

**CONCEPT DEVELOPMENT PLAN  
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. Type of review (check one):
  - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
  - Change in an Approved Concept Development Plan
  - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
  - Long Range Planning Committee Review (as stated in the Union Town Plan)
  - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
  - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
  - Zoning Administrator Review (as stated in the Mall Road District Study)
  - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
2. Name of Project: Union Marketplace Lot 3D
3. Location of Project: 8901 US 42, Florence, KY
4. Total Acreage of Project: 2.88
5. Current Zoning of Property: C-2/PD/CD
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable): 2/6/23
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: \_\_\_\_\_
8. Proposed Use(s) (specify each use):  

Eating and Drinking Establishments (Dewey's Pizza and Braxton Brewing Company) and principally permitted uses as passed by City of Union ordinance 2018-04 *Addition will be Retail/Service/Office*
9. Proposed Building Intensities (specify for each building):  

Dewey's/Braxton/Addition = 10,500 g.s.f. Acres = 2.88
10. Have you submitted a Concept Development Plan:  Yes  No
11. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
12. Current Owner: Kentucky42, LLC  
Address: 510 Graves Ave Ste 207  
Eranger KY 41018  
City State Zip Code  
Phone Number: 859 801-1773 Fax Number: \_\_\_\_\_  
Email: drees@terraceholdings.com
13. Applicant: Philip Drees

510 Graves Ave Ste 207

Address: \_\_\_\_\_  
Erlanger KY 41018  
City State Zip Code

Phone Number: 859 801-1773 Fax Number: \_\_\_\_\_

Email: drees@terraceholdings.com

14. Are there any existing buildings on the site:  Yes  No  
If yes, indicate how many: \_\_\_\_\_

15. 1206 201 5757 2017  
Deed Book Page Number Group Number

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

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

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- Boone County Building Department
- Boone County Public Works Department
- Boone County Water District
- Cincinnati Bell
- Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport)
- Duke Energy
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- Kentucky Division of Water
- Kentucky Transportation Cabinet
- Local Fire District
- Local School District
- Northern Kentucky Health Department
- Owen Cooperative Electric, Inc.
- Sanitation District No. 1
- USDA NRCS/Boone County Conservation District
- Other: \_\_\_\_\_

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

19. 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 May 16, 2024

Property Owner's Signature: Kentucky 42 LLC Paul Drees  
By: Terrace Holdings, LLC Member

Applicant's Signature: Paul Drees

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

1. Date Received: 2/22/24 Fee Received: \$ 2373.00 Receipt #: 89993
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: 4/13/2024
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: 5/1/2024
  - \_\_\_\_\_ Approved
  - \_\_\_\_\_ Approved with Conditions
  - \_\_\_\_\_ Denial
  - \_\_\_\_\_ Other

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

# EXHIBIT

“A”

## STAFF REPORT

#1

Request of **Kentucky 42, LLC, per Phillip Drees (applicant/owner)** for a Change of Concept Development Plan for an approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive, and having a Parcel Identification Number (PIDN) of 063.00-29-003.04, Union, Kentucky, which is currently zoned Commercial Two/Planned Development (C-2/PD). The submitted request is to allow the construction of a 2,200 square foot building for a retail, service, or office use.

April 3, 2024

### REQUEST

- A. The request is for a Change in an Approved Concept Development Plan for an approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive. The proposal is to construct a 2,200 square foot building immediately southeast of the proposed Braxton/Dewey's building.

### SITE HISTORY

- 2014 On April 13, 2014, Union City Commission adopted Ordinance Number 2014-004 approving a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Commercial Two/Planned Development (C-2/PD) for a 35.25-acre site. The approved Concept Development Plan showed the following improvements (R-14-003-D):
- a. 22.53-acre site with a 136,000 square foot Kroger Marketplace, 8,000 square foot liquor store, fuel center, and 730 parking stalls. Access to site is shown from a private driveway network that connects to US 42 in two locations. The first location is directly opposite Old Union Road and the second is directly opposite Fowlers Lane.
  - b. A 7.99-acre outlot area in the northeastern portion of the site.
  - c. 4.73-acre outlot area between the access points.
- 2017 On February 13, 2017, the Boone County Planning Commission approved a Final Plat for Union Marketplace, creating Lot 3. The site in question is located within this lot.
- 2018 On May 21, 2018, Union City Commission adopted Ordinance Number 2018-04 approving a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 7.853-acre site and a 4.8589-acre site which includes the area under review as part of this submittal. The request allowed modifications to the Union Kroger Marketplace outlot uses and standards relative to building materials and parking requirements (R-18-002-A).
- 2018 On November 1, 2018, the Boone County Planning Commission approved a Final Plat for Union Marketplace – Re-Plat of Lot 3, creating the lot under review.
- 2022 On September 12, 2022, Union City Commission adopted Ordinance Number 2022-18 approving a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 2.78 acre portion of the site under review. The request was for an eating and drinking establishment

(Graeter's) (R-22-020-A).

- 2023 On February 22, 2023, Union City Commission adopted Ordinance Number 2023-05 approving a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 5.7 acre area, including the site under review. The request was to allow two additional eating and drinking establishments (Braxton and Dewey's), a central plaza area, and interconnected parking facilities (R-23-001-A).

#### APPLICABLE REGULATIONS

- A. Section 311.A of the Boone County Zoning Regulations states that Major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in this Article. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.
- B. 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 district. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria 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 district (formerly called a "Utilization of an Underlying District Within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.
- C. Section 1002.A of the Boone County Zoning Regulations states that the purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces."

#### EXISTING CONCEPT DEVELOPMENT PLAN

- A. The existing approved Concept Development Plan indicates the following:

1. Construction of a two-story building:
  - a. 8,086 square foot first floor
  - b. 1,688 square foot mezzanine
  - c. 1,443 square feet terrace
2. Provision for an activity lawn area.
3. Provision for a beer garden/plaza between the proposed building and the Graeter's building.
4. An off street parking area, interconnected with the parking area for Graeter's.
5. Access from a shared driveway with Graeter's and Wings and Rings.
6. Provision for a free standing decorative beer silo.
7. Provision for the following signage:
  - a. An approximate 73 square foot building mounted sign on the south building façade for Dewey's Pizza.
  - b. An approximate 48 square foot building mounted sign on the south building façade for Braxton Brewery.
  - c. An approximate 25 square foot building mounted sign on the east building façade for a Dewey's Pizza logo.
  - d. An approximate 374 square foot wall mural on the west building façade for Braxton Brewery.
  - e. An approximate 125 square foot wall mural on the north building façade for Braxton Brewery.

#### SITE CHARACTERISTICS

- A. The approximate 2.88 acre site is located along the south and west sides of US 42 Highway, north of Graeter's and Wings and Rings.
- B. The site is currently vacant.
- C. Access to the site is currently provided from a private driveway currently serving Graeter's and Wings and Rings.
- D. The topography of the site is relatively flat.
- E. A one hundred (100) foot wide overhead utility easement bisects the proposed development area.

#### ADJACENT LAND USES AND ZONING

North: US 42, Wendy's (UC/PD)

South: Union Kroger Marketplace (C-2/PD)

East: Boone County Library (PF)

West: Graeter's and Wings and Rings (C-2/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

A. Our Boone County Plan 2040 designates the site for Commercial uses which is described as Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

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

1. 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).
2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
3. 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 3).
4. 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 4).
5. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
6. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
7. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
8. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
9. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

C. The following is an excerpt from Our Boone County Plan 2040:

1. The U.S. 42 corridor should experience commercial growth on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip type commercial (Land Use, Description and Purpose of Land Use Maps, 20 Union, page 137).

D. The following is an excerpt from Our Boone County Plan 2040:

1. 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).

2. 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).
- E. US 42 is identified as a state maintained arterial street providing for two-way traffic within five driving lanes (two lanes in each direction with a center left turn lane). Sidewalks are provided along both sides of the roadway.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:

1. Construction of a two-story, 8,138 square foot building to be occupied by Braxton and Dewey's.
  2. Construction of a 2,200 square foot building to be occupied by a retail, service, or office use.
  3. Provision for an activity lawn area.
  4. Provision for a beer garden/plaza between the proposed buildings and the Graeter's building.
  5. An off street parking area, interconnected with the parking area for Graeter's.
  6. Access from a shared driveway with Graeter's and Wings and Rings.
  7. Provision for a free standing monument sign along US 42.
  8. Provision for a driveway connection between the site and the Kroger lot.
  9. A pedestrian connection between the site and the library site.
- B. The primary differences between the existing approved Concept Development Plan and the proposed Concept Development are as follows:
1. The new concept plan includes the development of a 2,200 square foot building.
  2. The new concept plan includes a driveway connection between the site and the Kroger lot.
  3. The new concept plan includes a pedestrian connection between the site and the library site.
  4. The new concept plan includes a free standing monument sign along US 42.

#### STAFF CONCERNS

- A. The existing approved Concept Development Plan includes the following conditions:
1. The developer and/or property owner shall approach the Boone County Library to determine if they are interested in constructing a pedestrian connection (sidewalk, stairs) to the Schebben branch. The owner/developer shall pay for all improvements located on the outlot property and the Library's decision shall be furnished to the Boone County Planning Commission in writing.
  2. There shall be a pedestrian connection between the proposed development and the existing sidewalk along US 42.
  3. The developer and/or property owner shall approach Kroger to determine if they are interested in a shared parking agreement and Kroger's decision shall be furnished to the Boone County Planning Commission in writing.
  4. There shall be no message placed on the proposed silo.
  5. All roof mounted mechanical equipment shall be screened from public rights-of-way and from all adjoining residential properties.
  6. Building mounted signage shall not exceed the overall allowed sign area requirements for all building façades.
  7. There shall be no outside storage of materials, pallets, kegs, barrels, refuse, etc.

8. The design of the dumpster enclosure shall meet the minimum requirements of the zoning regulations.
9. Vehicular use area landscaping shall meet the minimum requirements of the of the zoning regulations.
10. Perimeter landscaping plant material shall meet the minimum requirements of the zoning regulations, except as modified by the proposed variance.
11. Vehicular access shall be provided from the site in question to the Kroger development via the existing curb stub located to the north of the Kroger building.
12. Parking lot light fixtures shall be consistent in type and height as those used on the Graeter's site.

With the exception of conditions 1, 2, and 11, which are reflected on the submitted concept plan, all other conditions should be carried forward if this application is to be approved.

#### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Union City Commission in terms of Articles 3 and 15 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

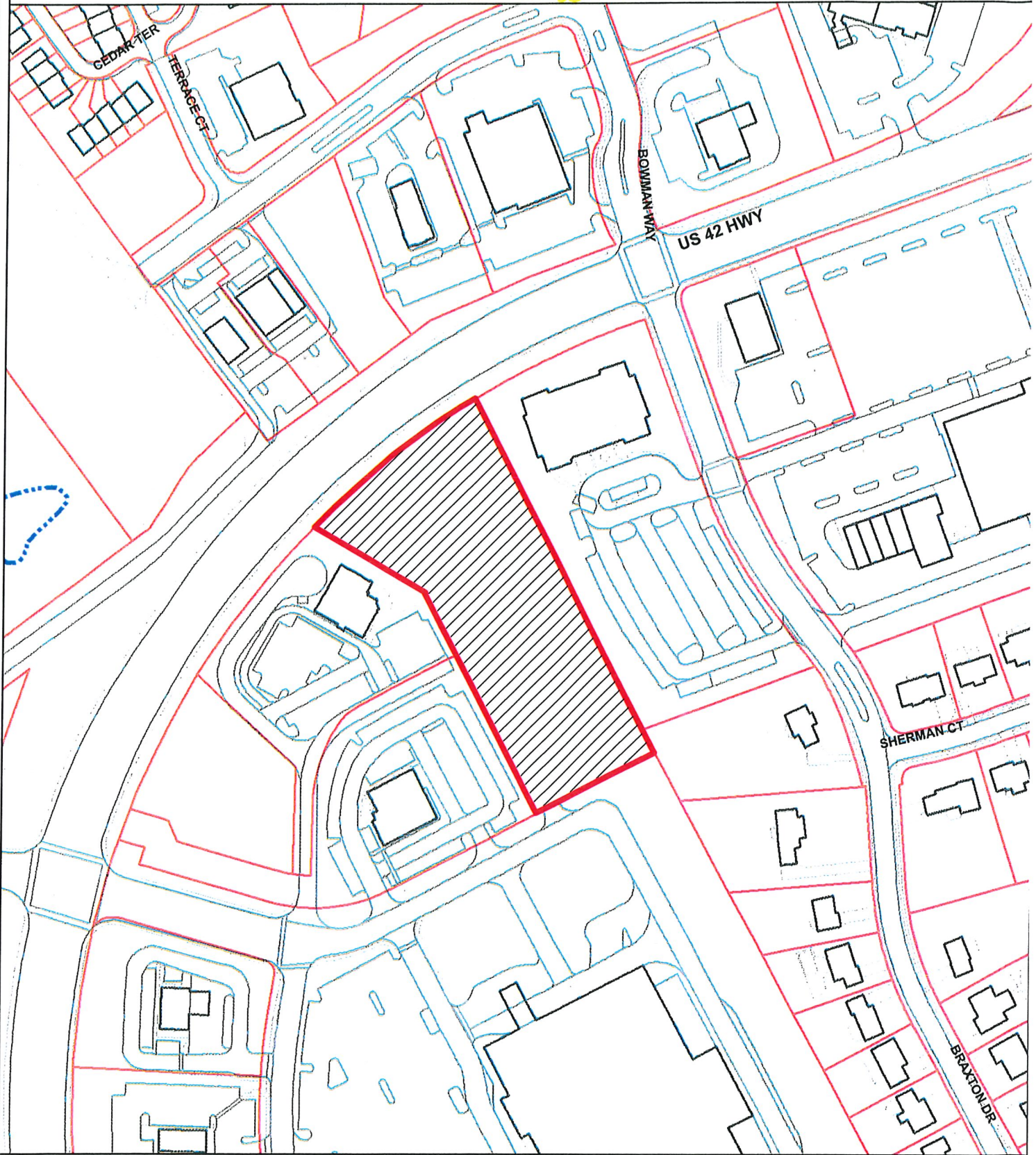
MDS/ss

#### Attachments:

- \*Vicinity Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Existing Approved Concept Development Plan
- \*Application
- \*Project Narrative
- \*Concept Development Plan

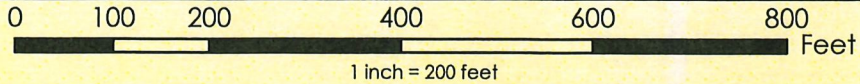
# Vicinity Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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



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

Map Created: xx/xx/2021

Rich P...  
ArcMap Document: \*.mxd

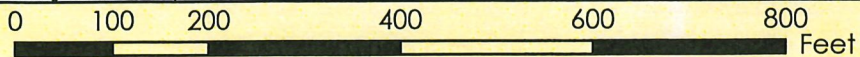
# Zoning Map

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1 inch = 200 feet



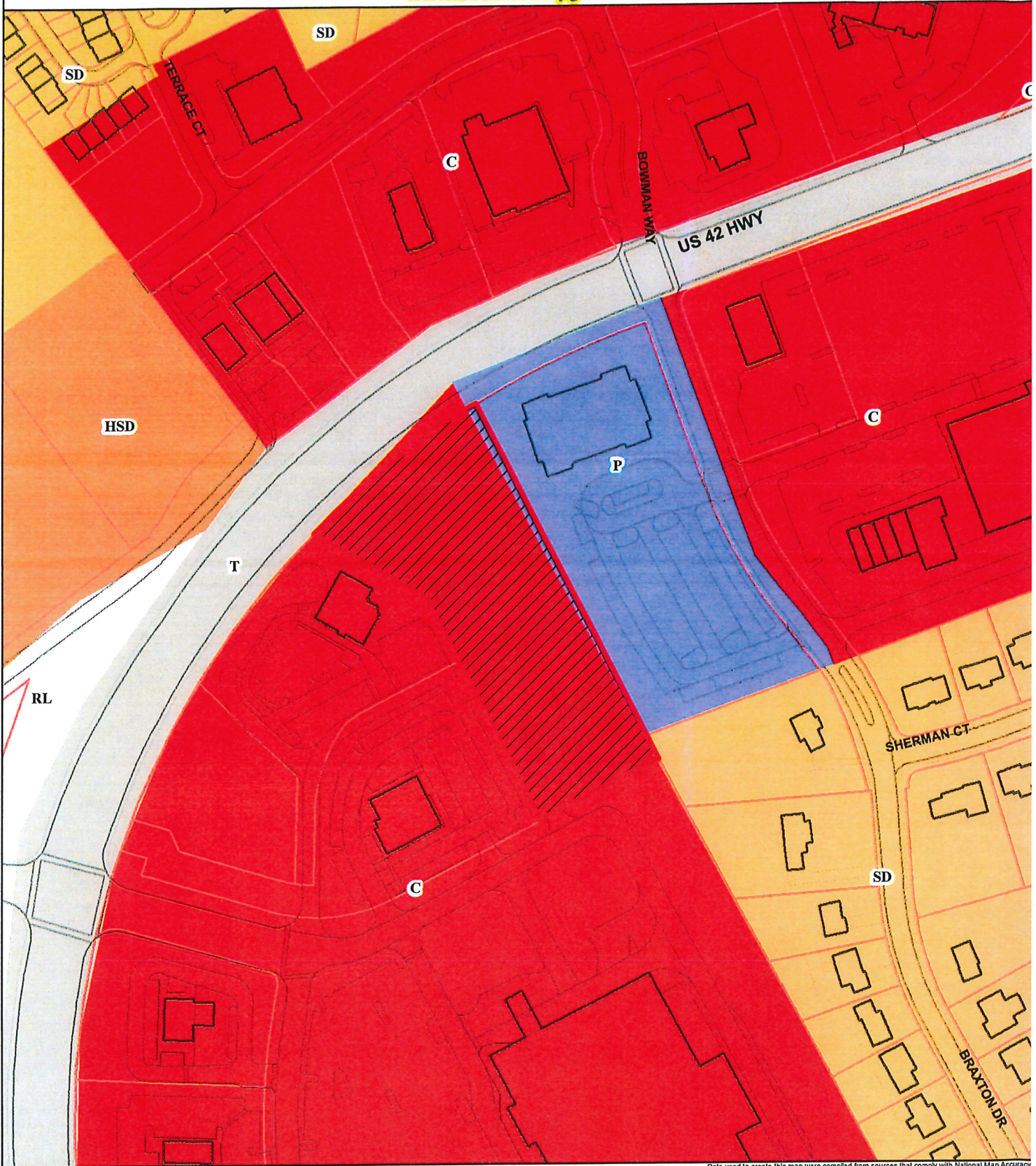
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2021

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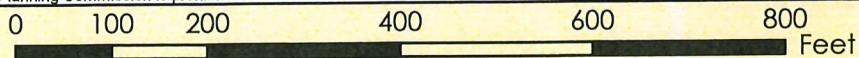
# 2040 Future land Use Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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Map Created: xx/xx/2021

Boone County GIS  
ArdMap Document: \*.mxd















**TILSLEY**  
**ARCHITECTS**  
 1000 W. MARKET ST., SUITE 100  
 CINCINNATI, OHIO 45202  
 TEL: 513.251.1111 FAX: 513.251.1112

New Development For:  
**DEWEY'S / BRAXTON**  
 UNION KENTUCKY  
 KY 41091



CONSET ENGINEERING, P.L.L.C.  
 1000 W. MARKET ST., SUITE 100  
 CINCINNATI, OHIO 45202

DATE:	12/31/2012
PROJECT NAME:	DEWEY'S / BRAXTON
PROJECT NUMBER:	
DATE:	
BY:	
REVISED:	
DATE:	
BY:	
REVISED:	

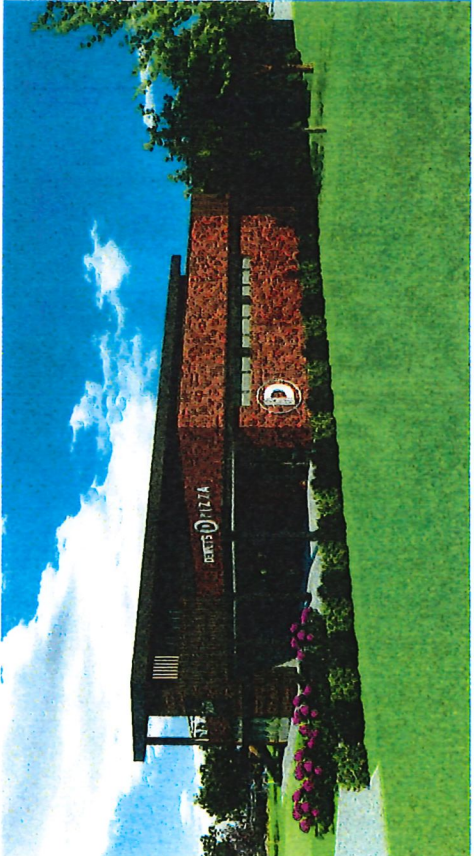
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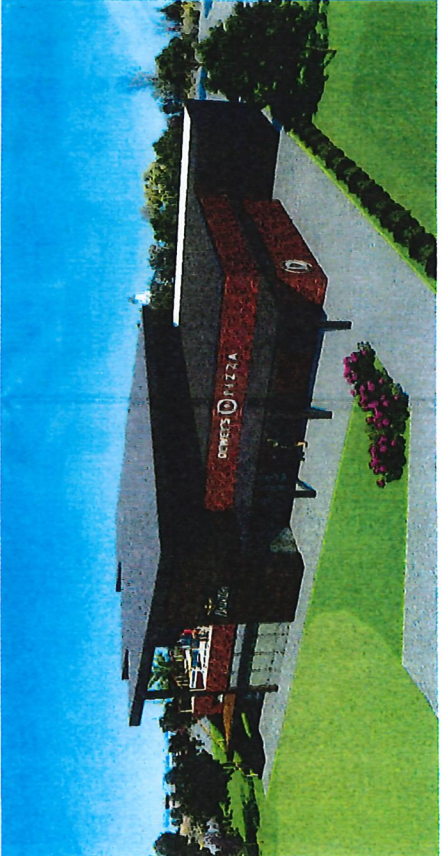
PERSPECTIVE FROM US42, LOOKING EAST



PERSPECTIVE FROM US42, LOOKING SOUTH-WEST

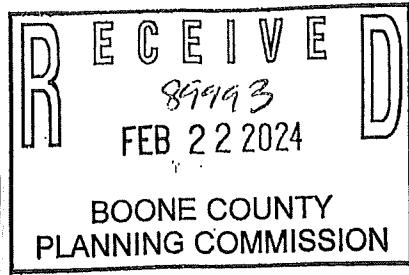


PERSPECTIVE FROM PROPOSED PARKING LOT



AERIAL VIEW LOOKING NORTH





**CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION**

Seven (7) copies of submitted drawings are required

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Deed Book Page Number Group Number

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Property Owner's Signature: Kentucky 42 LLC Paul Drees  
By: TERRACE Holdings, LLC MEMBER

Applicant's Signature: Paul Drees

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

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8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: \_\_\_\_\_
  - \_\_\_\_\_ Approved
  - \_\_\_\_\_ Approved with Conditions
  - \_\_\_\_\_ Denial
  - \_\_\_\_\_ Other

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



# TERRACE HOLDINGS

DREES • CHANEY

## PROJECT NARRATIVE

The Dewey's Pizza and Braxton Brewery building site is located on the Northwest portion of the Kroger Marketplace PD or Lot 3D of the Union Marketplace replat of lot 3 as shown on the attached site plan. The project was originally approved along with the newly built Graeter's project but has since split off from that parcel into its own 2.88 acre parcel.

The scope of the project for the Dewey's and Braxton building site has not change but this application is seeking to expand the footprint of the building by 2,200 square feet and add to the tenant mix that surrounds the common space that is shared by Dewey's, Braxton and Graeter's. In addition, signage is being requested as the previous approved concept did not incorporate an option for a monument sign to be located towards US42. We would like to replicate a sign design from one of the existing designs already being used along the US42 corridor. The importance of this signage is more for the expansion space's future tenant exposure as they will have very limited visibility towards US42.

The following documents represent the following changes from the approved concept development plan:

**Site Plan:** showing building expansion, updated intensity, parking requirements, impervious surface, landscape area and monument signage location.

**Building Elevations:** Updated renderings of the building elevations and monument signage

**Monument sign:** Picture elevations of monument sign

**Adjacent Property Owners:** Updated list of adjoining property owners

**Legal Description:** Legal description of Lot 3D of the replat of the replat of Lot 3 Union Marketplace Subdivision.



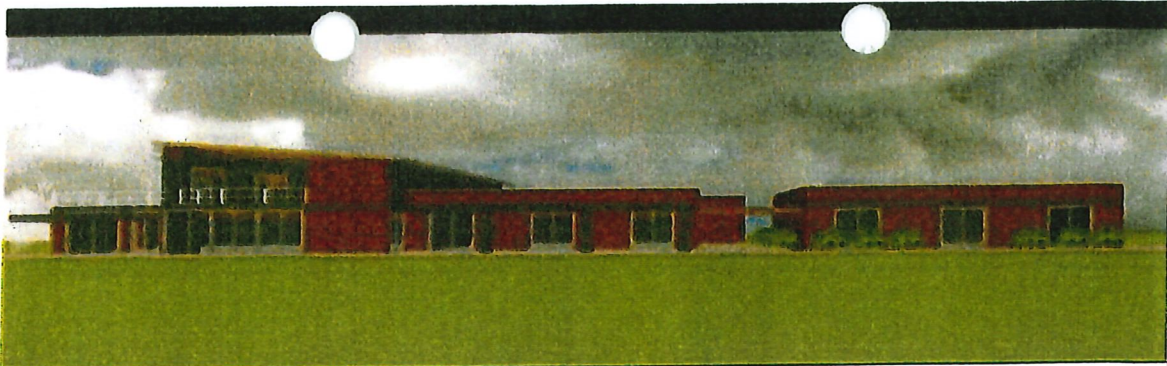
Braxton/Dewey Building

Expansion

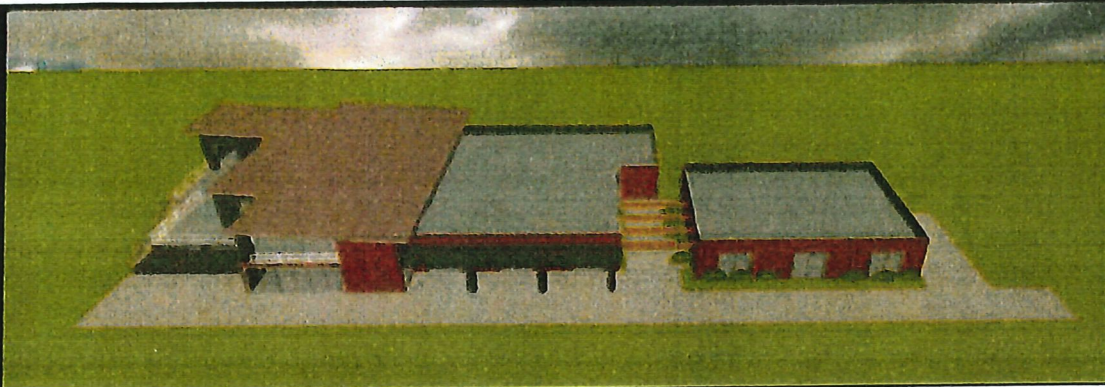
Graeler's

Buffalo's Wings & Rings

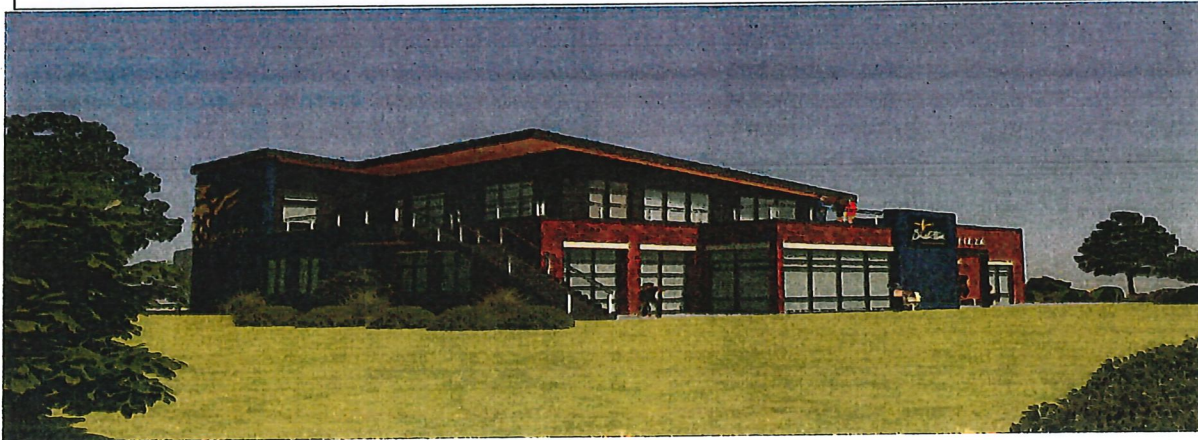




**Perspective from Parking Lot Looking North**



**Aerial View Looking North**



**Perspective from US 42 Looking East**



**Perspective from US 42 Looking South-West**



**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Steve Harper, Chairman

**DATE:** May 1, 2024

**RE:** Request of Kentucky 42, LLC, per Phillip Drees (applicant/owner) for a Change of Concept Development Plan for an approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive, and having a Parcel Identification Number (PIDN) of 063.00-29-003.04, Union, Kentucky, which is currently zoned Commercial Two/Planned Development (C-2/PD). The submitted request is to allow the construction of a 2,200 square foot building for a retail, service, or office use.

**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 approval of the above referenced Change in an Approved Concept Development Plan based on the following findings of fact:

**FINDINGS OF FACT:**

1. The Committee concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
  - a. The 2040 Future Land Use Map designates the site for Commercial (C) uses. This future land use classification is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." (pg. 98).

The submitted plan indicates the development of a 2,200 square foot building for a retail, service, or office use.

- b. The Land Use Element contains the following passage:

"The U.S. 42 corridor should experience commercial growth on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip type commercial" (Land Use, Description and Purpose of Land Use Maps, 20 Union, page 137).

The submitted plan indicates: (1) the development of a 2,200 square foot building for a retail, service, or office use; (2) access via internal driveways of

Kroger Marketplace; and (3) a design that is compatible with and integrated with the adjacent Graeter's development.

2. The proposal is in agreement with the following Goals and Objectives:
  - a. 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).
  - b. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  - c. 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 3).
  - d. 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 4).
  - e. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
  - f. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
  - g. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  - h. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
  - i. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

The submitted plan will allow for an integrated entertainment complex with coordinated access, parking, and exterior amenities.

3. The Committee concluded the requested proposal is in agreement with the mixed use/pedestrian orientation, compatibility of uses, landscaping, architecture, and signage Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations.
4. The Committee concluded that the requested proposal is consistent with the action taken by Union City Commission on February 22, 2023 in their adoption of Ordinance Number 2023-05.
5. The Committee concluded that the proposed free-standing sign along US 42 is appropriate, provided that it was consistent with other free-standing signage along the same side of US 42.

6. The Committee concluded that those conditions that were part of Ordinance Number 2023-05 that are not reflected on the submitted Concept Development Plan should be carried forward as part of this action.
7. The Committee concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the conditions:
  1. The developer and/or property owner shall approach Kroger to determine if they are interested in a shared parking agreement and Kroger's decision shall be furnished to the Boone County Planning Commission in writing.
  2. There shall be no message placed on the proposed silo.
  3. All roof mounted mechanical equipment shall be screened from public rights-of-way and from all adjoining residential properties.
  4. Building mounted signage shall not exceed the overall allowed sign area requirements for all building façades.
  5. There shall be no outside storage of materials, pallets, kegs, barrels, refuse, etc.
  6. The design of the dumpster enclosure shall meet the minimum requirements of the zoning regulations.
  7. Vehicular use area landscaping shall meet the minimum requirements of the of the zoning regulations.
  8. Perimeter landscaping plant material shall meet the minimum requirements of the zoning regulations, except as modified by the proposed variance.
  9. Parking lot light fixtures shall be consistent in type and height as those used on the Graeter's site.
  10. The proposed free-standing sign along US 42 shall:
    - a. Be limited to a monument sign.
    - b. Not exceed eight (8) feet in height.
    - c. Not have a sign area greater than fifty (50) square feet.
    - d. Not have an electronic message board/panel.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Braxton/Dewey's

May 1, 2024

Page 4

- e. Have a base that matches the predominant building material of the principal structure.

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.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
APRIL 3, 2024  
7:30 P.M.**

---

Chairman Rolfsen opened the Public Hearings at 7:35 p.m. and welcomed the audience to the Planning Commission's April 3, 2024 Public Hearings.

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Kathy Clark  
Mr. David Hincks  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning  
Mr. Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the first item on the Agenda:

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

1. Request of **Kentucky 42, LLC, per Phillip Drees (applicant/owner)** for a Change of Concept Development Plan for an approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive, and having a Parcel Identification Number (PIDN) of 063.00-29-003.04, Union, Kentucky, which is currently zoned Commercial Two/Planned Development (C-2/PD). The submitted request is to allow the construction of a 2,200 square foot building for a retail, service, or office use.

Staff member, Michael Schwartz, referred to his PowerPoint presentation (see Staff Report). The approximate 2.9 acre site is located south and west of US 42 and north of Graeter's and Wings & Rings. On February 22, 2023, the City of Union approved a Change in Concept Development Plan to allow a combined development of a Braxton's Brewery and a Dewey's Pizza store. The full site history can be found on pages 1-2 of the Staff Report. The site has a 100 foot utility easement that bisects the site. Page 2 of the Staff Report shows the pertinent sections of the zoning code. The Future Land Use Map designates the site for Commercial (C) use. Mr. Schwartz showed photographs of the site. He showed the currently adopted Concept Development Plan. The new Concept Development Plan includes a new 2,200 square foot building next to Braxton's Brewery/Dewey's Pizza building. The applicant is proposing retail, service or an office use in the new building. There will be a driveway connection to the Kroger parking lot. In addition, a pedestrian connection is being planned to the library site. A new free-standing sign is proposed along US 42 advertising the 3 businesses. Page 6 of the Staff Report lists the conditions that applied with the 2023 approval. These should be carried forward should the Board decide to recommend approval of the change. They are still applicable. In summary, it is a similar proposal but with two major changes – a building addition and a new monument sign. The addition is not physically attached to the other building. It is connected by a pergola system. There is a pedestrian gap between the two. The Braxton's building has a mezzanine level and Dewey's Pizza is a single story use.

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

Mr. Adam Chaney, partner and applicant, stated that he was representing Phil Drees who was in Florida.

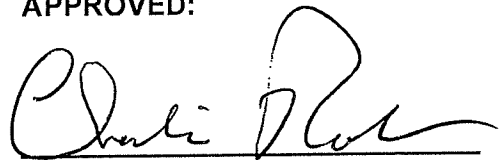
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions? Seeing no one, Mr. Chaney offered to show a few slides of the proposed project. He worked with Graeter's and Dewey's Pizza previously in West Chester. He showed images of the West Chester location. The 2,200 square foot addition is for Oberer's Florist. The Union project will be very similar to the one in West Chester. Over 70% of their business is online with a lot of deliveries.

Chairman Rolfsen asked if the Commissioners had any questions or comments?

Mr. Lunnemann asked if the applicant was going to put any tables and chairs in the pergola area? Mr. Chaney responded no since there wasn't much room to do so. There is a larger area near Braxton's that they will use for events and outdoor seating. The area will have removable items located there. There won't be anything permanent. It could have more temporary uses like ice skating in the winter.

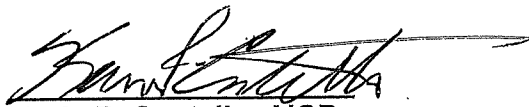
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on May 1, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:49 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

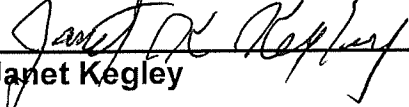
DATE: April 17, 2024

REMARKS:

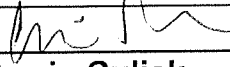
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Michael Schwartz, Staff**

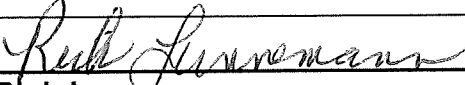
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Janet Kegley

For Project  Absent   
Against Project   
Abstain  Deferred

  
Corrin Gulick

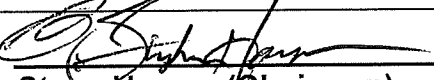
For Project  Absent   
Against Project   
Abstain  Deferred

  
Rick Lunnemann

For Project  Absent   
Against Project   
Abstain  Deferred

\_\_\_\_\_  
Kathy Clark (Alternate)

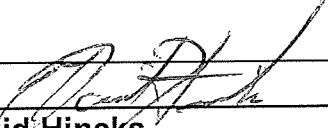
For Project  Absent   
Against Project   
Abstain  Deferred

  
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    3 FOR PROJECT     ABSENT  
           AGAINST PROJECT     ABSTAIN

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
APRIL 3, 2024  
7:30 P.M.**

---

Chairman Rolfsen opened the Public Hearings at 7:35 p.m. and welcomed the audience to the Planning Commission's April 3, 2024 Public Hearings.

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Kathy Clark  
Mr. David Hincks  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning  
Mr. Steve Lilly, PLS, GISP, Planner

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Staff member, Michael Schwartz, referred to his PowerPoint presentation (see Staff Report). The approximate 2.9 acre site is located south and west of US 42 and north of Graeter's and Wings & Rings. On February 22, 2023, the City of Union approved a Change in Concept Development Plan to allow a combined development of a Braxton's Brewery and a Dewey's Pizza store. The full site history can be found on pages 1-2 of the Staff Report. The site has a 100 foot utility easement that bisects the site. Page 2 of the Staff Report shows the pertinent sections of the zoning code. The Future Land Use Map designates the site for Commercial (C) use. Mr. Schwartz showed photographs of the site. He showed the currently adopted Concept Development Plan. The new Concept Development Plan includes a new 2,200 square foot building next to Braxton's Brewery/Dewey's Pizza building. The applicant is proposing retail, service or an office use in the new building. There will be a driveway connection to the Kroger parking lot. In addition, a pedestrian connection is being planned to the library site. A new free-standing sign is proposed along US 42 advertising the 3 businesses. Page 6 of the Staff Report lists the conditions that applied with the 2023 approval. These should be carried forward should the Board decide to recommend approval of the change. They are still applicable. In summary, it is a similar proposal but with two major changes – a building addition and a new monument sign. The addition is not physically attached to the other building. It is connected by a pergola system. There is a pedestrian gap between the two. The Braxton's building has a mezzanine level and Dewey's Pizza is a single story use.

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

Mr. Adam Chaney, partner and applicant, stated that he was representing Phil Drees who was in Florida.

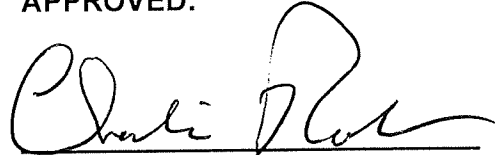
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Chairman Rolfsen asked if the Commissioners had any questions or comments?

Mr. Lunnemann asked if the applicant was going to put any tables and chairs in the pergola area? Mr. Chaney responded no since there wasn't much room to do so. There is a larger area near Braxton's that they will use for events and outdoor seating. The area will have removable items located there. There won't be anything permanent. It could have more temporary uses like ice skating in the winter.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on May 1, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:49 p.m.**

**APPROVED:**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
MAY 1, 2024  
7:00 P.M.**

---

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's May 1, 2024 Business Meeting. Mr. Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mr. David Hincks  
Mrs. Janet Kegley  
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:**

Mr. Rick Lunnemann  
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  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. Steve Lilly, GISP, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the April 17, 2024 Business Meeting and Public Hearing. He asked if there were any comments or corrections?

**Mr. Szurlinski moved to approve the Minutes as presented. Mr. Hincks 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 April 4, 2024 and May 1, 2024.

**EXPENSES:**

Accounting Fees	919.00
Attorney Fees	5,693.75
Consultant/Professional Svcs Fees	4,512.75
Legal Ads/Recruitment	548.85
Miscellaneous Expense	158.00
Office & Board Meeting Supplies	1,656.06
Office Equipment / Expense	324.97
Postage Expense	1,000.00
Printing/Pub/Dues/Subscriptions	57.00
Professional Development	<u>823.02</u>

**TOTAL: \$ 15,693.40**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 6,865.60
Health/Dental/Life/LTD	18,316.93
Retirement – BCPC Portion	21,839.71
Salaries – Staff Expenses	94,497.44
Salaries – BCPC & BOA	<u>1,745.00</u>

**TOTAL: \$ 143,570.25**

**GRAND TOTAL: \$ 159,263.65**

Ms. Gulick 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. Mrs. Kegley seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

**ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Michael Schwartz, Staff**

1. Request of **Bayer Becker Engineers, per Jay Bayer (applicant) for Toebben Limited (developer) and Russell W. Markesbery (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow the site in question to be incorporated into the Rivers Pointe Estates development.

Mr. Bessler left the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment. The proposed Conditions are taken verbatim from the previous 2010 action.

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

Mr. Jay Bayer, applicant, stated that he had nothing to add.

Seeing no further comment, **Mrs. Kegley moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment based upon the Committee Report, Findings of Fact and Conditions. Ms. Goetting seconded the motion and it passed unanimously.**

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Michael Schwartz, Staff**

2. Request of **Kentucky 42, LLC, per Phillip Drees (applicant/owner)** for a Change of Concept Development Plan for an approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive, and having a Parcel Identification Number (PIDN) of 063.00-29-003.04, Union, Kentucky, which is currently zoned Commercial Two/Planned Development (C-2/PD). The submitted request is to allow the construction of a 2,200 square foot building for a retail, service, or office use.

Mr. Bessler returned to the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and 10 Conditions, some of which were from the previous application for the Change in Concept Development Plan. Two deal with the freestanding sign. Mr. Schwartz read the two additional conditions.

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

Mr. Phil Drees, applicant, stated that he has nothing to add.

Seeing no further comment, **Mr. Harper moved, by Resolution to the City of Union, to recommend approval of the Change in Concept Development Plan based on the Committee Report, Finding of Fact and Conditions. Mr. Schwenke seconded the motion and it passed unanimously.**

**ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Steve Lilly, Staff**

3. Request of **Bodies By Mike, per Chris Deitrichs (applicant/owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for an approximate 1.47 acre area located at 10709 Dixie Highway, including the lot having a Parcel Identification Number (PIDN) of 075.00-00-035.00, Boone County, Kentucky. The request is for a zone change to allow auto repair and a towing and impound lot.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for a Zoning Map Amendment. The applicant has submitted a signed condition letter.

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

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment based upon the Committee Report, Findings of Fact and Conditions. Mr. Hincks seconded the motion and it passed unanimously.**

**CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Corrin Gulick, Chairwoman, Todd Morgan, Staff**

4. Request of **Hrezo Engineering Inc, per Jim Bertram (applicant)** for **Alex Othman (owner)** for: (1) a Change of Concept Development Plan for an approximate 2.62 acre area of the site; (2) a Conditional Use Permit for an approximate 7.52 acre area of the site; and (3) expansion of an existing commercial parking facility for an approximate 2.02 acre area of the site. The site is an approximate 9.54 acre area located at 527-535 Hunter Road and 571-591 Hunter Road, Boone County, Kentucky, which is currently zoned Commercial Services (C-3). The submitted request is to allow the conversion of an approximate 7.52 acre area of the site from commercial parking to a truck stop and to allow the expansion of the existing commercial parking facility on an approximate 2.02 acre area of the site.

**Mrs. Kegley moved to defer the request until the June 5, 2024 Business Meeting. The next Committee Meeting is scheduled for May 15, 2024 at 5:00 p.m. Mrs. Steele seconded the motion and it passed unanimously.**

**TECHINICAL/DESIGN REVIEW COMMITTEE, Rick Lunnemann, Chairman, Steve Lilly, Staff**

5. Arhaus Loft – 1336 Hansel Avenue, Suite 100

Staff Member, Steve Lilly, referred to a PowerPoint presentation. The request is for Design Review approval. The site is the former Christmas Tree Shops. The site is zoned C-2/PD/HDO. Mr. Lilly showed photographs of the building. The applicant wants to paint the building from tan to gray for a new tenant – Arhaus Loft. The primary color of the building will be Snowbound along with trim painted Dorian Gray and Gauntlet Gray. He showed a picture of what it would look like. Section 1506 suggests that buildings shall largely use natural colors and use a consistent design treatment on all facades. While the Houston-Donaldson Study addresses building materials and colors. The Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

Chairman Rolfsen asked the applicant if they were going to paint the entire building the same color? Mr. Tom Howard, Anchor Management, responded that they planned to have a more consistent theme eventually as he has one other vacant tenant space and Dick's Sporting Goods. It may not be identical colors but will be complementary. Arhaus is a furniture store.

**Mrs. Goetting moved to approve the request as submitted and presented because it meets the architectural criteria as well as the Houston-Donaldson Study. Mrs. Kegley seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

6. Request of **Richwood Development LLC, per Milanben Patel (applicant/owner)** for: (1) a Change of Concept Development Plan in a Commercial Services (C-3) district; (2) a Variance reducing the perimeter buffer yard widths from ten (10) feet to zero (0) feet along interior property lines; and (3) a Variance increasing the size of a free standing sign from two hundred (200) square feet to two hundred ten (210) square feet, for an approximate 5.4 acre area located at 460, 468, and 476 Davis Lane, Boone County, Kentucky. The request is for a Change of Concept Development Plan and Variances to allow for the development of an approximate 28,000 square foot commercial complex having five (5) buildings.

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

7. Request of **Midland Atlantic Properties, per Clayton Riney (applicant) for KCJA LLC, Roy Smith, Larry and Christina Barnes, and the Kentucky Transportation Cabinet (owners)** for a Zoning Map Amendment from Graves Road – Residential (GR-R) and Graves Road – Commercial (GR-C) to Graves Road - Commercial/Planned Development (GR-C/PD) for an approximate 53 acre area located at the northeast and northwest corners of the intersection of Graves Road with Worldwide Boulevard and including the properties located at 2477

Treetop Lane (portion), 2338 Williams Road (portion), 2355 Water Tower Drive (portion), and properties having the following Parcel Identification Numbers (PIDN's): 035.00-00-072.01, 035.00-00-038.05, 035.00-00-038.01, 035.00-00-061.04, 035.00-00-038.04, and 035.00-00-057.02, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 115,000 square foot commercial complex having six (6) buildings.

**Mrs. Goetting moved to schedule the Public Hearings for Items #6 and #7 on June 5, 2024 at 7:30 p.m. in the Fiscal Courtroom Dr. Clark seconded the motion and it passed unanimously.**

**H. EXECUTIVE DIRECTOR'S REPORT:**

- No Report

**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 (Charlie Rolfsen)  
No Report

**J. CHAIRMAN'S REPORT: (Charlie Rolfsen)  
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. Bessler moved to adjourn the meeting. Mr. Szurlinski seconded the motion and it passed unanimously. The meeting was adjourned at 7:25 P.M.**

APPROVED



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

# SUPPORTING INFORMATION



## **BOONE COUNTY PLANNING COMMISSION**

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

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

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

April 18, 2024

Phillip Drees  
510 Graves Avenue, Suite 207  
Erlanger, Kentucky 41018

RE: Request of **Kentucky 42, LLC, per Phillip Drees (applicant/owner)** for a Change of Concept Development Plan for an approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive, and having a Parcel Identification Number (PIDN) of 063.00-29-003.04, Union, Kentucky, which is currently zoned Commercial Two/Planned Development (C-2/PD). The submitted request is to allow the construction of a 2,200 square foot building for a retail, service, or office use.

Dear Mr. Drees:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their April 17, 2024 meeting. As you verbally agreed to these conditions at that meeting, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office no later than April 26, 2024.

### CONDITIONS

1. The developer and/or property owner shall approach Kroger to determine if they are interested in a shared parking agreement and Kroger's decision shall be furnished to the Boone County Planning Commission in writing.
2. There shall be no message placed on the proposed silo.
3. All roof mounted mechanical equipment shall be screened from public rights-of-way and from all adjoining residential properties.
4. Building mounted signage shall not exceed the overall allowed sign area requirements for all building façades.
5. There shall be no outside storage of materials, pallets, kegs, barrels, refuse, etc.
6. The design of the dumpster enclosure shall meet the minimum requirements of the zoning regulations.
7. Vehicular use area landscaping shall meet the minimum requirements of the of the zoning regulations.

PAD

8. Perimeter landscaping plant material shall meet the minimum requirements of the zoning regulations, except as modified by the proposed variance.
9. Parking lot light fixtures shall be consistent in type and height as those used on the Graeter's site.
10. The proposed free-standing sign along US 42 shall:
  - a. Be limited to a monument sign.
  - b. Not exceed eight (8) feet in height.
  - c. Not have a sign area greater than fifty (50) square feet.
  - d. Not have an electronic message board/panel.
  - e. Have a base that matches the predominant building material of the principal structure.

Sincerely,

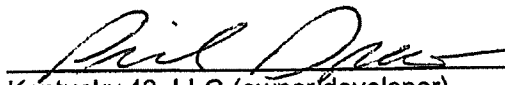


Michael D. Schwartz  
Director, Zoning Services

MDS/ss

AGREEMENT

We, the property owners/developers of the approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive, and having a Parcel Identification Number (PIDN) of 063.00-29-003.04, Union, Kentucky, agree to the conditions listed herein for the above referenced Change of Concept Development Plan.

  
\_\_\_\_\_  
Kentucky 42, LLC (owner/developer)

  
\_\_\_\_\_  
Date

**CITY OF UNION, KENTUCKY  
ORDINANCE NO. 2024-07**

**AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING, WITH CONDITIONS, THE REQUEST OF KENTUCKY 42, LLC, PER PHILLIP DREES (APPLICANT/OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 2.88 ACRE AREA LOCATED ALONG THE SOUTHEAST SIDE OF US 42, BETWEEN BRAXTON DRIVE AND OLD UNION ROAD, APPROXIMATELY FOUR HUNDRED (400) FEET SOUTHWEST OF BRAXTON DRIVE, AND HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 063.00-29-003.04 UNION, KENTUCKY WHICH IS CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD)**

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

*WHEREAS*, the Boone County Planning Commission received a request for a Change Of Concept Development Plan For An Approximate 2.88 Acre Area Located Along The Southeast Side Of US 42, Between Braxton Drive And Old Union Road, Approximately Four Hundred (400) Feet Southwest Of Braxton Drive, And Having A Parcel Identification Number (PIDN) Of 063.00-29-003.04 Union, Kentucky Which Is Currently Zoned Commercial Two/Planned Development (C-2/PD).

*WHEREAS*, the Boone County Planning Commission as the planning unit for the City of Union and Florence, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval of the Concept Development Plan; and

*WHEREAS*, the Boone County Planning Commission by Resolution No. R-24-012-A recommended approval, with conditions, of the Concept Development Plan described above; and

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

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

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

### **SECTION I**

That the request for a Change Of Concept Development Plan For An Approximate 2.88 Acre Area Located Along The Southeast Side Of Us 42, Between Braxton Drive And Old Union Road, Approximately Four Hundred (400) Feet Southwest Of Braxton Drive, And Having A Parcel Identification Number (PIDN) Of 063.00-29-003.04 Union, Kentucky Which Is Currently Zoned Commercial Two/Planned Development (C-2/PD) shall be and is hereby approved, with conditions, as set forth in the Boone County Planning Commission's Resolution No. R-24-012-A which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance and is attached hereto and marked Exhibit "A" and incorporated herein by reference.

### **SECTION II**

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

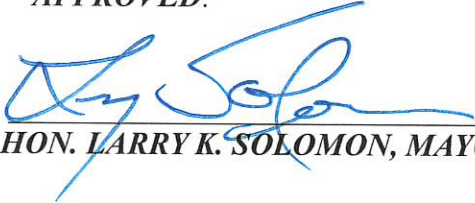
### **SECTION III**

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


*PASSED AND APPROVED ON FIRST READING this the 20<sup>th</sup> day of May, 2024.*

*PASSED AND APPROVED ON SECOND READING this the 21<sup>st</sup> day of May, 2024.*

**APPROVED:**

  
**HON. LARRY K. SOLOMON, MAYOR**

**ATTEST:**

  
**TAMMY WILHOITE, CITY CLERK**

**Published:** \_\_\_\_\_



# TERRACE HOLDINGS

DREES • CHANEY

## PROJECT NARRATIVE

The Dewey's Pizza and Braxton Brewery building site is located on the Northwest portion of the Kroger Marketplace PD or Lot 3D of the Union Marketplace replat of lot 3 as shown on the attached site plan. The project was originally approved along with the newly built Graeter's project but has since split off from that parcel into its own 2.88 acre parcel.

The scope of the project for the Dewey's and Braxton building site has not change but this application is seeking to expand the footprint of the building by 2,200 square feet and add to the tenant mix that surrounds the common space that is shared by Dewey's, Braxton and Graeter's. In addition, signage is being requested as the previous approved concept did not incorporate an option for a monument sign to be located towards US42. We would like to replicate a sign design from one of the existing designs already being used along the US42 corridor. The importance of this signage is more for the expansion space's future tenant exposure as they will have very limited visibility towards US42.

The following documents represent the following changes from the approved concept development plan:

**Site Plan:** showing building expansion, updated intensity, parking requirements, impervious surface, landscape area and monument signage location.

**Building Elevations:** Updated renderings of the building elevations and monument signage

**Monument sign:** Picture elevations of monument sign

**Adjacent Property Owners:** Updated list of adjoining property owners

**Legal Description:** Legal description of Lot 3D of the replat of the replat of Lot 3 Union Marketplace Subdivision.

CHANGE OF CONCEPT  
DEVELOPMENT PLAN

APPROVED *with conditions*

Staff M. Schwitz

Date 5/1/2024

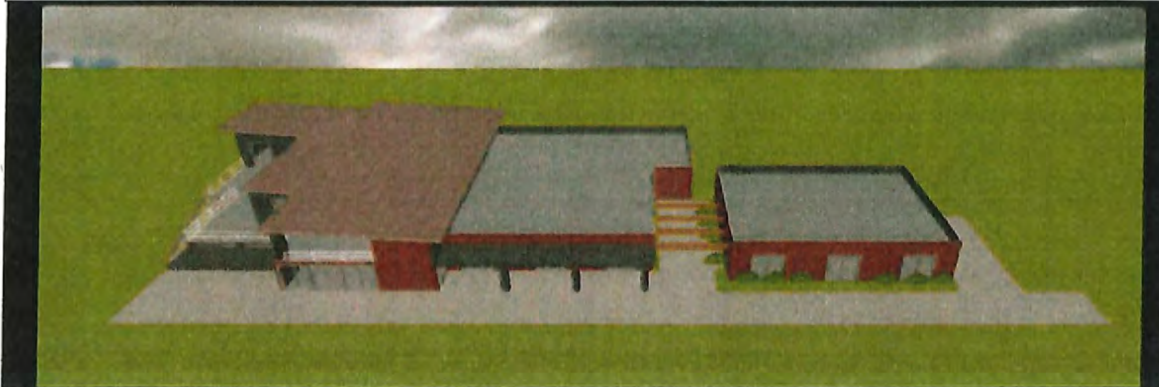
Boone County  
Planning Commission



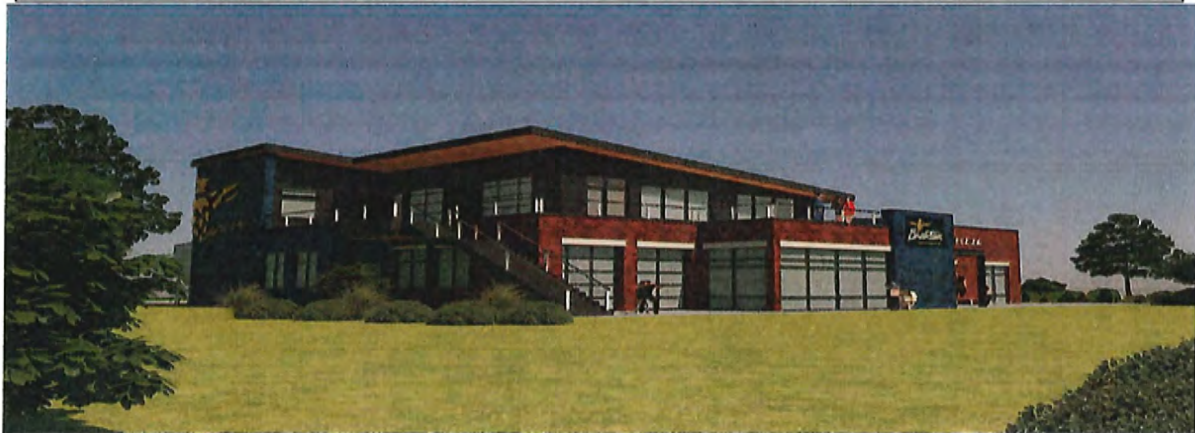




**Perspective from Parking Lot Looking North**



**Aerial View Looking North**



**Perspective from US 42 Looking East**

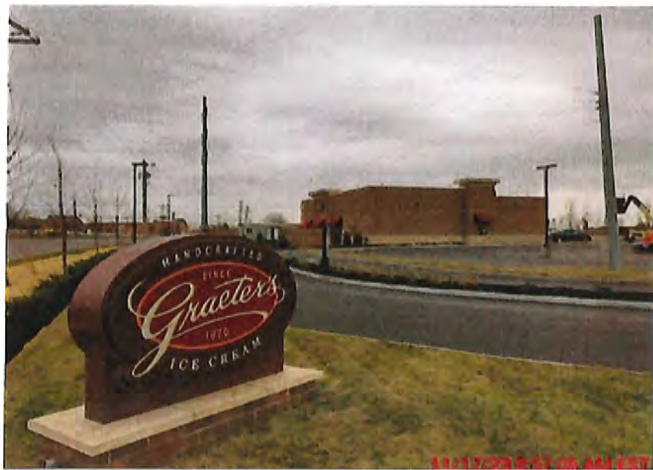


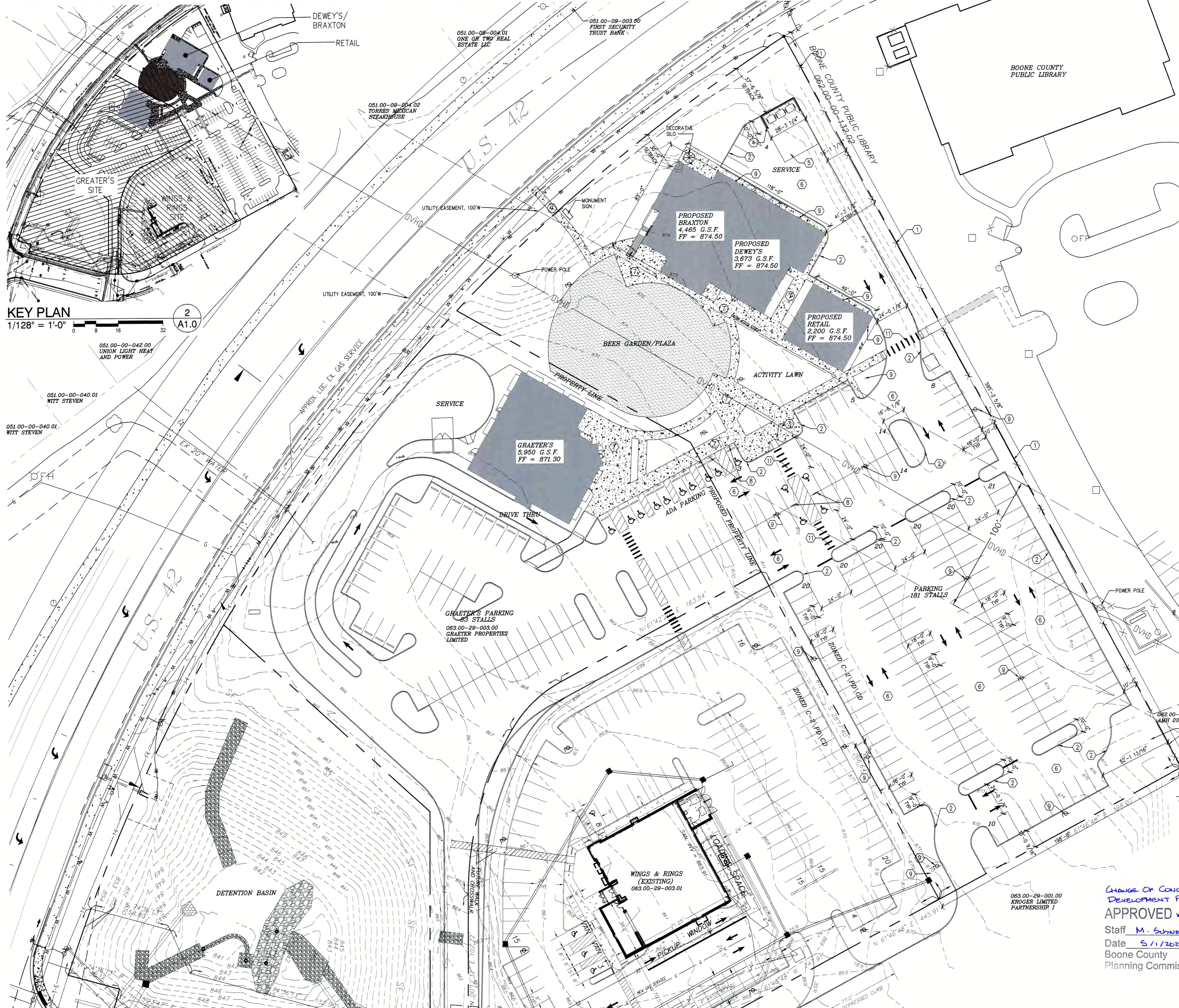
**Perspective from US 42 Looking South-West**

Proposed signage



Existing Signage along US42





**SITE PLAN**  
1/32" = 1'-0"

**INTENSITY**

SITE AREA	2,880.3 ACRES (125,466 SF)
PROPOSED INTENSITY (MAX. 12,000 S.F. PER ACRE)	
DEWEY'S + BRAXTON	8,138 s.f.
RETAIL	2,200 s.f.
TOTAL	10,338 s.f. (MEETS REQUIREMENTS)

**BUILDING SUMMARY**

**DEWEY'S PIZZA**

AREA	FIRST FLOOR	3,673 S.F.
	(WAIT AREA)	120 S.F.
SEATS	84 SEATS (INSIDE)	
	84 SEATS (TOTAL)	

**BRAXTON BREWING CO.**

AREA	FIRST FLOOR	4,465 S.F.
	(RETAIL)	69 S.F.
	MEZZANINE	1,668 S.F.
	TERRACE	6,133 S.F.
SEATS	FIRST FLOOR & MEZZANINE	145 SEATS
	TERRACE	65 SEATS
	210 SEATS (TOTAL)	

**EATING & DRINKING EST. TOTAL**

AREA	9,806 S.F. INDOOR
	1,318 S.F. OUTDOOR
SEATS	294 (TOTAL)

**RETAIL BUILDING**

AREA	FIRST FLOOR	2,200 S.F.
SEATS	0 SEATS	

**OFF-STREET PARKING**

ZONING REQUIREMENTS (SECTION 3325 - EATING AND DRINKING EST.):

- 1 SPACE FOR EVERY 2 SEATS
- 1 SPACE FOR EACH 20 S.F. OF OPEN WAIT AREA
- 1 SPACE PER 250 sq OF RETAIL AREA
- 6 ADA SPACES (AT LEAST 1 VAN ACCESSIBLE SPACE)

ZONING REQUIREMENTS (SECTION 3325 - RETAIL):

- 4 SPACES FOR EVERY 1000 GSF (AS PART OF LARGER COMPLEX)

**PARKING CALCULATIONS:**

DEWEY'S PIZZA (84 SEATS)	42 SPACES
(WAIT AREA)	6 SPACES
DEWEY'S TOTAL	48 SPACES
BRAXTON BREWING CO. (210 SEATS)	105 SPACES
BRAXTON TOTAL	105 SPACES
RETAIL TENANT (2,200 SF)	9 SPACES
RETAIL/TENANT TOTAL	9 SPACES
MIN. PARKING SPACES REQUIRED PER CODE	162
GENERAL SPACES	162
ADA SPACES	6
PARKING SPACES PROVIDED	172
GENERAL SPACES	172
ADA SPACES	7

**IMPERVIOUS SURFACES**

TOTAL SITE AREA	125,466 S.F. (80% MAX. ALLOWABLE: 100,373 S.F.)
TOTAL LANDSCAPE AND LAWN AREAS	42,492 SF
TOTAL AREA - LAWN AND LANDSCAPE AREAS = IMPERVIOUS AREA	
TOTAL DESIGNED IMPERVIOUS AREAS	125,466 SF - 42,492 SF = 82,974 SF (OR 66%)

**VEHICULAR USE AREA LANDSCAPING**

VEHICULAR USE AREA (VUA)	64,137 S.F.
PROPOSED LANDSCAPING AREA	10,602 S.F. (16.53%)

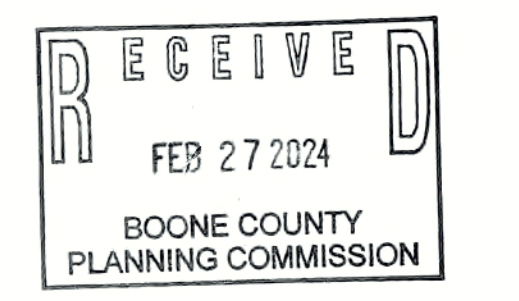
NOTE: LANDSCAPING ELEMENTS SHOWN FOR REFERENCE ONLY. FINAL PLANT SPECIES TO BE DECIDED BY OWNER.

- KEY NOTES**
- EXISTING FENCE
  - 6" BARRIER CURB
  - CURB RAMP w/ DETECTABLE WARNING
  - 8'-0" HIGH CMU MASONRY DUMPSTER ENCLOSURE w/ BRICK VENEER TO MATCH MAIN BUILDING
  - HEAVY DUTY CONCRETE
  - ASPHALT PAVEMENT
  - CONCRETE WALK
  - ACCESSIBLE PARKING SIGN
  - PARKING LIGHTNING MEASURABLE LIGHT TO BE LESS THAN ONE (1) FOOTCANDLE AT ALL PROPERTY LINES. EXTERIOR FIXTURES MOUNTED ON FREESTANDING MASTS TO BE DOWNLIT, AND THE LIGHT FROM EXTERIOR FLOODLIGHTS AND WALL PACKS MOUNTED ON BUILDINGS AND SIMILAR STRUCTURES TO BE DIRECTED AT 45 DEGREES OR MORE BELOW HORIZONTAL.
  - NOT USED
  - PEDESTRIAN CROSSWALKS TO BE 6' LONG x 1' WIDE "PIANO KEY" TYPE SPACED @ 3' O.C.

- GENERAL NOTES**
- ALL DIMENSIONS ARE TO THE EDGE OF PAVEMENT AND/OR BACK OF CURB, UNLESS NOTED OTHERWISE.
  - ALL STANDARD PARKING STALLS SHALL BE 9'x18' UNLESS NOTED OTHERWISE.
  - ALL ADA ACCESSIBLE PARKING STALLS SHALL BE 8'x18' UNLESS NOTED OTHERWISE.



**TILSLEY ARCHITECTS**  
1140 SAINT GREGORY ST. CINCINNATI, OH 45202  
TEL 513.631.4300  
WWW.TILSLEYARCHITECTS.COM

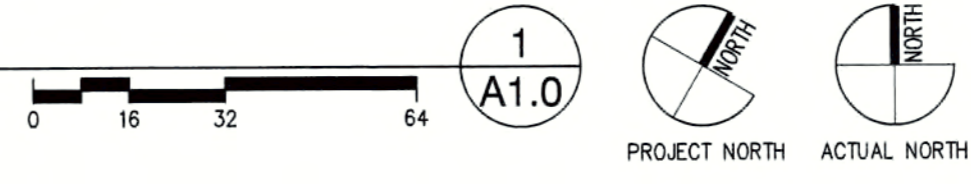


New Commercial Buildings For:  
**Kentucky42, LLC**  
 8901 US 42 Hwy (LOT 3D parcel 063.00-29-003.04)  
 Union, KY 41091

**PRELIMINARY FOR REVIEW**  
02/19/2024

NO.	ISSUE DESCRIPTION	DATE
	CONCEPT DEVELOP. PLAN	10/31/22
	CONCEPT DEVELOP. PLAN	02/19/24

Scale	Drawn By
AS NOTED	DVM
Sheet Title	CONCEPT DEVELOPMENT
Scale	Drawn By
AS NOTED	DVM



**A1.0**