

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

- 1. Name of Project: Union Pointe Academy
2. Location of Project: 9486 Old Union Road, Union, KY 41091
3. Total Acreage of Project: 26 Acres
4. Current Zoning of Property: A-2/UTO & RSE/UTO
5. Proposed Zoning of Property (classification being requested): PD/PF/UTO
6. Proposed Use(s) (specify each use): Proposed school for K-12 grades and Preschool. To include baseball and softball fields, soccer field, tennis courts, and playground area.
7. Proposed Building Intensities (specify for each building): The proposed building consists of a school with approximate area of 55,000 square feet and a gymnasium with an approximate area of 16,000 square feet
8. Are you applying for any of the following (check all that apply): [ ] Conditional Use Permit [ ] Variance
9. Current Owner: Robert J. Lightner
Address: 7536 US 42 Highway
Florence KY 41042
City State Zip Code
Phone Number: 859-525-7116 Fax Number:
Email: R.J@cmiteam.com
10. Applicant: Erpenbeck Consulting Engineers, Inc. (attn: Kevin Boerger)
Address: 4205 Dixie Highway
Elsmere KY 41018
City State Zip Code
Phone Number: 859-727-4200 Fax Number:
Email: kboerger@ece-inc.net
11. Are there any existing buildings on the site: [ ] Yes [x] No
If yes, indicate how many:

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13. Have you had a pre-application meeting with the BCPC staff:  Yes  No

14. Have you submitted a Concept Development Plan:  Yes  No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input type="checkbox"/> Boone County Public Works Department   | <input type="checkbox"/> Local School District                        |
| <input type="checkbox"/> Boone County Water District  | <input type="checkbox"/> Northern Kentucky Health Department          |
| <input type="checkbox"/> Cincinnati Bell  | <input type="checkbox"/> Owen Cooperative Electric, Inc.              |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1                    |
| <input type="checkbox"/> Duke Energy  | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department  | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input type="checkbox"/> Kentucky Transportation Cabinet  |   |

16. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone  Florence  Walton  Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on March 15, 2023

**ORIGINAL Property Owner's Signature:** Robert J. Lightner  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** K. B.  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received: 1/3/2023 Fee Received: \$ 2836.20 Receipt #: 81568
2. Number of Copies Received: \_\_\_\_\_
3. Has the following been submitted (check all that apply):
  - Completed Application
  - Concept Development Plan
  - Legal Description
  - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: S. Harper
7. Scheduled Public Hearing Date: 2/1/2023
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: 4/5/2023
  - \_\_\_\_\_ Approved
  - \_\_\_\_\_ Approved with Conditions
  - \_\_\_\_\_ Denial
  - \_\_\_\_\_ Other
9. Resolution Number: \_\_\_\_\_

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

# EXHIBIT

“A”

## STAFF REPORT

#3

Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant)** for **Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area.

February 1, 2023

### REQUEST

- A. The submitted request is to rezone an approximate 26 acre area located along the west side of Old Union Road, approximately 400 feet north of Westbrook Boulevard/Sweet Harmony Lane to allow the development of a school, off-street parking area, and athletic/recreational fields and courts.

### SITE HISTORY

- 2000 On August 28, 2000, the City of Union adopted the 2000 Union Town Plan.
- 2000 On September 19, 2000, the Boone Fiscal Court adopted the 2000 Union Town Plan.

### APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
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.
- B. Section 1200 of the Boone County Zoning Regulations states that the purpose of the Public Facilities district is to provide a specific zoning classification for a variety of public facilities to promote the proper location of these uses and ensure their long-term continuity and compatibility with adjacent land uses.
- C. Section 505.5 of the Boone County Zoning Regulations identifies schools as a principally permitted use in the PF district.
- D. Section 1509.A of the Boone County Zoning Regulations states that 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). 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 (formerly called a "Utilization of an Underlying District"), 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.

- E. Section 4000 of the Boone County Zoning Regulations defines schools as public and private schools at the primary, elementary, junior high, or high school level that provides state mandated basic education.

#### SITE CHARACTERISTICS

- A. The approximate 26 acre area is located along the west side of Old Union Road, approximately 400 feet north of Westbrook Boulevard/Sweet Harmony Lane.
- B. Approximately 24.6 acres of the site is located within the City of Union and approximately 1.4 acres is located within Unincorporated Boone County.
- C. A very small area in the northwest corner of the site is currently zoned RSE/UTO. The remainder of the site is currently zoned A-2/UTO.
- D. The site is currently occupied by two barn structures, two ponds, and undeveloped/agricultural land.
- E. The site has approximately 634 feet of frontage along Old Union Road.
- F. A blue line perennial stream is located along the frontage of the site, approximately parallel to Old Union Road.
- G. A 36-inch main truck gravity sewer line runs through the site, approximately 180 feet west of Old Union Road, and approximately parallel to Old Union Road.
- H. A 20-inch water line runs along the east side Old Union Road.
- I. Topographically, the site rises from 802 msl along Old Union Road to 878 at the west property line.
- J. A mature tree line exists along the majority of the south property line.

#### ADJACENT LAND USES AND ZONES

- North: Undeveloped/agricultural land (A-2/UTO)
- South: Single-family residential dwellings (Westbrook Estates) (A-2/UTO)
- East: Single-family residential dwellings (Harmony Place) (A-2/UTO) and Union Promenade (UC/UNO/UR-2/PD)

West: Single-family and undeveloped/agricultural land (A-2/UTO and RSE/UTO)

RELATIONSHIP TO COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the eastern portion of the site for "Rural Density Residential" uses and the western portion of the site is identified for "Suburban Density Residential" uses.

1. Rural Density Residential is described as low density residential uses of up to one dwelling unit per acre.
2. Suburban Density Residential is described as single family housing of up to four units per acre.

B. Areas to the north, south and west of the site are identified for the same land uses as the site in question.

C. The Land Use Plan Element of Our Boone County Plan 2040, includes the following description:

This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2040 Future Land Use Map and also affect the Boone County Zoning Regulations (Land Use, Description And Purpose Of Land Use Maps, 20 Union, page 137).

D. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

1. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
4. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 2).
5. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 3).
6. An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).
7. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
8. Development design shall consider natural and ecological systems, such as

9. wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).  
Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
  10. Education and recreation facilities shall be combined to provide the mutual benefits of service, safety, convenience, economy, and neighborhood scale (Natural and Cultural Resources Goal A, Objective 6).
  11. Public facilities and services shall be in locations that are accessible to the population being served (Public Facilities Goal A, Objective 7).
  12. The education system shall provide a broad range of lifetime learning opportunities, as well as both private and public educational facilities and services (Public Facilities Goal A, Objective 12).
- E. Old Union Road is a city maintained collector street providing for two way traffic within two driving lanes. Within the vicinity of the site, the pavement width of Old Union Road is approximately twenty (20) feet. There are no sidewalks along the roadway. The posted speed limit is 35 MPH.
- F. The following are excerpts from Our Boone County Plan 2040:
1. Private schools, primarily in conjunction with religious institutions, ease part of the pressure placed on public schools as new residents come into the county. As the county continues to grow, new private schools can be expected to emerge and should be encouraged as long as they meet or surpass the standards of public schools (Public Facilities, Education, Private Schools, page 80).
  2. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that 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. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Land Use, Future Land Use Development Guidelines, Utilization of Existing Vegetation and Topography, pages 95).
  3. 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; where appropriate, 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 both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes 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 (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

4. 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 soften 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 as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).

#### RELATIONSHIP TO 2000 UNION TOWN PLAN

- A. The first approximate two hundred (200) feet of the site is identified as a Green Area. The next approximate six hundred (600) feet is identified for single-family residential use at one (1) dwelling unit per acre. The remainder of the site is identified for single-family residential use at twenty-two (22) dwelling units per acre.
- B. Within the Green Area, there is the potential for a walking/bike trail.
- C. The Plan also provides for a minimum four hundred (400) foot front yard setback along Old Union Road.

#### RELATIONSHIP TO THE BOONE COUNTY TRANSPORTATION PLAN

- A. The following projects are identified in the Boone County Transportation Plan:
  1. Old Union Road Sidewalk (Unscheduled Need Project)  
Location: US 42 to Orleans Boulevard

Type: Bike/Ped  
Total Cost: \$999,000  
Description: Install pedestrian facilities along Old Union Road to connect residential development to the Union Pool and the future Union Towne Center.

### STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
1. Construction of a school building.
  2. Provision for off-street parking.
  3. Provision for a playground, soccer field, baseball field, softball field, and bleachers.
  4. Provision for a stormwater detention area.
  5. Access from the existing curb cut onto Old Union Road.
  6. Retention of the open space along the existing blue line perennial stream.
- B. The applicant has provided a project narrative that indicates the following:
1. The proposed school will accommodate grades K-12.
  2. All facilities will be built in phases.
    - a. The first phase will be a portion of the school building as well as the soccer field, baseball field, and softball field,
  3. At full build out, the maximum occupancy of the school will be 500 students.
  4. The proposed school building will be three (3) stories and have a total floor area of approximately 55,000 square feet, along with an approximate 16,000 square foot gymnasium.
  5. The outdoor sports fields will have no lighting.
  6. The existing stand of trees located along the south property line and adjacent to the lots on Diamond Trace and Brookridge Lane will be retained for a depth of thirty (30) feet.
- C. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following comments:
1. Section 1506 provides the Planned Development Criteria:
    - a. Mixed Use Development and Pedestrian Orientation: The proposed development provides for a single use of the site in question.
    - b. Compatibility of Uses: The proposed school should not have a damaging impact on adjacent land uses. Schools are typically located within residential areas.
    - c. Open Space: The majority of the site in question is proposed to remain as open space or recreational fields.
    - d. Multi-Modal Transportation: This criteria item is not applicable to the proposed development.
    - e. Preservation of Existing Site Features: The applicant has stated that the

- f. existing trees along the perimeter of the site will be retained.
- f. Landscaping: The proposed development will have to meet the minimum landscaping requirements as required by the zoning regulations.
- g. Architecture: This criteria item is not applicable to the proposed development.
- h. Historic and Prehistoric Features: This criteria item is not applicable to the proposed development.
- i. Signage: The proposed development will have to meet the signage requirements of the zoning regulations.
- j. Transportation Connections and Entry Points: This criteria item is not applicable to the proposed development.
- k. Conformance With Comprehensive Plan: This criteria item will be determined as part of the zoning map amendment process.

2. Section 3111 requires a side yard building setback of fifty (50) feet where that yard is adjacent to a residential zoning district.

While the recreational fields are not buildings, it is noted that they will have a minimum side yard setback of twenty-six (26) feet.

3. Section 3222 requires access points on opposite sides of a collector street to be located opposite each other.

The submitted plan indicates the use of the existing access point to the site in question. The area on the other side of Old Union Road is being developed for the Union Promenade. This access point is very close to Children's Way, which is a new street within the Union Promenade development.

4. Section 3645 requires a Buffer Yard C, having a minimum width of sixty (60) feet, with a thirty (30) foot option, to be provided where a PF district is adjacent to an Agricultural district.

The submitted plan indicates that there will be a twenty-six (26) foot wide buffer yard area between the proposed recreational fields and the north property line of the site in question.

- D. Staff sent out an Agency Memo to the Boone County Building Department, City of Union, and the Union Emergency Services Alliance.

1. Jerry Noran, Boone County Building Department, replied that he had no comment.
2. The following are comments from the City of Union:
  - a. USDA Soils common to the 26-acre site includes Ashton (i.e., subject to creek flooding), Rossmoyne (i.e., severe for buildings) and Faywood (i.e., high shrink swell potential) Series Soils. Any future Site Plan design should take these soils into consideration.
  - b. That a storm water detention or retention facility capturing increased runoff be provided and be approved in accord with the Rules and Regulations of

- SD No.1 including O & M Responsibilities.
- c. Fowlers Fork Creek must be protected from any erosion and sedimentation generated from the proposed development.
  - d. That parcel labelled as 9541 US 42 LLC along Old Union Road, to include the proposed bridge structure over Fowlers Fork Creek be clearly identified as private or public right-of-way.
  - e. That the proposed bridge structure, sole access for a private school, must be designed to be above the 100-year flood plain and be in accord with minimum Road and Bridge Standards, clearly identified as a Public or Private Structure. The KYTC is responsible for determining maximum weight limits in TONS for Posting including regular Bridge Inspection Reports for all bridges within Boone County. The bridge structure over Fowlers Fork Creek may also have to be approved by KYDNR for impacting a blue line or perennial stream, per regulations, or as otherwise amended. Increased pavement turning radii for ingress and egress to and from Old Union Road shall also be provided for adequate and multiple trips for vehicular turning movements for a school along Old Union Road, a sub-collector type street, owned and maintained by the City of Union, subject to an Encroachment Permit.
  - f. That final water supply plans be submitted to the Union Fire Protection District including the sole bridge access for the entire development and both internal and exterior fire protection per the building code for the private water main and number of fire hydrants per the Insurance Services Office Guidelines for adequate fire protection.
  - g. That the primary access roadway be designed same as public street infrastructure although owned and privately maintained by Union Pointe Academy.
  - h. The proposed athletic fields are located within both Union and Unincorporated Boone County, and, as such must be based upon the most accurate jurisdictional boundaries for future property taxes, if required for the School Academy.
  - i. That sanitary sewerage for the development including adequate capacity evaluation be approved by SD No. 1.
  - j. All future signages shall be in accord with the zoning ordinance.

#### STAFF CONCERNS

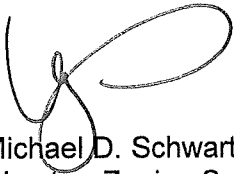
- A. The following list provides a summary of those requirements that are being requested to be waived/alterd using the PD district regulations:
  - 1. Reduce the side yard setback from fifty (50) feet to twenty-six (26) feet to allow for recreational fields.
  - 2. Reduce the Buffer Yard C requirement from a minimum width of sixty (60) feet, with a thirty (30) foot option, to twenty-six (26) feet for a portion of the perimeter along the north property line of the site in question.
- B. Access to the site will utilize the existing bridge over the blue line perennial stream. The width and weight limit of this structure needs to be analyzed to determine if it can accommodate school buses and emergency vehicles.

- C. The proposed development and the Union Promenade development will be high traffic generators. To provide for the potential of a future controlled intersection, access to the site in question should be directly across from Children's Way.
- D. While the applicant has stated that there will be a drop-off area within the parking lot, the submitted plan does not indicate one. This should be evaluated as part of a future Site Plan.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the City of Union in terms of Articles 3, 15, and 25 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz  
Director, Zoning Services

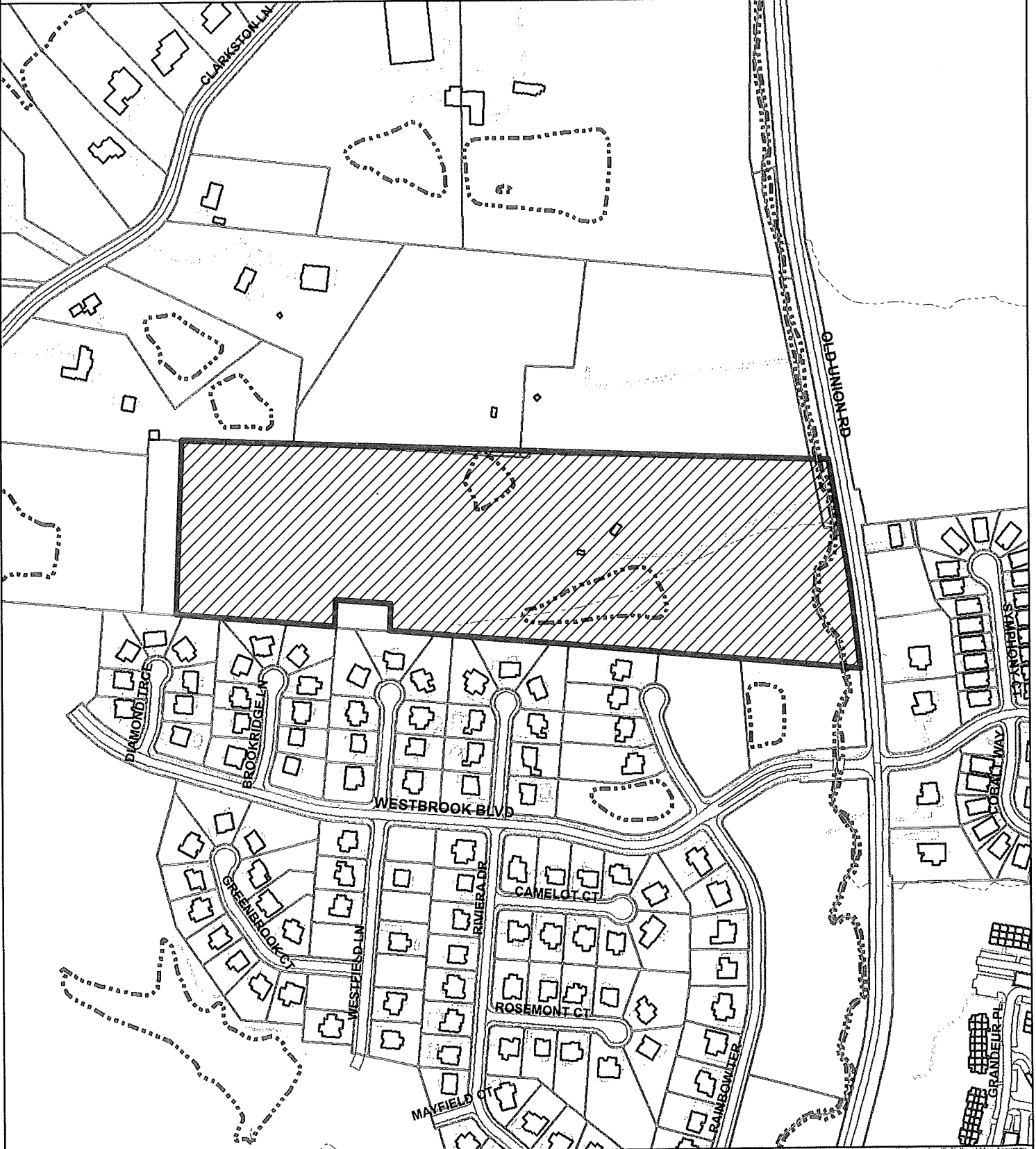
MDS/ss

Attachments:

- \*Vicinity Map
- \*Legislative Boundary Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Union Town Plan Map
- \*Application
- \*Project Narrative
- \*Concept Development Plan

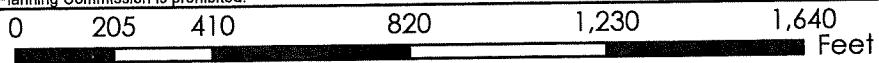
# Vicinity Map

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1 inch = 400 feet

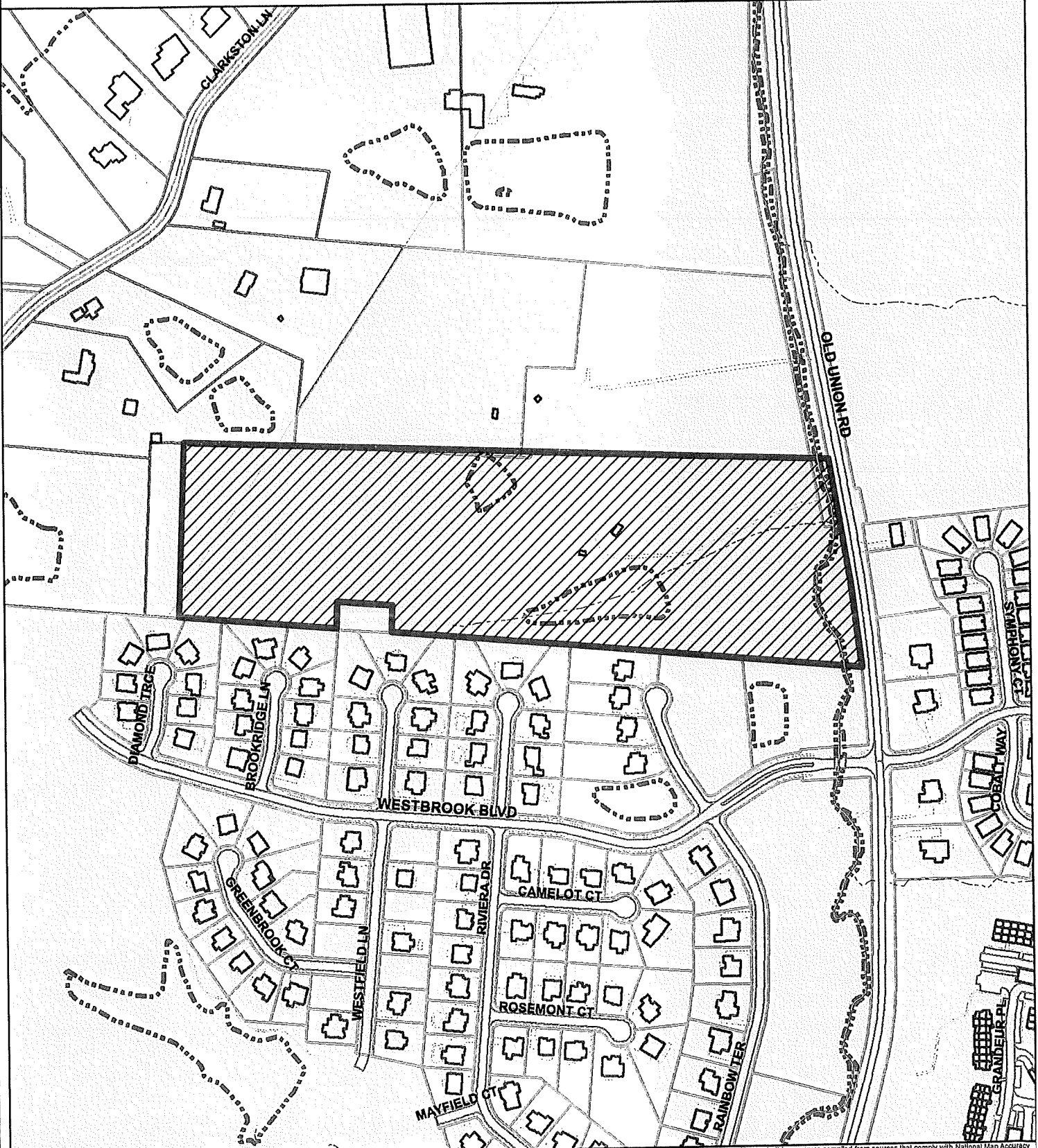


**Boone County GIS - Putting Northern Kentucky on the Map**



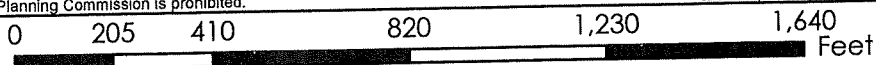
# Legislative Boundary Map

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Boone



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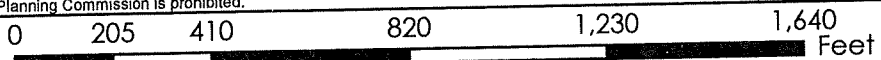
# Aerial Map

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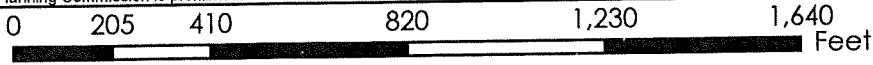
# Topographical Map

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

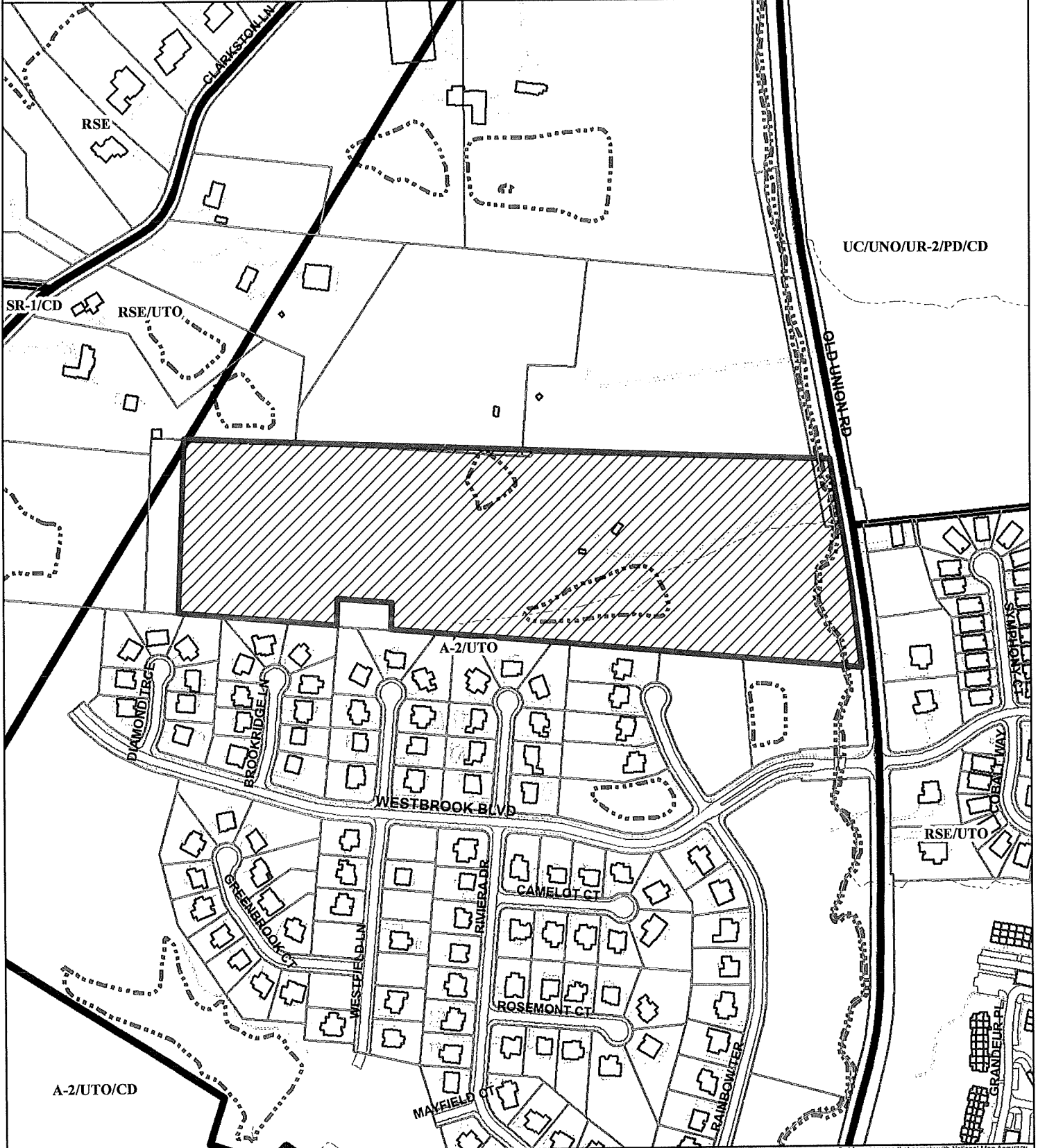


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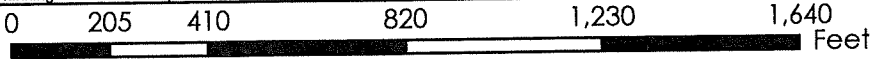
# Zoning Map

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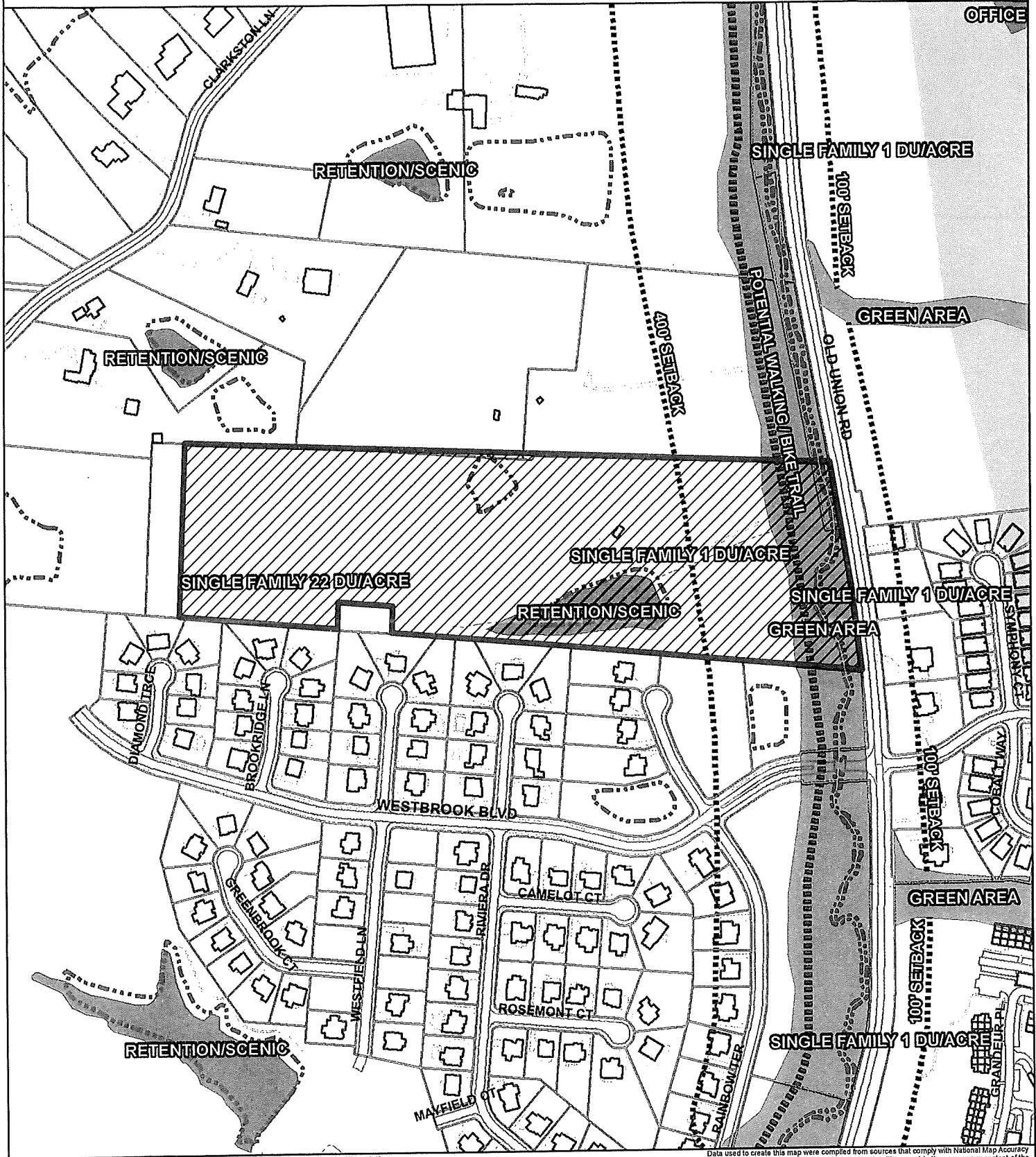
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# Union Town Plan Map

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



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12. 358 220 2046  
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13. Have you had a pre-application meeting with the BCPC staff:  Yes  No

14. Have you submitted a Concept Development Plan:  Yes  No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input type="checkbox"/> Boone County Public Works Department   | <input type="checkbox"/> Local School District                        |
| <input type="checkbox"/> Boone County Water District  | <input type="checkbox"/> Northern Kentucky Health Department          |
| <input type="checkbox"/> Cincinnati Bell  | <input type="checkbox"/> Owen Cooperative Electric, Inc.              |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1                    |
| <input type="checkbox"/> Duke Energy  | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department  | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input type="checkbox"/> Kentucky Transportation Cabinet  |   |

16. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone  Florence  Walton  Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:  
  
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on March 15, 2023

**ORIGINAL Property Owner's Signature:** Robert J. Lightner  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:** K. B.  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received: 1/3/2023 Fee Received: \$ 2836.20 Receipt #: 87568
2. Number of Copies Received: \_\_\_\_\_
3. Has the following been submitted (check all that apply):
  - Completed Application
  - Concept Development Plan
  - Legal Description
  - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_
5. Staff Reviewer: \_\_\_\_\_
6. Committee Chairperson: \_\_\_\_\_
7. Scheduled Public Hearing Date: \_\_\_\_\_
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: \_\_\_\_\_
  - \_\_\_\_\_ Approved
  - \_\_\_\_\_ Approved with Conditions
  - \_\_\_\_\_ Denial
  - \_\_\_\_\_ Other
9. Resolution Number: \_\_\_\_\_

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

January 3, 2023

Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington. Ky. 41005

Re: Union Pointe Academy Zone Change

The attached submittal is for a zoning map amendment request for the property owned by Robert J. Lightner at 9486 Old Union Road. The existing zoning for this property is A-2/UTO and RSE/UTO and consists of approximately 26 acres. The proposed zoning map amendment is for the full 26-acre property to be changed to a PD/PF/UTO for a proposed school for K-12<sup>th</sup> grade as well as sporting facilities (soccer field, baseball and softball fields, and tennis courts). This school, parking facilities, and sports facilities are to be built in multiple phases. The first phase will consist of the construction of the first phase of the school building as well as the soccer field, baseball field and softball field. The maximum occupancy for the school, including future phases, will be 500 students. We request this zoning map amendment on the basis that this use meets the goals and objectives of the Boone County Comprehensive Plan and 2000 Union Town Plan. Please accept the application for review.

Thanks,



Kevin Boerger, P.E.  
Project Manager

### **Union Pointe Academy**

Union Pointe Academy is already included in the Our Boone County Plan 2040. Union Pointe Academy is currently operating out of Florence Baptist Church and is looking to operate their own school building to better service the students and continue its growth of students with the growth of Boone County.

The Union Pointe Academy is planned to be a full K to 12 school located on a 26-acre campus. The school will include classrooms for students from 1<sup>st</sup> grade through the 12<sup>th</sup> grade with supporting facilities including a playground, gymnasium, soccer field, tennis courts and a baseball and softball complex. The school anticipates a capacity of 500 students and will be developed in multiple phases. The school building be built in phases, will be 2 or 3 stories with an ultimate size of approximately 55,000 square feet and the playground, 16,000 square foot gymnasium, soccer, baseball, and softball sports facilities. There will be no lighting on the sports fields as games will be played during the daytime.

The parking lot is to be built in multiple phases along with any phases/expansion of the school building. The parking lot is to be used for the students as well as any parking needed during sporting events at the school. A drive aisle will be available for student drop off and allow looping through the parking lot to exit. No overlap is expected from school activities and sporting events. All expansions of the parking lot will accommodate Boone County regulations for parking requirements.

## **Union Pointe Academy**

### **PD/PF/UTO Zoning**

The applicant is requesting a PD/PF/UTO Zoning to enable the more efficient use of the site. The intensity of the fully developed site will include a 55,000 square foot school building and a 16,000 square foot gymnasium any other use will be athletic and recreational uses.

The 26-acre campus will remain mostly open with the flood way along Fowler Creek remaining undisturbed. The existing stand of trees located along the south property line and adjacent to the lots on Diamond Trace and Brookridge Lane will be retained for a depth of 30 feet.

The architectural design of the school is currently underway and not finalized. The final building design will be compatible with current school design standards.

The primary signage will be building mounted, and any monument style signage will be designed to visually correlate with the architectural design of the school building.

This proposed school is in compliance with the Comprehensive Plan as states: "Private schools ease part of the pressure placed on the public schools as new residents come into the county. As the county continues to grow, new private schools can be expected to emerge." and "This plan encourages these schools as long as they meet or surpass the standards of public schools. These schools can be expected to be built in conjunction with religious institutions." (Pages132-133)





**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE FINDINGS OF FACT  
DISAPPROVAL**

**TO:** Boone County Planning Commission

**FROM:** Steve Harper, Chairwoman

**DATE:** April 5, 2023

**RE:** Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant)** for **Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area.

**REMARKS:**

1. 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 finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend disapproval of the above referenced Zoning Map Amendment based on the following findings of fact:

**FINDINGS OF FACT:**

1. The Committee concluded the request is not in agreement with the 2040 Future Land Use Map of the comprehensive plan which identifies the site for "Rural Density Residential" and "Suburban Density Residential" uses.
  - a. The proposed PF/PD/UTO district will allow the development of a school in area recommended for residential use.
2. The Committee concluded the request is not in agreement with the Union Town Plan which identifies the site for low density residential uses (1 – 2.2 units per acre).
  - a. The proposed PF/PD/UTO district will allow the development of a school, being a high traffic generator during morning and afternoon peak hour, in area recommended for low density residential use.
3. The Committee concluded that the proposed PF/PD/UTO district, along with the submitted concept development plan, is not consistent with several Goals and Objectives of the comprehensive plan as they relate to balancing the rights of landowners with the rights of neighbors in the community, impact on infrastructure and environment, impact on adjoining areas, and compatibility with the general housing density and design of the area.

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Union Pointe Academy

April 5, 2023

Page 2

- a. The proposed PF/PD/UTO district, along with the submitted plan, places a heavier burden on the adjoining neighbors versus utilizing the existing A-2/UTO and RSE/UTO districts.
  - b. The submitted plan will have a negative impact on the capacity of Old Union Road and the flow of the stream.
  - c. The proposed school will create excessive noise that will be detrimental to the adjacent Westbrook Subdivision.
  - d. The submitted concept development plan does not adequately address ingress/egress to/from the site and its impact on the safety and capacity of Old Union Road.
3. The Committee concluded that the existing A-2/UTO and RSE/UTO districts are appropriate for the area, and that the proposed PF/PD/UTO district is inappropriate.
- a. The existing A-2/UTO and RSE/UTO districts are consistent with both the 2040 Future Land Use Map and the Union Town Plan. Both of the guiding documents recommend that the site be developed with low density residential uses with an intensity ranging from 1 to 2.2 units per acre. The existing A-2 district allows an intensity of 1 unit per 2 acres and the RSE district allows an intensity of 1 unit per acre.
  - b. In addition to the previously stated finding, the proposed school will generate significant amounts of traffic during the morning and afternoon hours, resulting in a need for turn lanes on Old Union Road. Due to the existing stream and the proposed Union Promenade development, there is little room for the widening of Old Union Road to accommodate exclusive turn lanes. Therefore, the proposed PF/PD/UTO district, along with the submitted concept development plan is inappropriate.
4. The Committee concluded that there have been no major changes of an economic, physical, or social nature, which were not anticipated in the adopted comprehensive plan, that have substantially altered the area's character.

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

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

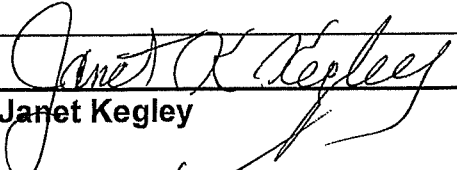
TO: Boone County Planning Commission  
FROM: Steve Harper, Chairman  
DATE: March 15, 2023

**REMARKS:**

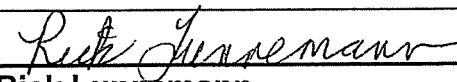
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

**ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff**

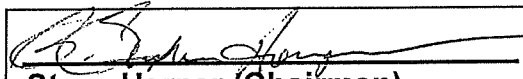
4. Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant) for Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area

  
\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

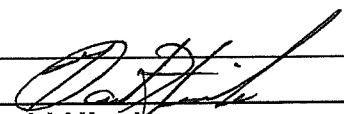
\_\_\_\_\_  
**Corrin Gulick**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Rick Lunnemann**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Kathy Clark (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Steve Harper (Chairman)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**David Hincks**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Jackie Steele (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_

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

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

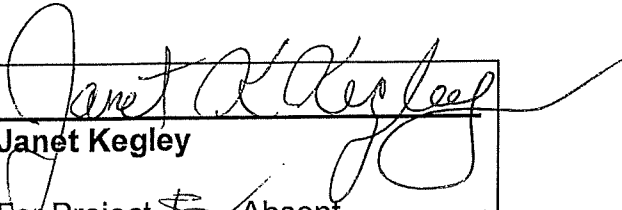
DATE: February 15, 2023

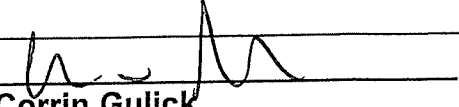
REMARKS:

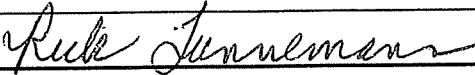
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

**ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff**

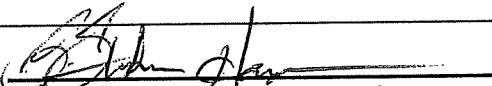
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\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred


  
\_\_\_\_\_  
**Corrin Gulick**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred

  
\_\_\_\_\_  
**Rick Lunnemann**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred

\_\_\_\_\_  
**Kathy Clark (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Steve Harper (Chairman)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**David Hincks**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred

\_\_\_\_\_  
**Jackie Steele (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mr. David Hincks  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Kathy Clark  
Mrs. Janet Kegley  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael Schwartz, Director, Zoning Services  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the third item on the Agenda at 8:19 p.m.

**ZONING MAP AMENDMENT, Michael Schwartz, Staff**

3. Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant) for Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The 26 acre site is located on the west side of Old Union Road and about 400 feet north of the intersection of Westbrook Boulevard and Sweet Harmony Lane. The site has 634 feet of road frontage along Old Union Road and a blue line perennial stream is located along the eastern side of the property. About 24 acres of the site is located in the City of Union, while the remaining 1.4 acres is located in unincorporated Boone County. Currently, there are two barns and two ponds on the subject property. A mature tree stand exists along the southern property line. The site has an existing curb cut onto Old Union Road. A majority of the site is zone A-2/UTO and a very small portion of the site is zoned RSE/UTO. Mr. Schwartz described the surrounding land uses and zoning. Pages 1 and 2 of the Staff Report include the applicable regulations that are pertinent to the project. The site sits at an 802 elevation along Old Union Road and rises to 878 on the west side of the property. The 2040 Future Land Use Map designates this site for Rural Density Residential (RD) and Suburban Density Residential (SR) land uses. Pages 3-5 of the Staff Report include references to the Comprehensive Plan. Old Union Road is a city owned and maintained street. The Union Town Plan provides more specificity. The first 200 feet of the site is planned to be a green area for open space. The next 600 feet is proposed to be single family residential uses not to exceed 1 unit per acre. The remaining area is planned to be used for residential with 2.2 units per acre. Within the green area is the potential for a walking trail. The Union Town Plan also sets forth a 400 foot building setback along Old Union Road. Mr. Schwartz showed photographs of the site and adjoining properties including the offset of Children's Way and the existing curb serving the site.

The submitted Concept Development Plan identifies the construction of a school building, off street parking, outdoor fields, stormwater detention, open space along the stream and access from the existing curb cut. The applicant has provided a project narrative. The proposed school will be K-12 with a full buildout capacity of 500 students. No lighting is proposed for the outdoor fields. Trees will be retained along the southern property line of no less than 30 feet. Pages 6 and 7 of the Staff Report provide an analysis of the project in relation to the zoning regulations. Comments from outside agencies can be found on Page 7 and 8 of the Staff Report. Page 8 outlines a list of requested items to be modified by the PD regulations. Page 8 and 9 of the Staff Report include a list of Staff Concerns including whether the existing bridge can accommodate the weight of school buses and a lot of traffic including emergency vehicles. Second, should the existing curb cut be aligned with Children's Way. Also, is the drop off of students sufficiently planned on the site? The applicant just submitted a drawing earlier today. Mr. Schwartz noted that Staff has received a number of emails and they have been provided to the commission members. Most of the emails are against the project but there are some that are in favor of it. Mr. Schwartz stated that about 8-10 acres are designated at the 1 unit per acre while 13 acres are designated at the 2.2 units per acre.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Jim Skoog, co-founder of Union Pointe Academy, noted that they have been in existence for 8 years. He gave an overview of why the school is embarking on this adventure. He noted America's literacy problem. It is a national epidemic. Recent SAT/ACT test scores are lower now than in 1991. He also noted lower national and state literacy test scores. One contributing factor to these lower scores is dyslexia. One in 5 children have dyslexia. It is imperative that these students learn how to read. Union Pointe Academy is a bridge to their academic success. Many successful adults are dyslexic. Union Point Academy serves dyslexic, gifted and traditional students. Potters Ranch also provides services during the Summer and Learning Curve is an available tutoring service. Currently, 67 students are at the existing school location. They provide training workshops to teachers and childcare personnel. He gave some examples of their student's successes. They offer small class sizes and students learn at their own pace. Union Pointe Academy services K-12 students. The proposed project will house Union Pointe Academy and the Learning Curve. Currently, they meet at Florence Baptist Church. They lease their classrooms and must accommodate church services at the same time. They are not affiliated with the Church and the Church does not provide funds for their operation. Most of their teachers live in the Union area. The submitted plan will be implemented in stages. The maximum student population is 500. Athletic fields for baseball, tennis, softball, etc. will be built. Initially, the school will start out small with the building serving 200 students. They will be responsible and strategic in rolling out their phases of development.

Mr. Kevin Berger, Engineer with Erpenbeck Consulting Engineers, stated that the overall plan is to construct a 55,000 square foot, multi-level building with a 16,000 square foot gym. It will also include athletic facilities – a baseball field, softball field, soccer field, tennis court and a playground. There will be 3 phases to the project. The first phase will be the initial school building and parking lot. The second phase will be the gym and additional parking. The final phase will include the expansion of the school and parking to accommodate growth. The tennis court will be built last. The applicant submitted a traffic circulation plan for a parent drop off and pick up loop at the school before there is overflow onto Old Union Road. The proposed building will sit 700-800 feet back from Old Union Road. The existing tree line on the south side of the site will be retained as much as possible. Some grading will have to take place especially with the athletic fields. The creek will be untouched. There will be no lights for the athletic fields.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Mr. Eric Farris, Taylor Mill, described what Union Pointe Academy has meant to him and his family as his son attends school. He is currently in the 8<sup>th</sup> grade. The school has changed their life. Union needs this school and so does Boone County. His son doesn't fit into a nice neat box. He supports the re-zoning. It provides more educational opportunities. Please vote yes.

Chairman Rolfsen stated that he appreciates the comments about the school's operation and meaning to the community but the comments should address the land use and development impacts. Will the proposed project work on this particular parcel?

Ms. Bridget Trumble, 11028 Appaloosa Drive, supports the school as her son has dyslexia. She understands that the proposed project will be a big change for the neighbors if the project is approved. The school is a better option now versus some other land use in the future. It could be a lot of houses versus what it is today – farmland. It could also be an extension of Children's Hospital. It will generate some traffic but not like a full subdivision. Mr. Lightner takes care of his properties like Potter Ranch and even the church where the school is currently located. The school has been in existence for 8 years and it only has 100 students. It will take some time to reach 200 students. There will be things put into place to address the impact. Traffic won't be a problem. There will be outdoor activities with fields and not houses. It is the best thing for the region.

Ms. Eileen Jones, 948 Appleblossom Drive, Villa Hills, stated that her letter is in the packet. Her husband is a physician who practices in Boone County. She taught at New Haven Elementary. Her son attended Union Pointe Academy because of Attention Deficit Hyperactivity Disorder (ADHD). Union Pointe Academy can provide a value to the community as another educational option bringing up the value of housing like all good schools. The Boone County Schools don't have the resources to provide the type of services that Union Pointe Academy provides. The proposed school could help other Boone County schools in the area. The houses that back up to the school won't see it that much. They will be looking at the streets. They probably won't have 500 students. That is a large number of students.

Mr. Jeff Lawson, 1957 Rosemont Court stated that he isn't totally against the project. Union Pointe Academy is doing good work. He agreed with Pages 8 and 9, Section C of the Staff Report. The applicant has not addressed Old Union Road given the amount of future traffic from the Promenade project. There is no plan to increase capacity of that road. One has seen what has happened with St. Tim's during the day and Ryle at night. He is not against the school but is against the way it is designed. The applicant hasn't addressed the 400 foot requirement. He would like the Board to delay its decision until more is known about the road expansion and the impact of the Promenade project.

Ms. Sheila Scalf, 437 Withers Lane, stated that she lives off the Richwood exit and it is a nightmare. It is a safety issue. It is getting out of control. Boone County is growing too much and too fast. There are a lot of road construction projects going on. They are not completed. It is out of control. Many things should be paused. Is this the only place where the school can go? Is property being given to them for the school?

Ms. Jill Charles, 9105 Diamond Trace, stated some of her backyard is adjacent to the site in question. What she thinks of the project should have more weight than what someone in Villa Hills or Walton thinks. She submitted a 10 page letter outlining the reasons why she opposes the zone change. She is concerned about the visual intrusion of the development especially in the winter from the back of her lot. Even if there is a barrier, there still is a noise problem. It is a school for 500 kids. Kids scream. She can hear the Ryle band practice. There will be noise from the athletic fields. Many people chose Westbrook to get away from the noise. She would be happy if they put in residential at the current density instead of what is being proposed. The use is not in

the updated Comprehensive Plan. She didn't know about the project until the sign went up on the property. She doesn't want to live by a school. It is like living next to a zoo. She didn't think she would have a problem selling her home to an empty nester like herself. It will be more difficult with a school in the backyard. She will take a financial hit. There is plenty of available land to put the school. It is the location that is a problem.

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Chairman Rolfsen asked the applicant to address the width, strength, and height of the existing bridge.

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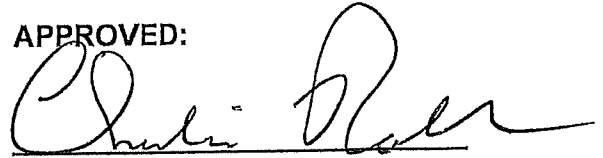
Chairman Rolfsen asked why the athletic fields will be built when the school only has 100 students? Will the fields be leased out to others or be used exclusively by Union Pointe Academy?

Mr. Hincks expressed a concern about the choke point for a single access or curb cut. How can that be alleviated?

Ms. Gulick asked if the school was going to fence the property in its entirety?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:52 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mr. David Hincks  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Kathy Clark  
Mrs. Janet Kegley  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael Schwartz, Director, Zoning Services  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the third item on the Agenda at 8:19 p.m.

**ZONING MAP AMENDMENT, Michael Schwartz, Staff**

3. Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant) for Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The 26 acre site is located on the west side of Old Union Road and about 400 feet north of the intersection of Westbrook Boulevard and Sweet Harmony Lane. The site has 634 feet of road frontage along Old Union Road and a blue line perennial stream is located along the eastern side of the property. About 24 acres of the site is located in the City of Union, while the remaining 1.4 acres is located in unincorporated Boone County. Currently, there are two barns and two ponds on the subject property. A mature tree stand exists along the southern property line. The site has an existing curb cut onto Old Union Road. A majority of the site is zone A-2/UTO and a very small portion of the site is zoned RSE/UTO. Mr. Schwartz described the surrounding land uses and zoning. Pages 1 and 2 of the Staff Report include the applicable regulations that are pertinent to the project. The site sits at an 802 elevation along Old Union Road and rises to 878 on the west side of the property. The 2040 Future Land Use Map designates this site for Rural Density Residential (RD) and Suburban Density Residential (SR) land uses. Pages 3-5 of the Staff Report include references to the Comprehensive Plan. Old Union Road is a city owned and maintained street. The Union Town Plan provides more specificity. The first 200 feet of the site is planned to be a green area for open space. The next 600 feet is proposed to be single family residential uses not to exceed 1 unit per acre. The remaining area is planned to be used for residential with 2.2 units per acre. Within the green area is the potential for a walking trail. The Union Town Plan also sets forth a 400 foot building setback along Old Union Road. Mr. Schwartz showed photographs of the site and adjoining properties including the offset of Children's Way and the existing curb serving the site.

The submitted Concept Development Plan identifies the construction of a school building, off street parking, outdoor fields, stormwater detention, open space along the stream and access from the existing curb cut. The applicant has provided a project narrative. The proposed school will be K-12 with a full buildout capacity of 500 students. No lighting is proposed for the outdoor fields. Trees will be retained along the southern property line of no less than 30 feet. Pages 6 and 7 of the Staff Report provide an analysis of the project in relation to the zoning regulations. Comments from outside agencies can be found on Page 7 and 8 of the Staff Report. Page 8 outlines a list of requested items to be modified by the PD regulations. Page 8 and 9 of the Staff Report include a list of Staff Concerns including whether the existing bridge can accommodate the weight of school buses and a lot of traffic including emergency vehicles. Second, should the existing curb cut be aligned with Children's Way. Also, is the drop off of students sufficiently planned on the site? The applicant just submitted a drawing earlier today. Mr. Schwartz noted that Staff has received a number of emails and they have been provided to the commission members. Most of the emails are against the project but there are some that are in favor of it. Mr. Schwartz stated that about 8-10 acres are designated at the 1 unit per acre while 13 acres are designated at the 2.2 units per acre.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Jim Skoog, co-founder of Union Pointe Academy, noted that they have been in existence for 8 years. He gave an overview of why the school is embarking on this adventure. He noted America's literacy problem. It is a national epidemic. Recent SAT/ACT test scores are lower now than in 1991. He also noted lower national and state literacy test scores. One contributing factor to these lower scores is dyslexia. One in 5 children have dyslexia. It is imperative that these students learn how to read. Union Pointe Academy is a bridge to their academic success. Many successful adults are dyslexic. Union Point Academy serves dyslexic, gifted and traditional students. Potters Ranch also provides services during the Summer and Learning Curve is an available tutoring service. Currently, 67 students are at the existing school location. They provide training workshops to teachers and childcare personnel. He gave some examples of their student's successes. They offer small class sizes and students learn at their own pace. Union Pointe Academy services K-12 students. The proposed project will house Union Pointe Academy and the Learning Curve. Currently, they meet at Florence Baptist Church. They lease their classrooms and must accommodate church services at the same time. They are not affiliated with the Church and the Church does not provide funds for their operation. Most of their teachers live in the Union area. The submitted plan will be implemented in stages. The maximum student population is 500. Athletic fields for baseball, tennis, softball, etc. will be built. Initially, the school will start out small with the building serving 200 students. They will be responsible and strategic in rolling out their phases of development.

Mr. Kevin Berger, Engineer with Erpenbeck Consulting Engineers, stated that the overall plan is to construct a 55,000 square foot, multi-level building with a 16,000 square foot gym. It will also include athletic facilities – a baseball field, softball field, soccer field, tennis court and a playground. There will be 3 phases to the project. The first phase will be the initial school building and parking lot. The second phase will be the gym and additional parking. The final phase will include the expansion of the school and parking to accommodate growth. The tennis court will be built last. The applicant submitted a traffic circulation plan for a parent drop off and pick up loop at the school before there is overflow onto Old Union Road. The proposed building will sit 700-800 feet back from Old Union Road. The existing tree line on the south side of the site will be retained as much as possible. Some grading will have to take place especially with the athletic fields. The creek will be untouched. There will be no lights for the athletic fields.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Mr. Eric Farris, Taylor Mill, described what Union Pointe Academy has meant to him and his family as his son attends school. He is currently in the 8<sup>th</sup> grade. The school has changed their life. Union needs this school and so does Boone County. His son doesn't fit into a nice neat box. He supports the re-zoning. It provides more educational opportunities. Please vote yes.

Chairman Rolfsen stated that he appreciates the comments about the school's operation and meaning to the community but the comments should address the land use and development impacts. Will the proposed project work on this particular parcel?

Ms. Bridget Trumble, 11028 Appaloosa Drive, supports the school as her son has dyslexia. She understands that the proposed project will be a big change for the neighbors if the project is approved. The school is a better option now versus some other land use in the future. It could be a lot of houses versus what it is today – farmland. It could also be an extension of Children's Hospital. It will generate some traffic but not like a full subdivision. Mr. Lightner takes care of his properties like Potter Ranch and even the church where the school is currently located. The school has been in existence for 8 years and it only has 100 students. It will take some time to reach 200 students. There will be things put into place to address the impact. Traffic won't be a problem. There will be outdoor activities with fields and not houses. It is the best thing for the region.

Ms. Eileen Jones, 948 Appleblossom Drive, Villa Hills, stated that her letter is in the packet. Her husband is a physician who practices in Boone County. She taught at New Haven Elementary. Her son attended Union Pointe Academy because of Attention Deficit Hyperactivity Disorder (ADHD). Union Pointe Academy can provide a value to the community as another educational option bringing up the value of housing like all good schools. The Boone County Schools don't have the resources to provide the type of services that Union Pointe Academy provides. The proposed school could help other Boone County schools in the area. The houses that back up to the school won't see it that much. They will be looking at the streets. They probably won't have 500 students. That is a large number of students.

Mr. Jeff Lawson, 1957 Rosemont Court stated that he isn't totally against the project. Union Pointe Academy is doing good work. He agreed with Pages 8 and 9, Section C of the Staff Report. The applicant has not addressed Old Union Road given the amount of future traffic from the Promenade project. There is no plan to increase capacity of that road. One has seen what has happened with St. Tim's during the day and Ryle at night. He is not against the school but is against the way it is designed. The applicant hasn't addressed the 400 foot requirement. He would like the Board to delay its decision until more is known about the road expansion and the impact of the Promenade project.

Ms. Sheila Scalf, 437 Withers Lane, stated that she lives off the Richwood exit and it is a nightmare. It is a safety issue. It is getting out of control. Boone County is growing too much and too fast. There are a lot of road construction projects going on. They are not completed. It is out of control. Many things should be paused. Is this the only place where the school can go? Is property being given to them for the school?

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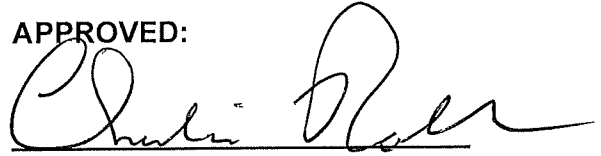
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APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
APRIL 5, 2023  
7:00 P.M.**

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Secretary/Treasurer Jackie Steele opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's April 5, 2023 Business Meeting. Mrs. Steele then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Mr. Steve Harper, Temporary Presiding Officer  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Bob Schwenke  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Ms. Corrin Gulick, Vice Chairwoman  
Mr. Charlie Rolfsen, Chairman  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael Schwartz, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mrs. Alaina Hagenseker, Planner

**APPROVAL OF THE MINUTES:**

Secretary/Treasurer Steele stated that the Commissioners received copies of the Minutes from the March 15, 2022 Business Meeting. She asked if there were any other comments or corrections?

Mr. Szurlinski moved to approve the Minutes as presented. Mrs. Goetting seconded the motion and it carried unanimously.

**BILLS:**

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between March 2, 2023 and April 5, 2023.

**EXPENSES:**

Accounting Fees	\$ 1,562.00
Attorney Fees	4,400.00
Auto Expense	201.10
Consultant/Professional Svcs Fees	19,691.25
Filing Fees (CLURS)	1,350.00
GIS Operations	9,985.00
Legal Ads/Recruitment	577.52
Miscellaneous Expense	196.00
Office & Board Meeting Supplies	712.49
Office / Equipment Maintenance	335.49
Office Equipment / Expense	3,260.65
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	758.00
Professional Development	130.00
Refunds	<u>300.00</u>

**TOTAL: \$ 43,959.50**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 7,725.05
Health/Dental/Life/LTD	12,187.41
Retirement – BCPC Portion	28,142.91
Salaries – Staff Expenses	105,362.82
Salaries – BCPC & BOA	1,360.00
Unemployment Insurance	<u>298.41</u>

**TOTAL: \$155,076.60**

**GRAND TOTAL: \$199,036.10**

Mrs. Kegley moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Turner seconded the motion and it carried unanimously.

**ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff**

1. Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and one Condition. The vote was unanimous with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Mr. Hincks voting in favor of the request. The applicant has signed the condition letter.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further comment, **Mr. Harper moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and one Condition. Mrs. Clark seconded the motion and it passed unanimously.**

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff**

2. Request of **WCG Holdings, LLC, per Justin Cooper (applicant) for Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County, Kentucky, which is zoned Industrial One (I-1). The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Mr. Hincks voting in favor of the request. The applicant has signed the condition letter.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Steve Berling, project Engineer, stated that the owner is out of town and that he is available to answer any questions.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

**ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff**

3. Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant) for Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban

Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area.

Mr. Kevin P. Costello, AICP, explained that the Zone Change Committee previously met and voted 2-2 on the request. The Planning Commission's policy is to instruct Staff to draft Findings of Fact for Approval with Conditions and Findings of Fact for Disapproval (Denial). Both sets are read to the full Board with the Findings of Fact that reflect the Committee Chairman's vote first. Mr. Costello asked Mr. Schwartz to read both sets of Findings of Fact for Disapproval (Denial) read first based upon Mr. Harper's Committee vote. Mr. Schwartz read the Findings of Fact for Disapproval (Denial) and the Findings for Approval with Conditions and both sets of Findings were distributed to the full Planning Commission. Mr. Schwartz noted that it was a tie vote with Mr. Harper and Mr. Lunnemann voting against the request and Mrs. Kegley and Mr. Hincks voting in favor of the request. He also noted that the applicant/owner has not signed the condition letter since he is concerned about Condition #6.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Wes Lightner, representing the owner, noted that he also has a concern about Condition #2. It feels redundant. It is already covered in Conditions #1 and #5. A left turn lane is not warranted according to the Traffic Study until 400 students and not 250 students. He prefers to use the 400 student amount in accordance with the Traffic Study. A left turn lane is not warranted in Phase 1 or with 250 students. The school will be built in phases. Today the school only has 56 students. We may never see 400 students. We just want to be prepared. Phase 3 is there for potentials. Condition #6 seems redundant as they have to abide by the materials noted in the Union Town Plan. They have a strong record on integrity and don't want to intrude on others. The school will be great to everyone that surrounds them. Mr. Lightner noted that Potter's Ranch is 35 years old and it is Kentucky's best secret. They are the only dyslexic school in the area. The subject property is perfect for the services they offer.

Mr. Mark Stefanski, Rainbow Terrace, noted the Comprehensive Plan states that private schools are needed but location matters. The 2040 Future Land Use Map designates this area for low density residential. Residential is appropriate and is the best for the property. The proposed school and gym is a massive 80,000 square foot structure. The parking lot will be wedged in between residences and a horse farm. The proposed project does not allow for a transition of land uses. Also, buffer waivers are being requested. There is no connectivity between the school playgrounds and the neighborhood. The school does not serve the neighborhood. It serves kids from Boone, Kenton and Campbell Counties. The school can be located anywhere and does not need to be at the proposed location. Schools in residential neighborhoods are planned from the beginning – Erpenbeck Elementary and Ballyshannon Middle School. These schools were planned from the beginning. Other schools are located near an interstate, public facility or commercial area. The applicant's Traffic Study noted only 148 cars would drop off kids with 3 drop off and pick up lines. A 6.6 second per car drop off time is unreasonable. Adding another 2 lanes does reduce the time but not by two-thirds. Kids crossing the lanes will slow the process down and result in stacking on Old Union Road. The State relied on the Promenade Traffic Study. No crash studies were used and traffic from other developments were used. Over 2,000 homes will be built in the immediate area. It will become a traffic nightmare from the proposed

the impact of the Promenade project and the Town Center project. The proposed project is not appropriate. He respectfully asked the Board to deny the request.

Mr. Costello explained that any Board Member can make a motion to either approve the request subject to conditions or deny the request.

At this time, Mr. Harper stated that the request is a very worthwhile project. It seems to be a very good school that would bring something to the County. He was impressed with all of the testimony at the Public Hearing and the applicant was willing to make some improvements to their original plan. Still the traffic issue will be a particular problem at this location. Also, the existing zoning on the property is the appropriate zone for the property. It is a large growing residential area. For that reason, **Mr. Harper moved to deny the request by Resolution to the City of Union and the Boone County Fiscal Court based upon the Findings of Fact for Disapproval as stated by Staff. Mr. Lunnemann seconded the motion** because of traffic concerns and traffic capacity in the area. He noted that the Committee worked very hard to resolve those issues and the applicant didn't think the traffic improvements were necessary now and he disagreed. He expressed a concern that he thought the applicant agreed with conditions at the Committee Meeting but changed their mind at the last minute.

Mr. Wilson asked if Mr. Harper and Mr. Lunnemann were relying on the Report recommending disapproval? Mr. Harper and Mr. Lunnemann replied yes.

Mrs. Kegley stated that she voted for approval of the project at the Committee level. She also voted on the Conditions that were read. She noted that she would only vote for approval as long as those conditions are signed. It is way too late to talk about redundancy. It is a small school now but asking for turn lanes right now is unreasonable. What was reasonable was to look at that condition when the school reached 250 students. It is a reasonable number. There are many things that can be done such as releasing certain grade levels at different times. There are 3 ways out of the site – straight through the Promenade, a right turn and a left turn. Traffic from the site will be at different times than traffic from the Promenade. It is difficult to get help that is needed for dyslexic students. The Comprehensive Plan is pretty strong in saying these types of schools should be encouraged. That is why she voted yes.

Mr. Schwenke inquired about the bridge and creek. What was decided about the bridge? Mr. Schwartz responded that one of the conditions refers to exhibits that were introduced at the Committee Meeting. The result was to add a companion bridge immediately south of the existing bridge. The existing bridge would be the entrance and the new bridge would be exit. The existing bridge was reviewed for weight purposes.

Mr. Costello reminded that there was a motion made to deny the request and the applicant has not agreed to the conditions. There is nothing in writing from the applicant agreeing to the conditions. The Staff was not aware that the applicant did not agree to more than one of the conditions. If any of the conditions are to be modified, the request should go back to the Committee.

Mr. Turner asked if the subject property was developed for residential use, what would the traffic be? Would it be significantly different? Mr. Schwartz responded that generally traffic from a detached single-family home is 10 trips a day (5 in and 5 out). The site might have 52 homes so it could be 500 trips a day.

Mr. Harper added that the trips would be spread out more throughout the day versus school traffic.

Mr. Costello reminded Board members that a yes vote on the motion would indicate a denial of the request.

Mrs. Steele asked what happens if the motion to deny is defeated? Mr. Costello replied that the Board would have to consider referring the matter back to the Committee to re-examine the conditions of approval or vote to send the request to the City of Union and the Boone County Fiscal Court with no recommendation assuming there is a time limit issue.

Mr. Wilson commented that if the motion to deny the request fails, it doesn't automatically approve the request. There would have to be another motion to take action to approve the request.

**Secretary/Treasurer Steele asked for a vote on the original motion made by Mr. Harper and seconded by Mr. Lunnemann. The vote found Mrs. Clark, Mrs. Goetting, Mr. Harper, Mr. Lunnemann, Mr. Richardson, Mr. Schwenke and Mr. Szurlinski voting yes and Mr. Bessler, Mr. Hincks, Mrs. Kegley, Mrs. Steele and Mr. Turner voting no. The motion to deny/disapprove the request passed by a vote of 7-5. The recommendation will be forwarded to the City of Union and the Boone County Fiscal Court.**

Mr. Lunnemann asked if one of the two legislative units votes differently, what happens? Mr. Costello responded the property would have two different zoning districts and must follow the requirements of each zoning district. There is no annexation request by the applicant at this time. The portion of the site in the unincorporated area is about 1 acre in size and is planned to have part of the athletic fields on it. Mr. Wilson confirmed that if any of it is overturned, only that area that is overturned is impacted.

## **NEW BUSINESS**

### **ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Michael Schwartz, Staff**

4. Request of **CT Realty, per Cole Moody (applicant) for Skas Properties LLC (owner)** for: (1) a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 0.83 acre area located at 5390 Limaburg Road, Boone County, Kentucky; and (2) a Conditional Use Permit to allow a truck stop on an approximate 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky. The request is for the development of a Clean Energy Truck Hub to provide fueling and parking for a compressed natural gas truck fleet on an overall 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky.

### **ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff**

5. Request of **The Point/Arc of Northern Kentucky (applicant) for G. Sharpco Inc. (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Office Two (O-2) to Suburban Residential Two (SR-2) for an approximate 2.37 acre area located at 6125 First Financial Drive, Boone County,

Kentucky. The request is for a zone change/change of concept development plan to allow the development of a detached single-family residential dwelling for a residential care facility for handicapped persons.

**Mrs. Goetting moved to schedule the Public Hearing for Items #4 and #5 on May 3, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.**

**H. Executive Director's Report:**

Mr. Costello mentioned that Alaina Hagenseker has resigned from the Planning Commission to accept a job at the Northern Kentucky Area Development District. Her last day with the Planning Commission is April 14, 2023. Mr. Costello, Mrs. Kegley and Secretary/Treasurer Steele thanked her for her service to the Planning Commission.

**I. Committee Reports:**

- Airport (Randy Bessler)  
No Report
- Administrative/Personnel (Tom Szurlinski)  
No Report
- Enforcement (Tom Szurlinski)  
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)  
No Report
- Technical/Design Review (Rick Lunnemann)  
No Report
- Executive  
No Report

**J. Chairman's Report:**

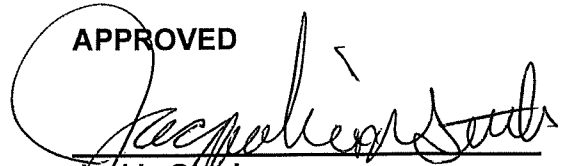
- No Report

**K. OKI Report: (Randy Bessler)  
No Report**

**L. Other:**

**M. Adjournment:**

There being no further business to come before the Planning Commission, **Mr. Schwenke** moved to adjourn the meeting. **Mrs. Kegley** seconded the motion and it passed unanimously. The meeting was adjourned at 7:50 P.M.

APPROVED  
  
\_\_\_\_\_  
**Jackie Steele**  
**Secretary/Treasurer**

**Attest:**

  
\_\_\_\_\_

**Kevin P. Costello, AICP**  
**Executive Director**

# SUPPORTING INFORMATION

January 3, 2023

**LEGAL DESCRIPTION**  
**ZONE CHANGE**  
**A-2/UTO & RSE/UTO to PF/PD/UTO**

Being in Boone County, Kentucky located along the west side of Old Union Road and all of the property described in D.B. 358, PG. 220 as recorded at the Boone County Clerks office in Burlington, Ky, and being more particularly described as follows:

Beginning at the common corner between Lightner (DB 358, PG. 220) and Parcel B-1 Section Eight Westbrook Estates (Plat Cab. 6 Page 342), said point being in the west 30' right of way line Old Union Road; Thence leaving the right of way line Old Union Road and the common line between Lightner (D.B. 358, PG. 220) and the north line of Westbrook Estates Section Two (Plat Cab.5 Pg. 579), Section Six (Cab. 6, Pg. 94), and Section Eight (Plat Cab.6, Pg. 342) for two (2) calls N 84°44'34" W 937.66' feet to a point; thence N 85°10'58" W 479.04' feet to a point, said point between the common corner between Lightner (D.B. 358, PG. 220) and PARCEL "C" Section Six Westbrook Estates (Plat Cab.6, Pg.94); thence with the common line between Lightner (D.B. 358, Pg. 220) and Parcel "C" Section Six Westbrook Estates (Plat Cab.6, Pg, 94) for three (3) calls N 02°00'02"W 80.00' feet to a point; thence N 85°10'58" W 165.00' feet to a point; thence N 02°00'02"E 80.00' feet to a point in the north line Lot 77 Section Six Westbrook Estates (Plat Cab.6, Pg. 94),and the common corner with Lightner (D.B.385, Pg.220); thence with the common line between

Lightner (D.B. 385, Pg. 220) and the north line of Westbrook Estates Section Six (Plat Cab.6, Pg. 94) and Section Seven (Plat Cab.6, Pg.155) N 85°10'58" W 477.55' feet to a point, said point being the common corner between Lightner (D.B. 358, Pg. 220) and Smith (D.B. 932, Pg. 292) and in the north line of Lot 87 Section Seven Westbrook Estates (Plat Cab.6, Pg.155); thence leaving the north line of Lot 87 Section Seven Westbrook Estates and with common line between said Lightner and Smith for two (2) calls N 02°11'32" E 522.20' feet to a common corner between Lightner and Smith; thence S 87°48'27" E 340.78' feet to a point, said point being a common corner between Lightner (D.B. 385, Pg. 220), Smith (D.B. 932, Pg. 292) and Newman (D.B. 532, Pg. 294); thence with the common line between Lightner (D.B. 385, Pg. 220) and Newman (D.B. 532, Pg. 294 & D.B. 930, Pg. 14) S 87°47'55" E 1599.50' Feet to the common corner between Lightner (D.B. 358, Pg. 220) and Newman (D.B. 930, Pg. 14) and being in the north 30' foot right of way line Old Union Road; thence with the north 30' foot right of way line Old Union Road for two (2) calls S 09°35'32" E 375.88' feet to a point; thence S 06°38'13" e 258.55' feet to the point of beginning: Containing 25.88 acres.

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**TRAFFIC IMPACT STUDY**

**FOR**

**PROPOSED K-12 SCHOOL**

**Boone County, Kentucky**

**Prepared For:**

**Wes Lightner  
7536 US Hwy 42, Suite 6  
Florence, KY 41042**

*Prepared By:  
Jamal Adhami, PE, PTOE  
SHA Engineering, LLC  
March 08, 2023*

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- A. Site Plan
- B. Memorandum of Understanding
- C. Traffic Data
- D. Trip Generation Summary
- E. Turn Lane Warrants
- F. Level of Service Calculations HCS

# 1. INTRODUCTION

The purpose of this Traffic Analysis Study (TAS) is to:

- Describe and measure the impact of traffic generated by the proposed development on the existing public roadway system; and
- Provide a list of conclusions and recommendations required to fully mitigate such impact.

The development is proposed on Old Union Road north of the intersection of Old Union Road and Sweet Harmony Lane. The development is located along west side of Old Union Road. The proposed school is expected to serve a maximum of 500 students. The existing access will be modified and will be aligned with the recently built Children's Way.

Figure 1 below shows the location of the proposed development. Site Plan is included in Appendix A.

**Figure 1– Location Map and Study Area**



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## **2. SCOPE OF WORK**

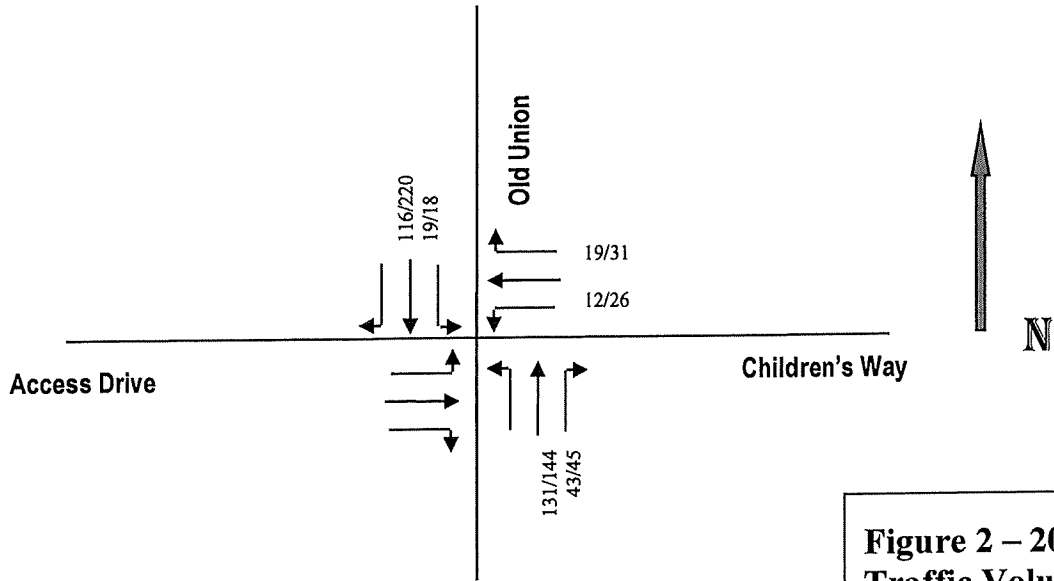
SHA Engineering LLC completed a Memorandum of Understanding (MOU) for completing the Traffic Analysis Report. The MOU was prepared as per the information provided by Erpenbeck Consulting Engineers, Inc. A copy of the MOU is included in Appendix B.

## **3. EXISTING CONDITIONS**

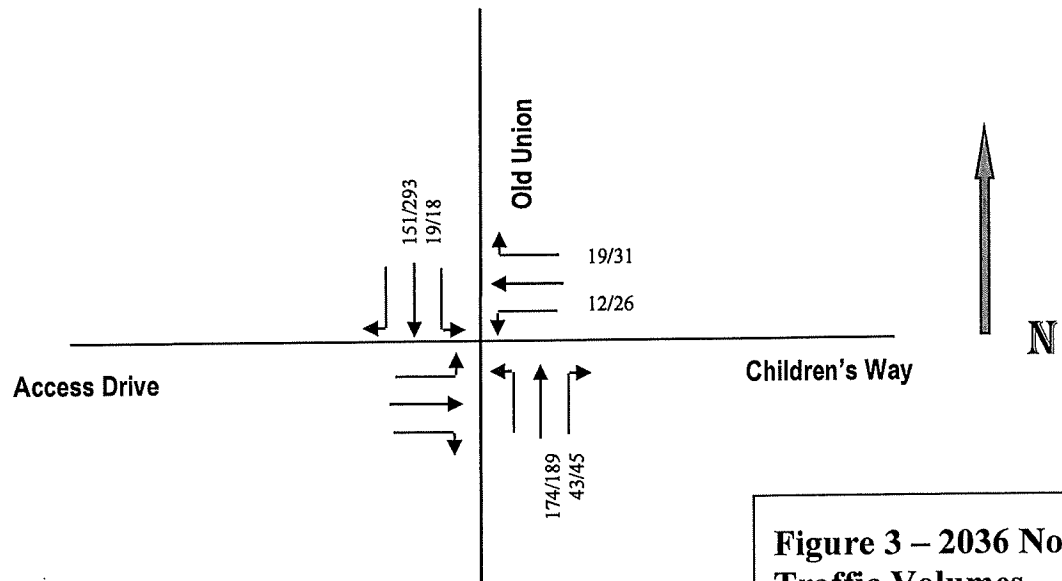
Old Union Road is a two-lane roadway posted at 35 mph. In the vicinity of the proposed school, it is running parallel to US 42. To the north it connects with US 42. To the south it also provides access to US 42 through the intersection with Sweet Harmony Lane.

Traffic data from recently completed traffic study was used for completing the traffic analysis in this report. 2026 and 2036 Build traffic volumes from the study area used to establish No Build traffic volumes for the analysis completed in this study.

Figure 2 and 3 shows No Build traffic volumes. Traffic data summary is included in Appendix C.



**Figure 2 – 2026 No Build Traffic Volumes**  
AM/PM xxx/xxx



**Figure 3 – 2036 No Build Traffic Volumes**  
AM/PM xxx/xxx

---

## 5. PROJECTED TRAFFIC

### Trip Generations

Trip Generations for the proposed development were estimated using average trip rates as shown in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11<sup>th</sup> Edition). Table 1 summarizes the trips generated by the proposed development. The summary of estimated trips is included in Appendix D.

Table 1 - Trip Generation

Land Use	Units ITE Code	AM In	AM Out	AM Total	PM In	PM Out	PM Total
532 – Private School (K-12)	500 Students	251	148	399	37	48	85

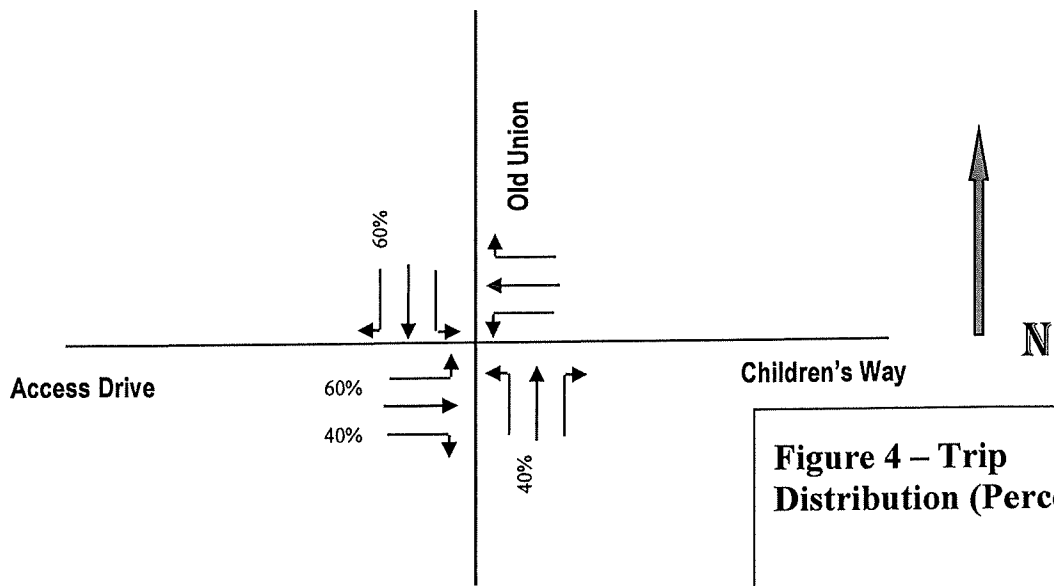
### Trip Distribution

For the proposed development, only Primary Trips are considered. The definitions of types of trips are included below.

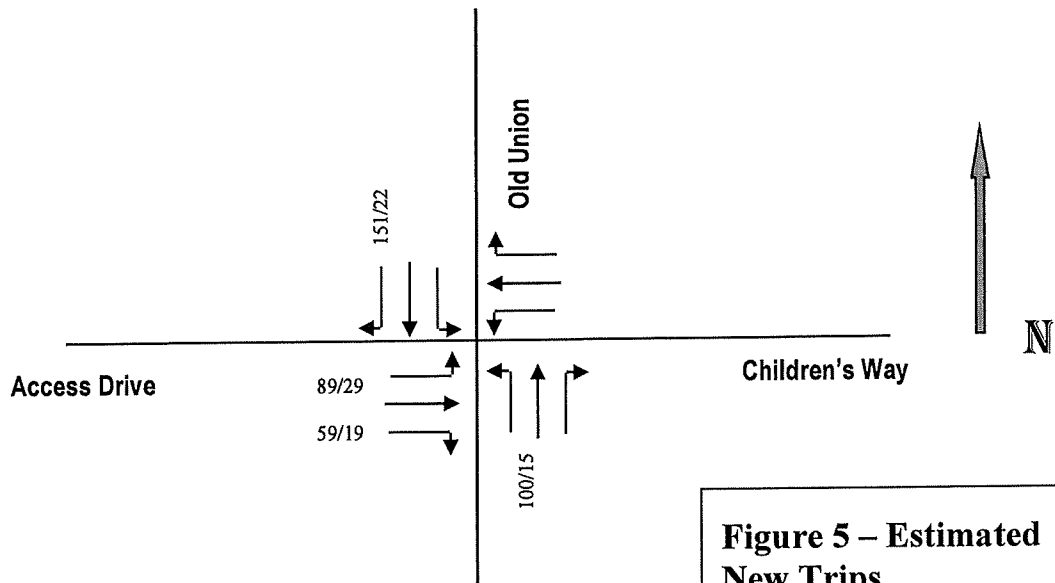
- **Primary Trips** - Primary trips are made for the specific purpose of visiting the generator. The origin/destination at the generator is the primary reason for the trip. The trip typically goes from origin to generator and then returns to the origin.
- **Pass-By Trips** - Pass-by trips are made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the generator. The estimated Pass-by trips for the site are shown in Table 1.
- **Diverted Trips and Internal Trips** - Diverted trips come from the streets near the proposed development and require a diversion from another roadway. Internal trips are those that occur with both origin and destination within the site. Neither of these was applicable in this study.

New trips generated by the proposed development were distributed on the adjacent roadway network based on existing travel patterns. Figure 4 shows the trip distribution percentage and Figure 5 shows the new trips generated by the proposed development.

The estimated new trips were combined with 2026 and 2036 No Build traffic volumes (Figures 3 and 4) for estimating 2026 and 2036 Build traffic volumes, shown in Figures 6 and 7.



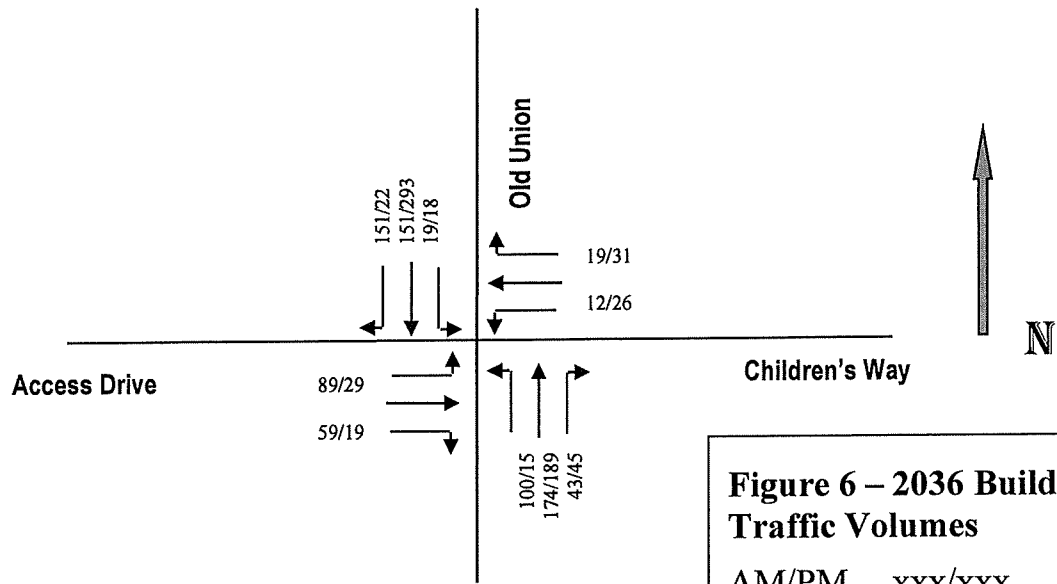
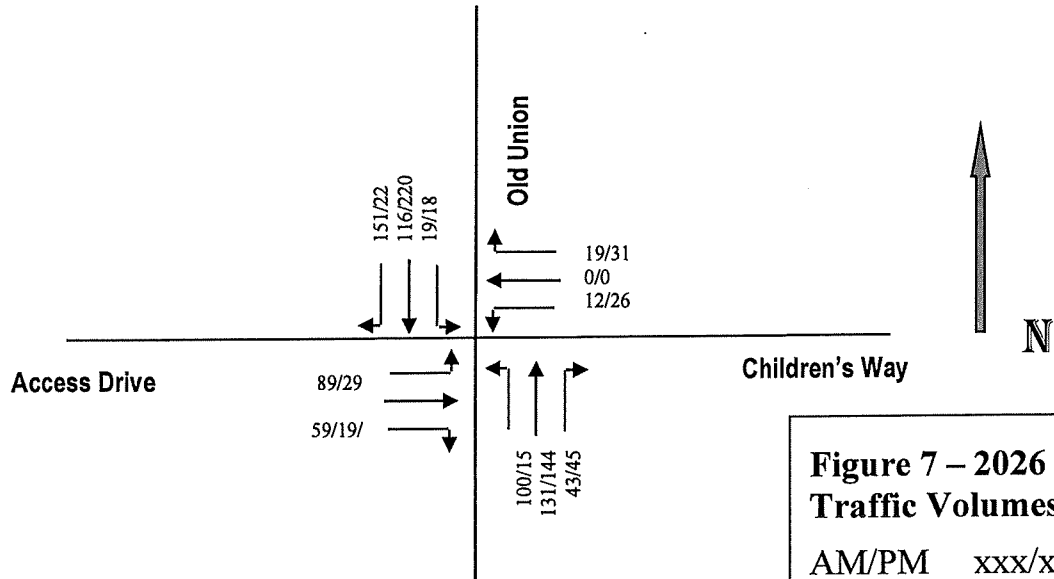
**Figure 4 – Trip Distribution (Percent)**



**Figure 5 – Estimated New Trips**

AM/PM      xxx/xxx

Estimated New Trips			
Period	Enter	Exit	Total
AM Peak	251	148	399
PM Peak	37	48	85



## 6. TRAFFIC ANALYSIS

### Turn Lane Warrants

The turn warrants for the northbound left turns and the southbound right turns at the intersection of Old Union Road and Access Drive were completed for the 2026 and 2036 Build traffic volumes using the procedure followed by KYTC. The turn lane warrants are included in Appendix E.

The turn lane warrants completed show the northbound left turn lane from Old Union Road to westbound on Access Drive *is warranted*. The southbound right turn lane from Old Union Road to westbound on Access Drive *is not warranted*. Please note the turn lane is warranted for the 2036 Build Traffic Conditions.

### Capacity Analysis

A capacity analysis was performed for the intersections included the study. All the analyses were completed for existing conditions/opening day traffic using Highway Capacity Software (HCS). Capacity of an intersection is quantified by the Level of Service (LOS) which is based upon the amount of delay a vehicle experience while at a particular intersection. The criterion for both signalized and unsignalized intersections are listed below as defined in Chapter 18 and 19 of the most recent Highway Capacity Manual (HCM 2010), Volume 3.

**Table 2 and Table 3 - Level of Service Criteria**

Table 2 - Signalized Intersection LOS Criteria (Exhibit 18-4 HCM)	
Level of Service	Control Delay (seconds/vehicle)
A	0-10
B	>10 – 20
C	>20 – 35
D	>35 – 55
E	>55 – 80
F	>80

Table 3 - Unsignalized Intersection LOS Criteria (Exhibit 19-1 HCM)	
LOS	Control Delay per Vehicle (seconds/vehicle)
A	< 10
B	>10 – 15
C	>15 – 25
D	>25 – 35
E	>35 – 50
F	>50

For signalized intersections, a LOS is given for the lane, group, intersection approach and entire intersection. However, for the un-signalized intersection, LOS criteria apply to each lane on a given approach and to each approach on the Side Street. LOS is not calculated for the major-street approaches or for the intersection.

The following is a list of code definitions that are used in the capacity analysis results:

- EB/WB/NB/SB – Eastbound/Westbound/Northbound/Southbound
- L – Left Turn Movement (exclusive left-turn lane or lanes)
- T – Through Movement (exclusive through lane or lanes)
- R – Right Turn Movement (exclusive right turn lane or lanes)
- LT– Shared left turn and through movement lane.
- LTR – This provides movements in all directions.
- TR – Shared through and right turn movement lane.

Capacity analysis is completed for the intersection of Old Union Road at Access Drive is completed using Highway Capacity software for the unsignalized intersection. Results of the capacity analysis are included in Appendix F.

### Old Union Road at Access Drive

The intersection will operate with stop control on the eastbound and westbound approaches. The intersection is analyzed with exclusive lane for the northbound left turns. The results of the capacity analysis are included in Tables 3 and 4.

The analysis completed for the AM Peak Hour 2026 and 2036 Build scenarios show LOS C for the eastbound approach on Access Drive, and LOS B on the westbound approach on Children’s Way. The northbound and southbound left turns also show LOS A.

Table 4 – Old Union Road at Access Drive/Children’s Way - Level of Service/Delay (Seconds/Vehicle)/95 <sup>th</sup> Percentile Queue (Ft.) - AM Peak Hour –Unsignalized Condition													
Ex. Lane Use	EB (Access Drive.)			WB (Children’s Way)			NB (Old Union Rd.)			SB (Old Union Rd.)			Intersection
	L	R	App	LTR	App.	L	L	L	L	L	L		
2026 – Build	C	A	C	B	B	A				A			
	19.4	9.7	15.5	12.4	12.4	8.1				7.7			
	28	8		5		8				0			
2036 – Build	C	A	C	B	B	A				A			
	22.4	10.0	17.4	13.3	13.3	8.2				7.8			
	33	8		5		8				0			

The analysis completed for the PM Peak Hour 2026 and 2036 Build scenarios show LOS B for the eastbound approach on Access Drive, and LOS B on the westbound approach on Children’s Way. The northbound and southbound left turns also show LOS A.

**Table 5 – Old Union Road at Access Drive/Children’s Way - Level of Service/Delay  
(Seconds/Vehicle)/95<sup>th</sup> Percentile Queue (Ft.) -**

**PM Peak Hour –Signalized Conditions**

Ex. Lane Use	EB (Access Drive.)			WB (Children’s Way)			NB (Old Union Rd.)			SB (Old Union Rd.)			Intersection				
	L		R	App		LTR		App.	L					L			
2026 – Build	B		A	B		B		B	A				A				
	13.9		9.7	12.2		11.6		11.6	7.8				7.7				
	5		3			8			0				0				
2036 - Build	C		B	B		B		B	A				A				
	16.1		10.2	13.8		12.9		12.9	8.0				7.8				
	83		3			10			0				0				

**Storage Lengths**

The storage lengths for the turn lanes warranted are estimated using the procedure followed by KYTC. Table 6 below provides the details on the turn lane storage length for the northbound left turns.

<b>Table 6 – Storage Length Calculations</b>						
<b>Old Union Road at Access Drive –</b>						
<b>Storage Length Calculations (Unsignalized Conditions, 60 seconds cycle) – 50 mph</b>						
Movements	Year	Period	Turn Vol. (Veh./Hr.)	Storage Length (Ft.)	Through Vol. (Veh./Hr.)	Blocked
NB Left Turn	2036 Build	AM/PM	100/15	125	151/293	N/A

**Queue Build up (Drop-off Area)**

A significant number of students will be dropped off at the school. The estimated trips during the AM Peak Hour shows a significantly higher number of trips entering and leaving the campus, therefore the discussion in this section is confined to the AM Peak Hour. The estimated trips included in Table 1 shows a total of 251 vehicles entering the school and 148 exiting during AM Peak Hour. Therefore, it can be assumed out of total vehicles entering the campus, 148 are dropping off the students in the drop off area.

The queue builds up occurs if the service rate exceeds the demand. In this case the service rate can be computed assuming a reasonable time a vehicle will take to drop off a student. It is assumed each car will take about 15-20 seconds to drop off a student. The 20 seconds drop off time will result in 180 drop offs per hour. However, the duration of cars entering for the drop off is shorter than an hour. The total drop off time is assumed to be ½ hour. Therefore, the service rate for the drop off in ½ hour for one drop off area will be 90 drop offs/1/2 hour. Since the demand during ½ hour (148) exceeds the maximum drop off, the probability of queue is high. Therefore, the drop off area shall be designed to allow 2-3 drop offs occurring at the same time. The 3 drop off areas will result in total drop offs of 270 in a half hour, which is almost double of the total drop offs expected during ½ hour.

## Michael Schwartz

---

**From:** Wes W. Lightner <Wes.Lightner@cmiteam.com>  
**Sent:** Monday, March 13, 2023 11:19 AM  
**To:** Michael Schwartz  
**Subject:** Union Pointe Academy - 400 Students or Less  
**Attachments:** NB-LT-AM-2034-400-students.pdf

### EXTERNAL MESSAGE

Our traffic Study also came back over the weekend if we had 400 students or less, as I let him know about our phases. So at 400 or less students there isn't any need for a left turn lane. Which we would be looking at a bus system or other methods to help traffic going from 400 – 500 students so there is no need for any lanes.

Wes

## NB Left Turn Lane - AM - 2036 Build

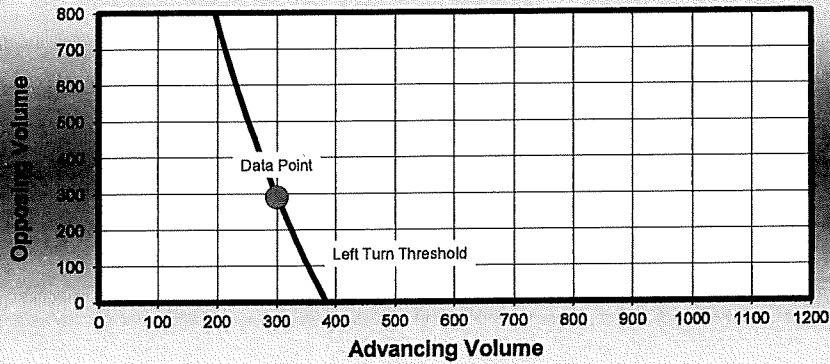
### Input Fields

Left Turn Volume (vph) 81  
Advancing Volume (vph) 298  
Opposing Volume (vph) 292

### Old Union Rd at Access Drive

Speed Limit (mph) 35  
No. of through lanes 1  
Percent Heavy Vehicles (decimal percent) 0.03

### Left Turn Lane Warrants



**Left Turn Lane NOT Warranted**

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

**Appendix A**  
**Site Plan**

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## 7. FINDINGS

The methodology used in the analysis of traffic impacts in this study, as related to the proposed site development is consistent with KYTC standards. It provides a comprehensive assessment with regard to the traffic impact of the proposed development and improvements required to maintain safe and efficient traffic flow on the adjacent publicroadway network, as well as for the traffic entering and exiting the proposed development.

The capacity analysis completed at the intersection of Old Union Road and Access Drive yielded satisfactory flow of traffic during the AM and PM Peak Hours.

The turn lane warrants completed indicates that an exclusive lane for the northbound left turns on Old Union Road is required at the Proposed Access Drive.

The drop off area for the students shall be designed to allow a minimum of 3 drop off locations. This will minimize the queue build up and will prevent the queue spillover on Old Union Road.

### **Recommendations**

All improvements to be made as per the recommendations in this study shall be completed following standards published by KYTC.

The following recommendations are recommended based on the analysis completed in the Traffic Impact Study.

### **Old Union Road at Access Drive**

- The Proposed Access drive shall be built with one incoming and two outbound lanes. The outbound lanes shall be designated as an exclusive lane for the eastbound right turns and a lane shared for the through and left turns.
- The lanes on the Proposed Access Drive shall be designed to align with the lanes on Children's Way.
- A stop sign shall be installed on the eastbound approach on Proposed Access Drive.
- An exclusive lane for the northbound left turns shall be built on Old Union Road at Proposed Access Drive.
- The drop off area shall allow a minimum of 3 drop offs to occur at the same time.



**Appendix B**  
**Memorandum of Understanding**

February 22, 2023

## Memorandum of Understanding

**Consultant: SHA Engineering, LLC**

6221 Thornberry Court

Mason, OH 45040

**Prepared For**

**Boone County, KY**

**Re: Traffic Analysis Study – Proposed K-12 School, Boone County, KY**

### Background

The scope of work included in this document is for completing Traffic Impact Study for the development proposed K-12 school proposed on Old Union Road in Boone County, Kentucky. Currently the school is operating with 67 students. It is anticipated the school in future will operate with 500 students.

The access to the existing school is located on Old Union Road. It is anticipated the location of the Access Location will be adjusted to align with recently built Children Way.

### Study Area

The study area will include the following.

- The access location for the school on Old Union Road.

### Scope of Work

The following tasks are in the scope of work for completion of Traffic Impact Study.

- Traffic counts data collection** – Establish peak hour volumes for analysis. Obtain weekday morning (6:00 – 10:00 am) and afternoon (2:00 – 6:00 pm) turning movement counts at the intersections included in the study area. These counts will be used for establishing AM and PM Peak Hours. SHA will explore if the data from recently completed traffic studies in the area can be used for the analysis to be completed for this study.
- Trip generation and Distribution** – The new trips for the proposed development will be estimated using the 11<sup>th</sup> edition of ITE Trip Generation Manual. ITE Land Use 532 (Private School K-12) will be used for estimating the new trips. Table 1 below summarizes the trips.



Table 1 – Summary of Estimated Trips								
Land Use	Units	Total	AM Peak Hour			PM Peak Hour		
			Ent.	Exit	Tot.	Ent.	Exit	Tot.
532 – Private School (K-12_	Students	500	251	148	399	37	48	85
<b>Net- New Trips</b>			<b>251</b>	<b>148</b>	<b>399</b>	<b>37</b>	<b>48</b>	<b>85</b>

The estimated new trips will be distributed using existing traffic pattern in the area and, reviewing the surrounding area populations to be served by the school.

The estimated new trips will be combined with existing traffic volume to generate Build scenarios.

The following scenarios will be analyzed. Base year and future year will be established before starting the analysis for completing Traffic Impact Study.

- AM and PM Peak hour Build Base Year
  - AM and PM Peak Hour Build 10 years beyond base year.
- c. **Forecast traffic** – The forecast year will be 10 years beyond opening day for the development. The annual growth factor will be estimated using the procedure followed by KYTC. The estimated growth factor will be shared with KYTC, for their review and approval.
- d. **Analysis**

Following analysis will be completed for the scenarios identified in item a above.

**Turn Lane Warrants** – The turn lane warrants will be completed at the Access Drive for the school.

**Capacity Analysis** – Capacity analysis will be completed for the intersection of Old Union Road and Access Drive.

**Internal Circulation** – The study will assess the circulation of vehicles entering the drop off area and estimate anticipated queues during the AM Peak Hour.

**Traffic impact study report** – Prepare a Traffic Impact Study (TIS) technical report describing the traffic engineering analysis, conclusions, and recommendations.

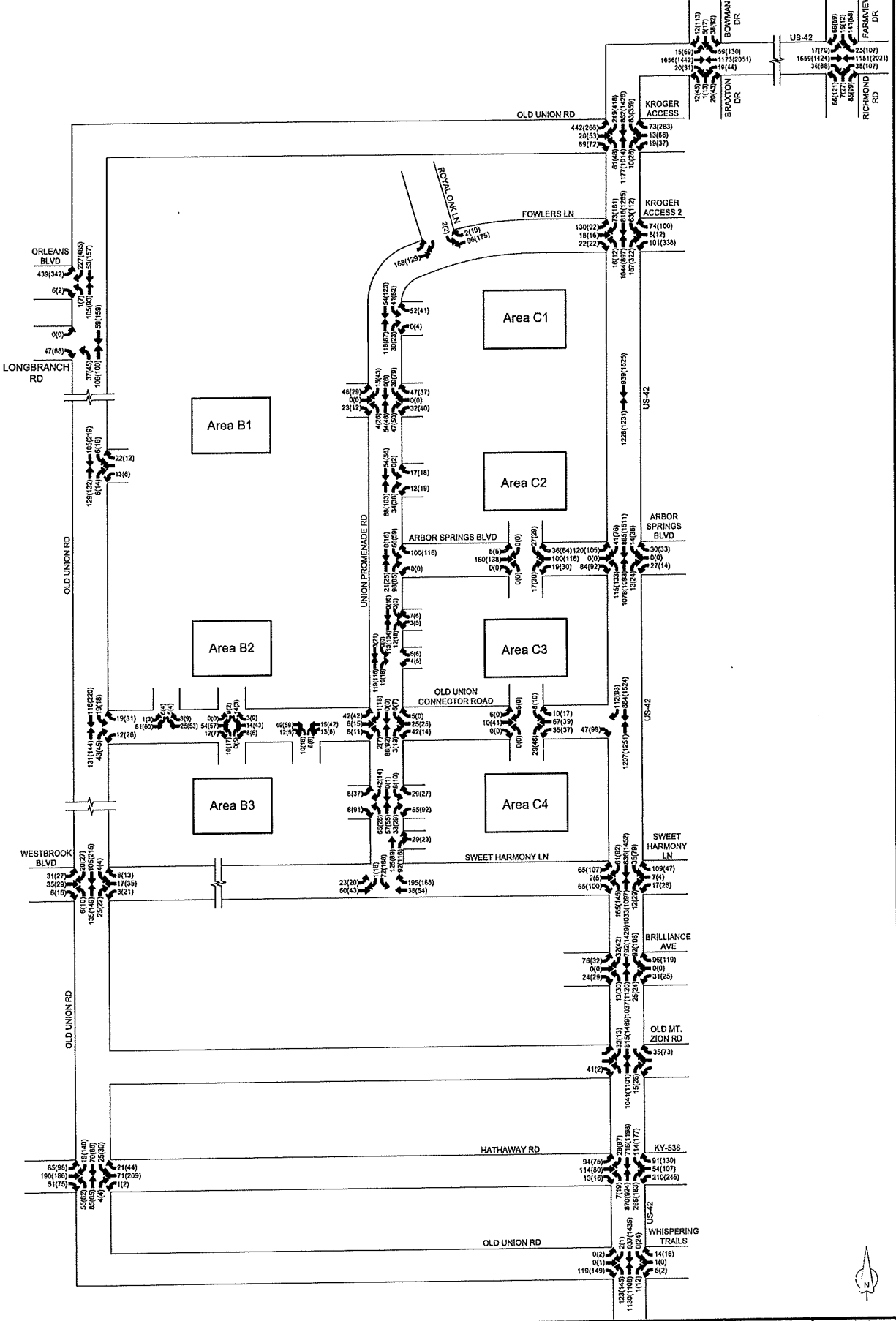
# **Appendix C**

## **Traffic Data**

Peak Hour Turning Movement Counts  
Old Union Road at Access Drive

Start Time	Access Drive Eastbound			Children's Way Westbound			Old Union Rd Northbound			Old Union Rd Southbound		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
<b>AM PEAK HOUR TURNING MOVEMENT VOLUMES</b>												
2026 No Build Traffic Volumes												
7:15 - 8:15 AM	0	0	0	12	0	19	0	131	43	19	116	0
7:15 - 8:15 AM	2036 No Build Traffic Volumes											
7:15 - 8:15 AM	12			19			174	43	19	151		
New Trips												
7:15 - 8:15 AM	89		59				100					151
2026 Build Traffic												
7:15 - 8:15 AM	89	0	59	12	0	19	100	131	43	19	116	151
2036 Build Traffic												
7:15 - 8:15 AM	89	0	59	12	0	19	100	174	43	19	151	151
<b>PM PEAK HOUR TURNING MOVEMENT VOLUMES</b>												
2026 No Build Traffic Volumes												
4:15 - 5:15 AM				26		31	144	45	18	220		
4:15 - 5:15 AM	2036 No Build Traffic Volumes											
4:15 - 5:15 AM	26			31			189	45	18	293		
New Trips												
4:15 - 5:15 AM	29		19				15			0		22
2026 Build Traffic												
4:15 - 5:15 AM	29	0	19	26	0	31	15	144	45	18	220	22
2036 Build Traffic												
4:15 - 5:15 AM	29	0	19	26	0	31	15	189	45	18	293	22

NOTE: BREAKLINES DENOTE LOCATIONS OF TRIP GENERATORS & ATTRACTORS THAT CONTRIBUTE TO VOLUME IMBALANCES BETWEEN UPSTREAM DIRECTIONAL AND DOWNSTREAM APPROACH VOLUMES. ADDITIONALLY, THERE ARE INSTANCES WHERE GROWTH CALCULATIONS & ROUNDING CONTRIBUTE TO MINOR VOLUME DIFFERENCES BETWEEN ADJACENT INTERSECTIONS.

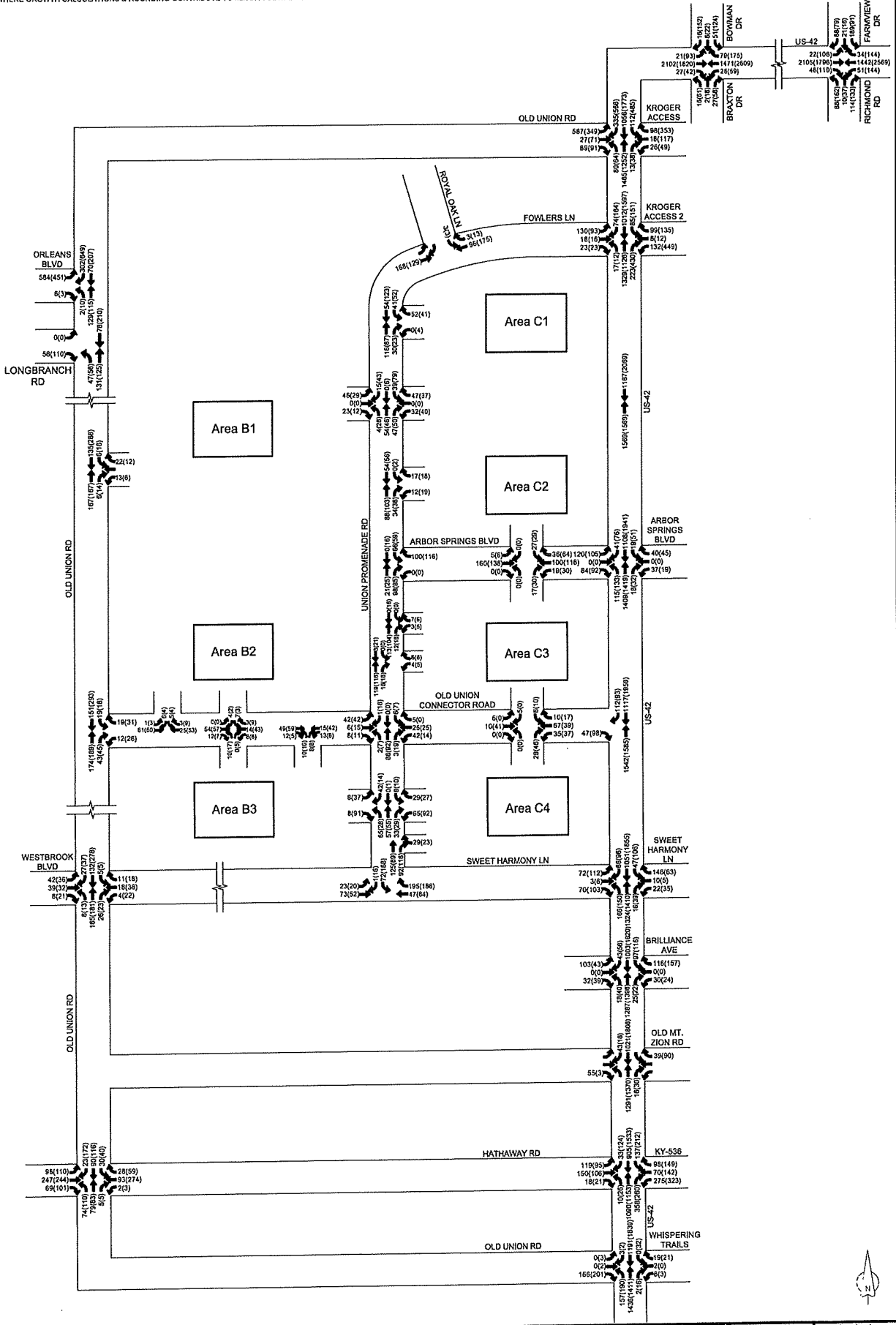


**VIOX & VIOX**  
 CM Engineers, Surveyors, and Landscape Architects  
 468 Erlanger Road • Erlanger, Kentucky 41018  
 2169 Main Street • Milford, Ohio 45150  
 Ph Erlanger (859)727-2293 • Ph Milford (513)516-1000  
 www.vioxinc.com

**UNION PROMENADE MIXED-USE  
 RESIDENTIAL/COMMERCIAL/RETAIL/OFFICE  
 TRAFFIC IMPACT STUDY  
 CITY OF UNION, BOONE COUNTY, KENTUCKY  
 2026 BUILD VOLUMES AM(PM)**

Project No: 148520002	Checked: MLB
Date: 9/21/21	Ref: JWG
Sheet	
<b>EXHIBIT H</b>	

NOTE: BREAKLINES DENOTE LOCATIONS OF TRIP GENERATORS & ATTRACTORS THAT CONTRIBUTE TO VOLUME IMBALANCES BETWEEN UPSTREAM DIRECTIONAL AND DOWNSTREAM APPROACH VOLUMES. ADDITIONALLY, THERE ARE INSTANCES WHERE GROWTH CALCULATIONS & ROUNDING CONTRIBUTE TO MINOR VOLUME DIFFERENCES BETWEEN ADJACENT INTERSECTIONS.



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 466 Erlanger Road • Erlanger, Kentucky 41018  
 2150 Math Street • Middlesboro, Ohio 45150  
 Ph: Erlanger (859) 277-3293 • Ph: Middlesboro (513) 816-1009  
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**UNION PROMENADE MIXED-USE  
 RESIDENTIAL/COMMERCIAL/RETAIL/OFFICE  
 TRAFFIC IMPACT STUDY  
 CITY OF UNION, BOONE COUNTY, KENTUCKY  
 2036 BUILD VOLUMES AM(PM)**

Project No: 148520002	Checked: MLB
Date: 9/21/21	Ref: JWG
SCALE	
<b>EXHIBIT J</b>	

**Appendix D**  
**Trip Generation Summary**

Scenario - 1

Scenario Name: AM Peak

Dev. phase: 1

Analyst Note:

User Group:

No. of Years to Project 0  
Traffic :

Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period Weekday, Peak Hour of Adjacent Street Traffic,	Method Rate/Equation Best Fit (LIN) T = 0.77(X) + 13.81	Entry		Exit		Total
						Split%	Split%	Split%	Split%	
532 - Private School (K-12) Data Source: Trip Generation Manual, 11th Ed	General Urban/Suburban	Students	500			251	63%	148	37%	399

VEHICLE TO PERSON TRIP COMMISSION

Scenario - 2

Scenario Name: PM Peak

Dev. phase: 1

Analyst Note:

User Group:

No. of Years to Project: 0  
Traffic:

Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period Weekday, Peak Hour of Adjacent Street Traffic,	Method Rate/Equation Average	Entry		Exit		Total
						Split%	Split%	Split%	Split%	
532 - Private School (K-12) Data Source: Trip Generation Manual, 11th Ed	General Urban/Suburban	Students	500		0.17	37	43%	48	57%	85

**Appendix E**  
**Turn Lane Warrants**

## NB Left Turn Lane - AM - 2024 Build

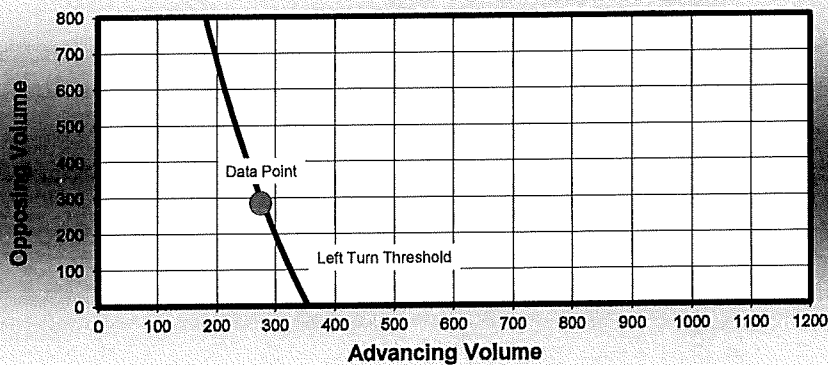
### Input Fields

Left Turn Volume (vph) 100  
Advancing Volume (vph) 274  
Opposing Volume (vph) 286

### Old Union Rd at Access Drive

Speed Limit (mph) 35  
No. of through lanes 1  
Percent Heavy Vehicles (decimal percent) 0.03

### Left Turn Lane Warrants



## Left Turn Lane NOT Warranted

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## NB Left Turn Lane - AM - 2034 Build

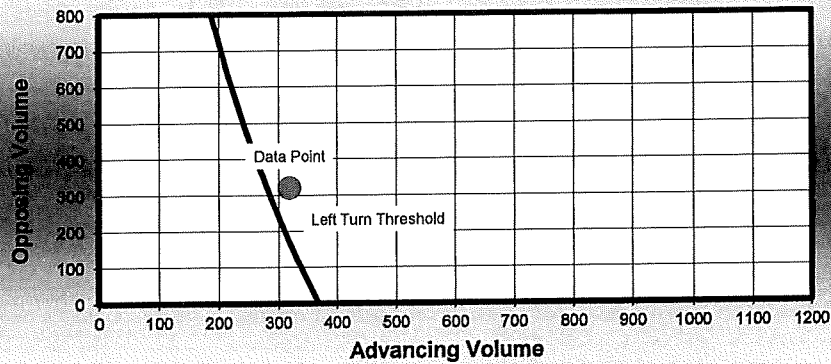
### Input Fields

Left Turn Volume (vph) 100  
Advancing Volume (vph) 317  
Opposing Volume (vph) 321

### Old Union Rd at Access Drive

Speed Limit (mph) 35  
No. of through lanes 1  
Percent Heavy Vehicles (decimal percent) 0.03

### Left Turn Lane Warrants



**Left Turn Lane WARRANTED**

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## NB Left Turn Lane - PM - 2024 Build

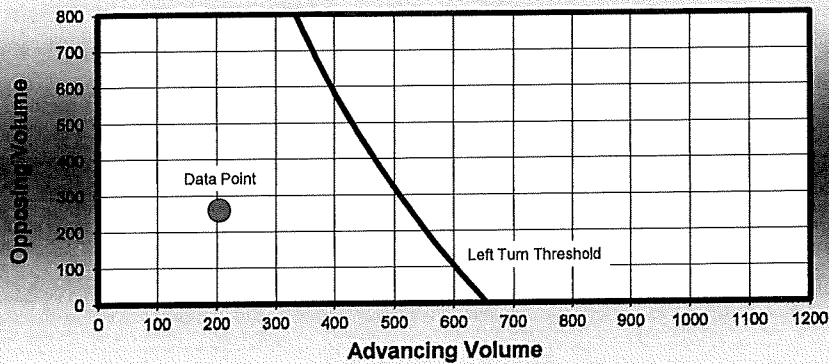
### Input Fields

Left Turn Volume (vph) 15  
Advancing Volume (vph) 204  
Opposing Volume (vph) 260

### Old Union Rd at Access Drive

Speed Limit (mph) 35  
No. of through lanes 1  
Percent Heavy Vehicles (decimal percent) 0.03

### Left Turn Lane Warrants



## Left Turn Lane NOT Warranted

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## NB Left Turn Lane - PM - 2034 Build

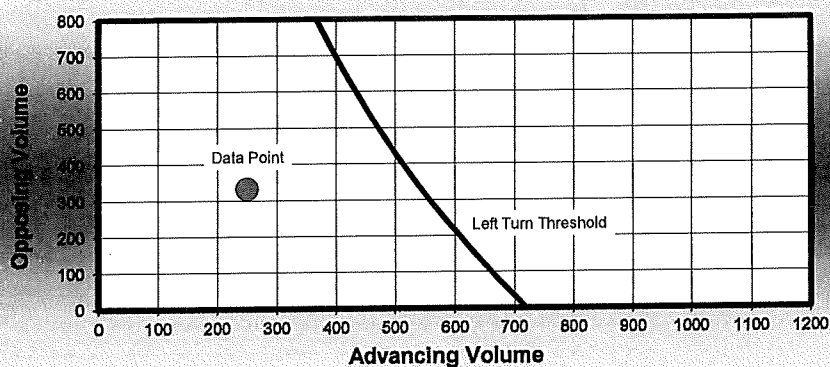
### Input Fields

Left Turn Volume (vph) 15  
Advancing Volume (vph) 249  
Opposing Volume (vph) 333

### Old Union Rd at Access Drive

Speed Limit (mph) 35  
No. of through lanes 1  
Percent Heavy Vehicles (decimal percent) 0.03

### Left Turn Lane Warrants



## Left Turn Lane NOT Warranted

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## SB Right Turn Lane - AM 2024

### Input Fields

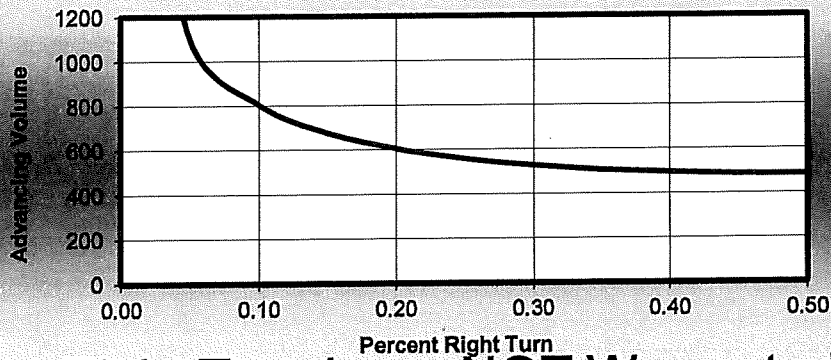
### Old Union At Access Drive

Right Turn Volume (vph) 151

Speed Limit (mph) 35

Advancing Volume (vph) 286

Right Turn Lane Warrants



Right Turn Lane **NOT** Warranted

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## SB Right Turn Lane - AM 2034

### Input Fields

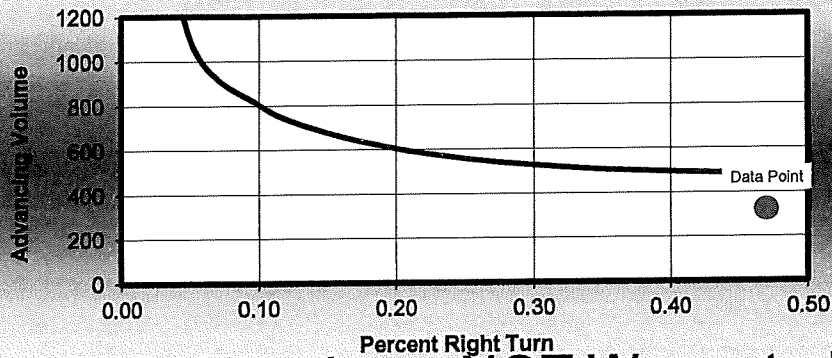
### Old Union At Access Drive

Right Turn Volume (vph) 151

Speed Limit (mph) 35

Advancing Volume (vph) 321

Right Turn Lane Warrants



**Right Turn Lane NOT Warranted**

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## SB Right Turn Lane - PM 2024

### Input Fields

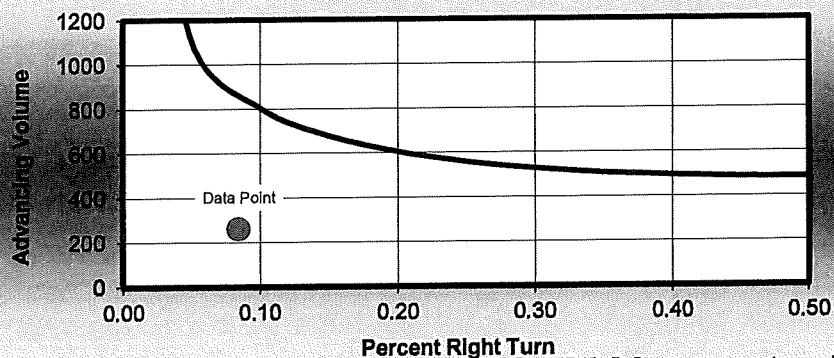
### Old Union At Access Drive

Right Turn Volume (vph) 22

Speed Limit (mph) 35

Advancing Volume (vph) 260

### Right Turn Lane Warrants



**Right Turn Lane NOT Warranted**

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## SB Right Turn Lane - PM 2034

### Input Fields

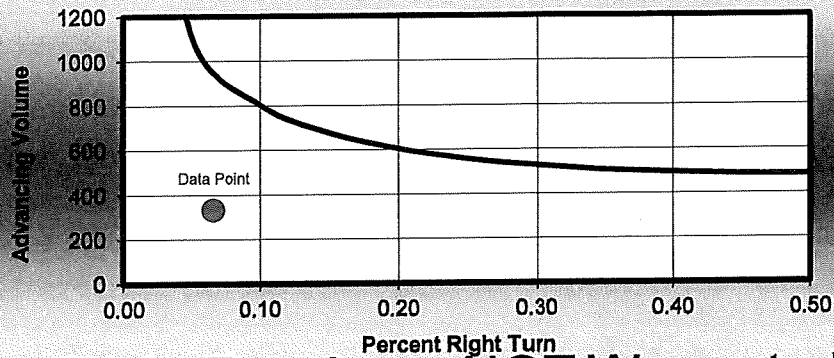
### Old Union At Access Drive

Right Turn Volume (vph) 22

Speed Limit (mph) 35

Advancing Volume (vph) 333

### Right Turn Lane Warrants



**Right Turn Lane NOT Warranted**

Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

# NORTHBOUND LEFT TURN LANE, OLD UNION RD. AT ACCESS DRIVE

## AM - 2024/2034 Build

### Input Fields

Turn Volume	<u>100</u>	Calculated Turn Lane Length (ft)	
Speed Limit	<u>35</u>	Desirable	<b>125</b>
Cycle Length	<u>0</u>	Minimum	<b>125</b>
<i>(Enter 0 for Uncontrolled, 60 for Stop Controlled)</i>			
Approach Percent Grade (G)	3		
Is this a Rural Arterial (Y or N)	N		

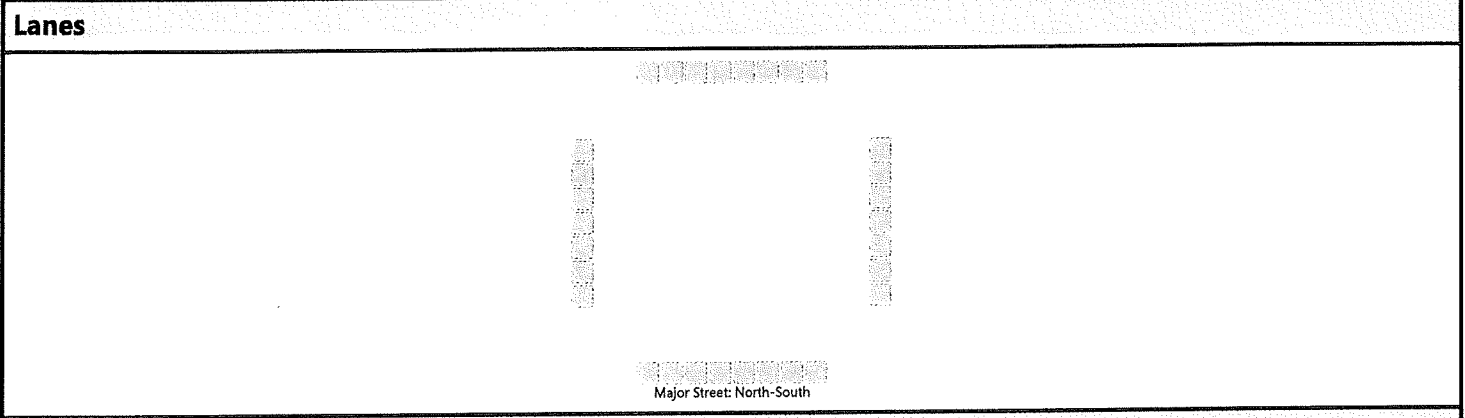
Note: This spreadsheet is intended to supplement the guidance provided in the Auxiliary Turn Lane policy outlined in the KYTC Highway Design Manual. This policy should be fully reviewed and understood prior to using this application.

## **Appendix F**

# Capacity Analysis

# HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	JA			Intersection	Old Union at Drive		
Agency/Co.	SHA Engineering			Jurisdiction	Boone County		
Date Performed	2/28/2023			East/West Street	Access Drive/Children		
Analysis Year	2026			North/South Street	Old Union Road		
Time Analyzed	AM Peak - Build			Peak Hour Factor	0.92		
Intersection Orientation	North-South			Analysis Time Period (hrs)	0.25		
Project Description	K-12 School						



**Vehicle Volumes and Adjustments**

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement																
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	1	0		0	1	0	0	1	1	0	0	0	1	0
Configuration		L		TR			LTR			L		TR			LTR	
Volume (veh/h)		89	0	59		12	0	19		100	131	43		19	116	151
Percent Heavy Vehicles (%)		3	3	3		3	3	3		3				3		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type   Storage	Undivided															

**Critical and Follow-up Headways**

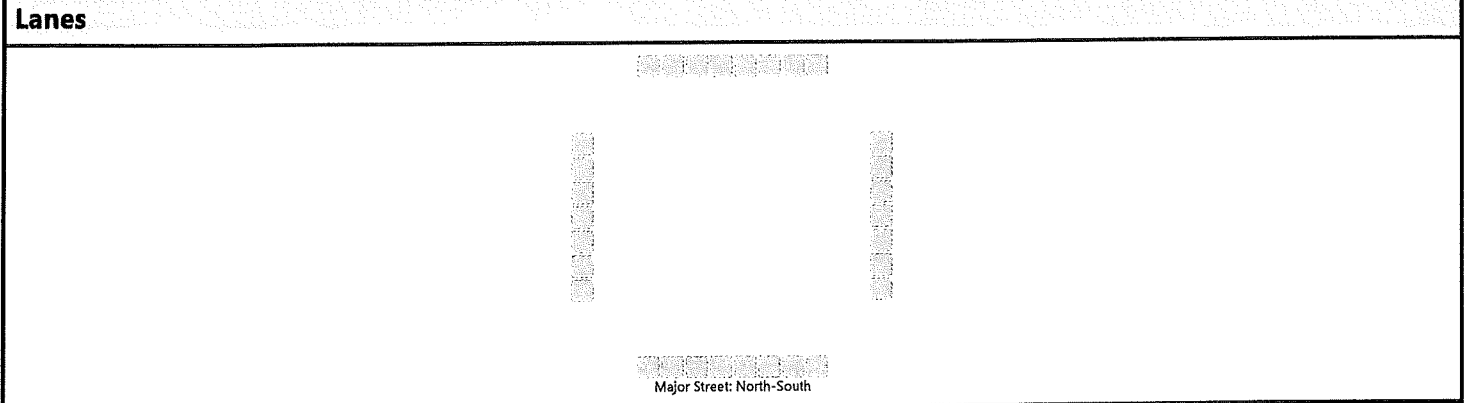
Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.13	6.53	6.23		7.13	6.53	6.23		4.13				4.13		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.53	4.03	3.33		3.53	4.03	3.33		2.23				2.23		

**Delay, Queue Length, and Level of Service**

Flow Rate, v (veh/h)		97		64		34				109				21		
Capacity, c (veh/h)		346		830		520				1266				1379		
v/c Ratio		0.28		0.08		0.06				0.09				0.01		
95% Queue Length, Q <sub>95</sub> (veh)		1.1		0.3		0.2				0.3				0.0		
Control Delay (s/veh)		19.4		9.7		12.4				8.1				7.7		
Level of Service (LOS)		C		A		B				A				A		
Approach Delay (s/veh)	15.5				12.4				3.0				0.6			
Approach LOS	C				B											

# HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	JA			Intersection	Old Union at Drive		
Agency/Co.	SHA Engineering			Jurisdiction	Boone County		
Date Performed	2/28/2023			East/West Street	Access Drive/Children		
Analysis Year	2036			North/South Street	Old Union Road		
Time Analyzed	AM Peak - Build			Peak Hour Factor	0.92		
Intersection Orientation	North-South			Analysis Time Period (hrs)	0.25		
Project Description	K-12 School						



**Vehicle Volumes and Adjustments**

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement																
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	1	0		0	1	0	0	1	1	0	0	0	1	0
Configuration		L		TR			LTR			L		TR			LTR	
Volume (veh/h)		89	0	59		12	0	19		100	174	43		19	151	151
Percent Heavy Vehicles (%)		3	3	3		3	3	3		3				3		
Proportion Time Blocked																
Percent Grade (%)	0				0											
Right Turn Channelized																
Median Type   Storage	Undivided															

**Critical and Follow-up Headways**

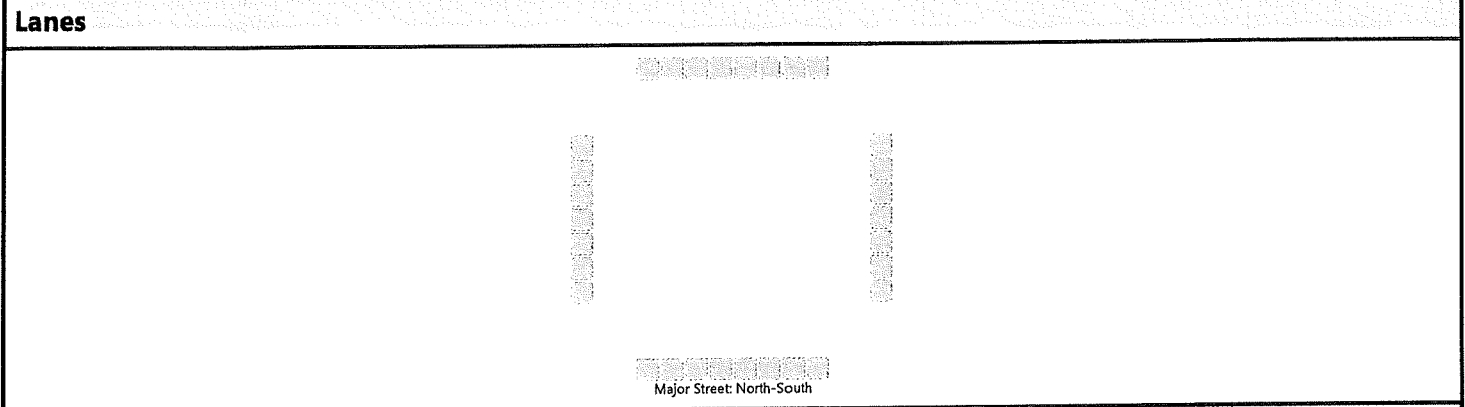
Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.13	6.53	6.23		7.13	6.53	6.23		4.13				4.13		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.53	4.03	3.33		3.53	4.03	3.33		2.23				2.23		

**Delay, Queue Length, and Level of Service**

Flow Rate, v (veh/h)		97		64			34			109				21		
Capacity, c (veh/h)		302		790			466			1226				1325		
v/c Ratio		0.32		0.08			0.07			0.09				0.02		
95% Queue Length, Q <sub>95</sub> (veh)		1.3		0.3			0.2			0.3				0.0		
Control Delay (s/veh)		22.4		10.0			13.3			8.2				7.8		
Level of Service (LOS)		C		A			B			A				A		
Approach Delay (s/veh)	17.4				13.3				2.6				0.6			
Approach LOS	C				B				A				A			

# HCS7 Two-Way Stop-Control Report

General Information				Site Information			
Analyst	JA	Intersection	Old Union at Drive				
Agency/Co.	SHA Engineering	Jurisdiction	Boone County				
Date Performed	2/28/2023	East/West Street	Access Drive/Children				
Analysis Year	2026	North/South Street	Old Union Road				
Time Analyzed	PM Peak - Build	Peak Hour Factor	0.92				
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25				
Project Description	K-12 School						



**Vehicle Volumes and Adjustments**

Approach	Eastbound				Westbound				Northbound				Southbound			
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Movement																
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	1	0		0	1	0	0	1	1	0	0	0	1	0
Configuration		L		TR			LTR			L		TR			LTR	
Volume (veh/h)		29	0	19		26	0	31		15	144	45		18	220	22
Percent Heavy Vehicles (%)		3	3	3		3	3	3		3				3		
Proportion Time Blocked																
Percent Grade (%)		0				0										
Right Turn Channelized																
Median Type   Storage		Undivided														

**Critical and Follow-up Headways**

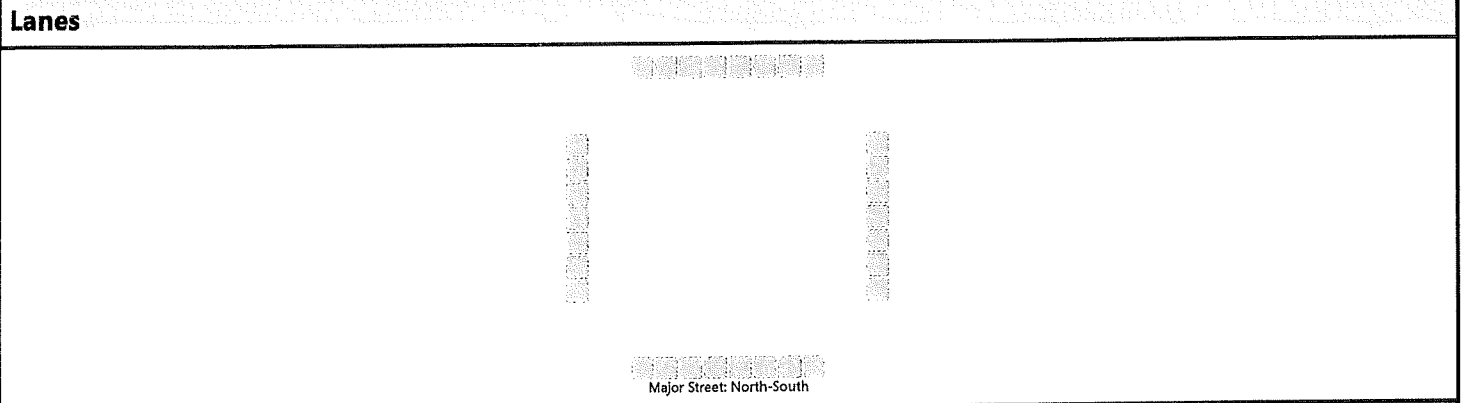
Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.13	6.53	6.23		7.13	6.53	6.23		4.13				4.13		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.53	4.03	3.33		3.53	4.03	3.33		2.23				2.23		

**Delay, Queue Length, and Level of Service**

Flow Rate, v (veh/h)		32		21		62				16				20		
Capacity, c (veh/h)		436		785		605				1295				1360		
v/c Ratio		0.07		0.03		0.10				0.01				0.01		
95% Queue Length, Q <sub>95</sub> (veh)		0.2		0.1		0.3				0.0				0.0		
Control Delay (s/veh)		13.9		9.7		11.6				7.8				7.7		
Level of Service (LOS)		B		A		B				A				A		
Approach Delay (s/veh)		12.2				11.6				0.6				0.7		
Approach LOS		B				B										

# HCS7 Two-Way Stop-Control Report

General Information		Site Information	
Analyst	JA	Intersection	Old Union at Drive
Agency/Co.	SHA Engineering	Jurisdiction	Boone County
Date Performed	2/28/2023	East/West Street	Access Drive/Children
Analysis Year	2036	North/South Street	Old Union Road
Time Analyzed	PM Peak - Build	Peak Hour Factor	0.92
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	K-12 School		



**Vehicle Volumes and Adjustments**

Approach	Eastbound				Westbound				Northbound				Southbound				
	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R	
Movement																	
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6	
Number of Lanes		1	1	0		0	1	0	0	1	1	0	0	0	1	0	
Configuration		L		TR			LTR			L		TR			LTR		
Volume (veh/h)		29	0	19		26	0	31		15	189	45		18	293	22	
Percent Heavy Vehicles (%)		3	3	3		3	3	3		3				3			
Proportion Time Blocked																	
Percent Grade (%)		0				0											
Right Turn Channelized																	
Median Type   Storage		Undivided															

**Critical and Follow-up Headways**

Base Critical Headway (sec)		7.1	6.5	6.2		7.1	6.5	6.2		4.1				4.1		
Critical Headway (sec)		7.13	6.53	6.23		7.13	6.53	6.23		4.13				4.13		
Base Follow-Up Headway (sec)		3.5	4.0	3.3		3.5	4.0	3.3		2.2				2.2		
Follow-Up Headway (sec)		3.53	4.03	3.33		3.53	4.03	3.33		2.23				2.23		

**Delay, Queue Length, and Level of Service**

Flow Rate, v (veh/h)		32		21		62				16				20			
Capacity, c (veh/h)		357		709		520				1211				1305			
v/c Ratio		0.09		0.03		0.12				0.01				0.01			
95% Queue Length, Q <sub>95</sub> (veh)		0.3		0.1		0.4				0.0				0.0			
Control Delay (s/veh)		16.1		10.2		12.9				8.0				7.8			
Level of Service (LOS)		C		B		B				A				A			
Approach Delay (s/veh)		13.8				12.9				0.5				0.6			
Approach LOS		B				B				A				A			

**Michael Schwartz**

EMAILS GIVEN TO COMMISSIONERS  
PRIOR TO PH

**From:** Kevin Costello  
**Sent:** Friday, January 27, 2023 3:53 PM  
**To:** Michael Schwartz  
**Subject:** Fwd: Feb 1 Zone Change Robert Lightner Property In Favor

Sent from my iPhone

Begin forwarded message:

**From:** Anna Painter <anna.m.painter@gmail.com>  
**Date:** January 27, 2023 at 2:33:50 PM EST  
**To:** Kevin Costello <KCostello@boonecountyky.org>  
**Subject:** Feb 1 Zone Change Robert Lightner Property In Favor

**EXTERNAL MESSAGE**

Hello

I am a resident in Westbrook and in favor of the proposal of the K-12 school. I believe it will add diversity to the landscape with more greenspace than another subdivision of homes with small lots and big houses.

Also it will help buffer some communities from the Promenade's(which I also favor) commercial noise and other impacts.

Many of us in Westbrook are in favor, but there will always be a few people that garner attention and are more 'loud' via social media platforms and in person townhalls.

Thanks

Anna Painter  
704.996.7636

## Michael Schwartz

---

**From:** Kevin Costello  
**Sent:** Monday, January 30, 2023 11:50 AM  
**To:** Michael Schwartz  
**Subject:** Fwd: Dear sir:

Sent from my iPhone

Begin forwarded message:

**From:** Chuck Frederick <crf1941@gmail.com>  
**Date:** January 30, 2023 at 11:31:11 AM EST  
**To:** Kevin Costello <KCostello@boonecountyky.org>  
**Subject:** Dear sir:

EXTERNAL MESSAGE

My wife and I currently live in Lassing Green Subdivision. We have lived there for more than 20 years and love the beautiful peaceful community of Union. We definitely oppose this new schooling this location. This school could definitely be placed in a larger area that would not impact the nearby homeowners. Please consider voting down this proposal. Union and the local community does not need this project. Traffic would also be increased with this school by people outside our community. Please vote NO. Please pass this email to the county commissioners. Thanks for taking the time to read this email and for considering our concern. Again. Thank you!

Charles and Donna Frederick.

Sent from my iPhone

## Michael Schwartz

---

**From:** Kevin Costello  
**Sent:** Tuesday, January 31, 2023 5:56 AM  
**To:** Michael Schwartz  
**Subject:** Fwd: Zone Change Request Meeting Feb 1  
**Attachments:** I am writing this email to express my opposition to the zoning request change proposed by Erpenbeck regarding a 25.docx; 8CE23667-E066-4DB1-B4E3-940D8BB067E2.heic; 978A95D1-1848-4AC1-B025-44F4F6335ABF.heic

Sent from my iPhone

Begin forwarded message:

**From:** Jill Charles <jillpky@gmail.com>  
**Date:** January 31, 2023 at 2:35:55 AM EST  
**To:** Kevin Costello <KCostello@boonecountyky.org>  
**Subject:** Zone Change Request Meeting Feb 1

### EXTERNAL MESSAGE

Hello Kevin,

Attached is an email regarding the Erpenbeck zone change and also 2 pics. Would you please forward asap to all of the Planning and Zoning Commissioners? It's a long email and it will take a bit of their time to read through all of it.

Thank you  
Jill Charles  
9105 Diamond Trce  
Union

I am writing this email to express my strong opposition to the zoning request change proposed by Erpenbeck regarding a 25 acre site on Old Union Rd in Union Ky from A-2/UTO & RSE/UTO to PD/PF/UTO, owned by Robert J Lightner. A portion of my property backs up to Mr. Lightner's property.

I am retired and highly value peace and privacy. And that's why I chose to live in Union and also why I chose the Westbrook subdivision. I did my homework. I read the Boone County Comprehensive Plan, the Land Use Map, the Zoning Ordinance and the Union Towne Plan. I looked at all of the available tools that could help me figure out what Boone County's and Union's plan for development was regarding the land surrounding Westbrook. I chose my specific lot because it is in the cul-de-sac on an 8-house street and very private. My lot has woods in the back which, during approximately 5-6 months out of the year, block everything behind them. The remaining months of the year I have a clear view of 2 homes in the distance and also of the pastures, including Mr. Lightner's property. I paid extra to build my house on my lot. The slope of the backyard is so steep that the builder had to reinforce the basement walls. I also had to compromise, both on the size of my house as well as the layout, because the buildable portion of my lot did not allow any of the builder's standard one-story plans. The builder had to design a completely custom ranch house that would fit on the lot, yet meet the square footage requirements of the subdivision. I also added several eight oversized windows to the back of the house to take full advantage of the view. My kitchen and bathroom windows also look out over the view. I love living in Westbrook & I love my lot. There is an abundance of wildlife in the woods behind me and the only thing I hear when I open my windows or sit on my deck are the sounds of nature. And that includes lots of songbirds. I also love seeing the open fields and the horses grazing on the pastureland when I drive down Old Union Rd. It is a beautiful, country-like setting. From my research, I knew that there was a good chance that, at some point in the future, the vacant properties I see might be sold to a developer who would then want a zoning change to build houses. But, I thought it would be some years out, and besides, if and when it did happen, I expected the density would remain at 1/acre to up to 4/acre, per the zoning ordinance and the Boone County 2040 Land Use Map, and I was ok with that. Therefore, I had valid, rational reasons to believe that my investment would be safe. And now I will reveal I will reveal another, very personal reason for loving where I live. It is health related and not one I normally would share with acquaintances, much less strangers. I have micro-cardiovascular disease and high blood pressure. I need to avoid stress. The views, the nature sounds and the privacy that property offers calms me immensely. The almost constant noise from a 500 student school so close to me will be very stressful and will negatively impact my health.

What I did not fathom was a 2 to 3-story PK-12 school for 500 students, a gymnasium, tennis courts, a playground, three sports fields, and a big parking lot on the property in my backyard. This is a curveball out of nowhere. This zoning change will destroy this wonderful country-like setting that I, and many of my neighbors, value. But, most importantly, this complex will kill the value of my house. I have a unique situation. When I built this house on this lot, I knew that I was limiting the pool of buyers. Families will not want this property with, or without, a school directly behind it. One of the reasons is that that I have no usable backyard – it's too steep to walk on, much less put a pool or swing set on. The lot is only .3 acre, so there's hardly any remaining land for kids to play on. In addition, I have one of the smallest houses in the subdivision at 1960 sq ft. But, I also have one of the most expensive at \$230/sq ft., based on the price I paid for it. That's because a one-story house costs more to build, but also because I added lots of upgrades – upgrades that that families don't value enough to pay for. And, my floorplan is not conducive to a family. Families want mudrooms, oversize kitchens, bonus rooms, big utility rooms to hang and iron clothes, etc. Families are looking for maximum square footage and for the family-oriented upgrades they want. But, this is a PERFECT house for empty- nesters or for three adults, like a mother-in-law. (By the way, there are four homes on my street occupied by empty nesters.) Empty nesters won't care about the steep yard. They won't care that there's no mudroom. But they will care about the tranquil setting, the wonderful view of the woods in the summer and of the pastures in the winter. They will care about the wildlife and the songbirds. They will care about the privacy my lot offers, and not just because it's in a cul-de-sac. Due to how it's positioned on the lot, you cannot see the neighbor's houses when sitting on the deck. I also planted 5 large evergreen trees on the left side of my house when I moved in that will block the view of Westbrook Blvd. when it is extended west along the tree line towards Ballyshannon. They will also value the many upgrades in my house. So, I knew I had a pool of buyers for my house and wasn't concerned about my investment. But what empty-nester, in their right mind, is going to buy my house with a huge school behind it? If you approve this change, you will be eliminating ALL buyers for my house. With a school literally in my backyard, there isn't a buyer that is going to pay me the current fair market price of my house. I don't think I will even recoup my initial investment.

Do you realize what you will be doing to Westbrook homeowners, in general, if you approve this change? Do you realize that many people would prefer living in a box rather than live near a school, much less next to one? NOISE TRAVELS FREELY. And, the noise from an elementary school is not "normal" noise. If

you've been around children, then you know they are not quiet when outdoors - they screech, scream, yell, cry, & fight. Most people do not want to hear that. Most people also do not want to hear the bells for the start and end of classes, nor the cheering and yelling during sports events, nor the ping of metal bats, nor the referee and umpire whistles during sports games, nor the noise during the recesses & PE classes, nor the PA broadcasting announcements outside the school, nor the band practices. Nor do they want to experience the additional traffic, air pollution from idling cars, and the general congestion that accompanies a school. They just want to be able to sleep & eat and live in peace, during the day, not just at night. They want to enjoy their decks, screened-in porches, and backyards in peace. They want to listen to the birds and watch the wildlife. They don't want their dogs barking all day due to all the daily commotion. True, there are some people who have a desire to live near or adjacent to a school but it's usually for two reasons: 1) safety, or 2) they intend to send their kids to it. Neither of these reasons are relevant in this case. This is an extremely low-crime area where safety is not a concern. And the vast majority of home buyers in this neighborhood either don't want, or cannot afford, to send their kids to this school. So the neighborhood gets all of the disadvantages of a school and none of the advantages and it will be considered a deal breaker for a significant number of potential homeowners considering purchasing a house in Westbrook. Consequently, this school will certainly reduce the number of potential buyers. And, generally, when then happens, it takes longer to sell, and that usually results in a decrease in the selling price.

Did I miss something? Should have I fathomed a huge school in my backyard? No. Because that's like saying I should have considered the possibility that Boone County would allow a Big Lots on the property! Regarding Public Facilities zone classification, Section 1500 states: A development pattern consistent with the adopted Comprehensive Plan and any other appropriate land use studies. It also states "A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity . . ." A 55000 sq ft building and a 16000 sq ft gymnasium and parking lots are not compatible with the immediate vicinity. Section 1503 states "uses for a planned development district shall not adversely affect adjacent property." A school on that property does adversely affect adjacent property. And especially mine. A school is NOT in agreement with the new 2040 Comprehensive Plan that was just adopted by Boone County. And it doesn't agree with old nor new Land Use Map, nor the zoning ordinance. And, this use is not referenced in the Union Towne Plan. In fact, the Union Towne Land Use Map states "Areas west and south of the Union Towne Plan area, along US 42, Hathaway Road, and Longbranch Road

contain an existing agriculture, horse farm and estate residential character RD and SD. It makes no mention of wanting or needing to change this character. Furthermore, even the idea of a school on that property has never been publicly discussed by the City of Union. Westbrook has existed for 10 years and several other private residences surrounding this property have existed for decades. The horse farm and stables have also been here for decades. So, yes, a school on that property will have a negative impact on an existing, established neighborhood. It will have an particularly adverse impact on adjacent property in Westbrook for the reasons I have already noted. But, it will also be a visual intrusion that cannot be mitigated. Why not?? Because it is virtually impossible for the owner to provide an adequate, acceptable transition between differing land uses because the size of his property versus the size of the campus does not allow for that. And the lots in Westbrook make the situation a bad situation even worse because they are relatively small, resulting in the placement of the homes very close to the property lines. Cramming this huge campus on 25 acres leaves insufficient vacant land for effective buffering & transitioning. By the way, 30' of trees does not provide a functional barrier. I have 30' of trees behind my house now (see attached pics) and I can clearly see Mr. Lightner's property six months out of the year – the same months school is in session. And, 30' of trees does nothing to mute the noise. NOISE TRAVELS FREELY. I heard the cows just fine when they were in his field. Just like I will hear all the noise and congestion from the school. I believe the school building will be 55000 sq ft and will require an exemption. Amendment 1506 says that “increased intensity 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.” This school does not provide any community and recreation facilities to the community. They are accessible only to the select few students that attend the school.

Locating this school on this specific property does not serve a community need. There is no documented need for a private school referenced in any of the Comprehensive Planning docs or zone ordinance. Many of the kids currently attending this school are not from Union. I was told by a school supporter that, as this school grows, many of the kids will continue to come from other areas of Boone County as well as from Kenton and Campbell Counties, and even from OH. That's because most families in the immediate area simply cannot afford its high tuition: \$8000 - \$9000/yr + fees. Sure, there will probably be other subdivisions developed near here in the future, but this very expensive school will face stiff competition for students. A bus that conveniently picks up kids, and transports them safely and directly via Westbrook Blvd to FREE public schools - Ballyshannon Middle School, the planned Ballyshannon Elementary School, and

Cooper High School will be tough competition. There will be very, very few kids walking to this school. Instead, a lot of cars will be dropping kids off and picking them up every day at this school. And this is another reason to reject this zoning change. A school on that property will significantly add to the traffic & congestion nightmare expected when the Union Promenade opens. It will create an even more danger to the community. Old Union Rd is not a main thoroughfare like US 42 or KY 18. It was not built for a high volume of traffic. It has no access roads. Several home owners' driveways are on Old Union Rd. This is an unsafe situation for the immediate community. What's surprising, as well as depressing, is that both Boone County and the City of Union do not even have a plan to widen or improve Old Union so that it can handle all of the traffic expected in 2024 from the Union Promenade. There is no plan referenced on the last state list of projects. And there is no plan referenced in the current District 6 OKI list of projects, not even one listed without a timetable. The only Boone County plan for Old Union Rd is for a 250' pedestrian and bicycle sidewalk from Orleans to US42. Why would you approve a zone change that you already know is going to make the traffic situation worse & endanger the immediate community.

Is this elite private school a benefit to the community? Does it serve an unmet need in the community? Boone County has 23 public schools and 10 private K-12 schools, not including the Walton-Verona Independent district. According to the Boone County District Facilities Plan, the overcapacity situation that exists in some of the schools is being addressed with construction plans for expansion of key schools. And the planned elementary school on the Ballyshannon campus will alleviate the capacity issues regarding Grades 6-8. The public schools, by law, must create and execute specific plans to treat students with learning disabilities. Many private schools voluntarily do the same for their students. In fact, St Paul specifically states that it serves special needs students with ADHD and other learning disabilities, like dyslexia. And, the private schools in Boone County are not overcapacity. Heritage Academy, a 180 pupil, K-12 Christian school, similar to Union Pointe Academy, is located approximately 6 miles from this property and is under capacity. I also checked with four Catholic schools in Boone County and all four said their enrollment was under capacity for the 2022-23 school year. Additionally, there is nothing in the Boone County Comprehensive Plan that states a current or future need for a private school anywhere in Boone County, much less in Union on Old Union Rd. It simply states that private schools lessen the strain on the public school system. That's debatable because studies exist that show private schools actually hurt public schools because they take funds away from public schools when a student leaves to attend a private school. State funding is allocated on a per pupil basis and it's a net loss to the public school due to fixed costs and

other constraints. I am sure you realize that state funding of schools is becoming less and less of the total pie, leaving more and more of the funding of public schools to the local districts. That can result in higher local property taxes. Higher property taxes are not a benefit to the community. I think very few people would consider higher taxes benefit when they are a consequence of the expansion of high-tuition private schools. There is another downside to private schools that is not financial. The parents who are affluent enough to send their kids to private schools are many times the very same parents who were most involved with the school, i.e. PTA, volunteering, donating materials, booster-club fundraising, etc. So, private schools take *non-financial* resources away from public schools as well. Losing resources and funding for public schools is NOT a benefit to the community. This school benefits only the few that who do not oppose its religious focus and can afford to send their children to it. That is a very, very small segment of this community. Caution: Public funding of private schools is currently tied up in the courts because it is not allowed under the KY state constitution; therefore, you CANNOT consider it as a factor in this zone change request.

If you approve this change, you will be doing the opposite of what you have done for the past 40 years regarding the location of schools. Just the opposite of the following statement regarding public schools that says “correlation of school size and location with approved residential development, as well as the Future Land Use Map, is a major focus of both school districts.” Boone County has not forced home owners to live adjacent to or near a school, with no warning, and at the last minute. Sure, schools are built in neighborhoods. But, for the people whose homes are adjacent to or near the school, either the homeowners were aware of the plans to build the school BEFORE they bought their house, or they bought their house AFTER the school was built. My point is that home buyers adjacent to or near a school CHOSE to live adjacent to or near a school. Virtually all of the schools, private or public, built in recent memory in Boone County were not built adjacent to existing homes unless they were built on land that was in an area already zoned religious or already surrounded by property that was already zoned commercial, educational, religious, government, or public facilities. As an example, two of the “neighborhood” schools – Ballyshannon and Thornwilde – were planned many years in advance. The specific property was also identified and announced to the public years in advance, giving prospective new home owners in those subdivisions a choice. North Point elementary is another “neighborhood” school. It is located at the subdivision’s entrance and is surrounded by a 5 acre park, a 15 acre residential lot with a house a significant distance from the property line, and a 3 acre property owned by the HOA. There are no homes in the North Point subdivision located near the school. I also looked at other schools that were

built earlier, including St Timothy, Cooper, Longbranch, Ryle, Heritage Academy, St. Joseph Academy, Immaculate Heart of Mary and Mary Queen of Heaven. I found that all of these schools were either built on church-owned property where a church already existed, or adjacent to or near another public school, or in a commercial area, or adjacent to large recreational facilities, or adjacent to government facilities, or on very large properties that allowed sufficient acres for effective buffering. In one case, a residential property was adjacent to the school, but the lot was large – large enough for the house to sit acres from the school. The people who live in Westbrook deserve the same right to choose that you have given everyone else. The fact that it is Union Pointe Academy, a private school, should not make any difference

There is plenty of available, vacant land in Boone County, and even in Union, that is more suitable for a school, and where no homeowners would be adversely affected. Why does it have to be located on this property? Or, why can't Union Point Academy expand on the property they are on now? It's currently located in the Florence Baptist Church, which was built in the 1960's and is on 72 acres on Mt Zion Rd. That property already has three tennis courts, two sports fields, and large parking lots. And there is plenty of room to enlarge the current building that houses the school or to construct a new 55000 sq ft building. The church has been there for at least 50 years, and the school's been in that location for several years. Any homes adjacent to the property were built after the church purchased the 72 acres. And buildings, three tennis courts, two sports fields and parking lots already exist on the property so expanding that footprint would not be a curveball for them. Besides, the residential properties to the north are approximately 5 acre lots so they are large enough to adequately buffer the school. What is the difference between driving a kid to a school on Old Union Rd vs driving a kid to a school on Mt Zion Rd vs driving a kid to a school located a few miles away on property in Boone County??

The City of Union does not financially gain by allowing a school on that property, or anywhere else for that matter in Union. The school, being a 501c3, adds nothing to the tax base. Even the commercial for-profit LLC that will be located inside the school - The Learning Curve, of which Mr. Lightner is also chairman and CEO - will not add to the tax base since that business already exists in Union. By the way, why is this commercial business not included in the zone request change documentation??

To summarize, following are the reasons why you should reject his zoning change request: 1) The school does not serve any *public* need. It offers nothing to the

general public. 2) Only a small number of families in this community will be able to afford it. 3) There are many public and private schools in Boone County that already meet the education needs of the community, including private schools that focus on the special needs of students with learning disabilities and that are under-utilized. 4) The vast majority of the students will be driven to school, so it will add significantly to the anticipated traffic & congestion nightmare on Old Union Rd when the Union Promenade opens, making Old Union Rd a vary dangerous road. There are no plans as of today to widen or improve Old Union Rd. And it will be years before funding will be available once there is a plan. 5) The school was not planned, nor discussed, nor reflected in any Boone County or Union planning nor zoning documents. Nor was a *need* for a private school in this immediate vicinity identified, discussed or reflected in any Boone County and Union planning or zoning documents. 6) It does not fit the peaceful, country-like character of the already established neighborhood that it will be built in the middle of. 7) It will literally destroy the peace and quiet this neighborhood values and currently enjoys. 8) It will negatively impact the wildlife living on the surrounding properties. 9) There are not enough available acres oto provide an effective buffer for the Westbrook homes adjacent to it. And, due to the small lot sizes in Westbrook, homes are located very close to their property lines, adding to the problem. 9) Noise travels freely and school noise is completely different from normal noise, and not what the majority of home buyers desire. 10) The limited size of the property versus the large complex size will not allow any visual transition to the surrounding residential areas. 11) It will negatively impact the value of homes located adjacent to or near it by eliminating th  
e pool of buyers who don't want to live next to a school due to the noise, traffic and congestion. 12) It will ruin my investment in my home by eliminating the empty-nester buyer – the only buyer for a house like mine. 13) There is plenty of available, vacant land in Boone County, and even in Union, that is more suitable for a large school and where it will not impact any existing homeowners. 14) And, just as important, I and the other homeowners that will be impacted by this school, deserve the same choice that all other Boone County homeowners have been given in the past. We should be allowed to choose whether or not to live adjacent to, or near, a school. Please reject this zoning change request.

**Sara Smith**

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**From:** Kevin Costello  
**Sent:** Tuesday, January 31, 2023 10:11 PM  
**To:** Michael Schwartz; Sara Smith  
**Subject:** Fwd: Zone change

Sent from my iPhone

Begin forwarded message:

**From:** Schmitz <schmitz@twc.com>  
**Date:** January 31, 2023 at 10:07:03 PM EST  
**To:** Kevin Costello <KCostello@boonecountky.org>  
**Subject:** Zone change

EXTERNAL MESSAGE

As a long time resident of Union and a parent who sent my children to both public and private school, I am against the zoning change request regarding the acreage off of Old Union Road. The area in question does not have enough acreage to adequately provide room for the proposed school, outbuildings, fields etc. The current infrastructure can not adequately handle traffic or sewage and will also impact the current residents living around this acreage. I am not opposed to the school relocating, but there are better options in and around Union that would be less impactful on our community. We need to retain some of the country charm that drew many to our community. We do not want to be another Florence where development has ruined that city.

Sent from my iPhone

**Sara Smith**

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**From:** Kevin Costello  
**Sent:** Tuesday, January 31, 2023 5:09 PM  
**To:** Michael Schwartz; Sara Smith  
**Subject:** Fwd: Are you kidding?

Sent from my iPhone

Begin forwarded message:

**From:** kathleen dikeos <kdikeos@hotmail.com>  
**Date:** January 31, 2023 at 4:15:59 PM EST  
**To:** Kevin Costello <KCostello@boonecountyky.org>  
**Subject:** Are you kidding?

**EXTERNAL MESSAGE**

Let's add more traffic on Old US 42! The two lane road is narrow and dangerous, with a much larger volume of traffic on the horizon with new condos, homes, shopping, offices, restaurants and Children's. Please do not allow another zoning change.

Get [Outlook for iOS](#)

**Sara Smith**

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**From:** Kevin Costello  
**Sent:** Tuesday, January 31, 2023 5:10 PM  
**To:** Sara Smith; Michael Schwartz  
**Subject:** Fwd: 9486 Old Union Road - Zone change

Sent from my iPhone

Begin forwarded message:

**From:** Amy Kramer <akramer@bethsilverman.com>  
**Date:** January 31, 2023 at 2:06:00 PM EST  
**To:** Kevin Costello <KCostello@boonecountyky.org>  
**Cc:** akramer1@fuse.net  
**Subject:** 9486 Old Union Road - Zone change

**EXTERNAL MESSAGE**

To whom this may concern,

I am a resident of Daphne Drive in Union, Kentucky. Recently I have heard that they are trying to get a school off of Old Union Road. I am totally against this. The property that is there is beautiful and with the horse farm, I feel like I am still in the country. There is no need for a 500-student private school in a neighborhood setting. They have already made this road busier than it should be and the Promenade is not even open at this time. Traffic will be horrendous with a school going in. Florence Baptist Church has room to build on its own space on Mt. Zion Road.

I moved out here 15 years ago to get closer to the country but not too far out. I'm really not happy about the Promenade going in and the entrance being on Old Union Road. We also get enough traffic with Cooper down the road from us.

Please forward my email to the planning commissioners so my voice will be heard.

My home address is 2761 Daphne Drive, Union, KY 41091.

Thank you for your consideration.

Regards,

*Amy L. Kramer*

**Sara Smith**

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**From:** Stephanie Schmidt <stephanie.schmidt@unionpointeacademy.org>  
**Sent:** Wednesday, February 01, 2023 3:14 PM  
**To:** Planning Commission General Account  
**Subject:** Re: February 1, 2023 Meeting  
**Attachments:** Parent Testimonials (2).pdf

**EXTERNAL MESSAGE**

To Whom It May Concern,

This email is in reference to the meeting that will be held tonight, February 1 at 7:30pm regarding the zone change for the proposed new school campus for Union Pointe Academy.

My name is Stephanie Schmidt and I am the Principal at Union Pointe Academy. On behalf of our parents, I have compiled ten personal testimonies that some of our parents wanted to share with you in regards to why Union Pointe Academy is a need for our public community and how the school has personally impacted their lives.

If you would please distribute this attached file to all the relevant parties, I would greatly appreciate it. My information is at the bottom of this email should anyone have any questions or concerns that they would like to discuss.

Thank you for your time and consideration in this matter.

Sincerely,  
Stephanie Schmidt

Stephanie Schmidt  
Principal--Union Pointe Academy  
School Phone 859-538-3927  
Cell Phone 859-962-6992





Union Pointe Academy  
642 Mt. Zion Road  
Florence, KY 41042  
859-538-3927

### Parent Testimonial #1

In the late spring of 2014, our oldest son was wrapping up elementary school, a public school in Boone County that we loved, and a school I worked in daily as an educator. It had been a wonderful experience for my son, as well as myself. However, our son was navigating the challenges of ADD/ADHD, which created issues in staying engaged and focused in a learning environment and required intentional approaches to teaching and classroom management.

We were at a crossroads; we absolutely loved the public school setting for kids. I served as an educator for 28 years in the public schools, and loved every minute of it. This crossroads had nothing to do with any negativity toward the public school experience. It came down to the reality that the next chapter on our son's educational journey simply needed something different; something I knew the public middle school would struggle to provide. The reality is that he needed a different soil to best grow and thrive in on a daily basis. Large middle school classrooms with a "one size fits most" approach would present major struggles for him.

My wife and I had heard about this new school, Union Pointe Academy, that was opening in the fall. We were incredibly skeptical. We met with administration and grilled them with questions about accreditation, college/career readiness, curriculum and standards, long term sustainability and much more. We left that meeting with two former experienced educators and administrators from the public school sector (over 65 years between them) and knew confidently that this was exactly what we had been looking and praying for.

Our oldest son began at UPA its very first year and graduated in 2021 with a major academic scholarship to Thomas More University. He had other multiple offers as well. The school created an individualized learning plan that allowed teachers to know his passions, strengths, learning styles and needs, and taught with that knowledge driving their instruction and interaction. The small classroom sizes helped him focus, engage, and thrive, with his teachers knowing him personally and being very invested in his life.

Our youngest son, began there in middle school as well. He has dyslexia and needed focused intervention to help him thrive in reading and writing, as academics for him could be challenging and confidence would often drop greatly. He received daily instruction from interventionists, trained in dyslexia, has also thrived, and yesterday committed to attend The University of Kentucky this fall, majoring in business.



Union Pointe Academy  
642 Mt. Zion Road  
Florence, KY 41042  
859-538-3927

Parent Testimonial #1, continued

I've grown up in this county my entire life and I'm so proud of all we do to serve this community and offer an abundance of on-ramps for people to grow, thrive, and take next steps toward leading a meaningful life of impact and service. This building is more than a restaurant or shopping plaza. It's a place that is shaping future leaders and game changers, who will one day pour back into this wonderful area. It's also something very special and unique, that most communities can only wish they could claim as their own. Again, school is not a competition. Whether private, public, online, or homeschooling, we need all of them to meet the needs of all kids. Sometimes some students just need a different soil to best grow and thrive. Please consider this incredible opportunity to add the soil of UPA to the fabric of this great county. Thank you so much.



Union Pointe Academy  
642 Mt. Zion Road  
Florence, KY 41042  
859-538-3927

## Testimonial #2

### Parent View:

Our daughter started this school year at a local private school. After 2 weeks, our daughter developed low self esteem, thought she was stupid and had begun to emotionally shut down. It was amazing to me how a school could have that much influence over a child. The school had her believing she was not capable of doing 5th grade school work. Their only solution was to move her back to the 4th grade. As parents and her primary educator up to this point, we knew that moving her to 4th grade was not a good option for her. We reached out to UPA and they were very welcoming. Our daughter spent the day with the 5th grade class. She loved it! She was nervous but excited. Our daughter not only has flourished but is making straight As in the 5th grade. She has developed friendships with other students. She is not even out of the parking lot and they are calling each other! Why do you ask is this possible for UPA to meet her needs and not the other private school? Simply the school is a child center education! They simply want every student to be THEIR best! They understand the needs of every student in the school. It does not matter if the student is gifted, an athlete or a child with a disability. They understand how to reach the student so that the student can be successful. UPA uniquely fills a need of the community that no other school has ever done right!!

### Teacher View:

This is my first year teaching at UPA. I started the school year as a part time teacher. After a few weeks, I found myself teaching full time. This school is like no other! UPA strives to teach with the student as the center of their education. As a teacher, I look to see how my students learn and present the information in such a way that the students understand and grasp the concepts being taught. The curriculum is not just a checklist of material to cover before testing but are lessons presented to the students in such away that every student can be successful. The teachers work as a team to make sure that the students have what they need to succeed. Whether it is taking a test one on one, sitting on the floor with the principal to work math concepts, to hands on projects that the student does not want to work on. This is an amazing place to work and even more amazing to be a student!



Union Pointe Academy  
642 Mt. Zion Road  
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859-538-3927

Parent Testimonial #2, continued

Community View:

It has been said that UPA is not open to the public and is exclusive for those who can pay the tuition. This is far from the truth! UPA meets a need that no other school in NKY meets! UPA has opened their doors to the homeschooling community and welcomed them into class as if they were full time students! No other school in NKY offers part time, ala carte classes to the homeschool community. UPA is able to fill a need for the public that is not even offered by the public school! UPA students donate 1,000s of hours in community service, whether it is filling food boxes for Hope Ministries, clean cages at the animal shelter, or raking leaves for an elderly neighbor. You will find UPA students serving their communities and filling their call to be Christ-like to others. The new building will allow UPA to serve the community even more and better by having a larger space and the ability to serve more students in NKY.



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Parent Testimonial #3

Eileen Jones  
948 Appleblossom Drive  
Villa Hills, KY 41017

February 1, 2023  
Boone County Planning Commission  
2950 Washington Street, room 317  
P.O. Box 958  
Burlington, KY 41005

Dear Boone County Planning Commissioners:

My name is Eileen Jones and I am writing to you regarding Union Pointe Academy's (UPA) request for rezoning. I am the mother of three children and blessed to be married to my husband Scott for 18 years. I received 2 degrees from Thomas More College (B.A. Psychology, A.A. Sociology) and my Masters Degree (MEd) of Early Childhood Education along with teaching certification from Xavier University. I had the pleasure of teaching in Boone County, along with Kenton County and Ft Thomas School District, prior to having children. I am currently helping at a local preschool as an assistant for the remainder of this school year.

Education is my life and I firmly believe that it is the link to many opportunities in life. My parents instilled the value of education into myself and my 4 sisters, through working very hard as our parents to provide private Catholic education as this aligned with their faith. My dad was a WWII vet that raised me to realize short term sacrifices provide long term gains. UPA came into my life as a mother when our youngest son needed an alternative to traditional education due to having ADHD and being unable to sit for a whole day of class instruction. Since beginning UPA he has flourished in positive growth traits and UPA has made a significant asset to his life by providing him many opportunities to be successful. The outcomes in many schools across our nation are not being addressed appropriately and we are seeing the results in high school dropout rates. Public schools in Kentucky achieve an average graduation rate of 91% (2023).

<https://www.publicschoolreview.com/graduation-rate-stats/kentucky>. Therefore 9 students out of 100 students walk away from school with nothing to aid them towards their next step in life to become employed as most companies require a high school diploma or GED. UPA is a school that has taken away the stigma of needing additional help in the education of children. They are fueled by people who care for their students and see to it that they are prepared to become valuable citizens and find self-worth.



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Parent Testimonial #3, continued

The property in question for rezoning has been donated as another example of outreach to aid the Boone County community along with surrounding areas. The school is in it's infancy as far as any tuition cost issues that may be raised. We are NOT entitled families that choose private education of this sort, we are families that have been handed a different path in life that UPA has offered us help to navigate in order to lead our children to become successful members of society. The amount of traffic that will currently be disrupted would be very insignificant as there are only approximately 70 students in attendance.

Down the road as the school may grow at a slow pace, adjustments to dismissal times could be made in order to alleviate if a problem should occur. The benefit to the neighborhoods close by is significant in that they will not have a large community of homes being built near them and increasing their population for goods and traffic considerably. Development of this area is inevitable and a small private school with green space for sports fields would be a valuable addition for the community. Any fears local residents may have of this development, should become mundane when the reality of future development in said land could be such examples as apartment complexes, or an Amazon warehouse, or another strip mall, etc., as industry money and land value grows over the coming years. As adults it is our job to lead by example, not fear. I appreciate your time in making this decision as the betterment of our future generations is at hand.

Thank you,

Eileen Jones



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#### Parent Testimonial #4

I wanted to write a testimonial of what UPA has meant to our family. Our daughter Lexi is an extremely bright student who was identified as gifted in her general intelligence and math early in her academic career. Along with her high IQ and abilities, she also was experiencing anxiety. When attending public school, she was not challenged to her potential which led to chronic boredom and frustration. She indicated she wanted a change of environment for beginning high school. One that was smaller in nature to help her with her anxiety, but also one that could challenge her school workload and academic development. Throughout her four years at UPA, Lexi grew into a confident learner and her anxiety greatly lessened. UPA was able to challenge her academically by allowing her to attend classes a grade level above. She also was able to attain almost 30 college credit hours of dual credit through Northern Kentucky University. UPA also was able to give her opportunities to attain leadership roles and skills within the school such as tutoring other students and on occasion teaching some content to classes. She also benefited from ACT prep as well as guidance for college applications and readiness. She is now a freshman at the University of Cincinnati in their Medical Sciences program on a pre-med track. She is thriving. Her being able to have those college credit hours already complete has allowed her to focus on her major classes. UPA provided her an environment to work on her social development as well, which has led to her being a much more confident student and individual all around.

Kim Alford



Union Pointe Academy  
642 Mt. Zion Road  
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### Parent Testimonial #5

This letter serves as a testimonial on how Union Pointe Academy (UPA) has positively impacted our family and my daughter's academic confidence & improvements. I don't fully understand the zoning process or the potential counter arguments to approving the request to rezone as a Public Facilities/Planned development property for a new UPA school to be built, but I do understand the academic void that UPA currently fills for so many families in Boone County and the potential for this type of school to expand and positively impact so many more students and families.

My daughter has suffered from epilepsy since she was an infant and she was also diagnosed (because of parents advocating for more answers) with dyslexia in 2019. Prior to transferring to UPA in 2021 as a 6<sup>th</sup> grader, she had attended a local Catholic school that did the best they could to try to meet her needs. Ultimately my daughter's attempts to try to keep up with the curriculum and to try to not stand out in her class as for being so far behind, destroyed her confidence and created an incredible amount of stress that we did not realize she had internalized until she transferred to UPA. We had her tested by Boone County schools and had almost considered transferring to the public school system, but we were so fortunate to have heard about UPA.

Within 3 months of being at UPA my daughter went from school-related anguish to asking me & my husband if we were going to send her to UPA for her 7<sup>th</sup> grade year. When I asked her if she wanted to attend UPA the following school year she immediately said yes. She would exit school days with a smile on her face instead of misery.

In meeting with teachers they kept me abreast of her progress and they noted how she went from no confidence to a consistent participant in class, improved organizational skills, improved independence in completing assignments and making great strides with her Orten-Gillingham program.

The teachers are incredibly dedicated to the advancement of each and every student at the school, and for all the right reasons to want to be a teacher and to have such an impact on these student's lives.

I have personally witnessed other parents break out into tears of joy while trying to explain the impact that UPA has had on their kid's life and their families as well.

I hope you will consider all the testimonials you receive and please allow UPA to build a standalone school on this property so they can expand not only in the number of students they can positively impact, but will also allow for more extracurricular involvement to supplement the stellar academic programs.

Thank you for listening.

Rebecca and Ralph Brothers (and Teagan)



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### Parent Testimonial #6

Union Pointe Academy has been a blessing to our family. This is our first year there and we are blown away at how much both of our boys have grown. They meet every child where they're at and work with them on their level. The teachers, admin etc take the time to get to know every child and find what works best for them. I've never seen a more caring group of teachers.

My youngest son is gifted and on the spectrum. He was bored and frustrated in public school. We knew he needed something different. After tons of research UPA was the only school in the area that caters to his needs. We chose UPA because they would allow him to work where he is academically and continue to challenge him to prevent him from being bored. It has been a huge game changer for my son!

Union Pointe Academy would be a great benefit for the city of Union. It is a school for gifted students, dyslexic students, traditional students...every child!

To quote my 10 year old: "UPA is the best school ever!"



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Parent Testimonial #7

I was excited to hear that Union Pointe Academy (UPA) is looking to expand and build their own building in Boone County. This school has literally been a life saver for our family. Our student came back to us after enduring abuse from a step family in another state where the situation had spiraled into darkness for our child: suspended twice in 3 months, their unanswered cries for help with the previous school guidance counselor left our student without hope. Through God's hand, our student was returned to us but was very broken mentally. We knew that public schools would do more harm. We needed a place for our child to heal that offered smaller teacher to student ratios, a love for the kids and a chance for our child to find hope again. UPA accepted our child. The road was not easy and there were many obstacles to cross. Ms. Stephanie, Ms. Tracy and each teacher worked diligently, devoting hours to make sure that our child received the love, patience and success needed so that his/her education could follow. I am proud to say that our child finished last year with all "A's" and is doing the same this year. This success and hope would never have been achieved in a public school. I have seen these teachers, Ms. Stephanie and Ms Tracy love these kids harder than most families do and shed real tears when my child has hurt reliving past trauma. They have given hope to a family when we thought all was hopeless. UPA has not only helped our student but has also helped our family and community. Our student is now volunteering in the community through animal shelters, homeless shelters, church work, and helping NKU with exchange students. UPA is a well rounded education with amazing values and tremendous employees. They have not only my support but my heart for giving us our student back whole.



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Parent Testimonial #8

Union Pointe Academy offers a unique and student focused education that emphasizes the individualized needs of each student. Our experience at this school has been nothing short of amazing. I have had the privilege and honor of witnessing, first hand, the transformative power of a dedicated and enthusiastic administrative and teaching staff. Each faculty member pours themselves into assisting every student in reaching academic excellence that is unique and individualized to their God given potential. They recognize that a class is made up of a myriad of individuals who have unique needs, challenges and strengths. They deliberately and consciously encourage and cultivate those strengths while working on and overcoming challenges as they create an atmosphere of confidence and compassion in their classrooms. They recognize that education is a lifelong process that does not cease at the end of the school day and they instill in their students a love of learning and an attitude of excellence! In a world where education often adopts a “one size fits all” approach, Union Pointe Academy stands out as an alternative for every family who desires a more individualized and unique approach to education for their child.



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### Parent Testimonial #9

I am writing this letter to inform you of the difference Union Pointe Academy has made in the life of my grandson, Caden. Caden is 10 years old and is currently in 4th grade at UPA. He has been diagnosed by Children's Hospital with an intellectual disability, and ADHD. He was evaluated at the age of 4 and again at age 8 with no change in the diagnosis.

In order to tell you the difference UPA has had in his life, I need to give you a brief history of where he was before landing at UPA.

Caden was in the First Steps program starting at around 18 months. He was enrolled in both private and public preschool from the age of 3. He has struggled with most things since birth. He was never on target with any of his developmental milestones. The simplest of tasks were always difficult for him.

Caden attended Taylor Mill Elementary from preschool until last year. He has struggled with his reading and math skills. We hired private tutors for Caden each year. However each passing year brought more and more frustration to him as he fell further and further behind. He is one of the children who "falls through the cracks". His IQ is just above qualifying for time in a special education class. Therefore, he received 45 minutes a day of resource time geared to meet his educational needs. The other 6 hours of the day he would sit in a regular classroom with peers of the same age. He was unable to work at the level his peers were, so he was given "busy" work, aka lots of coloring sheets. This is how school was for Caden from Kindergarten to 3rd grade. He has no behavioral problems. His teachers had commented that they would forget he was there. I watched a happy little boy who loved school and friends turned into a nervous, anxious, little boy who had lost his sense of self-worth. His peers who didn't understand his disability would tell him he was stupid and dumb. Unfortunately, if you're told something often enough you begin to believe it. His pediatrician had referred him to counseling at Children's Hospital to deal with his anxiety and depression.

We knew that we needed to find something different for Caden. We checked into a few different private schools but unfortunately they were unable to meet his educational needs due to his disability. We even checked into the Springer School in Cincinnati, even though the travel to and from would be extensive on a daily basis. Again, we were told they do not accept children with intellectual disabilities.



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Parent Testimonial #9, continued

Extended research brought us to UPA. After meeting with administrators we had a glimpse of hope. They explained that they would meet the child where they were currently at. After Caden's evaluation we enrolled Caden for the 2022-2023 school year. To say that UPA was an answer to our prayers is an understatement. In the 5 months he has been there his reading and math skills have improved. He is happy to go to school once again. His smile has returned and he is no longer having to go to counseling. Caden takes speech at Children's Hospital and his speech pathologist commented at his last session how much Caden's reading and speech have improved since switching schools.

In closing I would say UPA offers a much needed educational service for the children in this area. Every child needs to feel valued and appreciated for who they are and what they can contribute to this world. A larger school would help UPA to provide more children with a quality education and help them to live up to their full potential.

Sandy Kidwell  
Grandparent of UPA student



Union Pointe Academy  
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Parent Testimonial #10

Union Pointe Academy has been a life saver for our family. My twins each have what I would describe as a "Silent Disability". They were misunderstood and tossed aside. Union Pointe Academy has given them a home. A safe place to learn and grow. Schools servicing these types of disabilities are non-existent in Northern Kentucky.

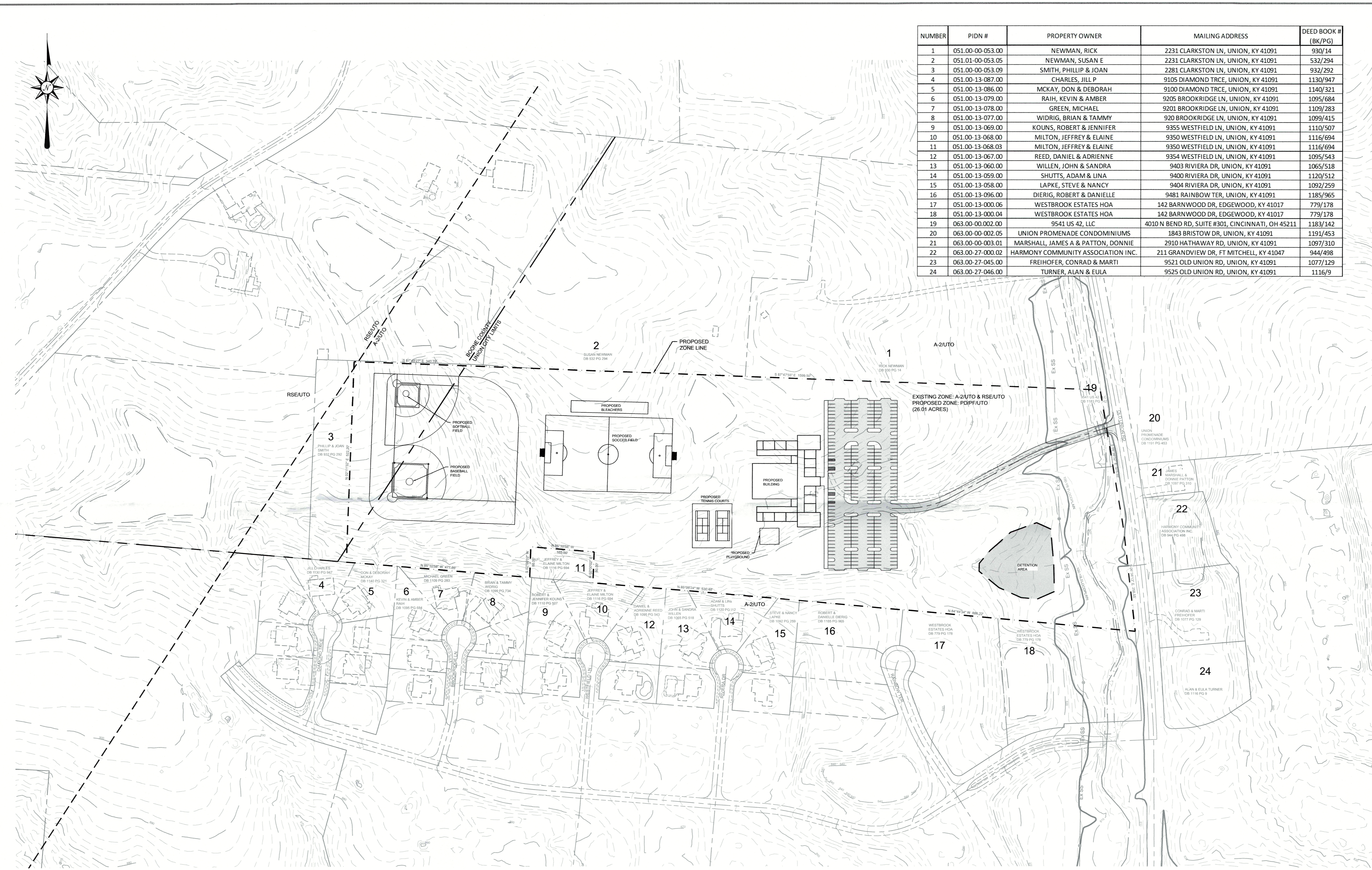
Union Pointe Academy will continue to grow and thrive within our community as the number of children in need keeps growing.

Thank you for your time,

Angela Perry



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NUMBER	PIDN #	PROPERTY OWNER	MAILING ADDRESS	DEED BOOK # (BK/PG)
1	051.00-00-053.00	NEWMAN, RICK	2231 CLARKSTON LN, UNION, KY 41091	930/14
2	051.01-00-053.05	NEWMAN, SUSAN E	2231 CLARKSTON LN, UNION, KY 41091	532/294
3	051.00-00-053.09	SMITH, PHILLIP & JOAN	2281 CLARKSTON LN, UNION, KY 41091	932/292
4	051.00-13-087.00	CHARLES, JILL P	9105 DIAMOND TRCE, UNION, KY 41091	1130/947
5	051.00-13-086.00	MCKAY, DON & DEBORAH	9100 DIAMOND TRCE, UNION, KY 41091	1140/321
6	051.00-13-079.00	RAH, KEVIN & AMBER	9205 BROOKRIDGE LN, UNION, KY 41091	1095/684
7	051.00-13-078.00	GREEN, MICHAEL	9201 BROOKRIDGE LN, UNION, KY 41091	1109/283
8	051.00-13-077.00	WIDRIG, BRIAN & TAMMY	920 BROOKRIDGE LN, UNION, KY 41091	1099/415
9	051.00-13-069.00	KOUNS, ROBERT & JENNIFER	9355 WESTFIELD LN, UNION, KY 41091	1110/507
10	051.00-13-068.00	MILTON, JEFFREY & ELAINE	9350 WESTFIELD LN, UNION, KY 41091	1116/694
11	051.00-13-068.03	MILTON, JEFFREY & ELAINE	9350 WESTFIELD LN, UNION, KY 41091	1116/694
12	051.00-13-067.00	REED, DANIEL & ADRIENNE	9354 WESTFIELD LN, UNION, KY 41091	1095/543
13	051.00-13-060.00	WILLEN, JOHN & SANDRA	9403 RIVIERA DR, UNION, KY 41091	1065/518
14	051.00-13-059.00	SHUTTS, ADAM & LINA	9400 RIVIERA DR, UNION, KY 41091	1120/512
15	051.00-13-058.00	LAPKE, STEVE & NANCY	9404 RIVIERA DR, UNION, KY 41091	1092/259
16	051.00-13-096.00	DIERIG, ROBERT & DANIELLE	9481 RAINBOW TER, UNION, KY 41091	1185/965
17	051.00-13-000.06	WESTBROOK ESTATES HOA	142 BARNWOOD DR, EDGEWOOD, KY 41017	779/178
18	051.00-13-000.04	WESTBROOK ESTATES HOA	142 BARNWOOD DR, EDGEWOOD, KY 41017	779/178
19	063.00-00-002.00	9541 US 42, LLC	4010 N BEND RD, SUITE #301, CINCINNATI, OH 45211	1183/142
20	063.00-00-002.05	UNION PROMENADE CONDOMINIUMS	1843 BRISTOW DR, UNION, KY 41091	1191/453
21	063.00-00-003.01	MARSHALL, JAMES A & PATTON, DONNIE	2910 HATHAWAY RD, UNION, KY 41091	1097/310
22	063.00-27-000.02	HARMONY COMMUNITY ASSOCIATION INC.	211 GRANDVIEW DR, FT MITCHELL, KY 41047	944/498
23	063.00-27-045.00	FREIHOFFER, CONRAD & MARTI	9521 OLD UNION RD, UNION, KY 41091	1077/129
24	063.00-27-046.00	TURNER, ALAN & EULA	9525 OLD UNION RD, UNION, KY 41091	1116/9

DEVELOPER: UNION POINTE ACADEMY  
7536 US HWY. 42, SUITE 6  
FLORENCE, KY 41042



ZONING MAP & ADJOINERS

PHASE 30  
**UNION POINTE ACADEMY**  
BOONE COUNTY, KENTUCKY

REVISIONS

NO.	DATE	BY	DESCRIPTION

DESIGN BY: KPB CHECK BY: RWE

SCALE: 1" = 120' DATE: JAN 2023

SHEET NUMBER:  
**C101**

PROJECT NUMBER:  
**2022-0827**



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January 3, 2023

Boone County Planning Commission  
2950 Washington Street, Room 317  
Burlington, Ky. 41005

Re: Union Pointe Academy Zone Change

The attached submittal is for a zoning map amendment request for the property owned by Robert J. Lightner at 9486 Old Union Road. The existing zoning for this property is A-2/UTO and RSE/UTO and consists of approximately 26 acres. The proposed zoning map amendment is for the full 26-acre property to be changed to a PD/PF/UTO for a proposed school for K-12<sup>th</sup> grade as well as sporting facilities (soccer field, baseball and softball fields, and tennis courts). This school, parking facilities, and sports facilities are to be built in multiple phases. The first phase will consist of the construction of the first phase of the school building as well as the soccer field, baseball field and softball field. The maximum occupancy for the school, including future phases, will be 500 students. We request this zoning map amendment on the basis that this use meets the goals and objectives of the Boone County Comprehensive Plan and 2000 Union Town Plan. Please accept the application for review.

Thanks,

A handwritten signature in black ink, appearing to read 'K. Boerger', with a long horizontal flourish extending to the right.

Kevin Boerger, P.E.  
Project Manager

## **Union Pointe Academy**

Union Pointe Academy is already included in the Our Boone County Plan 2040. Union Pointe Academy is currently operating out of Florence Baptist Church and is looking to operate their own school building to better service the students and continue its growth of students with the growth of Boone County.

The Union Pointe Academy is planned to be a full K to 12 school located on a 26-acre campus. The school will include classrooms for students from 1<sup>st</sup> grade through the 12<sup>th</sup> grade with supporting facilities including a playground, gymnasium, soccer field, tennis courts and a baseball and softball complex. The school anticipates a capacity of 500 students and will be developed in multiple phases. The school building be built in phases, will be 2 or 3 stories with an ultimate size of approximately 55,000 square feet and the playground, 16,000 square foot gymnasium, soccer, baseball, and softball sports facilities. There will be no lighting on the sports fields as games will be played during the daytime.

The parking lot is to be built in multiple phases along with any phases/expansion of the school building. The parking lot is to be used for the students as well as any parking needed during sporting events at the school. A drive aisle will be available for student drop off and allow looping through the parking lot to exit. No overlap is expected from school activities and sporting events. All expansions of the parking lot will accommodate Boone County regulations for parking requirements.

## **Union Pointe Academy**

### **PD/PF/UTO Zoning**

The applicant is requesting a PD/PF/UTO Zoning to enable the more efficient use of the site. The intensity of the fully developed site will include a 55,000 square foot school building and a 16,000 square foot gymnasium any other use will be athletic and recreational uses.

The 26-acre campus will remain mostly open with the flood way along Fowler Creek remaining undisturbed. The existing stand of trees located along the south property line and adjacent to the lots on Diamond Trace and Brookridge Lane will be retained for a depth of 30 feet.

The architectural design of the school is currently underway and not finalized. The final building design will be compatible with current school design standards.

The primary signage will be building mounted, and any monument style signage will be designed to visually correlate with the architectural design of the school building.

This proposed school is in compliance with the Comprehensive Plan as states: "Private schools ease part of the pressure placed on the public schools as new residents come into the county. As the county continues to grow, new private schools can be expected to emerge." and "This plan encourages these schools as long as they meet or surpass the standards of public schools. These schools can be expected to be built in conjunction with religious institutions." (Pages132-133)





MEMO TO FILE

FROM: Michael D. Schwartz, Manager, Zoning Services  
DATE: July 5, 2023  
SUBJECT: Union Pointe Academy Zoning Map Amendment (R-23-014-D)

Union City Commission and the Boone Fiscal Court did not take action to override the recommendation of disapproval by the Boone County Planning Commission.

Pursuant to KRS 100.211(2)(i), the recommendation of denial by the Planning Commission has become final and effective.