLA, CLARB  
Vice President of Business Development  
Landscape Architect

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION

**FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED**

(See Boone County Zoning Regulations)

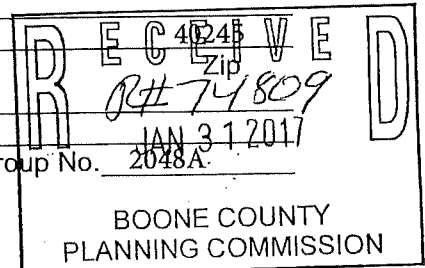
**SECTION A** (To be completed by applicant)

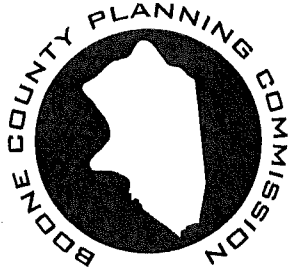
1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- 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  Technical Design  **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 Gunpowder Centre
- 3. Location of Project Bill Wentz Drive, Florence, Kentucky
- 4. Total Acreage of Site 3.46 +/- Acres
- 5. Current Zoning C-2/PD/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 2001 R-01-010-A
- 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) Commercial - existing building to remain
- 9. Proposed Building Intensities (please specify)  
No additional building, only additional patio for outdoor restaurant seating and parking as shown
- 10. Have you submitted a Concept Development Plan? Yes, see attached plan.
- 11. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
- 12. Name of Applicant(s) Viox & Viox, Inc.  
Phone Number 859-727-3293 Fax No. 859-727-8452 E-Mail bmackay@vioxinc.com
- 13. Address of Applicant(s) 466 Erlanger Road  
Erlanger KY 41018  
City State Zip
- 14. Name of Property Owner(s) Covington Shopping Center, LLC  
Phone Number (502) 664-1778 Fax No. NA E-Mail rumpke.matt@mac.com
- 15. Address of Property Owner(s) 15405 Crystal Springs Way  
Louisville KY  
City State Zip
- 16. Are there any existing buildings on the site? Yes  
How many? One
- 17. Deed Book 1078 Page No. 693 Group No. 2048A

(over)





## **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

**TO:** Josh Hunt, City of Florence Administration  
Tom Gagnon, Florence Public Services  
Kevin Vogelpohl, Florence Fire Department

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

**DATE:** February 2, 2017

**RE:** Request of **Episcopal Retirement Services Affordable Living LLC (applicant)** for **James L. Morgan and Sherry A. Morgan (owners)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection and a 3.635 acre tract located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection, Florence, Kentucky. The request is for a zone change to allow a residential apartment development in addition to previously approved commercial uses; and the request of **Viox & Viox, Inc. (applicant)** for **Covington Shopping Center, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.46 acre site located at 8537 US 42 (south side of Bill Wentz Drive), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an outdoor restaurant seating area and landscaping/parking/vehicular area changes.

Attached please find the applications and plans for the above reference requests.

The first proposal is for a Zoning Map Amendment to UR-2/C-2/PD to allow a 48 unit senior apartment building on a 3.499 acre tract (0.176 acres of the property would be transferred and allow additional commercial parking for lot 5 of Gunpowder Centre Subdivision). The submitted plans show the apartment building is three stories high and approximately 49,800 square feet in area. Access is proposed from a shared driveway that would be located on the southeast side of the Bill Wentz Drive/Mel's Lane intersection. Approval of the request would also allow the construction of the commercial development that was previously approved on this lot in the event that the applicant's tax credit application is not approved by Kentucky Housing Corporation.

Agency Memo  
February 2, 2017  
Page 2

The second proposal is for a Change in an Approved Concept Development Plan to allow an the construction of an outside restaurant seating area on the southwest side of the commercial strip center located at 8537 US 42, with associated landscaping, parking, and vehicular area changes.

Please review the enclosed materials and provide any comments that you may have relative to your agency's policies and service abilities by Wednesday February 17, 2017. Comments may be e-mailed to me at [tmorgan@boonecountyky.org](mailto:tmorgan@boonecountyky.org) or faxed to 334-2264. Your input is greatly appreciated.

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## Memorandum

To: Todd Morgan, Boone County Planning & Zoning

From: B/C Kevin Vogelpohl, Fire Marshal

Date: 02/03/2017

Re: 8678 Gunpowder Road & 8537 US 42 Concept Development Plans

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Upon review of the Concept Development Plans for the above mentions projects, the following items were identified as areas that need addressed for the Florence Fire/EMS Department:

### 8678 Gunpowder Rd

1. The lack of the inclusion of water lines into the proposed development do not allow for the proper identification of required hydrants, FDC location, Meter Pit location or size of water line.
2. The entry road into the development does not allow for easy access to the west side egress door. The distance from the road to the door is over 70ft. This is due to the curve in the road.
3. There is only access to 2 sides of the building. Using the scale provided, the distance to the middle of the first floor of the building from the main door as well as from the east and west egress doors exceeds 200ft which creates a long hose stretch for fire attack. Due to the building likely being classified as an R3, it will not require standpipes in the stairwells, which will require long hose stretches to all floors. With the construction of the building likely being Type 5, lightweight wood frame, access is paramount in the event of a large fire. Also, access to the rear of the structure is non-existent. With the focus of seniors in this structure, it is highly likely of having to provide rescues in the event of a fire and there is no access to allow for fire apparatus. It is understood that the structure is set in place for a reason as well as the required set-backs, but some form of access would be beneficial.
4. The intersection of Bill Wentz and Mel's Lane do not line up and will create, in my opinion, an issue with vehicular traffic as well as ingress of fire apparatus. The line of sight for the angular intersection will create issues for leaving the property in an ambulance.

8537 US 42

1. As is noted above, in the event that plan 2 occurs, there are no water lines, etc. noted on the drawing.
2. The connection of the lower parking lot proposal and the entry road should align with the new curb cut from the entry road to the proposed residential facility and the existing parking lot for the 8537 Building. As is currently noted on the plan, the lot entry and the new curb cut are at least 50' apart. Aligning them will allow for easier entry /egress from the lots for fire apparatus as well as continuity of regular traffic.

If you have any further questions, please feel free to contact me at 859-647-5660. As the plans are updated, I will advise you of further items needing attention.

## Todd Morgan

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**From:** Todd Morgan  
**Sent:** Thursday, February 09, 2017 4:31 PM  
**To:** 'Brock MacKay'; Michelle Bollman; 'rumpke.matt@mac.com'; Kittenbrink, Jay (jkittenbrink@ERSLIFE.ORG); 'Tim Westrich'  
**Subject:** Gunpowder Centre - Change in Concept Plan & Gunpowder Estates Senior Apartments - Zoning Map Amendment  
**Attachments:** \_0209142737\_001.pdf

All,

Fire Marshal Vogelpohl sent me comments regarding both applications (see attachment). I wanted you to have a chance to look at them before the public hearing so you could speak with him and analyze the possibility of making revisions to the plans.

The Zoning Services Division reviewed the plans this morning and we share Fire Marshal's Vogelpohl's concerns. We would like you to analyze the following:

1. Aligning the shared driveway and Mel's Lane centerlines.
2. Aligning the strip center and overflow parking lot access points on the shared driveway.
3. Providing additional fire access to the senior apartment building.
4. Are all the parking stalls being proposed in the strip center lot needed? The current parking requirement for the strip center is 112 stalls and 116 stalls are currently on site. The new proposal would ultimately increase parking for the strip center to 187 stalls (155 in the strip center lot, 18 in the overflow lot, and 14 in the CVS lot). How many seats are being proposed in the future restaurant tenant space? The new parking count would allow 150 indoor seats in the restaurant.
5. It's possible that some of the parking that would be lost by aligning the shared driveway and Mel's Lane centerlines could be picked back up by providing parking on the shared driveway. Parking in the driveway would not be preferred but could be considered because it's a driveway and not a road.

Other comments for the senior apartments request:

1. I recommend submitting a more thorough description of Low Income Housing Credits, the award process, and the restrictions that will be placed on the development if the credits are awarded. This will allow the Planning Commission and City of Florence to review the information prior to acting on the application.
2. The building elevations show that the 2<sup>nd</sup> and 3<sup>rd</sup> stories of the apartment building will be constructed entirely of fiber cement lap siding. This is not consistent with the "Architecture" Planned Development Standard found in Section 1514 of the [Boone County Zoning Regulations](#). This standard states the predominant building materials for multi-family residential developments shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials.
3. I would recommend providing a sample board.

Please call or email me if you have any questions.

Thanks,

Todd K. Morgan, AICP  
Senior Planner, Zoning Services  
Boone County Planning Commission

## Todd Morgan

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**From:** Kevin Vogelpohl <Kevin.Vogelpohl@Florence-KY.gov>  
**Sent:** Friday, February 10, 2017 12:09 PM  
**To:** Todd Morgan  
**Subject:** Gunpowder Estates

Todd,

I spoke with a representative for the Gunpowder Estates Concept plan a little while ago concerning my comments I submitted to you earlier this week. I explained by position for my comments and the following was proposed to help take care of my concerns:

1. An "emergency access only" drive will be placed on the north side of the building (along the strip center side) to allow for access in the event of a fire. It will need to be constructed to allow the use of the road by our largest vehicle, in excess of 70k lbs. The drive will be allowed to be chained off for our access only. The road will terminate at the North/East corner of the building.
2. In lieu of changing the design of the large curve in the entry road to allow closer access to the building on the west side, as long as standpipes are placed in the east and west stairwells for fire suppression, the design of the entry road can remain as is.
3. They will show the location of current and proposed water lines in the updated plans as well as the location of the meter pit and proposed FDC location.

When the revised plans come out, I will submit any additional comments as needed. I definitely want the addition of standpipes within the building to be in writing. If you need anything else, please let me know.

Thanks,

**Kevin R. Vogelpohl**

Battalion Chief/Fire Marshal

Florence Fire/EMS

1152 Weaver Rd  
Florence, KY 41042

[kevin.vogelpohl@florence-ky.gov](mailto:kevin.vogelpohl@florence-ky.gov)

Office: (859) 647-5660 Ext 4617

Fax: (859)647-5670



# ERS

## Episcopal Retirement Services

### MEMORANDUM

**TO:** Todd Morgan, Senior Planner  
Boone County Planning Commission

**FROM:** Jay Kittenbrink, Senior Development Manager  
Episcopal Retirement Services Affordable Living LLC

**DATE:** February 17, 2017

**RE:** Gunpowder Estates  
Application for Zoning Map Amendment  
Response to Comments

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Dear Todd,

Thank you for the opportunity to reply to the comments both from Zoning Services and from the City of Florence Fire Marshal. Our reply is contained both in this memo and the attached updated set of plans.

Here are our responses:

From City of Florence Fire Marshal:

1. **The lack of the inclusion of water lines into the proposed development do not allow for the proper identification of required hydrants, FDC location, Meter Pit location or size of water line.** Thanks for this comment. It was not required that we engage civil engineering services for this zoning submission, and therefore we haven't developed our drawings to the level of detail that would include those items. Pursuant to phone calls with the Fire Marshal and with Boone County Planning Commission staff, we will be sure these are included when at the time we submit for building permit/site plan.
2. **The entry road into the development does not allow for easy access to the west side egress door. The distance from the road to the door is over 70ft. This is due to the curve in the road.** To address both this issue and the issue raised below in #3, we updated our drawings to include a 20ft. wide drive of grass pavers on the "north" side of the building

(the side that runs along Gunpowder Centre). This drive is designed to accommodate heavy fire apparatus. This will allow fire apparatus to get within 23ft. of that door. Further, we have agreed to have standpipes in the stairwells which helps with this issue as well.

3. **There is only access to 2 sides of the building. Using the scale provided, the distance to the middle of the first floor of the building from the main door as well as from the east and west egress doors exceeds 200ft which creates a long hose stretch for fire attack. Due to the building likely being classified as an R3, it will not require standpipes in the stairwells, which will require long hose stretches to all floors. With the construction of the building likely being Type 5, lightweight wood frame, access is paramount in the event of a large fire. Also, access to the rear of the structure is non-existent. With the focus of seniors in this structure, it is highly likely of having to provide rescues in the event of a fire and there is not access to allow for fire apparatus. It is understood that the structure is set in place for a reason as well as the required set-backs, but some access would be beneficial.** Pursuant to a phone call with Fire Marshal on 2/10/2017, we updated our drawings to include a 20ft. wide drive of grass pavers on the "north" side of the building (the side that runs along Gunpowder Centre) that will allow better access by fire apparatus, and decrease the length of hose needed. This drive is designed to accommodate heavy fire apparatus. Further, we have agreed to have standpipes in the stairwells which helps with this issue as well.
4. **The intersection of Bill Wentz and Mel's Lane do not line up and will create, in my opinion, an issue with vehicular traffic as well as ingress of fire apparatus. The line of sight for the angular intersection will create issues for leaving the property in an ambulance.** This item will be addressed by the team working on Gunpowder Centre.

From the Zoning Services Division:

1. **Aligning the shared driveway and Mel's Lane centerlines.** This item will be addressed by the team working on Gunpowder Centre.
2. **Aligning the strip center and overflow parking lot access points on the shared driveway.** This item will be addressed by the team working on Gunpowder Centre.
3. **Providing additional fire access to the senior apartment building.** Please see responses #2 and #3 to the Fire Marshal's comments above.
4. **Are all the parking stalls being proposed in the strip center lot needed? The current parking requirement for the strip center is 112 stalls and 116 stalls are currently on site. The new proposal would ultimately increase parking for the strip center to 187 stalls (155 in the strip center lot, 18 in the overflow lot, and 14 in the CVS lot). How many seats are being proposed in the future restaurant tenant space? The new parking count would allow 150 indoor seats in the restaurant.** This item will be addressed by the team working on Gunpowder Centre.

5. **It's possible that some of the parking that would be lost by aligning the shared driveway and Mel's Lane centerlines could be picked back up by providing parking on the shared driveway. Parking in the driveway would not be preferred but could be considered because it's a driveway and not a road. This item will be addressed by the team working on Gunpowder Centre.**

Other comments for the senior apartments request:

1. **I recommend submitting a more thorough description of Low Income Housing Credits, the award process, and the restrictions that will be placed on the development if the credits are awarded. This will allow the Planning Commission and City of Florence to review the information prior to acting on the application.** The low-income housing tax credit ("LIHTC") is a dollar-for-dollar credit for affordable housing investments, and was created with the Tax Reform Act of 1986. Typically, a developer (in our case, our ERS/Model Group team) applies for the credit from designated housing finance agency of a state (in our case, Kentucky Housing Corporation), and then partners with a syndicator who "sells" the credits to institutional investors. The investors put a large amount of equity in the project, and then take the credit against their federal tax liability. The maximum rent charged must be affordable to renters at or below 60% of the area median income, and often a portion of the units are restricted to renters of an even lower income. The federal tax code requires the units remain affordable for 15 years; KHC requires that projects in Kentucky remain under the affordability restrictions for an additional 18 years beyond that, a total of 33 years. LIHTC housing is estimated to account for 90% of all housing made affordable to low-income households in the United States. Whereas other federal housing programs have undergone cuts in the past two decades, LIHTC is seen as a successful program, given it provides an incentive to the private sector to build and maintain housing (rather than having it done by the public sector).

The Model Group has closed over 60 LIHTC transactions in Ohio, Kentucky, and Indiana, and ERS either owns or manages 27 LIHTC properties for a total of 1,631 senior units. Both of our organizations pride themselves on building and managing LIHTC properties that are indistinguishable from market-rate buildings. ERS also offers a high level of services designed to address their physical, emotional, and spiritual wellness. More information about ERS's properties and services can be found at <http://www.episcopalretirement.com/affordable-cincinnati-senior-living>

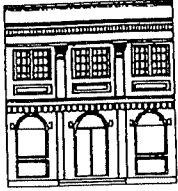
Each state housing finance agency is required to issue a Qualified Allocation Plan (QAP) to govern how the two types of LIHTC are allocated to projects: The "4%" credit and the "9%" credit. In 4% credit projects, the LIHTC equity covers about 35% of the total development costs of a project. These credits are not competitive and can be awarded by the state pursuant to their underwriting guidelines, but typically are appropriate only for renovation projects. In 9% credit projects, the LIHTC equity typically covers as much as 75% of the total development costs of a project, but are awarded through a competitive process. KHC has an annual funding round for its 9% credits; for 2017, applications are due on October 7, and we intend to submit for Gunpowder Estates. Evidence of proper zoning is a threshold

requirement of the application. We'd ideally like to know that the property is zoned for our use by July, so we can know if we have a viable application.

2. **The building elevations show that the 2<sup>nd</sup> and 3<sup>rd</sup> stories of the apartment building will be constructed entirely of fiber cement lap siding. This is not consistent with the "Architecture" Planned Development Standard found in Section 1514 of the Boone County Zoning Regulations. This standard states the predominant building materials for multi-family residential developments shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials.** Thank you for that comment. We updated the drawing to include more brick materials.
3. **I would recommend providing a sample board.** We intend to bring sample exterior materials to the March 1 meeting.



# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

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

Phone: (859) 334-2196

Fax: (859) 334-2264

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

April 16, 2001

Mr. Richard Wentz  
600 Greenup Street  
P.O. Box 472  
Covington, KY 41012-0472

RE: The request of **Richard Wentz/Gunpowder Properties LLC (owner)** to consider a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky. The request is to allow commercial uses.

Dear Mr. Wentz:

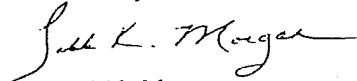
The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the owner, agree to the following conditions, please indicate so by signing the space provided on the following page. Please return this signed letter to the Boone County Planning Commission office by 5:00 P.M., on April 17, 2001.

## Conditions

1. All proposed buildings and signs must be approved through the Planning Commission's Design Review process to ensure that at least 60% of any building locating on such property shall be of a non-metal material such as, but not limited to, brick, refined stone, decorative masonry or architectural concrete. An appropriate type of architectural metal siding or wood siding may be permitted. Vinyl siding is not permitted. Regular painted concrete block or smooth-faced block will not be permitted in the area open to view from a public street.
2. The "development identification sign" must be monument style. The sign will be limited to 25 feet in height and 200 square feet in size.
3. The individual outlots will be permitted to have their own monument signs. These signs will be limited to 12 feet in height and 60 square feet in size. The base and supports of these signs will be required to match the dominant construction material of each building.
4. The following Commercial Two (C-2) uses will be prohibited in the development:
  - a. Pawn shops,
  - b. Auto parts and accessory stores,
  - c. Auto repair and wash services for vehicles,

- d. Mini-warehouse or storage facilities, and
- e. Check-cashing services.
5. Any proposed gasoline filling station(s) will be required to submit for a Conditional Use Permit.
6. The entire development will be limited to 3 franchise style (fast food) establishments and/or drive-thru facilities.
7. The development will adhere to Florence Landscaping Regulations (Article 36 of the Boone County Zoning Regulations).
8. Sidewalks will be required along U.S. 42.
9. A photometric plan will be required at Site Plan Review. The photometric plan will need to show that all proposed lighting is arranged to minimize direct illumination, reflection, or glare on any adjoining property or on any public street.
10. All proposed intercom systems must be at a decibel level of 75 to 85 db at 1 meter.
11. The landscaping buffer along the southern property boundary will need to be approved by the Technical Design Review Committee.
12. All design standards within the Boone County Zoning Regulations and Boone County Subdivision Regulations must be met.

Sincerely,



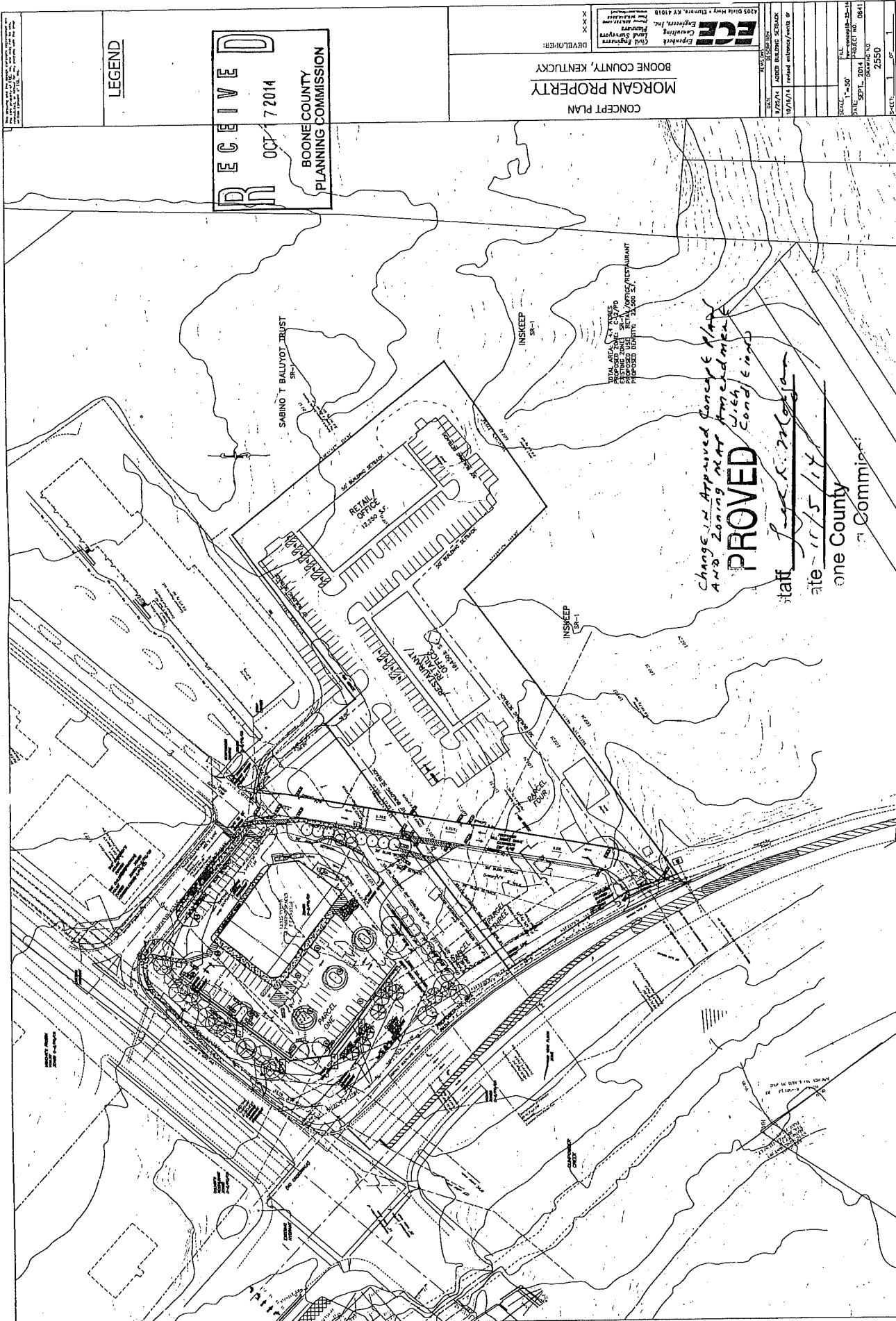
Todd K. Morgan  
Planner

TKM/pr

I, Richard Wentz, hereby agree to the listed conditions of approval for a Concept Development Plan for an approximate 10 acre site located at the southeast corner of the US 42/Gunpowder Road intersection and along the south side of US 42, Boone County, Kentucky.

  
Mr. Richard Wentz

4/17/01  
Date



LEGEND

**RECEIVED**  
 OCT 7 2014  
 BOONE COUNTY  
 PLANNING COMMISSION

CONCEPT PLAN  
 MORGAN PROPERTY  
 BOONE COUNTY, KENTUCKY

DEVELOPER:  
**EPC**  
 Engineers, Inc.  
 Civil Engineers  
 1005 Dixie Hwy • Ellettsville, KY 41018

DATE	DESCRIPTION
10/15/14	ISSUED FOR REVIEW/NOTES #1
10/15/14	ISSUED FOR REVIEW/NOTES #2
10/15/14	ISSUED FOR REVIEW/NOTES #3
10/15/14	ISSUED FOR REVIEW/NOTES #4
10/15/14	ISSUED FOR REVIEW/NOTES #5
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10/15/14	ISSUED FOR REVIEW/NOTES #87
10/15/14	ISSUED FOR REVIEW/NOTES #88
10/15/14	ISSUED FOR REVIEW/NOTES #89
10/15/14	ISSUED FOR REVIEW/NOTES #90
10/15/14	ISSUED FOR REVIEW/NOTES #91
10/15/14	ISSUED FOR REVIEW/NOTES #92
10/15/14	ISSUED FOR REVIEW/NOTES #93
10/15/14	ISSUED FOR REVIEW/NOTES #94
10/15/14	ISSUED FOR REVIEW/NOTES #95
10/15/14	ISSUED FOR REVIEW/NOTES #96
10/15/14	ISSUED FOR REVIEW/NOTES #97
10/15/14	ISSUED FOR REVIEW/NOTES #98
10/15/14	ISSUED FOR REVIEW/NOTES #99
10/15/14	ISSUED FOR REVIEW/NOTES #100

Change in Approved Concept Plan  
 And Zoning Map Amendment  
**PROVED** Conditions  
 Staff: *[Signature]*  
 Date: 10/15/14  
 Boone County  
 Planning Commission

TOTAL AREA OF TREES  
 PROPOSED TO BE  
 REMOVED: 2,177.0  
 PROPOSED TO BE  
 PRESERVED: 1,124.0  
 PROPOSED BOTTOM: 1,050.0

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# BOONE COUNTY PLANNING COMMISSION

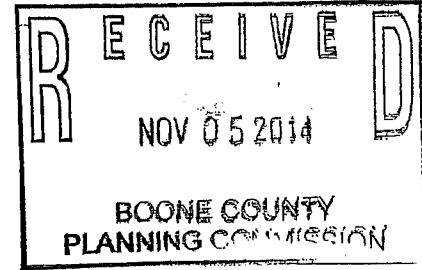
www.boonecountyky.org/pc  
www.boonecountygis.com

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

October 23, 2014

Mr. Mike Casale  
P & L Systems, Inc.  
171 Charring Cross Drive  
Westerville, OH 43081



RE: Request of **Mike Casale/P&L Systems, Inc. (applicant)** for **Gunpowder Properties, LLC c/o Dick Wentz (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) Zone for a 2.032 acre tract located on the southeast corner of the US 42/Gunpowder Road intersection, and across Mels Lane from 8551 US 42, Florence, Kentucky; and the request of **Mike Casale/P&L Systems, Inc. (applicant)** for **Gunpowder Properties, LLC c/o Dick Wentz, James L. Morgan and Sherry A. Morgan (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Two/Planned Development (C-2/PD) for a 5.291 acre site located on the east side of Gunpowder Road, approximately 230 feet south of the US 42/Gunpowder Road intersection, and to the south of the property at 8537 US 42, Boone County, Kentucky (annexation into the City of Florence pending). The requests are for a Change in an Approved Concept Development Plan to allow a retail pharmacy with an alternate signage package and modifications to previous conditions of approval, and a Zone Change to allow two commercial/office buildings.

Dear Mr. Casale:

The following represents the conditions of approval for the above referenced applications as agreed to by the applicant's team and Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please have the property owners sign the appropriate lines on the last page of this letter if you are in agreement with the conditions. Please return this letter to the Boone County Planning Commission office by November 4, 2014.

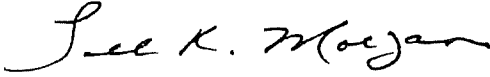
## CONDITIONS

1. The approval is based on the revised Concept Development Plans (site layouts, CVS building elevations, CVS landscaping plans, and CVS sign drawings) that were received on 10/15/14 and 10/17/14. Exceptions are noted in the conditions below.
2. CVS shall not be permitted two curb cuts on Bill Wentz Drive. The curb cut shown in close proximity to the Bill Wentz Drive/Mel's Lane intersection shall not be permitted.
3. The existing Gunpowder Centre multi-tenant building curb cut located near the Bill Wentz Drive/Mel's lane intersection shall be relocated when the Morgan property develops. The relocated curb cut shall align with Mel's Lane and be part of a four-way intersection.

4. The 20.89 square foot (2'-8" x 7'-10") electronic message center (EMC) contained within the CVS monument sign shall comply with the following guidelines:
  - A. No more than three (3) lines of text and/or graphics shall be displayed at any given time.
  - B. Messages shall be displayed in red light emitting diodes with a black background.
  - C. Messages shall not contain any apparent visual motion (flashing messages, scrolling messages, running messages, illusion of moving objects, moving patterns of light, etc.)
  - D. All messages shall be displayed for a minimum of thirty (30) seconds.
  - E. The EMC shall have a 19 millimeter pixel pitch or better resolution.
  - F. The EMC shall be equipped with a photocell or dimmer and messages shall dim as the sky gets darker.
5. Per the submitted sign drawing, a 12 foot tall, 60 square foot monument sign can be constructed near the Gunpowder Road/Bill Wentz Drive intersection at the time CVS develops. CVS shall be permitted to advertise on the upper tenant panel and the bottom two panels shall be reserved for tenants locating in the office/retail buildings on the Morgan property. No other freestanding signs shall be permitted on the Morgan property.
6. The color of any modular block retaining wall constructed as part of the CVS or Bill Wentz Drive construction project shall closely correlate to the garnet colored CMU on the CVS building.
7. The sites shall comply with the following lighting conditions:
  - A. Light poles and attached light fixtures shall be limited to 30 feet in height.
  - B. No light poles fixtures or wall packs shall be oriented towards adjoining residentially zoned property.
  - C. The sites shall comply with the lighting and footcandle requirements found in Article 33 of the Boone County Zoning Regulations.
8. Any structure proposed on the Morgan property shall be required to go through the Planning Commission's formal Technical Design Review application process before Site Plan approval can occur. The Technical Design Review Committee and full Planning Commission shall analyze and approve all proposed structures based on how the building materials, colors, and architectural details relate to other structures in Gunpowder Centre Subdivision. The "Architecture" Planned Development Standard found in Section 1514 of the Boone County Zoning Regulations shall be used in making this determination.
9. An attachment lists the principally permitted, accessory, and conditional uses that are permitted on the Morgan property. All listed conditional uses would need to be approved by the appropriate Board of Adjustment.

Mr. Mike Casale  
October 23, 2014  
Page 3

Sincerely,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/tlb

AGREEMENT

I, Richard Wentz, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan and Zoning Map Amendment applications.

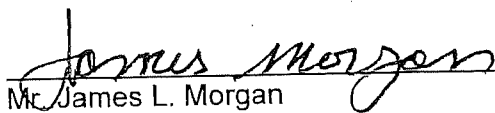


11-5-14

Mr. Richard Wentz  
Gunpowder Properties, LLC

Date

I, James L. Morgan, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan and Zoning Map Amendment applications.

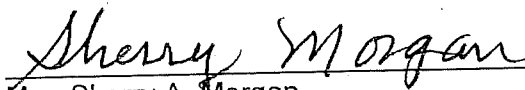


11-1-14

Mr. James L. Morgan

Date

I, Sherry A. Morgan, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan and Zoning Map Amendment applications.



11-1-14

Mrs. Sherry A. Morgan

Date

RECEIVED

DEC 15 2014

CITY OF FLORENCE  
MAYOR'S OFFICE

**CITY OF FLORENCE, KENTUCKY  
PLANNING & ZONING COMMITTEE**

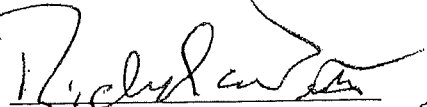
**IN RE: AGREED ADDITIONAL CONDITIONS** – Request of Mike Casale/P&L Systems Inc. (applicant) for Gunpowder Properties LLC c/o Dick Wentz (owner) for a change in an approved concept development plan in a commercial two/planned development (C-2/PD) zone for a 2.032 acre tract located on the southeast corner of the U.S. 42/Gunpowder Road intersection, and across Mels Lane from 8551 U.S. 42, Florence, Kentucky; and the request of Mike Casale/P&L Systems Inc. (applicant) for Gunpowder Properties LLC c/o Dick Wentz, James L. Morgan, and Sherry A. Morgan (owners) for a zoning map amendment from suburban residential one (SR-1) to commercial two/planned development (C-2/PD) for a 5.291 acre site located on the east side of Gunpowder Road, approximately 230 feet south of the U.S. 42/Gunpowder Road intersection, and to the south of the property at 8537 U.S. 42, Boone County, Kentucky (annexation into the City of Florence pending).

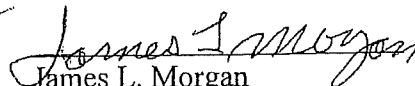
The Planning and Zoning Committee has recommended and the owners have agreed that the following additional conditions will apply to the request described above:

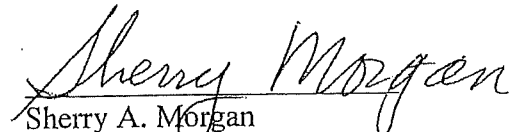
1. Up to a 10 foot tall, 100 square foot off-premise monument sign can be constructed near the U.S. 42/Mel's Lane intersection at the time the Morgan property develops. The sign shall be used only by tenants locating in the office/retail buildings on the Morgan property. The sign shall not be constructed prior to the commencement of building construction on the Morgan property. The base and supports of this sign shall match the dominant construction material of the CVS building or the office/retail buildings on the Morgan property. Electronic messaging of any kind shall not be permitted on this sign. There shall be landscaping around the sign. Condition #8 of the Boone County Planning Commission Zone Change/Concept Plan Committee Report shall also apply to this sign.

2. Condition #1 of the Boone County Planning Commission Zone Change/Concept Plan Committee Report shall be amended as follows: "The approval is based on the revised Concept Development Plans (site layouts, CVS building elevations, CVS landscaping plans, and CVS sign drawings) that were received on 10/15/14 and 10/17/14, except that the split face CMU building materials shown on the elevation drawings shall be replaced with the "CalStar Thru-Wall" unit size 8" d x 4" h x 16"w (see attached). Exceptions are noted in the conditions below."

Agreed to this 9<sup>th</sup> day of December, 2014.

  
Richard Wentz  
Gunpowder Properties

  
James L. Morgan

  
Sherry A. Morgan

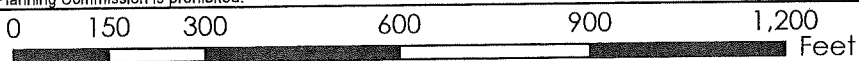
# 2016 AERIAL MAP

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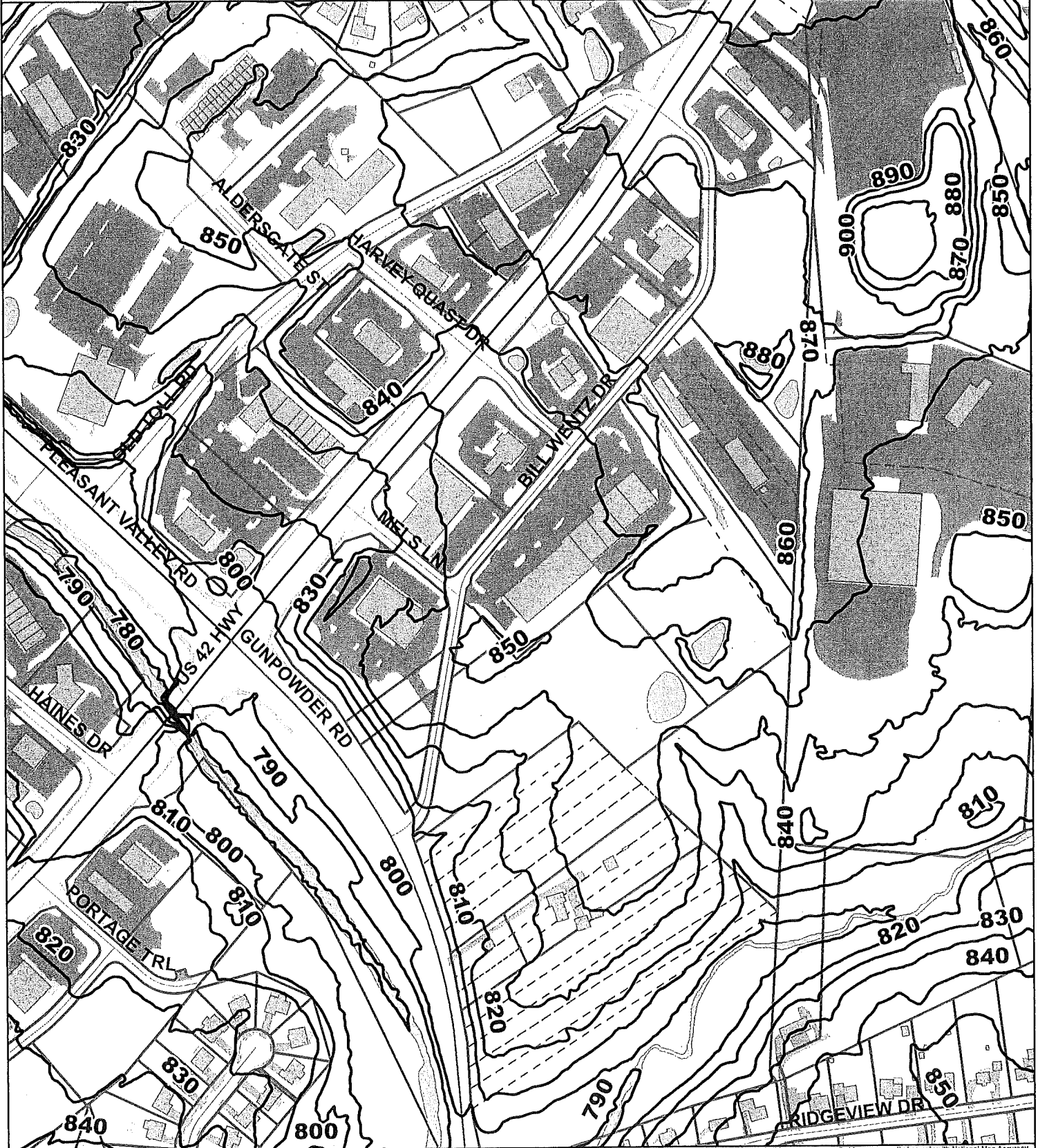
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/01/2013

State Plane 12 units by 12 units 833 1133  
ArcMap Document: BooneMap (rte) mxd

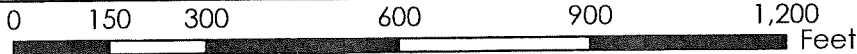
# TOPOGRAPHICAL MAP

www.boonecountygis.com

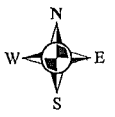


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1 inch = 300 feet



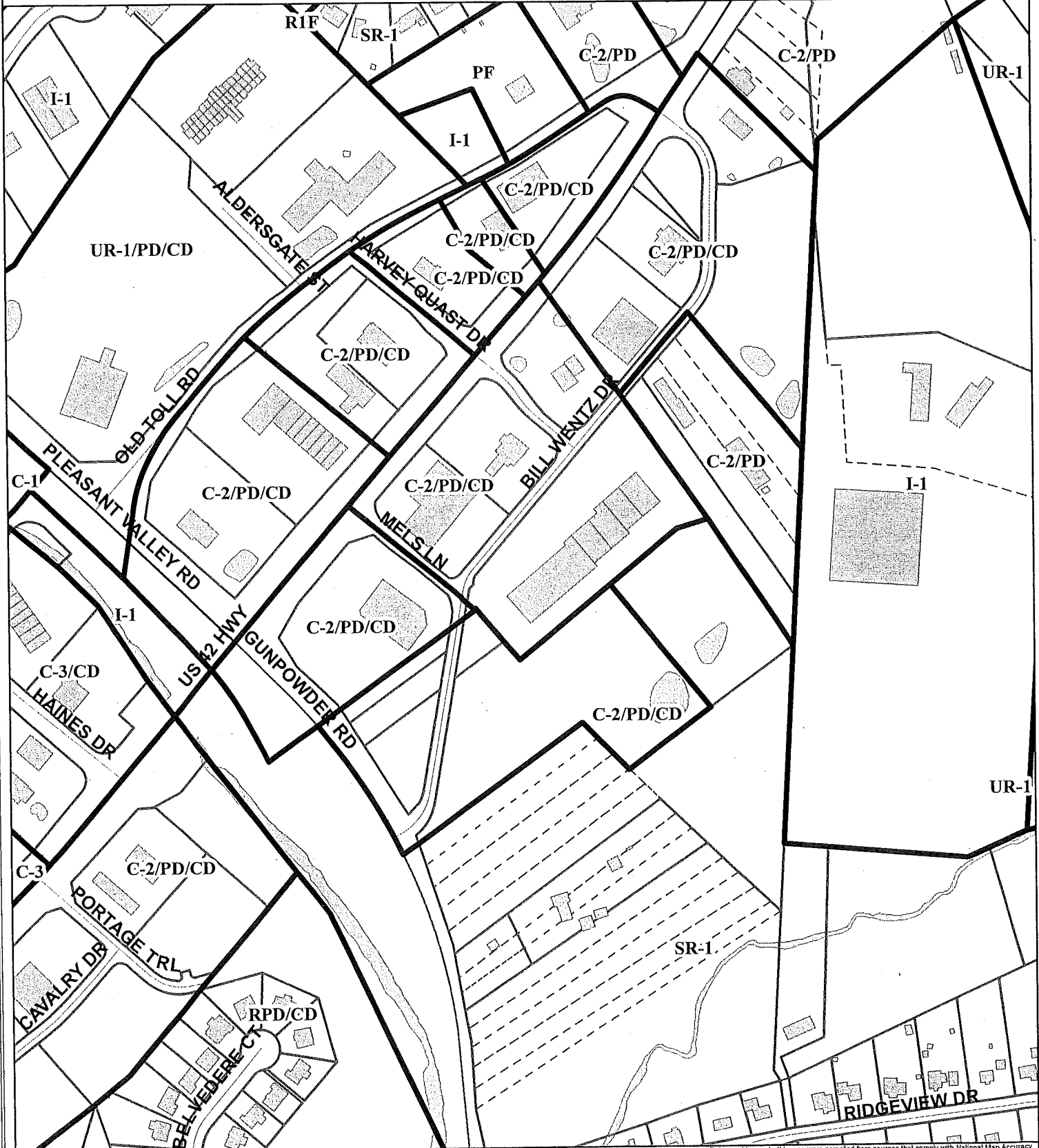
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/01/2013

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ArcMap Document: BooneMap (ite).mxd

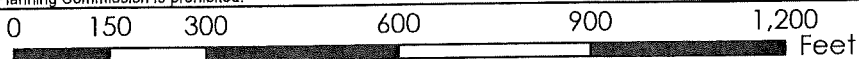
# ZONING MAP

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1 inch = 300 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

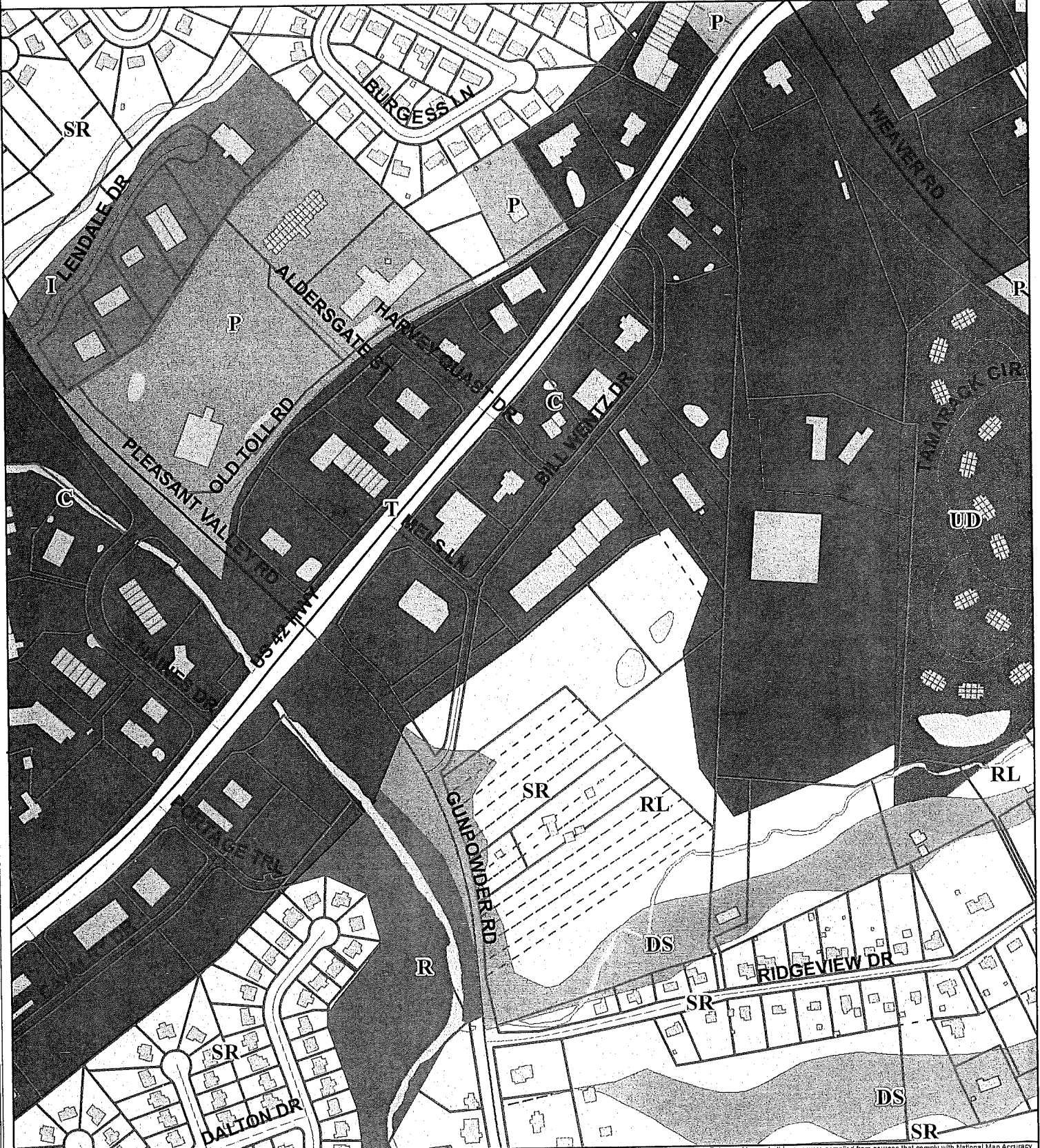


ArcMap Document: BooneMap (lfe).mxd

Map Created: 07/01/2013

# 2035 FUTURE LAND USE MAP

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



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

## **SECTION 306**

### **Recommendation by Planning Commission for Text and Zoning Map Amendments**

The Planning Commission shall make its recommendation within sixty (60) days of the date of the receipt of the administratively complete proposed zoning map amendment application. "Administratively complete" means that a proposal for a Zoning Map Amendment is accurate and complete by meeting all the applicable requirements of KRS Chapter 100 and any other applicable regulatory requirements or approvals formally required by this order or applicable state law. The sixty (60) day time limit may be waived by the originator.

Within sixty (60) days of the date of the receipt of the administratively complete proposed zoning map amendment application, or 60 days from the receipt of the proposed text amendment, the findings of the Planning Commission shall be recorded in the minutes and records of that body and the Planning Commission shall transmit its recommendation to the legislative body or Fiscal Court. The Planning Commission may recommend that the amendment be approved or disapproved. If the Planning Commission recommends denial, it must state the reasons for disapproval. In the event of a tie vote, the request shall be subject to further consideration by the planning commission for a period not to exceed 30 days, at the end of which if the tie has not been broken, the application shall be forwarded without a recommendation of approval or disapproval. If the Planning Commission fails to make a recommendation upon the proposal within sixty (60) days of its receipt of the administratively complete proposed amendment and the time has not been waived by the originator, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.

## **SECTION 307**

### **Action by City Council or Fiscal Court**

Within ninety (90) days of final action of the Planning Commission, the legislative body or Fiscal Court shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof upon its own hearing and findings. In the event the legislative body or Fiscal Court denies or modifies the recommendation of the Planning Commission, a majority of the entire membership shall be required to take such action as explained in KRS 100.211. It shall also take a majority of the entire membership to adopt a zoning map amendment whenever the planning commission forwards the application without a recommendation due to a tie vote.

## **SECTION 308**

### **Findings Necessary for Map Amendment**

Before any map amendment is granted, the Planning Commission or the legislative body use the following criteria in granting approval of a zone change or map amendment:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

The above criteria shall be the basis for findings of fact in a map amendment and shall be recorded in the minutes and records of the Planning Commission or the legislative body or Fiscal Court.

For map amendments involving the Planned Development District (PD), Employment Planned Development (EPD), or Residential Planned Development (RPD), the applicable provisions of Article 15 or Article 16 must be met in addition to the criteria stated above.

that is consistent and compatible with existing or planned infrastructure;

3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;
5. A development pattern consistent with the adopted Comprehensive Plan and any other appropriate land use studies;
6. A signage package that emphasizes consistency and the minimal use of signs.

### **SECTION 1510**

#### **Provisions Governing Planned Developments**

Because of the special characteristics of planned developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of other articles of this order, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this order.

### **SECTION 1511**

#### **Permitted Uses**

Uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. Uses proposed for a Planned Development district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan. The review and decision making process under this article identify adverse impacts and address how they may be minimized, if possible, to satisfy the requirements of this article. In no event shall this article on its face or as applied prohibit all use of property zoned with a Planned Development overlay district.

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

### **SECTION 1512**

#### **Intensity**

The intensity of use in a Planned Development may exceed by no more than fifty (50) percent the maximum intensity permitted in the underlying zone district.

### **SECTION 1513**

#### **Minimum Size**

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

### **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, public or civic, 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 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 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. Contemporary or transitional styles of comparable quality may also be considered. 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 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.

## **SECTION 1517**

### **Concept Development Plan and Utilization of an Underlying Zone in a Planned Development**

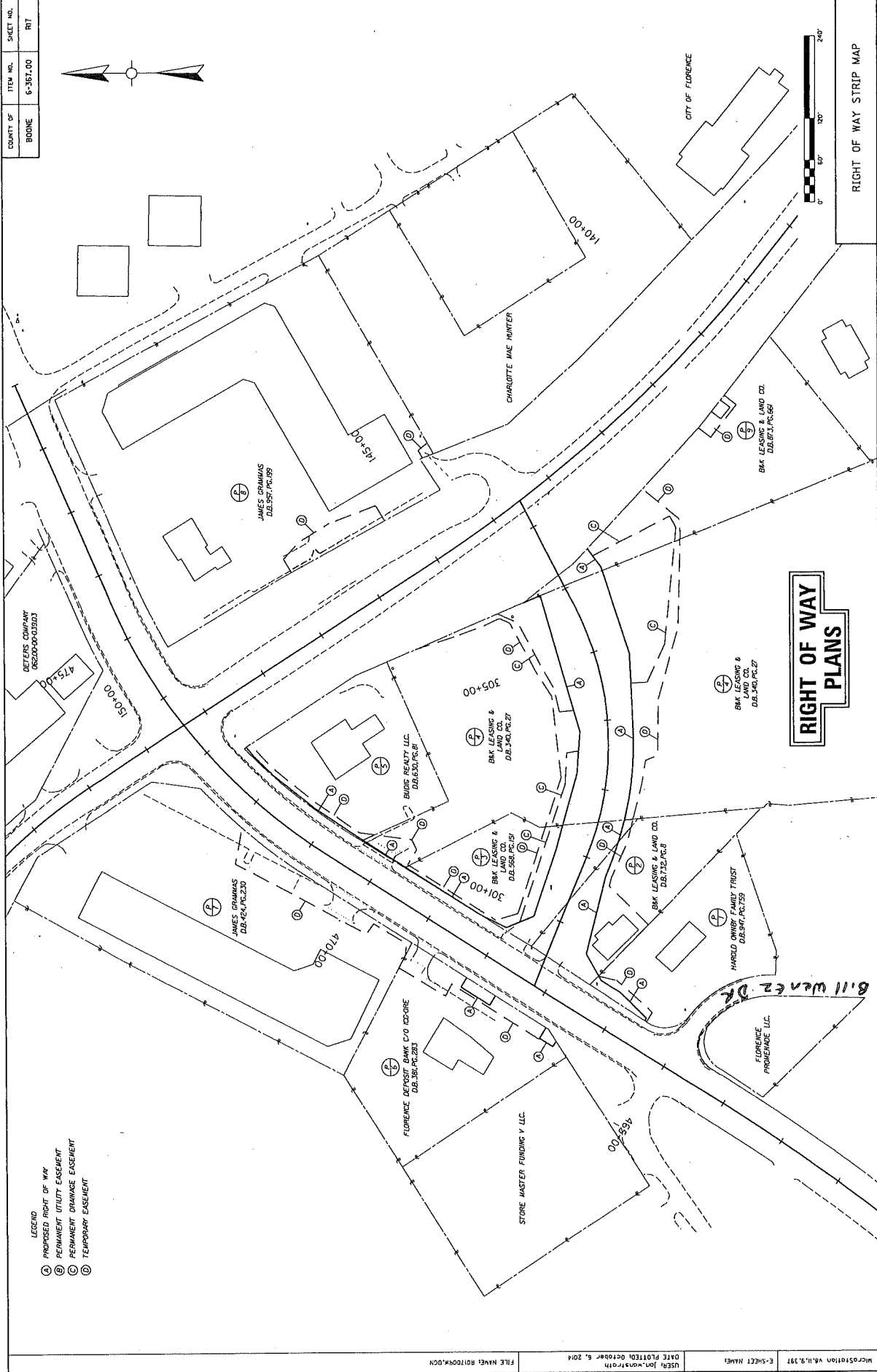
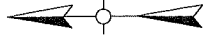
The Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a "Utilization of an Underlying Zone Within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

## **SECTION 1518**

### **Public Hearing by Planning Commission**

Upon receipt of an application for approval of a Concept Development Plan or a Zoning Map Amendment involving the Planned Development Overlay District, the Planning Commission shall hold at least one public

COUNTY OF	ITEM NO.	SHEET NO.
BOONE	6-357.00	R17



- LEGEND
- Ⓐ PROPOSED RIGHT OF WAY
  - Ⓑ PERMANENT UTILITY EASEMENT
  - Ⓒ PERMANENT DRAINAGE EASEMENT
  - Ⓓ TEMPORARY EASEMENT

**RIGHT OF WAY PLANS**



RIGHT OF WAY STRIP MAP

*Bill Wenzel DK*

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Janet Kegley, Chairwoman

**DATE:** April 5, 2017

**RE:** Request of **Episcopal Retirement Services Affordable Living LLC (applicant)** for **James L. Morgan and Sherry A. Morgan (owners)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection and a 3.635 acre tract located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection, Florence, Kentucky. The request is for a zone change to allow a residential apartment development in addition to previously approved commercial uses; and the request of **Viox & Viox, Inc. (applicant)** for **Covington Shopping Center, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.46 acre site located at 8537 US 42 (south side of Bill Wentz Drive), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an outdoor restaurant seating area and landscaping/parking/vehicular area changes.

### REMARKS:

We, the Committee, recommend approval of the above referenced requests based on the following findings of fact and with the following conditions:

### FINDINGS OF FACT

1. The Committee concluded that the requests are in general agreement with the Boone County Comprehensive Plan for the following reasons:
  - A. The Boone County Comprehensive Plan's 2035 Future Land Use Map designates the Covington Shopping Center parcels for Commercial uses and the Morgan property for Commercial, Suburban Residential, Rural Lands, and Developmentally Sensitive uses.
 

The Boone County Comprehensive Plan states the Future Land Use Map is intended to be used in tandem with the Land Use Element text and that the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies.

The Committee determined that rezoning the Morgan properties for either office/commercial uses or multi-family residential uses and allowing additional parking on the Covington Shopping Center properties is appropriate based on the land use text and conclusions stated below.
  - B. The proposal is in general agreement with the following passage from the Land Use Element:

The U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the newly rebuilt Pleasant Valley/Gunpowder intersection has developed commercially over the last

decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals. Through redevelopment of the former Boone Kenton Warehouse site and adjacent parcels, access to Weaver Road should be implemented, as well as well-planned access to U.S. 42. If improvements are made to Gunpowder Road from U.S. 42 to Mt. Zion Road, more intense land uses could be examined for the property behind Wentz Drive as well as the possibility of having access to Gunpowder Road. If commercial development occurs in this area, it should primarily be accessed from U.S. 42 (Gunpowder, pg. 169).

The Committee determined the commercial retail center parking expansion and development options on the Morgan property are appropriate because Bill Wentz Drive was connected to Gunpowder Road as part of the CVS Pharmacy project. In addition, the commercial retail center and future development on the Morgan property will share an access point on Bill Wentz Drive and be easily accessed from U.S. 42 and Gunpowder Road.

- C. The proposal is in agreement with the following passage from the Business Activity Element:

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 (Recommended Areas of Commercial Activity, pp. 67-70).

The Committee determined any future commercial development on the subject sites will not be regionally oriented and will serve the existing and future population of the area.

- D. The proposal is in agreement with the following passages from the Housing Element:

Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents (Meeting Housing Needs, Housing Types, pp. 79-80).

High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed (Housing Densities, pg. 81).

The Committee concluded the multi-family residential option on the Morgan property will be conveniently located to US 42 and Gunpowder Road and is within walking distance of many commercial uses. The proposal would also create the progression of residential densities encouraged by the Comprehensive Plan.

- E. The project is in agreement with the following Goals and Objectives from the 2010 Boone County Comprehensive Plan:

Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Commercial Objective).

Mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient access to major streets and highways (Housing, Objectives).

Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the Boone County Comprehensive Plan and Planned Development Standards, which are found in Section 1514 of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

### CONDITIONS

Episcopal Retirement Services Affordable Living LLC/James L. Morgan and Sherry A. Morgan -Zoning Map Amendment Application

1. The senior apartment development option approval is based on the submitted ATA/Bellharz Architects Concept Development Plans, building elevations, and floor plans unless modified by other conditions below.
2. The site access point and property transfer area (17 stall parking lot) shall be constructed per the revised revised Viox & Viox plans (see attachments).
3. The thirteen (13) additional parking spaces shown on the alternative Concept Development Plan (Sheet A-001a) shall be required in the event the apartments cease to be senior apartments in the future.
4. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations shall be required along Bill Wentz Drive.
5. The segment of sidewalk shown between the parking lot and gazebo shall be located outside of the required 20' wide landscaping buffer yard.
6. All parking lot and building lighting shall be directed downwards or inwards toward the subject site and comply with the footcandle requirements from the Boone County Zoning Regulations.
7. The senior apartment development shall be permitted to construct the 10' tall, 100 square foot monument sign on the CVS lot per the 2014 City of Florence condition.

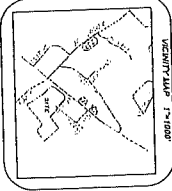
8. Building mounted signage shall not be permitted on the apartment building.
9. No mechanical equipment shall be visible on the roof of the apartment building.
10. The fire department's largest vehicle shall be able to travel on the emergency access drive on the north side of the building.
11. Standpipes shall be placed in the east and west stairwells of the building for fire suppression.

Viox & Viox, Inc./Covington Shopping Center, LLC - Change in Approved Concept Development Plan Application

1. The approval is based on the updated Viox & Viox plans (see attachments). These plans show that Covington Shopping Center LLC will buy additional property and construct a 17 stall parking lot addition regardless of the development option that is constructed on the Morgan property.
2. The following landscaping shall be required at the time the 17 stall parking lot is constructed:
  - A. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations along the frontage of lot 8 of Gunpowder Centre Subdivision
  - B. The shared Buffer Yard B plantings shown to the south and west of this parking lot.
3. The shared landscaping buffer shown behind the 26 new parking spaces in the rear parking lot shall not be required until the Morgan property develops with the apartments or office/commercial buildings.

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.

REVISED  
MAR 01 2011  
BOONE COUNTY  
PLANNING COMMISSION

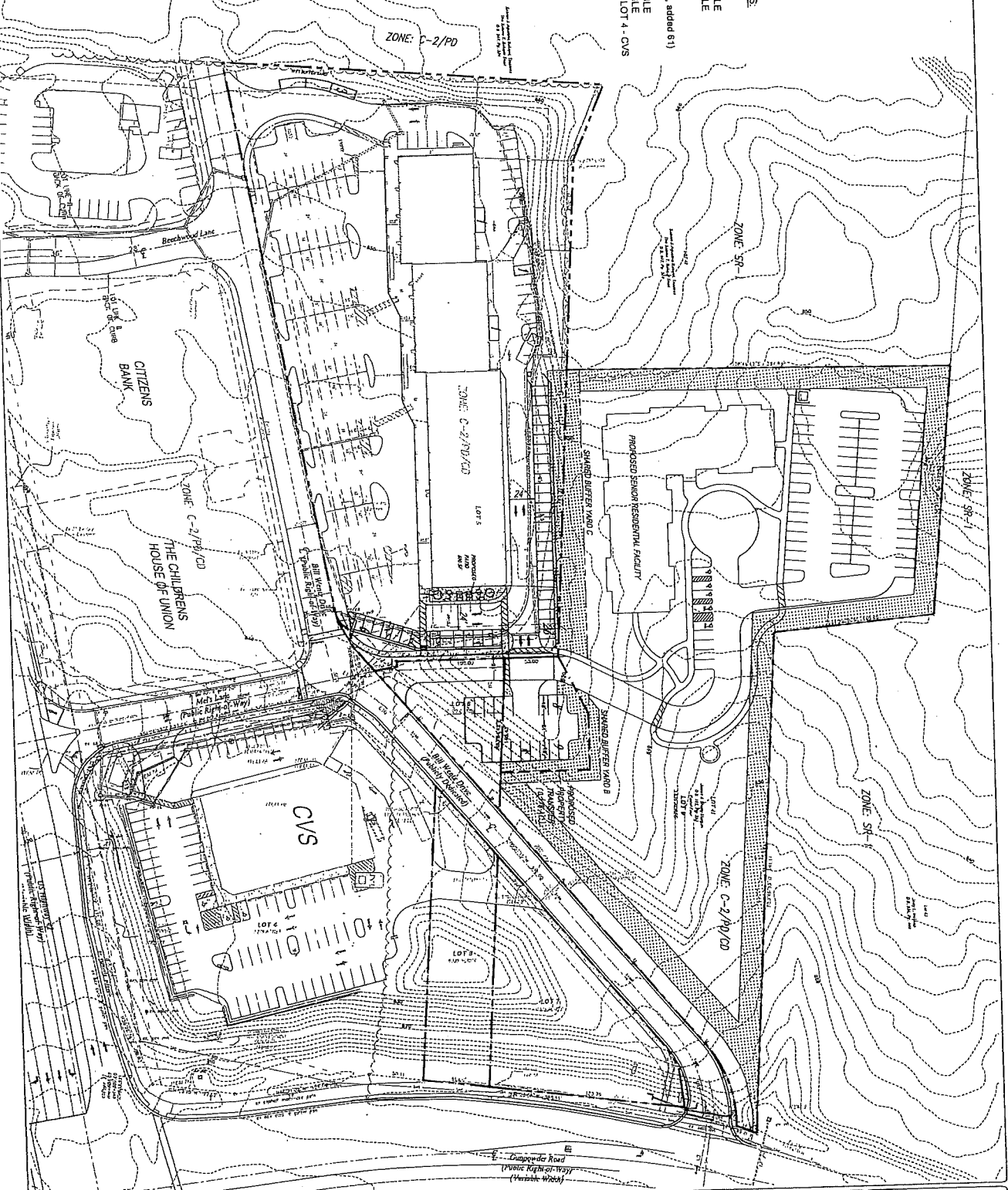


LOT 5 & 8 AREAS:  
LOT 5 = 0.51 ACRES  
LOT 8 = 0.02 ACRES  
BUILDING: 26,000 SF

ORIGINAL PARKING CALCULATIONS:  
REQUIRED: 112 STALLS  
PROVIDED: 116 STALLS  
REQUIRED HC: 5, 1 VAN ACCESSIBLE  
PROVIDED HC: 6, 1 VAN ACCESSIBLE

PARKING EXPANSION:  
56 ADDITIONAL STALLS (removed 5, added 61)  
NEW TOTAL = 172 SPACES  
REQUIRED HC: 6, 1 VAN ACCESSIBLE  
PROVIDED HC: 6, 1 VAN ACCESSIBLE  
SHARED PARKING: 14 STALLS AT LOT 4 - CVS  
TOTAL AVAILABLE = 186 SPACES

- GENERAL NOTES:
1. OWNER & DEVELOPER: CONVENTION SHOPPING
  2. TOTAL AREA: 2,494,000 SF
  3. CURRENT ZONING: C-2/PD/CD
  4. EXISTING SOIL TYPES = F.D., J.R.C., R.18
  5. SANITARY SEWER: CITY OF FLORENCE
  6. SANITARY SEWER: CITY OF FLORENCE
  7. STORAGE: PRIVATE
  8. GAS ELECTRIC: OPEN ELECTRIC
  9. TELEPHONE: CONCRETE BELL
  10. CABLE: SPECTRUM
  11. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.



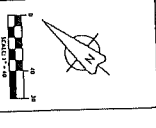
C-101

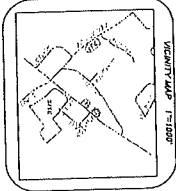
GUNPOWDER CENTRE LOT 5  
PARKING EXPANSION  
FLORENCE, BOONE COUNTY, KENTUCKY  
CONCEPT PLAN A

**VIOX & VIOX**  
Civil Engineers, Surveyors, and Landscapes Architects  
466 Entinger Road • Bowling, Kentucky 41018  
Ph (502) 727-3263 • Fax (502) 727-0482

Project No.	11121000	Client	Convent Shopping	Survey	Approved	Approved
Date	02/21/11	Scale	As Shown	Per State	Noted	Noted

NO.	DESCRIPTION	DATE	BY	CHK.



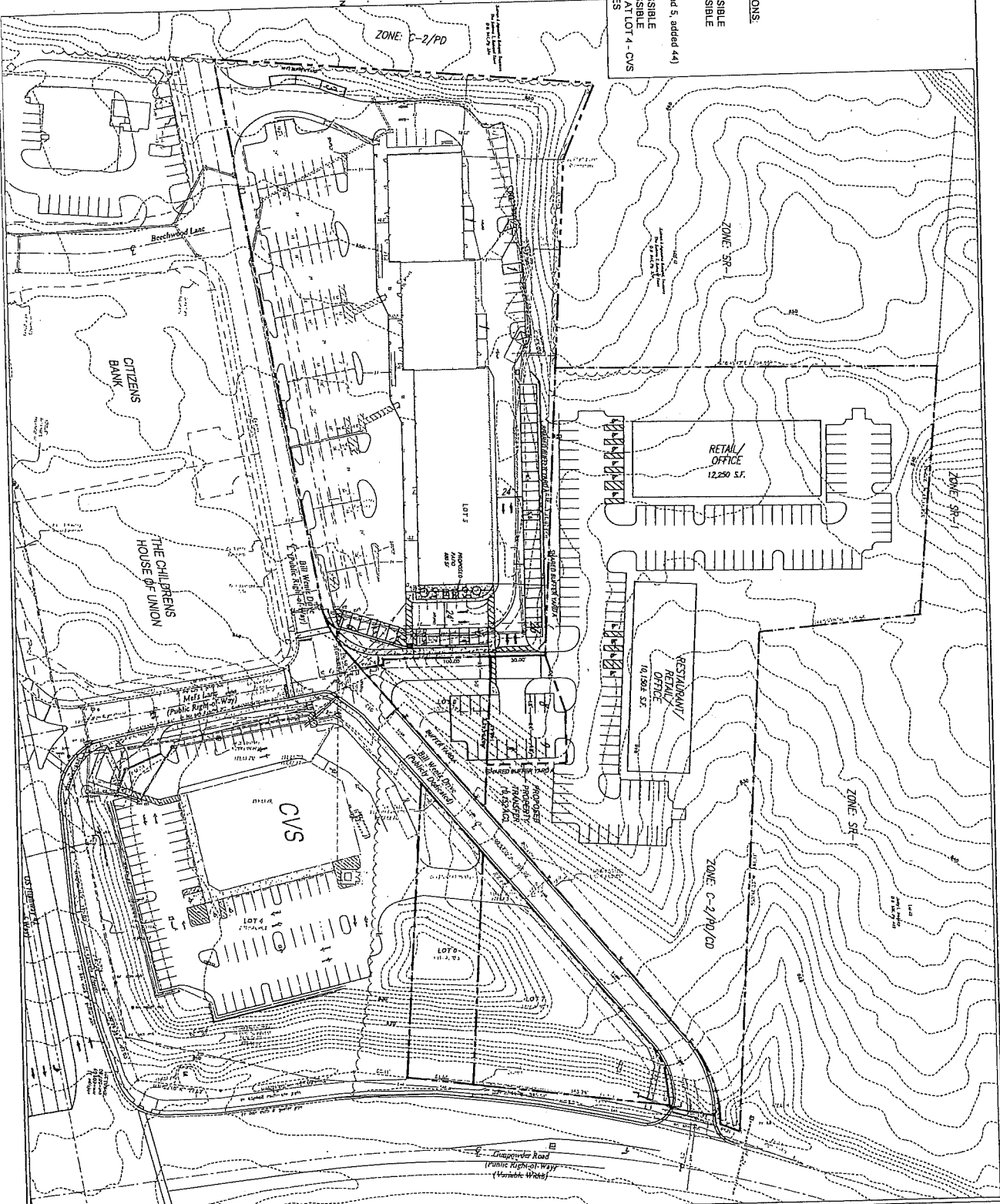


LOT 5 & 8 AREAS:  
 LOT 5 = 3.21 ACRES  
 LOT 8 = 0.72 ACRES  
 BUILDING: 28,000 SF

ORIGINAL PARKING CALCULATIONS:  
 REQUIRED: 112 STALLS  
 PROVIDED: 116 STALLS  
 REQUIRED HC: 5, 1 VAN ACCESSIBLE  
 PROVIDED HC: 6, 1 VAN ACCESSIBLE

PARKING EXPANSION:  
 39 ADDITIONAL STALLS (removed 5 added 44)  
 NEW TOTAL = 155 SPACES  
 REQUIRED HC: 6, 1 VAN ACCESSIBLE  
 PROVIDED HC: 6, 1 VAN ACCESSIBLE  
 SHARED PARKING: 14 STALLS AT LOT 4 - CVS  
 TOTAL AVAILABLE = 169 SPACES

GENERAL NOTES:  
 1. CONSULT WITH ALL AGENCIES.  
 2. CENTER LINE OF BILL WERTZ DRIVE.  
 3. TOTAL AREA = 3.93 ACRES  
 4. CURRENT ZONING: C-2/PD/CO  
 5. MIN. LOT FRONTAGE: 50 FT  
 6. MIN. FRONT SETBACK: 30 FT  
 7. MIN. REAR SETBACK: 30 FT  
 8. MIN. SIDE SETBACK: 5 FT  
 9. MAX. BUILDING HEIGHT: 30 FT  
 10. EXISTING SOIL TYPES: 1-ED, J-6C  
 11. WASTEWATER: CITY OF FLORENCE  
 12. SANITARY SEWER: CITY OF FLORENCE  
 13. FLOODING: OWNER - PRIVATE  
 14. GAS: DIKE ENERGY  
 15. ELECTRIC: OVEN ELECTRIC  
 16. TELEPHONE: KENTUCKY BELL  
 17. CABLE: COMCAST  
 18. COMMUNICATIONS:  
 19. THIS SITE DOES NOT LIE WITHIN  
 20. THE 100-YEAR FLOOD PLAIN.

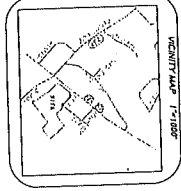


**GUNPOWDER CENTRE LOT 5  
 PARKING EXPANSION**  
 FLORENCE, BOONE COUNTY, KENTUCKY  
**CONCEPT PLAN B**

**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 488 Edinger Road #100, Florence, Kentucky 41034  
 Ph: (606) 973-2363 • Fax: (606) 972-8432 • www.viox.com

Project No.	121112001	Drawn By	PAE	Checked By	PAE	Project Status	Final
Date	03/16/17	Scale	AS SHOWN	Author	PAE	Project Status	Final

NO.	REVISION	DATE	BY	CHK.
1	ISSUED FOR PERMIT			

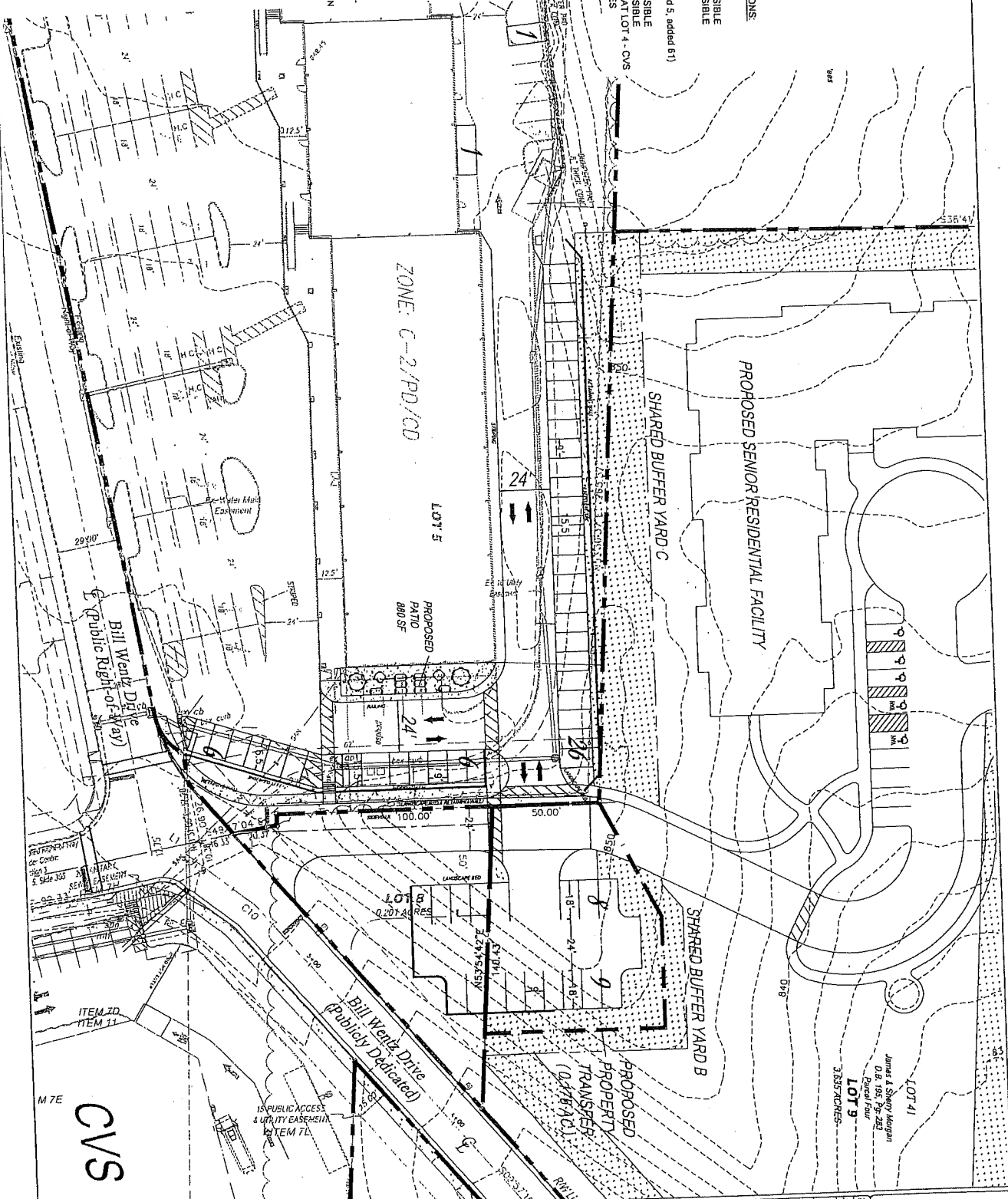


LOT 5 & 8 AREAS -  
 LOT 5 = 3.21 ACRES  
 LOT 8 = 0.02 ACRES  
 BUILDING: 28,000 SF

**ORIGINAL PARKING CALCULATIONS:**  
 REQUIRED: 112 STALLS  
 PROVIDED HC: 5, 1 VAN ACCESSIBLE  
 PROVIDED HC: 8, 1 VAN ACCESSIBLE

**PARKING EXPANSION:**  
 56 ADDITIONAL STALLS (removed 5, added 61)  
 NEW TOTAL = 172 SPACES  
 REQUIRED HC: 6, 1 VAN ACCESSIBLE  
 PROVIDED HC: 8, 1 VAN ACCESSIBLE  
 SHARED PARKING: 14 STALLS AT LOT 4 - CVS  
 TOTAL AVAILABLE = 186 SPACES

- GENERAL NOTES:**
1. CONINGTON SHOPPING CENTER, LLC
  2. 1045 CHATEAU SPRINGS WAY
  3. BUILDING AREA = 28,000 SF
  4. LOT AREA = 3.23 ACRES
  5. LOT FRONTAGE = 500 FT
  6. MIN. FRONT SETBACK = 30 FT
  7. MIN. REAR SETBACK = 30 FT
  8. MIN. SIDE SETBACK = 10 FT
  9. MAX. BUILDING HEIGHT = 20 FT
  10. EXISTING SOIL TYPES = 750, JAC
  11. WATER - CITY OF FLORENCE
  12. SANITARY SEWER - PRIVATE
  13. GAS - DUKE ENERGY
  14. ELECTRIC - OWEN ELECTRIC
  15. TELEPHONE - SPECTRUM
  16. CABLE - SPECTRUM
  17. COMMUNICATIONS
  18. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE.



James & Sherry Morgan  
 D.B. 195, Pg. 203  
 Parcel Four  
**LOT 9**  
 3.85 ACRES

**GUNPOWDER CENTRE LOT 5  
 PARKING EXPANSION**

FLORENCE, BOONE COUNTY, KENTUCKY

CONCEPT PLAN A

**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 606 Erlanger Road • Erlanger, Kentucky 41018  
 Ph: (606) 172-3200 • Fax: (606) 172-4834 • www.viox.com

Prepared by	Checked	Approved	Approved
1/12/2009	1/12/2009	1/12/2009	1/12/2009
1/12/2009	1/12/2009	1/12/2009	1/12/2009



C-103

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

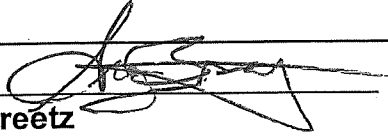
DATE: March 15, 2017

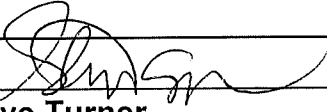
**ZONING MAP AMENDMENT AND CHANGE IN CONCEPT DEVELOPMENT PLAN - Janet Kegley, Chairwoman, Todd Morgan, Staff**

3. Request of **Episcopal Retirement Services Affordable Living LLC (applicant)** for **James L. Morgan and Sherry A. Morgan (owners)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection and a 3.635 acre tract located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection, Florence, Kentucky. The request is for a zone change to allow a residential apartment development in addition to previously approved commercial uses; and the request of **Viox & Viox, Inc. (applicant)** for **Covington Shopping Center, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.46 acre site located at 8537 US 42 (south side of Bill Wentz Drive), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an outdoor restaurant seating area and parking/vehicular area changes.

**REMARKS:**

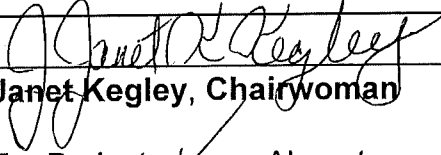
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

  
**Greg Breetz**  
For Project  Absent   
Against Project   
Abstain  Deferred

  
**Steve Turner**  
For Project  Absent   
Against Project   
Abstain  Deferred

**Kim Bunger**  
For Project  Absent   
Against Project   
Abstain  Deferred

**Randy Bessler (Alternate)**  
For Project  Absent   
Against Project

  
**Janet Kegley, Chairwoman**  
For Project  Absent   
Against Project   
Abstain  Deferred

**Lisa Heilman, (Alternate)**  
For Project  Absent   
Against Project   
Abstain  Deferred

**Kim Patton**  
For Project  Absent   
Against Project   
Abstain  Deferred

**Mark Hicks (Alternate)**  
For Project  Absent   
Against Project   
Abstain  Deferred

TOTAL:  DEFERRED 3 FOR PROJECT  ABSENT  
 AGAINST PROJECT  ABSTAIN

**COMMISSION MEMBERS PRESENT:**

Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Matt Apke  
Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Kim Patton  
Mr. Charlie Reynolds  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitchell A. Light, Asst. Zoning Administrator  
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:32 P.M. and introduced the third item on the Agenda:

**ZONING MAP AMENDMENT AND CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff**

3. Request of **Episcopal Retirement Services Affordable Living LLC (applicant)** for **James L. Morgan and Sherry A. Morgan (owners)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection and a 3.635 acre tract located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection, Florence, Kentucky. The request is for a zone change to allow a residential apartment development in addition to previously approved commercial uses; and the request of **Viox & Viox, Inc. (applicant)** for **Covington Shopping Center, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.46 acre site located at 8537 US 42 (south side of Bill Wentz Drive), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an outdoor restaurant seating area and parking/vehicular area changes.

Mr. Costello stated for the record that Staff Member Todd Morgan is not related nor has a relationship with the property owners. He then presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection. The application involves the review of 4 different lots in Gunpowder Centre Subdivision. All 4 lots have frontage on Bill Wentz Drive. Mr. Morgan showed a map of the 2 requests - a Zoning Map Amendment and a Change in an Approved Concept Development Plan. The Zoning Map Amendment request involves Lot 7 and 9 of the subdivision. The request is to rezone the two parcels from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD). The UR-2 zone would allow the senior apartment use. The property owners would also like to retain the commercial zoning in the event that the senior housing project does not occur. It would allow the property owner to fall back to their 2014 approval for commercial uses.

The proposed senior housing use involves a 3 story building on a 3.499 acre tract with 69 parking spaces. The applicant's first waiver under Planned Development (PD) involves parking as the proposed senior housing project does not meet the current parking standards. The applicant feels they don't need the required amount of parking due to the type of unit and age restrictions. The building is 49,800 square feet in size and contains 48 units (28 one bedroom units and 20 two bedroom units). The proposed building intensity is 13.72 dwelling units per acre. The UR-2 zone allows up to 20 dwelling units per acre. A shared driveway would be built to provide access to the senior housing building and would also serve the existing retail center. A grass paver area has been added to the Concept Development Plan in order to provide better access or coverage for fire protection services. Included in the proposal is a sidewalk from the senior building to Bill Wentz Drive. Another waiver request is sharing landscape buffers - 30 and 20 feet. Mr. Morgan showed the part of the lot that would be sold to the existing retail strip center for additional parking. Lot 7

would remain as green space, access to the CVS store and the location for the existing sign. He also showed the Alternative #2 in the event that the senior housing project is not built. The only difference in Alternative #2 and the 2014 Plan is 13 additional parking spaces. They will be provided other parking if the senior requirement for the housing goes away. The applicant submitted floor plans for the building. A dinner hall is included along with a fitness room. All units have a kitchen. He showed elevations of the building. It will be 44 feet in height and constructed of brick and fiber cement lap siding.

The second request involves the Change in an Approved Concept Development Plan. The eastern part of the existing retail center has never been leased due to the lack of parking. The owner would like to put a restaurant in the vacant space and add 39 parking spaces. The applicant would also like to install a 1,400 square foot patio seating area. The proposed access drive will be aligned with Mel's Lane. The shared buffer will be reduced from 30 feet (Buffer Yard C) to 10 feet ( Buffer Yard A) if both properties are commercially developed. Mr. Morgan reviewed the site history dating back to 2001 (see page 3 of the Staff Report). He showed photographs of the site and adjoining properties. The Comprehensive Plan's Future Land Use Map designates the site as mostly Suburban Density Residential (SR) and a small part Commercial (C) and Rural Lands (RL). Mr. Morgan referenced the text of the Land Use Element. "The U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the newly rebuilt Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage roads and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals. Through redevelopment of the former Boone-Kenton Warehouse site and adjacent parcels, access to Weaver Road should be implemented, as well as well-planned access to U.S. 42. If improvements are made to Gunpowder Road from U.S. 42 to Mt. Zion Road, more intense land uses could be examined for the property behind Wentz Drive as well as the possibility of having access to Gunpowder Road. If commercial development occurs in this area, it should primarily be accessed from U.S. 42".

On page 11 of the Staff Report, there are a couple fo references to the Housing Element. "Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people." "High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved." Mr. Morgan also referenced the Planned Development (PD) standards. The proposed project will need to be evaluated based upon these standards.

In terms of Staff Comments, Mr. Morgan indicated that he sent an agency memo to various organizations and departments that may want to comment on the project . Florence Fire Marshall Vogelpohl commented on the project and the applicant addressed these comments on the Concept Development Plan. Mr. Morgan stated that he had not received revised drawings of the shopping center project. Staff was looking for a better alignment of the driveway with Mel's Lane. A trip generation comparison was submitted with the application. It concludes by noting that the previously approved sites A.M. and P.M. peak is 172 trips and 220 trips, respectively. The

proposed senior apartments has an A.M. peak hour trip generation of 9 trips and a P.M. peak hour of 13 trips. The applicant is applying for low income housing tax credits from the Kentucky Housing Corporation. The applicant has provided a description of this program with their application submittal. There is also a brief summary of the Gunpowder Centre project in the Staff Report. The project needs to be evaluated based upon Planned Development (PD) standards - mixed use and pedestrian orientation. In 2014, Mr. Morgan recommended a multi-family use versus a commercial use on the subject property because of limited visibility. It is also important to assure pedestrian access to Bill Wentz Drive. In terms of compatibility of uses, is the proposed use a good transition with the existing uses? He expressed a concern for the 3 story height, 44 foot high senior housing building. Is it appropriate in the area? Another standard is landscaping. Typically, landscaping cannot be shared between commercial and residential uses. Is the developer committing to a 20 foot street buffer? Are there any other landscape buffer waivers for the retail center? One of the sidewalks should be reoriented because of landscaping. In terms of architecture, the applicant has provided more brick on the apartment building. The Planning Commission and City of Florence should verify it meets the standards. The developer is required to use the existing signage off Gunpowder Road and U.S. 42. Will there be building mounted signage? He also mentioned the alignment of driveways and the intersection of Mel's Lane and Wentz Drive. Finally, Mr. Morgan explained the possibility of a future connection from Bill Wentz Drive to the new road (Project 6 - 367.00) built between U.S. 42 and Weaver Road.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with his presentation? Mr. Brock MacKay, Viox & Viox, Inc., stated that he was representing Matt Rumpke, the owner of the existing retail center. Gunpowder Centre is owned by Covington Shopping Center, LLC. He purchased it in the Fall, 2016. He owns shopping centers in Erlanger, Florence, Ludlow, Independence and Louisville. One of the goals of the project is to increase the parking for a potential restaurant in the existing retail center. The requirement for restaurant parking is one space for two seats. They also need more parking closer to the entrance of any restaurant. Due to the shape of the parcel, currently there is not a lot of parking near the vacant tenant space. They would also like to add an outdoor patio as an amenity for a restaurant. The centerline of Mel's Lane meets the centerline of the access driveway leading to the proposed senior housing building. Mr. MacKay showed photos of the shopping center. He presented a breakdown on the number of parking spaces for the project. He thought the landscaping requirement was Buffer Yard B but they are providing a shared Buffer Yard C. The work related to the shopping center would begin immediately and the senior housing project would take longer because of Kentucky Housing Corporation financing. They still would like a back-up commercial plan if the senior housing portion doesn't occur due to funding. The Morgans would be responsible for the future retail project if the senior housing is not built.

Mr. Tim Westrich, the Model Group, introduced Mr. Jay Kittenbrick from the Episcopal Retirement Services (ERS) and stated that both companies have been working together for about 8 years. They have done about 15 projects together similar to the one presented tonight. It is housing for seniors. ERS has been around since the 1960s. The proposed building will have a health clinic for health check-ups in the proposed building. Residents are then referred to physicians. The mission is to keep seniors in the building as long as possible. The deadline to submit an application for low income housing tax credits is October 6, 2017. They will be notified by March, 2018. He feels that they have a competitive application. They have submitted applications in Ohio, Indiana and in Kentucky. The building is designed for market rate housing even though it will serve

low income residents. It will be indistinguishable. Mr. Westrich stated they submitted a three story building plan because the Kentucky Housing Corporation has very tight cost caps. A three story building saves a lot of roof space, less foundations and less earth work. Overall, it saves money without sacrificing true quality of the finishes, appliances, etc.. A two story building has long hallways and a big footprint. They like to have one main entrance so they see everyone coming and going to and from the building. They will utilize the existing signs and will not have signage on the building.

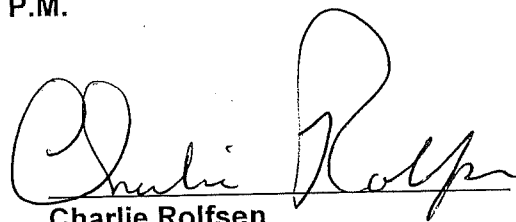
Mr. Jay Kittenbrink noted that ERS develops these types of facilities to run for a long time. They don't sell them off. They are a non-profit and have been in business for over 65 years. A senior is defined as 55 years plus according to state law. If they obtain the tax credits, there is a 30 year restriction on the 55 plus age category. Mr. Westrich stated that the units are specifically designed for seniors - about 600 square feet for a one bedroom unit and 800 square feet for a two bedroom unit. These sizes are small for young professionals or empty nesters. Rooms have roll in and stand up showers.

Mr. Matt Rumpke, 15405 Crystal Springs Way, Louisville, Kentucky noted that the patio area for the restaurant use will be used for outdoor seating and dining. Mr. Rumpke stated that one potential restaurant owner was not interested in the space because of a lack of parking. ~~Gunpowder Centre is approximately one half leased. Pet Wow wants to expand from 2,400 square feet to 4,000 square feet. About 14,000 square feet is left to lease. One restaurant owner is looking at the space and could lease about 5,200 square feet.~~


At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if any Board Members had any comments or questions?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 15 at 5:00 P.M. in this room or the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on April 5, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:14 P.M.

APPROVED:

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director

# **SUPPORTING INFORMATION**



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452  
www.vioxinc.com

January 31, 2017  
Todd Morgan  
P.O. Box 958  
2950 Washington Street  
Burlington, KY 41005

Attn: Mr. Todd Morgan

RE: Gunpowder Centre Lot 5 & 8 Parking Expansion

Dear Mr. Morgan:

Thank you for the pre-application meetings regarding this proposed project. This letter is intended to provide a brief summary of the proposed project and requests of the change in concept plan.

Gunpowder Centre is proposing a parking expansion to meet the requirements of a broader range of tenants. The majority of the parking expansion is proposed on the west and south side of the shopping center to create more parking in close proximity to the relevant building square footage. An outdoor patio is also proposed as part of this enhancement.

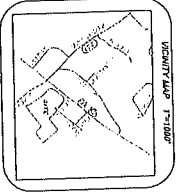
The Owner of Gunpowder Centre, the adjoining property owners, and design teams have collaborated to develop plans that meet the goals and objectives of the land uses in a compatible way that is mutually acceptable. As you are aware, co-participation is required due to easements and previous concept plans of record. The current application for Lot 5 & 8 requires two concept plans to account for two different potential outcomes. Concept Plan A shows the requested parking expansion and buffer yards if the property is developed as UR-2/PD/CD, per the Episcopal Retirement Services concept plan. Concept Plan B shows the requested parking expansion and buffer yards if the property is developed as C-2/PD/CD. Thanks for the consideration of these two outcomes related to different adjoining land uses. The property Owners have met and mutually support the requested change in concept plans.

Respectfully Submitted,

Brock M. MacKay, PLA, ASLA, CLARB  
Vice President of Business Development  
Landscape Architect

Situated in the City of Florence, Boone County, Kentucky, and being more particularly described as follows:

Being all of Lot 8 of the Gunpowder Centre Subdivision, Section 5, in Plat Cabinet 5, Slide 795 and Lot 5 of the Gunpowder Centre Subdivision, Section 2, in Plat Cabinet 5, Slide 183, as recorded in the office of the Boone County Clerk in Burlington, Kentucky.



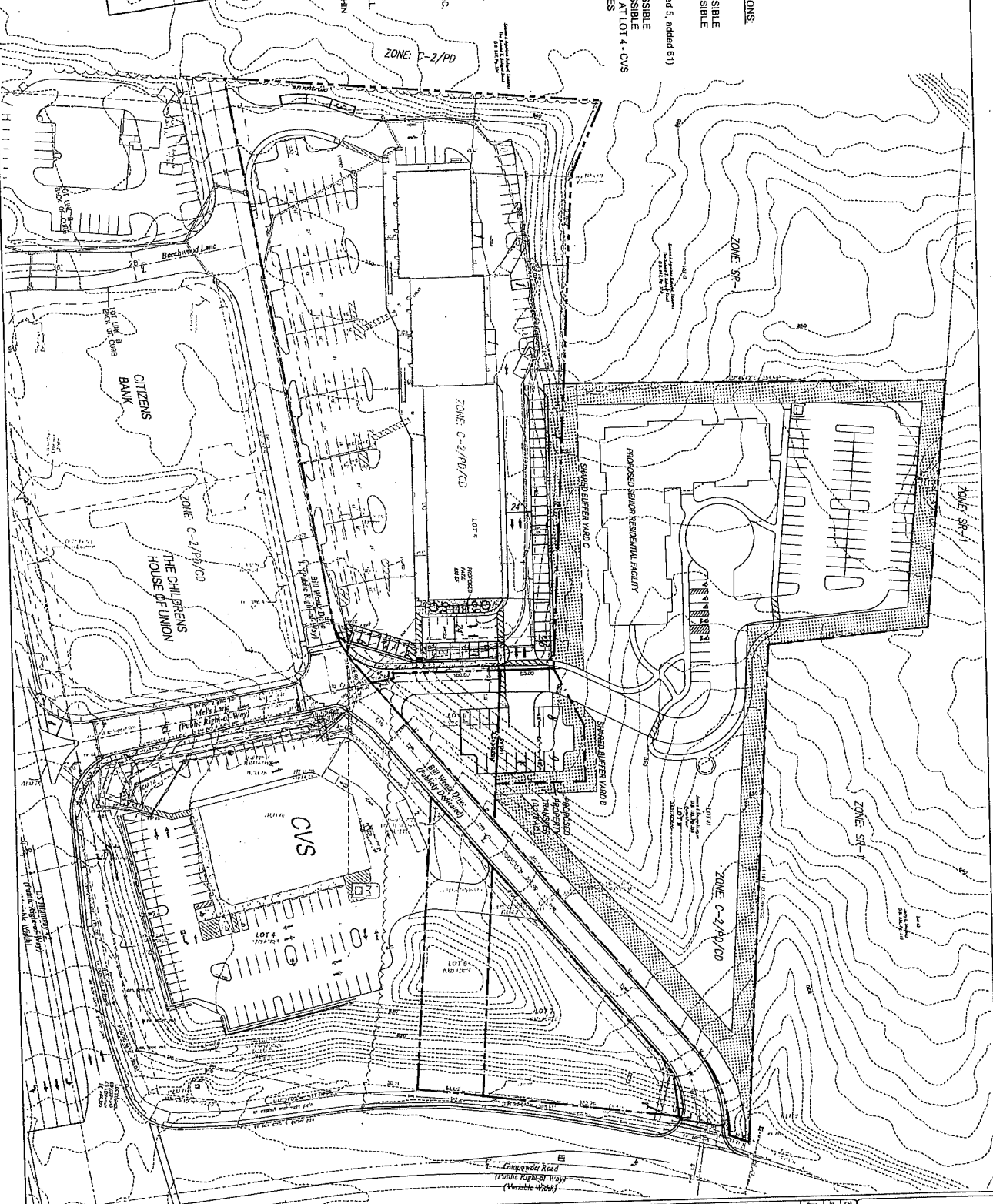
LOT 5 & 8 AREAS:  
 LOT 5 = 3.21 ACRES  
 LOT 8 = 0.02 ACRES  
 BUILDING: 28,000 SF

ORIGINAL PARKING CALCULATIONS:  
 REQUIRED: 112 STALLS  
 PROVIDED: 116 STALLS  
 REQUIRED HC: 3, 1 VAN ACCESSIBLE  
 PROVIDED HC: 3, 1 VAN ACCESSIBLE

PARKING EXPANSION:  
 56 ADDITIONAL STALLS (removed 5, added 61)  
 NEW TOTAL = 172 SPACES  
 REQUIRED HC: 6, 1 VAN ACCESSIBLE  
 PROVIDED HC: 6, 1 VAN ACCESSIBLE  
 SHARED PARKING: 14 STALLS AT LOT 4 - CVS  
 TOTAL AVAILABLE = 186 SPACES

- GENERAL NOTES:
1. DOWNTOWN SHOPPING CENTER, LLC
  2. 1540 CRYSTAL SPRINGS WAY
  3. TOTAL AREA = 3.46 ACRES
  4. CURRENT ZONING: C-2/PO
  5. MIN. LOT FRONTAGE: 50FT
  6. MIN. FRONT SETBACK: 30FT
  7. MIN. REAR SETBACK: 30FT
  8. MIN. SIDE SETBACK: 10FT
  9. MAX. BUILDING HEIGHT: 30FT
  10. EXISTING SOIL TYPES: 7-EL, J-1C
  11. WATER: CITY OF FLORENCE
  12. SANITARY SEWER: PRIVATE
  13. STORM SEWER: CITY OF FLORENCE
  14. GAS: DUKE ENERGY
  15. ELECTRIC: OWEN ELECTRIC
  16. CABLE: SPECTRUM
  17. COMMUNICATIONS:
  18. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN

**RECEIVED**  
 MAR 01 2017  
 BOONE COUNTY  
 PLANNING COMMISSION



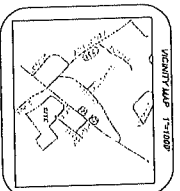
**GUNPOWDER CENTRE LOT 5  
 PARKING EXPANSION**

FLORENCE, BOONE COUNTY, KENTUCKY

CONCEPT PLAN A

**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 406 Energet Road - Energet, Kentucky 41018  
 PH: (502) 372-3293 • Fax: (502) 372-6452 • www.viox.com

NO.	DATE	BY	CHKD.	APP.
1	03/01/17	...	...	...
2	03/01/17	...	...	...

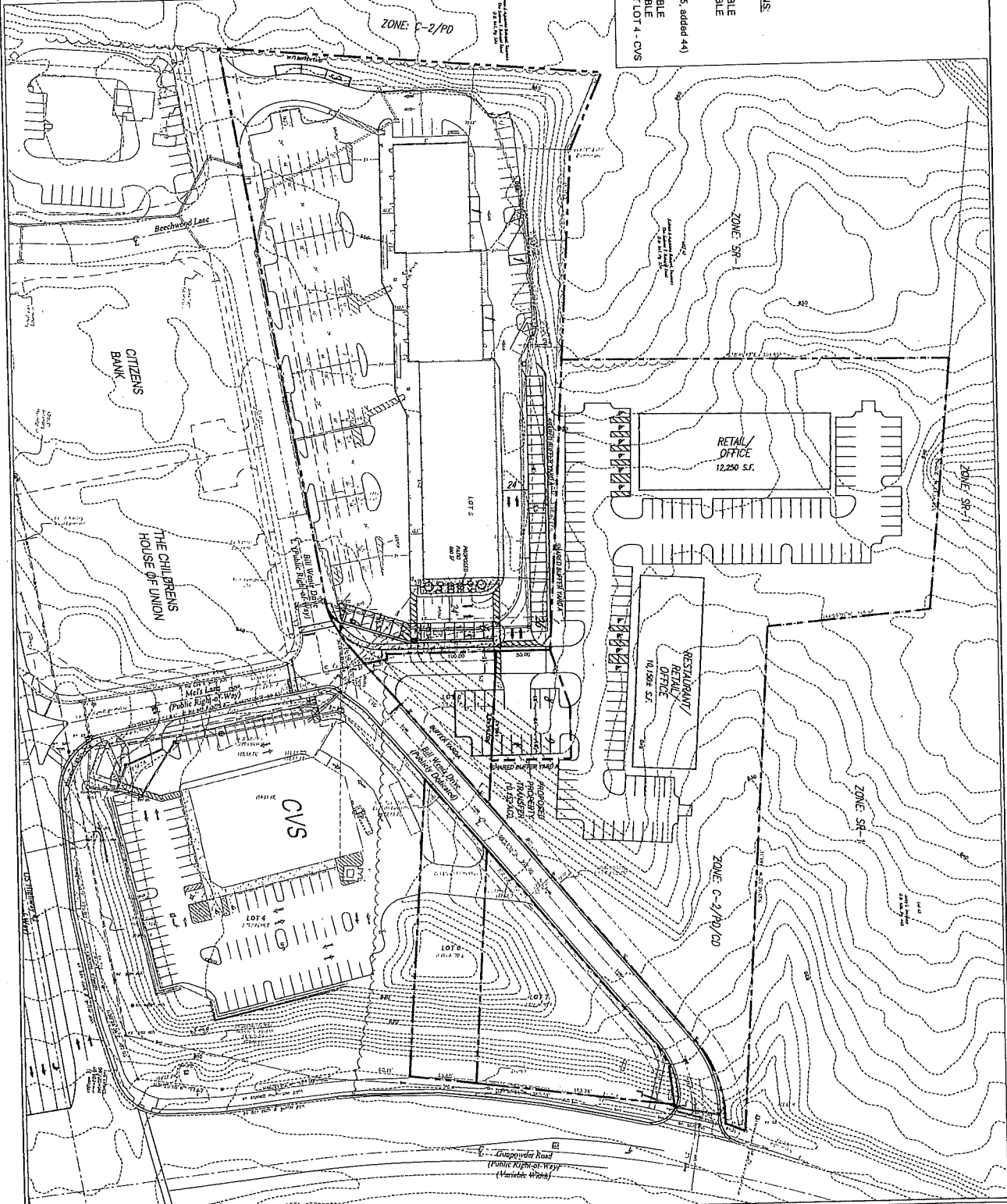


LOT 5 & 8 AREAS:  
 LOT 5 = 3.21 ACRES  
 LOT 8 = 0.02 ACRES  
 BUILDING 28,000 SF

ORIGINAL PARKING CALCULATIONS:  
 REQUIRED: 112 STALLS  
 PROVIDED: 116 STALLS  
 REQUIRED HC 5, 1 VAN ACCESSIBLE  
 PROVIDED HC 5, 1 VAN ACCESSIBLE

PARKING EXPANSION:  
 39 ADDITIONAL STALLS (removed 5, added 44)  
 NEW TOTAL = 155 SPACES  
 REQUIRED HC 6, 1 VAN ACCESSIBLE  
 PROVIDED HC 6, 1 VAN ACCESSIBLE  
 SHARED PARKING - 14 STALLS AT LOT 4, CVS  
 TOTAL AVAILABLE = 169 SPACES

- GENERAL NOTES:
1. OWNER & DEVELOPER: CONVENTION SHOPPING 15405 CRYSTAL SPRINGS WAY LOUISVILLE, KY 40245
  2. TOTAL AREA: 3.23 ACRES
  3. CURRENT ZONING: C-2/PD/CD
  4. MIN. LOT AREA: 5,000 SQ FT
  5. MIN. LOT FRONT SETBACK: 30 FT
  6. MIN. REAR SETBACK: 20 FT (50 FT WHERE IT ADJACES STR-1)
  7. MIN. SIDE SETBACK: 5 FT
  8. MIN. SIDE SLOPE HEIGHT: 50 FT
  9. EXISTING SOIL TYPES = FQ3, J&C, R&B
  10. CITY OF FLORENCE: SANITARY SEWER - CITY OF FLORENCE
  11. FLOODING: 7. STORAGE SEWER - PRIVATE
  12. ELECTRIC: 8. OPEN ELECTRIC
  13. TELEPHONE: 10. CONCRETE BELL
  14. CABLE: 11. SPECTRUM
  15. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.

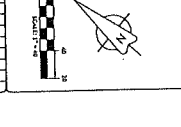


**GUNPOWDER CENTRE LOT 5**  
**PARKING EXPANSION**  
 FLORENCE, BOONE COUNTY, KENTUCKY  
**CONCEPT PLAN B**

**VIOX & VIOX**  
 Civil Engineers, Surveyors, and Landscape Architects  
 456 Edinger Road • Florence, Kentucky 41031  
 Phone 782.3263 • Fax 782.724623 • www.vioxandviox.com

Project No.	111318000	Drawn	Approved	Approved	Approved
Date	03/10/17	By			
Scale	AS SHOWN	File Name	111318000.DWG		

Revision	By	RT	DATE



C-102





## BOONE COUNTY PLANNING COMMISSION

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

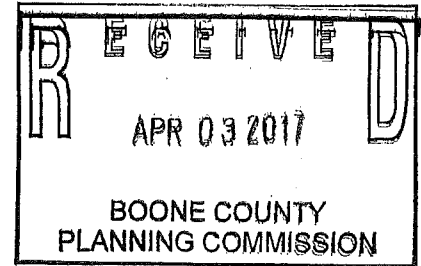
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

March 27, 2017

Mr. Kenneth Jay Kittenbrink  
Episcopal Retirement Services Affordable Living LLC  
3870 Virginia Avenue  
Cincinnati, OH 45227

Mr. Brock MacKay, P.E.  
Viox & Viox, Inc.  
466 Erlanger Road  
Erlanger, KY 41018



RE: Request of Episcopal Retirement Services Affordable Living LLC (applicant) for James L. Morgan and Sherry A. Morgan (owners) for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of the Gunpowder Road/Bill Wentz Drive intersection and a 3.635 acre tract located on the southeast corner of the Gunpowder Road/Bill Wentz Drive intersection, Florence, Kentucky. The request is for a zone change to allow a residential apartment development in addition to previously approved commercial uses; and the request of Viox & Viox, Inc. (applicant) for Covington Shopping Center, LLC (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 3.46 acre site located at 8537 US 42 (south side of Bill Wentz Drive), Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an outdoor restaurant seating area and landscaping/parking/vehicular area changes.

Dear Mr. Kittenbrink and Mr. MacKay,

The following represents the conditions of approval for the above referenced applications as agreed to by the applicants and Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please have the property owners sign the appropriate lines on the last page of this letter if you are in agreement with the conditions. Please return this letter to the Boone County Planning Commission office by April 4, 2017.

### CONDITIONS

Episcopal Retirement Services Affordable Living LLC/James L. Morgan and Sherry A. Morgan - Zoning Map Amendment Application

1. The senior apartment development option approval is based on the submitted ATA/Beilharz Architects Concept Development Plans, building elevations, and floor plans unless modified by other conditions below.

Mr. Kenneth Jay Kittenbrink and Mr. Brock MacKay  
March 27, 2017  
Page 2

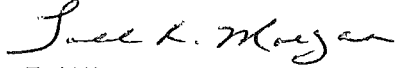
2. The site access point and property transfer area (17 stall parking lot) shall be constructed per the revised Viox & Viox plans (see attachments).
3. The thirteen (13) additional parking spaces shown on the alternative Concept Development Plan (Sheet A-001a) shall be required in the event the apartments cease to be senior apartments in the future.
4. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations shall be required along Bill Wentz Drive.
5. The segment of sidewalk shown between the parking lot and gazebo shall be located outside of the required 20' wide landscaping buffer yard.
6. All parking lot and building lighting shall be directed downwards or inwards towards the subject site and comply with the footcandle requirements from the Boone County Zoning Regulations.
7. The senior apartment development shall be permitted to construct the 10' tall, 100 square foot monument sign on the CVS lot per the 2014 City of Florence condition.
8. Building mounted signage shall not be permitted on the apartment building.
9. No mechanical equipment shall be visible on the roof of the apartment building.
10. The fire department's largest vehicle shall be able to travel on the emergency access drive on the north side of the building.
11. Standpipes shall be placed in the east and west stairwells of the building for fire suppression.

Viox & Viox, Inc./Covington Shopping Center, LLC - Change in Approved Concept Development Plan Application

1. The approval is based on the updated Viox & Viox plans (see attachments). These plans show that Covington Shopping Center LLC will buy additional property and construct a 17 stall parking lot addition regardless of the development option that is constructed on the Morgan property.
2. The following landscaping shall be required at the time the 17 stall parking lot is constructed:
  - A. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations along the frontage of lot 8 of Gunpowder Centre Subdivision
  - B. The shared Buffer Yard B plantings shown to the south and west of this parking lot.
3. The shared landscaping buffer shown behind the 26 new parking spaces in the rear parking lot shall not be required until the Morgan property develops with the apartments or office/commercial buildings.

Mr. Kenneth Jay Kittenbrink and Mr. Brock MacKay  
March 27, 2017  
Page 3

Sincerely,

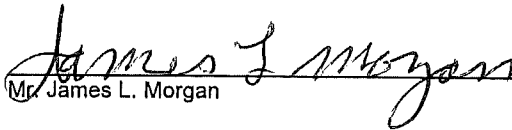


Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/ss

AGREEMENT


I, James L. Morgan, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application.

 \_\_\_\_\_ 4/3/17  
Mr. James L. Morgan Date

I, Sherry A. Morgan, do hereby agree to the listed conditions of approval for the for the Zoning Map Amendment application.

 \_\_\_\_\_ 4/3/17  
Mrs. Sherry A. Morgan Date

I, Matt Rumpke, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan application.

 \_\_\_\_\_ 4/3/2017  
Mr. Matt Rumpke Date  
Covington Shopping Center, LLC

ORDINANCE NO. 0-8-17

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO URBAN RESIDENTIAL TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (UR-2/C-2/PD) FOR A 0.518 ACRE TRACT LOCATED ON THE NORTHEAST CORNER OF GUNPOWDER ROAD/BILL WENTZ DRIVE AND A 3.635 ACRE TRACT LOCATED ON THE SOUTHEAST CORNER OF GUNPOWDER ROAD/BILL WENTZ DRIVE, FLORENCE, KENTUCKY, TO ALLOW A RESIDENTIAL APARTMENT DEVELOPMENT IN ADDITION TO PREVIOUSLY APPROVED COMMERCIAL USES (EPISCOPAL RETIREMENT SERVICES AFFORDABLE LIVING, LLC/JAMES L. MORGAN AND SHERRY A. MORGAN); AND ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR AN APPROXIMATE 3.46 ACRE SITE LOCATED AT 8537 U.S. 42 (SOUTH SIDE OF BILL WENTZ DRIVE), FLORENCE, KENTUCKY, TO ALLOW AN OUTDOOR RESTAURANT SEATING AREA AND PARKING/VEHICLE AREA CHANGES. (VIOX & VIOX, INC./COVINGTON SHOPPING CENTER, LLC)

WHEREAS, the City of Florence, Kentucky, is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission by Resolution No. R-17-008-A recommended approval for a zoning map amendment and a change in an approved concept development plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission's Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

**SECTION I**

That the request of Episcopal Retirement Services Affordable Living, LLC (Applicant) for James L. Morgan Sherry A. Morgan (Owners), for a zoning map amendment from Commercial Two/Planned Development (C-2/PD) to Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) for a 0.518 acre tract located on the northeast corner of Gunpowder Road/Bill Wentz Drive and a 3.635 acre tract located on the southeast corner of Gunpowder Road/Bill Wentz Drive, Florence, Kentucky, to allow a residential apartment development in addition to previously approved commercial uses, shall be and is hereby approved.

The real estate which is the subject to both requests is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the zoning map amendment for this subject property.

## **SECTION II**

That the request of Viox & Viox, Inc. (Applicant) for Covington Shopping Center, LLC (Owner) for a change in an approved concept development plan in a Commercial Two/Planned Development (C-2/PD) zone, for an approximate 3.46 acre site generally located at 8537 U.S. 42 (South Side of Bill Wentz Drive), Florence, Kentucky, to allow an outdoor restaurant seating area and parking/vehicle area changes, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in concept development plan for this subject property.

## **SECTION III**

The approval of this zoning map amendment and the change to the concept development plan are granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-17-008-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

## **SECTION IV**

In addition to those conditions set forth in the recommendations of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council, shall be and is hereby subject to those additional conditions that have been agreed to in writing by the property owners/applicants as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

## **SECTION V**

These approvals are granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-17-008-A, marked Exhibit "B", and attached hereto.

**SECTION VI**

If the approval for this zoning map amendment and/or change in the concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the validity of any of the other zoning regulations, zoning map, comprehensive plan, or other portions, provisions or terms of the approved concept development plan for these properties as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.

**SECTION VII**

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

PASSED AND APPROVED ON FIRST READING THIS 23<sup>RD</sup> DAY OF May, 2017.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 6<sup>th</sup> DAY OF June, 2017.

APPROVED:

*Dean E. White*  
MAYOR

ATTEST:

*Erin M. Courts*  
CITY CLERK

CITY OF FLORENCE, KENTUCKY  
PLANNING AND ZONING COMMITTEE

IN RE:

AGREED ADDITIONAL CONDITIONS - REQUEST OF EPISCOPAL RETIREMENT SERVICES AFFORDABLE LIVING, LLC (APPLICANT) FOR A MAP AMENDMENT FOR A 518 ACRE TRACT LOCATED ON THE SOUTHWEST SIDE OF GUNPOWDER ROAD/BILL WENZEL DRIVE AND A 3.635 ACRE TRACT LOCATED ON THE SOUTHEAST CORNER OF GUNPOWDER ROAD/BILL WENZEL DRIVE, FLORENCE, KENTUCKY, FROM COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO URBAN RESIDENTIAL TWO/COMMERCIAL TWO/PLANNED DEVELOPMENT (UR-2/C-2/PD) TO ALLOW A RESIDENTIAL APARTMENT DEVELOPMENT IN ADDITION TO PREVIOUSLY APPROVED COMMERCIAL USES; AND THE REQUEST FROM VIOX & VIOX, INC. (APPLICANT) FOR COVINGTON SHOPPING CENTER, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 3.46 ACRE SITE LOCATED AT 8537 U.S. 42 (SOUTH SIDE OF BILL WENZEL DRIVE), FLORENCE, KENTUCKY, IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE TO ALLOW AN OUTDOOR RESTAURANT SEATING AREA AND PARKING/VEHICLE AREA CHANGES.

The Planning and Zoning Committee has recommended and the Applicant has agreed that the following additional conditions will apply to the request described above.

1. Applicant agrees that any and all retaining walls which will be installed per the approved concept plan will be a colored material that matches surrounding brick colors, adheres to the architectural standards outlined in the Boone County Zoning Regulations and is pre-approved by the City of Florence.
2. Additional parking/impervious areas for the strip center expansion must meet detention and water quality requirements as outlined in the Boone County Subdivision Regulations regardless of whether the proposed Senior Apartments are developed.
3. Any above ground detention facility that is installed must be surrounded by a decorative black fence that stands at a minimum of 6' in height. The city must pre-approve the design prior to installation.
4. Phase 1 of the shared drive must be installed with a turnaround at the end of the drive and have adequate storm structures installed upon construction. The city will assure the street/drainage will operate per Boone County Subdivision Regulations regardless of whether the road is continued or not.
5. Phase 1 of the shared drive must be adequately illuminated upon construction. A photometric plan will be required with the major site plan submittal for all additional parking and street areas.
6. All land that lies within the proposed concept plan amendment must meet slope requirements as outlined in the Boone County Subdivision Regulations.

Agreed to this 18 day of May, 2017.

EPISCOPAL RETIREMENT SERVICES  
AFFORDABLE LIVING, LLC

BY: Keith Jay Ketchum Senior Dev. Mgr.  
(Title)

COVINGTON SHOPPING CENTER, LLC

BY: [Signature] Master  
(Title)

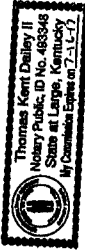
MR. JAMES A. MORGAN & MRS. SHERRY  
A. MORGAN

BY: [Signature] -owner  
James A. Morgan (Title) -owner

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

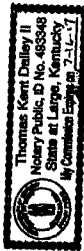
The foregoing instrument was acknowledged before me this 18 day of May, 2017, by Kassia V. Kethers, the Secretary of EPISCOPAL RETIREMENT SERVICES AFFORDABLE LIVING, LLC, a Kentucky limited liability company, on behalf of the company.



Thomas Kent Dailey II  
NOTARY PUBLIC, State of Large  
My Commission Expires: 7-14-17

COUNTY OF BOONE

The foregoing instrument was acknowledged before me this 22 day of May, 2017, by Matthew Rumpke, the MEMBER of COVINGTON SHOPPING CENTER, LLC a Kentucky limited liability company, on behalf of the company.



Thomas Kent Dailey II  
NOTARY PUBLIC, State of Large  
My Commission Expires: 7-14-17

COUNTY OF BOONE

COUNTY OF BOONE

The foregoing instrument was acknowledged before me this 19 day of May, 2017, by Deborah A. Ragsdale & Sherry M. Ragsdale



Thomas Kent Dailey II  
NOTARY PUBLIC, State of Large  
My Commission Expires: 7-14-17







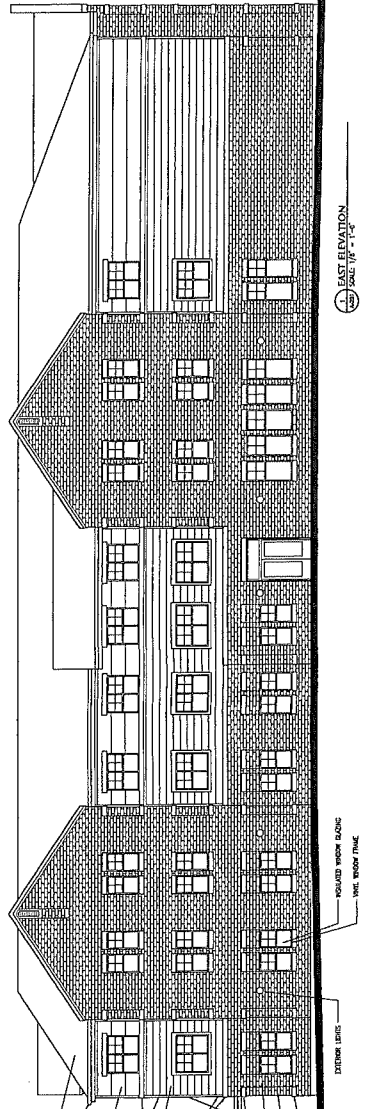
BUILDING ELEVATIONS

PROJECT NO: \_\_\_\_\_  
 DRAWING: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 LAYOUT: \_\_\_\_\_

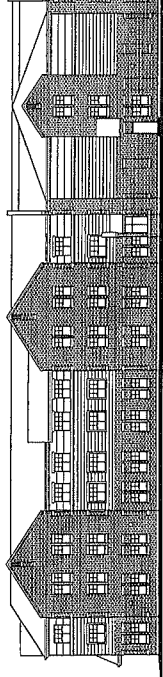
ISSUE DATE: \_\_\_\_\_

CERTIFICATION

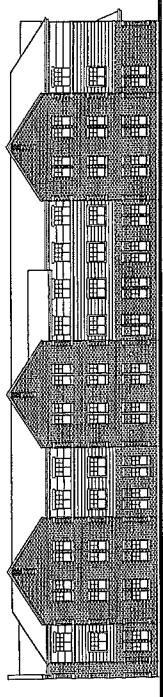
**GUNPOWDER ESTATES**  
 PROPOSED SENIOR APARTMENTS  
 U.S. HIGHWAY 42 AND GUNPOWDER ROAD  
 FLORENCE, KY 41042



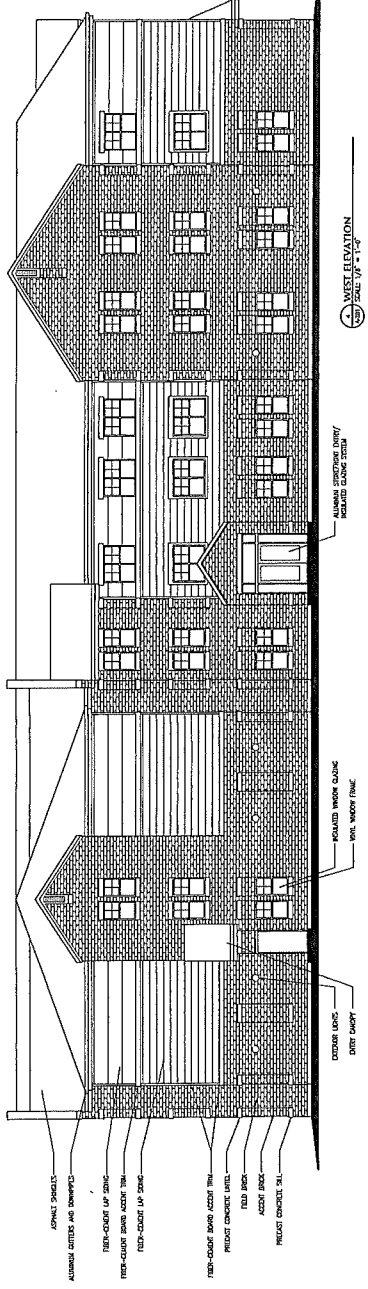
6 EAST ELEVATION  
 SCALE: 1/8" = 1'-0"



5 SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"

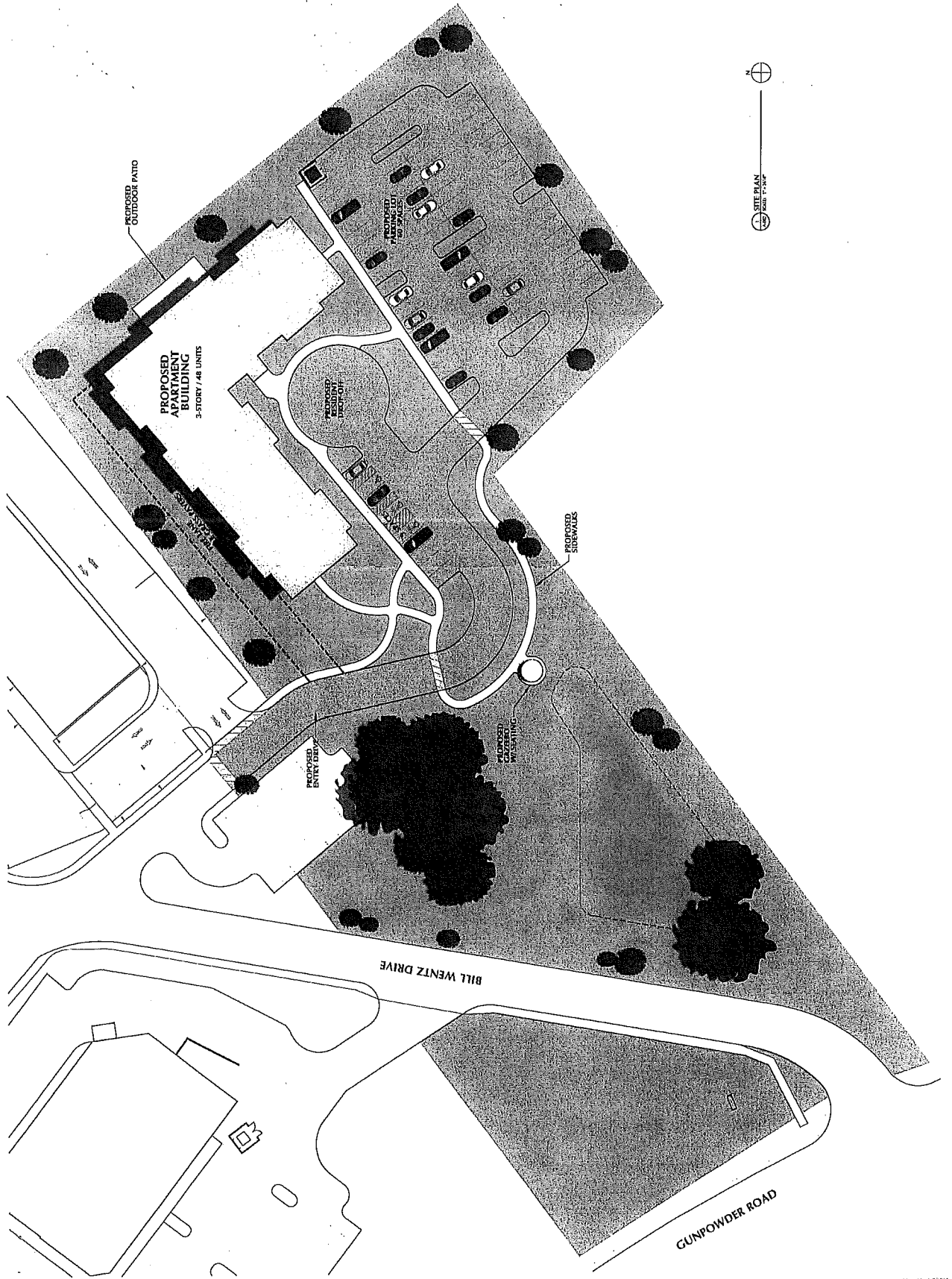


7 NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



8 WEST ELEVATION  
 SCALE: 1/8" = 1'-0"

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**ATARSHIMAZ  
ARCHITECTS**  
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Atlanta, Georgia 30309  
Phone: 404.525.1100  
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www.atarshimaz.com

**GUNPOWDER ESTATES**  
PROPOSED SENIOR APARTMENTS  
U.S. HIGHWAY 42 AND GUNPOWDER  
FLORENCE, KY 41042

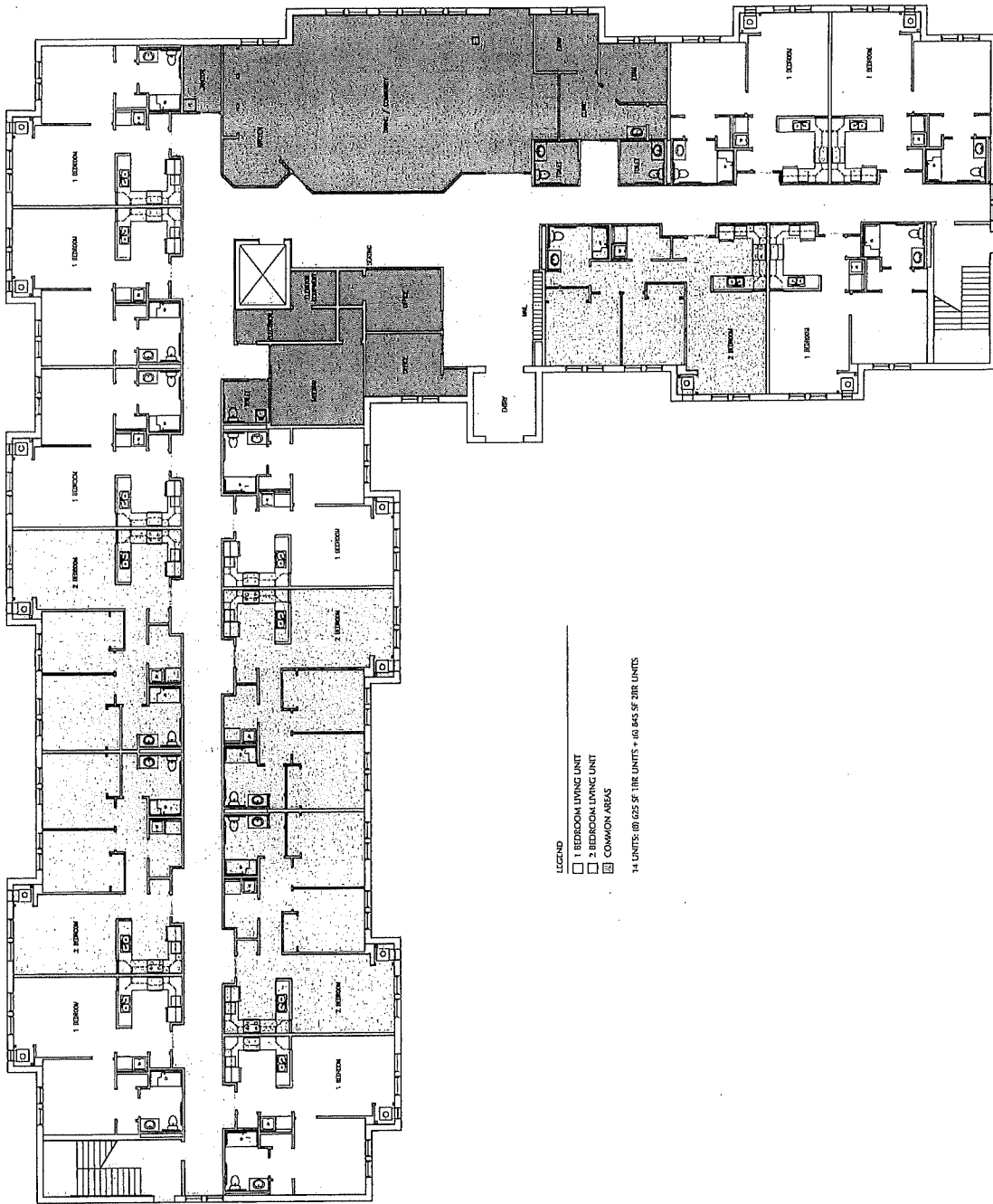
CERTIFICATION

ISSUE DATE

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FIRST FLOOR PLAN

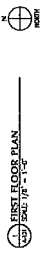
A-101



**LEGEND**

- 1 BEDROOM LIVING UNIT
- 2 BEDROOM LIVING UNIT
- ▨ COMMON AREAS

14 UNITS: 60 625 SF, 11R UNITS + 60 845 SF 2BR UNITS



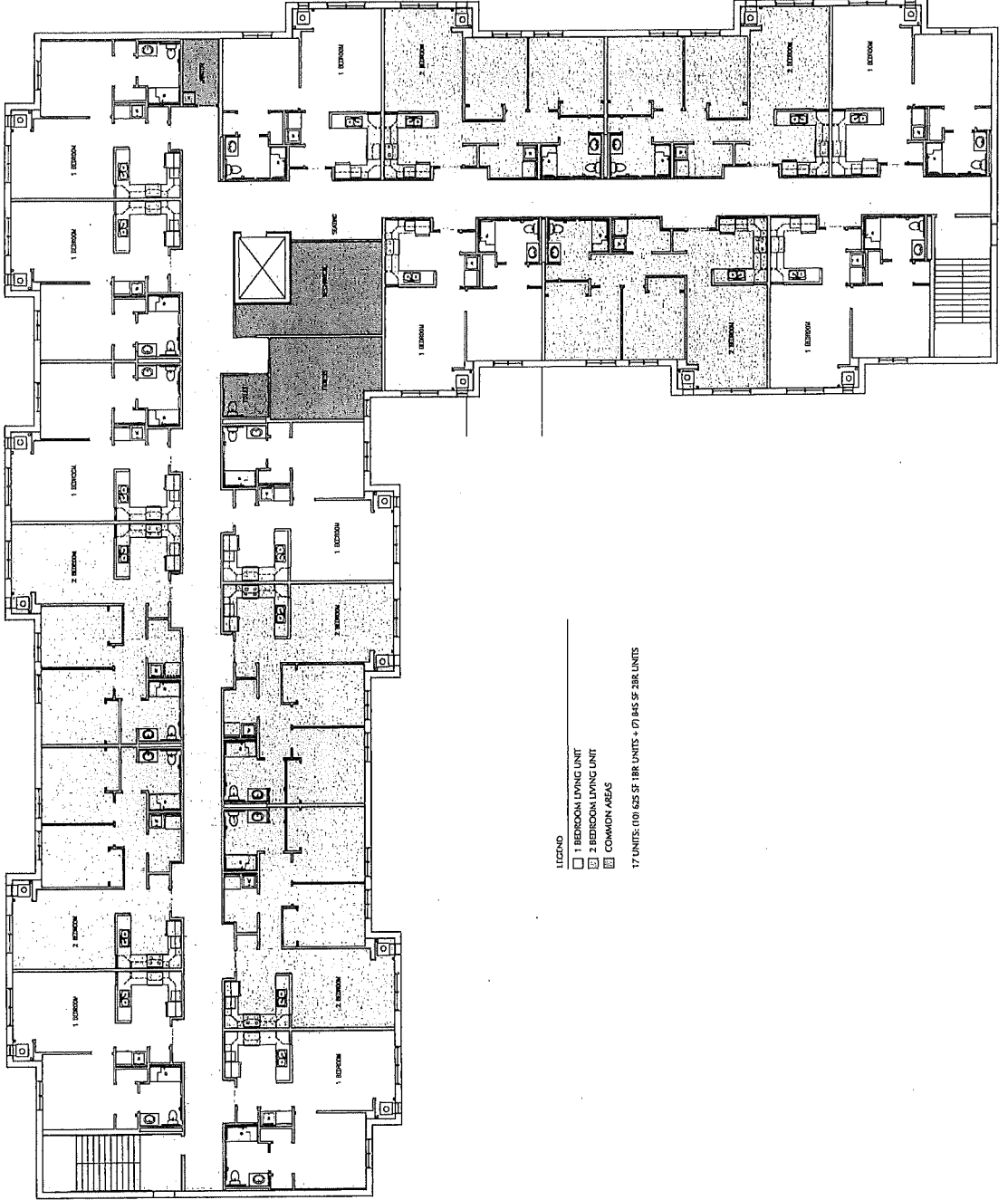
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PROJECT NO: 1022  
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ISSUE DATE

DESCRIPTION

GUNPOWDER ESTATES  
PROPOSED SENIOR APARTMENTS  
U.S. HIGHWAY 42 AND GUNPOWDER ROAD  
FLORENCE, NY 41012



LEGEND  
[Symbol] 1 BEDROOM LIVING UNIT  
[Symbol] 2 BEDROOM LIVING UNIT  
[Symbol] COMMON AREAS  
17 UNITS: (10) 625 SF BR. UNITS - (7) 845 SF 2BR. UNITS



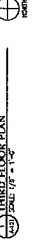
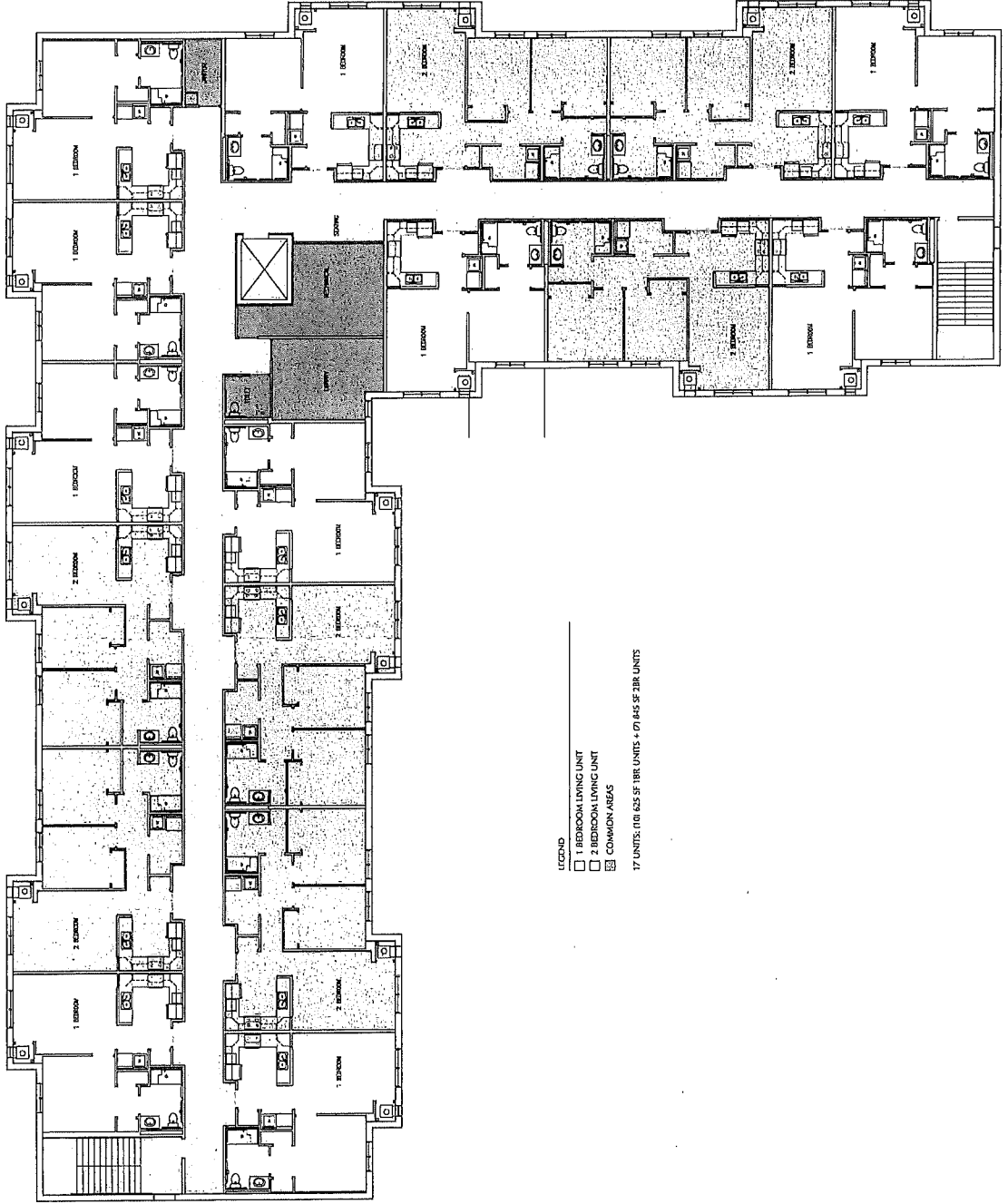
SECOND FLOOR PLAN  
1/2" = 1'-0"

PROJECT NO.: 1028  
DRAWN: [blank]  
CHECKED: [blank]

DATE DATE

CERTIFICATION

GUNPOWDER ESTATES  
PROPOSED SENIOR APARTMENTS  
U.S. HIGHWAY 42 AND GUNPOWDER ROAD  
FLORENCE, NY 4102



LEGEND  
□ 1 BEDROOM LIVING UNIT  
□ 2 BEDROOM LIVING UNIT  
□ COMMON AREAS  
17 UNITS, (10) 625 SF 1 BR. UNITS + (7) 845 SF 2 BR. UNITS







