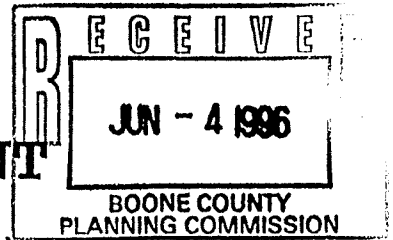


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project Plantation Pointe - North
2. Location of Project Located on the south side of U.S. 42 and west of Gunpowder Creek
3. Total Acreage of Site 321 Acres
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) RPD, C-2/PD, and O-1/PD
6. Proposed Uses (please specify each use) Single Family-detached; Single Family-attached; Condominiums; Multifamily; Commercial and Office
7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers
Phone Number 727-4200 Fax No. 342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) See Attached List
Phone Number 727-4200 Fax No. 342-5852
10. Address of Property Owner(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
11. Proposed Building Intensities (please specify) See Attached Drawing
12. Are there any existing buildings on the site? Yes
How many? 2
13. Deed Book _____ Page No. _____ Group No. See Attached
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
n/a Boone County Water and Sewer District
Yes Florence Water and Sewer Commission
Yes Union Light Heat and Power
Yes Cincinnati Bell
No Owen County Rural Electric
No Boone County Public Works Department
(over)

EXHIBIT "A"

STAFF REPORT

Request of **Raymond Erpenbeck Consulting Engineers (applicant)** for **ERPS, Inc., Thomas D. Erpenbeck, and Catherine E. Erpenbeck (owners)** for a Zoning Map Amendment on a 321 acre site located on both sides of U.S. 42 and to the east of Union Village Subdivision, Florence, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Office One/Planned Development (O-1/PD), and Commercial Two/Planned Development (C-2/PD) in order to allow a mixed-use residential/commercial development, **Plantation Pointe - North**.

June 26, 1996

REQUEST

This is an application for a Zoning Map Amendment to allow two sites to be changed from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Commercial Two/Planned Development (C-2/PD), and Office One/Planned Development (O-1/PD). The first site is located between Old US 42, US 42, the Natorp's site, and Farmview Drive. The second site is located to the north of the existing phases of Plantation Pointe (Lancashire and Antebellum) that are along the north side of Mt. Zion Road, south of US 42, west of the south fork of Gunpowder Creek and Gunpowder Greens Subdivision, and east of Union Village Subdivision and a farm tract that is to the south of Union Village. The proposed C-2/PD zone encompasses the northern-most site (10.6 acres) and the northeastern (10.5 acres) and northwestern corners (10 acres) of the larger (southern) site along US 42. The proposed O-1/PD zone includes the center portion of the southern site's US 42 frontage (10 acres) and would be bisected by a proposed collector road. The proposed RPD zone encompasses the remainder of the southern site (278 acres). The entire proposal is within the City of Florence.

The applicant has submitted a Concept Development Plan with this request. The proposed land uses include commercial and office (limited to the use lists provided in the submitted booklet), single family detached residences, single family attached residences (both townhomes and condominiums), multi-family residences, open space areas including a 20 acre open space along the west side of Gunpowder Creek, a community swimming pool (one such pool is already approved for the portion of Plantation Pointe that is not part of this application), and a 13 acre site is proposed to be reserved for an elementary school. The proposal as a whole includes the extension of Wetherington Boulevard from its current terminus at the Lancashire phase to US 42 at the intersection with Old US 42 (i.e., connection between US 42 and Mt. Zion Road). This road is proposed to have a 24 foot pavement width with grass shoulders, ditches, a 10 foot wide paved path on one side, and limited access with no individual residential curbcuts. No standards or configurations for local streets have been provided.

Sanitary sewer is proposed to be provided by the City of Florence via the Gunpowder Creek outfall sewer. Water service will also be provided by the City of Florence. Several existing farm ponds are proposed to be enhanced for stormwater management and aesthetic purposes and several new lakes are proposed to be constructed. Open space belts are proposed in conjunction with the water bodies.

A description of the entire proposal, including a tabular breakdown of the proposed land uses and a description of proposed building intensities, as well as overall development standards, are provided in the booklet submitted by the applicant.

SITE HISTORY

The current SR-1 zoning is a product of the 1986 Zoning Update. A Zoning Map Amendment application for Plantation Pointe was submitted in September 1994; this application was a change from Suburban Residential One (SR-1) to Residential Planned Development (RPD) and Commercial Two/Planned Development (C-2/PD) for the site currently in question, as well as the currently developing phases of Plantation Pointe near Mt. Zion Road known as Lancashire and Antebellum (are being developed under the SR-1 zoning) and an additional area near Farmview Drive that is located in the City of Union. This proposal was conditionally approved by the Planning Commission on January 18, 1995 (Committee Report is attached). The proposal was denied by the City of Florence on April 11, 1995. After this denial, the applicant withdrew the application from consideration from the City of Union (portions of the previous proposal were also within the Union city limits).

ADJACENT LAND USES AND ZONING

The existing land uses adjacent to the site include the following:

- A. Commercial and residential uses (including Farmview Subdivision) are located to the north of US 42 (C-2, C-3, RS, SR-1, SR-1/PD and UR-1).
- B. "Large lot" single family residential uses with a few intermittent pastures are located to the east along Gunpowder Road. Gunpowder Greens Subdivision is located to the southeast near the intersection of Gunpowder Road and Mt. Zion Road (A-2, RS, and SR-1).
- C. Suburban density single family residential uses are located immediately to the south (Lancashire and Antebellum phases of Plantation Pointe, SR-1). "Large lot" and suburban density single family residential (including Hempstede Subdivision) and agricultural uses are located to the south and southwest (RS and SR-1).

- D. A developing commercial area is located to the west along US 42 (Union Village Subdivision, C-2) and a developing suburban density, single family residential subdivision is located to the west, immediately south of the commercial area (Union Village Subdivision, SR-1). A pasture area is located near the southwest portion of the subject site (RS).

PHYSICAL FEATURES OF THE SITE

The site generally consists of rolling pastures that are bound by tree lines and wooded areas. The south fork of Gunpowder Creek is the east boundary of the site for the portion near Gunpowder Road. There are several farm ponds and a few small streams on the site. The majority of the site has been farmed in the past. The site includes a single family residence that has recently burned, the remains of a circa 1870-1880 Gothic Revival residence, and several barns. Soil types on the site include Faywood Silty Clay Loam (FcC and FcD) and Faywood Silty Clay (FdD3), and Rossmoyne Silt Loam (RsB and RsC).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan provides the following land use designations for the site:

- * **High Suburban Density Residential** for the northeast corner of the larger, southern portion of the site near the intersection of US 42 and Gunpowder Road. This designation is described as "single family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero lot line development, and also pertains to mobile home parks."
- * **Suburban Density Residential** for the remainder of the larger, southern portion of the site. This designation is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."
- * **Commercial** for the site on the north side of US 42. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The text of the Land Use Element (Area C-4) states the following regarding the site and the immediate area:

The uninterrupted commercial development of US 42 should extend no further to the southwest than the intersection with Pleasant Valley and Gunpowder Roads. This commercial development should be of a local, rather than a regional scale, and should incorporate the reconstruction of Old Toll Road for use as an access road. Access Management at the intersection of US 42 and Pleasant Valley should include an access road to serve commercial developments. Mixed use development, that has commercial uses focused along US 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of US 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Further, creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be used. Farmview Subdivision should continue to develop in a High Suburban Density Residential manner. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.

Further, the 1995 Boone County Comprehensive Plan provides the statements listed below that relate to the proposal.

The Business Activity Element makes the following statement regarding commercial development in the area in question.

- A. The land surrounding the US 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The scale and amount of commercial activity along US 42 from Florence to Union will also be dependent upon the location and design of the upgraded US 42. The US 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses ("Areas of Future Commercial Activity," pg. 82).

The Housing Element provides the following comments relative to residential development in the County.

- A. Large, left-over parcels in urban service areas are well suited for planned residential development, that includes high density residential areas ("Population Needs," pg. 102).

- B. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services, and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of densities and land uses outlined in the Future Land Use Plan ("Housing Types," pg. 102).
- C. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people ("Housing Types," pg. 102).
- D. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing densities should vary within the established developed areas, which is in agreement with the objective of land use selection based on housing densities rather than housing types ("Housing Densities," pg. 104).
- E. Our recent population projections reveal that 46% (or 8,199 households) of the total growth in the county from 1994 to 2020 will happen in this area (Union-West Florence). The probable pattern growth, at this time, indicates single family development. The factors that will help fuel this growth include the improvements (expand from two to five lanes) of US 42 from Florence to the new Ryle High School and Gray Middle School near Frogtown Road; the extension of water and sanitary sewer lines; access to the interstate highway system and the vast amount of developable land.

However, the completion of the Farmview and Triple-Crown developments will add a variety of single family attached housing units and condominiums as well as single family houses. The proposed Plantation Pointe development, across from Farmview between US 42 and Mt. Zion Road, would bring a mix of commercial uses and both single family and multi-family residences to this area ("Union-West Florence Area," pg. 109).

The Recreation Element provides the following comment regarding the provision of recreational facilities in residential developments.

- A. The private development should provide neighborhood recreation to satisfy the needs of the development population ("Legislative Body Policy," pg. 121).
- B. Neighborhood parks within subdivisions must be reviewed on a case by case basis to assure adequate parking, access, maintenance, lighting and safety to determine if the facility should be accepted for public maintenance ("Legislative Body Policy," pg. 123).

In addition, the site in question is within an area designated for a district park by the Boone County Open Space Master Plan (map on page 70, same map is on page 120 of the 1995 Boone County Comprehensive Plan). The Open Space Master Plan states "District Parks should be located within large areas of population growth to provide concentrations of active recreational opportunity. They include facilities that are too large or expansive to provide in Neighborhood Parks or Community Parks. Examples are large, lighted, athletic field complexes, exhibit buildings, or swimming pool facilities" (pg. 67).

The Public Facilities Element states the following about the relationship between growth and the public school facilities.

- A. Because of Boone County's rapid growth, new school facilities should be strategically located in the transportation network. Besides being easily accessible to new growth areas, this can enable future redistricting to avoid overcrowding ("Public Facilities Plan," pg. 170).
- B. In terms of land acquisition, suitable land donation to the school district by Boone County land owners should be encouraged, as well as the provision of suitable land within planned developments or subdivisions ("Public Facilities Plan," pg. 171).

The Transportation Element makes the following statements that pertain to multi-modal transportation facilities and development that is dependent exclusively on the automobile for travel and accessibility, and also Transit-Oriented Developments.

- A. If Boone County continues to develop in this same low-density, dispersed form of development, which only accommodates travel by the automobile, it would almost certainly guarantee chronic traffic congestion, increased air pollution problems and a waning quality of life for residents of the County ("The Future: Integrating Transportation and Land Use," pp. 201 and 202).

- B. These Transit-Oriented Developments will not replace typical residential, commercial, or industrial development. However, with the appropriate siting of these developments, the existing land use pattern of dispersed, low-density development could be reweven into a more "transportation sensitive" land use pattern. This "transportation-sensitive" land use pattern would give more options (i.e., transit, bicycle, walking) for travel than just the automobile for all the residents of the community ("Transit Oriented Development [TODs]," pg. 203).

The Land Use Element states the following relative to the use of existing vegetation and topography.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 210).

The Land Use Element states the following relative to appropriate buffering between differing land uses and the retention of open spaces and wooded areas.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 210).

The Land Use Element states the following regarding the provision of adequate landscaping and buffering, particularly along public roadways and to improve compatibility between differing land uses.

- A. Development in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pp. 210 and 211).

The Land Use Element states the following relative to the provision of street connections and pedestrian networks.

- A. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network hierarchical system of classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Developments along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets ("Transportation and Pedestrian Network," pg. 211).
- B. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pg. 211).

The Land Use Element provides the following comments about the overall design of a project.

- A. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use ("Design, Signs, and Historic Preservation," pg. 211).
- B. The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Design, Signs, and Historic Preservation," pg. 211).

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, but only in appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective 6).
- D. The needs of Boone County's population base are accommodated through the provision of orderly growth ("Population," Goal).
- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return ("Environment," Goal).
- F. New development or redevelopment shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used beneficially where possible ("Environment," Physical Objective 2).
- G. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- H. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- I. Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity," Commercial Objective 1).

- J. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The locations of large scaled commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood ("Business Activity," Commercial Objective 2).
- K. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the progression of densities, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing," Objective 5).
- L. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. New connector street shall be developed where needed and feasible. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).
- M. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).
- N. . . . The highest densities would be in the activity centers of the mixed-use developments where there would also be commercial, retail and public (i.e., parks) uses. The activity centers would not necessarily be the geographic centers of the developments. Residential densities would lessen farther away from the center with conventional lot single family homes at the edges . . . ("Housing," Objective 11).
- O. Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access ("Housing," Objective 13).
- P. Greenways or greenbelts located along creek valleys or abandoned country roads shall be promoted as a possible linear system that would serve the multiple purposes of recreation, ecological conservation and alternative transportation ("Recreation and Open Space," Objective 8).

- Q. New connector streets shall be developed where needed and feasible thus lessening total dependence on arterial streets. Existing connector streets shall be improved where needed ("Transportation," Goal 2, Objective 2).
- R. New and improved roadways shall be encouraged to include pedestrian, and where feasible, bicycle facilities ("Transportation," Goal 2, Objective 8).
- S. The interdependence between transportation systems and land use patterns is recognized and used to assure future development and redevelopment is planned with multi-modal transportation facilities ("Transportation," Goal 3).
- T. Planned, mixed-use neighborhoods that contain residential, retail, office, compatible light industrial, transit stations or stops, pedestrian and bicycle facilities, open space and public uses shall be encouraged. This would enable residents to travel by transit, bicycle, foot, or car. It would also open up employment opportunities near where they live ("Transportation," Goal 3, Objective 1).

STAFF CONCERNS

As mentioned previously in this report, this proposal is a modified version of an earlier request that was approved by the Planning Commission but denied by the Florence City Council. Since that time, the 1995 Boone County Comprehensive Plan has been adopted (no other applicable regulations or policy documents have been modified or replaced since the City Council's denial). Although the current Future Land Use Map designates the site largely for Suburban Density Residential uses and partially for High Suburban Density Residential uses as did the previous Future Land Use Map (Commercial for the separate site on the north side of US 42), as noted above there are several references to possible mixed use development (single family residential, multi-family residential, and commercial uses) for this site and the general area in the current Comprehensive Plan.

Because the Planning Commission has already determined that a very similar proposal has met the necessary requirements, with supplemental conditions of approval, Staff is largely concerned with whether the current proposal meets these same conditions - especially since the development issues discussed in the Comprehensive Plan are largely addressed in the Concept Development Plan. The current Concept Development Plan has largely incorporated the previous conditions of approval from the earlier proposal, however, Staff has questions regarding the following points (refer to attached Committee Report).

Condition #4: Due to the fact that Area 12 (commercial area on the north side of US 42) is an island with a notably higher elevation than the adjoining properties, a large portion of which are residential, this condition limited building height in Area 12 to 35 feet maximum. This requirement is not indicated in the current Concept Development Plan.

Condition #5: This condition dealt with the provision of qualitative design guidelines for the commercial uses and pool facilities. Although a similar provision is included in the current Concept Development Plan, it does not include the original language that indicates that the guidelines shall be submitted for review and approval by the Zone Change Committee prior to the submittal of any development review application for the office or commercial uses, or the pool facility.

Condition #6: This condition also dealt with the design guidelines and largely required that they outline a consistent architectural theme that is reflective of traditional Boone County architectural forms and that is compatible with the rural landscape of the site and area. This original condition is not reflected in the Concept Development Plan, therefore, no particular indication of the design of the commercial and office structures has been provided. This condition provided assurance that these buildings would have a reasonable relationship to the area in general.

Condition #8: This condition stated that all freestanding signs for any commercial or office use shall be limited to 10 feet in height and 60 square feet in area. The Concept Development Plan states that such freestanding signs shall be limited to 10 feet in height and 75 square feet in area. Thus, Staff questions why the additional 15 square feet per sign is now necessary, particularly when considering that the 60 square foot maximum area requirement has worked well in comparable developments in the County.

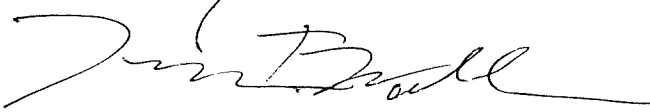
Condition #12, Subsection C.: This condition (when and how the open space areas, public walkways, and pool facility will be reviewed and constructed) has not been addressed in the Concept Development Plan. Because this condition also involved the Lancashire and Antebellum phases that are not part of the current proposal, the time limit for the construction of the pool facility (after issuance of 410 Zoning Permits for new single family residences within the entire development) will need to be revisited.

CONCLUSION

This request needs to be evaluated in terms of meeting the goals, objectives, and requirements of Article 3 "Amendment," Article 15 "Planned Development," and Article 16 "Employment Planned Development/Residential Planned Development" of the Boone County Zoning Regulations, and the 1995 Boone County Comprehensive Plan. The request as a whole needs to be judged relative to the criteria for granting a zone change

and whether the proposal meets the objectives and requirements of a Planned Development (both Article 15 and Article 16). The Future Land Use Map would need to be amended to reflect commercial uses along the south side of US 42 and mixed residential uses in the interior of the larger, southern site if the Planning Commission and Florence City Council approve this request.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kevin T. Wall". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW\par

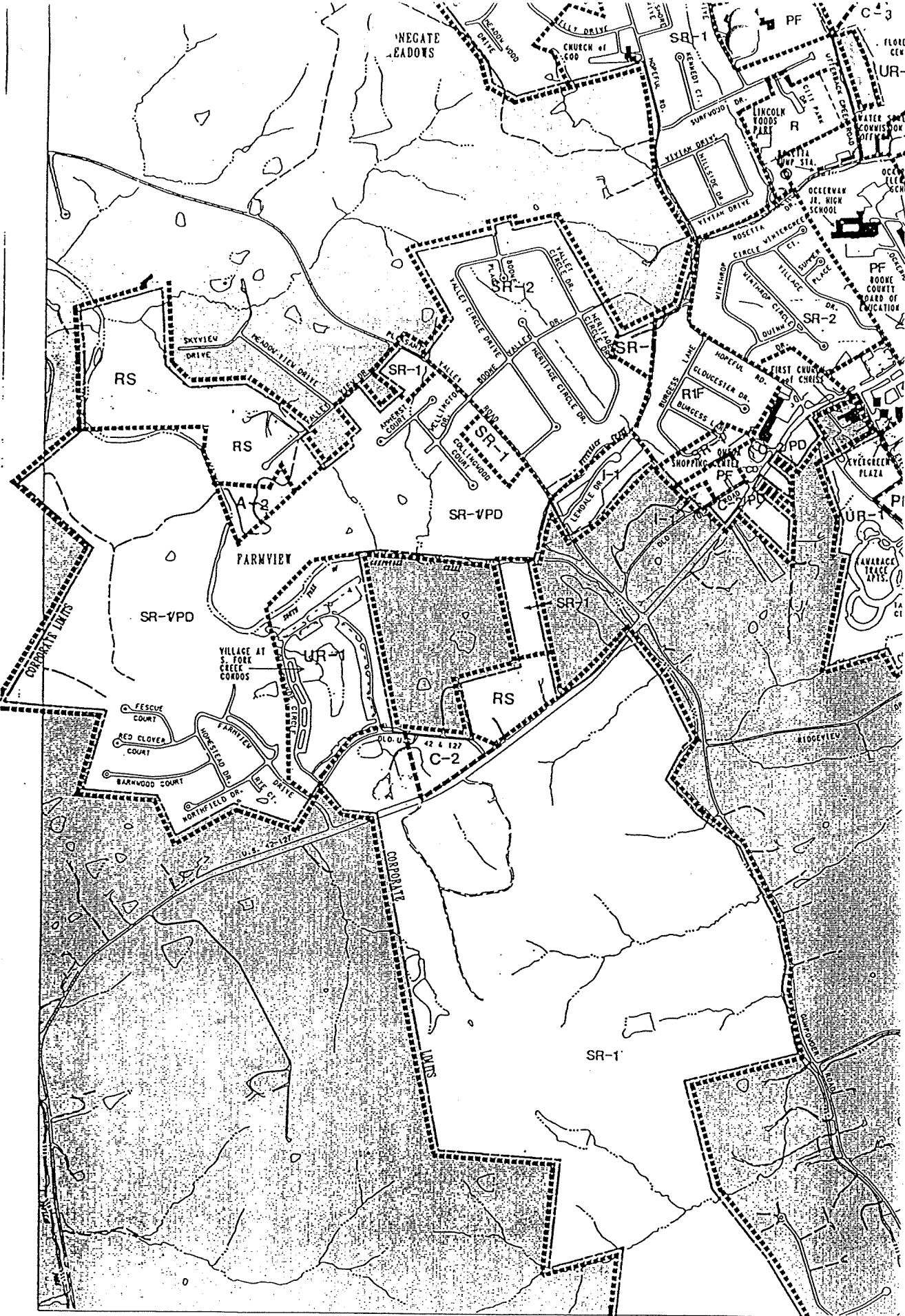
attachments:

- air photo of area
- Zoning Map excerpt
- prior Plantation Pointe Committee Report dated 1/18/95
- application and Concept Development Plan materials
- written comments from members of the public

← N



Air Photo



Zoning Map Excerpt

MI. 2104 ROAD

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: January 18, 1995

RE: Request of ERPS, Inc. (applicant) for ERPS, Inc., W. Thomas and Catherine Erpenbeck, Raymond and Carole Erpenbeck, Ronald and Patricia Erpenbeck and Lawrence and Barbara Erpenbeck (owners) for a Zoning Map Amendment on a 466 acre site located on both sides of U.S. 42 and on the north side of Mt. Zion Road, Florence and Union, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Residential Planned Development (RPD) and Commercial Two/Planned Development (C-2/PD) in order to allow a mixed-use residential/commercial development, Plantation Pointe.

REMARKS:

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

Findings of Fact

1. The residential aspects of the request are in agreement with the adopted Boone County Comprehensive Plan Future Land Use Map which indicates that the area as Suburban Density Residential and High Suburban Density Residential.
2. The Committee concludes that due to the developing character and growing needs of the area, and due to the fact that US 42 has been upgraded to a five lane highway adjacent to the site, a mixed-use development, as sought by the Boone County Comprehensive Plan, that includes a variety of commercial uses as well as a variety of residential uses is appropriate for the site in question.
3. The Committee concludes that although commercial uses are appropriate, these uses must be limited in scope and the physical development of these uses must be compatible with the existing physical character of the site in question and the adjoining areas. The Committee also concludes that it is appropriate for the range of uses permitted, and their corresponding intensities, to become much more limited towards the western portion of the site along US 42 as to discourage future uninterrupted commercial development along US 42 to the center of the City of Union, as sought by the Boone County Comprehensive Plan.

4. The Committee concludes that given the Findings of Fact numbered 1, 2, and 3 above, the current zoning is inappropriate and the proposed zoning is more appropriate.
5. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1990 Boone County Comprehensive Plan and the adopted 1995 Boone County Comprehensive Plan Goals and Objectives, as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" and Article 16 "Employment Planned Development District (EPD), Residential Planned Development District (RPD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

1. The applicant shall donate an approximately 11 acre site, within Area 9 adjacent to the collector road, for an elementary school subject to the terms and time limit mutually agreed to by the applicant and the Boone County School District. The 39 single family dwelling units originally proposed for Area 9 that will be "lost" due to the donation of the school site may be added to any of the multi-family residential or attached single-family residential phases, or some combination of these phases. If ownership of the site that is donated to the Boone County School District reverts back to the applicant, the applicant may develop this site in accordance with the Area 9 provisions outlined in the Concept Development Plan.
2. The applicant shall donate an approximately 6 acre site in the basin area adjacent to Gunpowder Creek (along the southeast boundary of Area 10) to the City of Florence for park purposes. The applicant shall also donate sufficient access to the site, from within Plantation Pointe, to the City of Florence for construction and maintenance, and for vehicular access for users. The timing and details of the donation shall be based upon a written agreement between the applicant and the City of Florence.
3. Uses for each commercial sub-area shall be limited to those specifically listed in the letter from the applicant dated 21 December 1994 (areas are identified as parcels 3, 11A, 11B, 11C, and 12). The allowed commercial uses shall be subject to the following limitations:

- A. The allowed uses for Area 3 shall be as proposed, however, the maximum intensity shall be limited to 10,000 square feet per acre.
- B. The allowed uses for Areas 11B and 11C shall be exclusively those listed in the applicant's letter dated 21 December 1994 for Area 11C.
- C. The allowed uses for Area 12 shall be exclusively those listed in the applicant's letter dated December 21, 1994 for Areas 11B and 11C.

The intensity of the commercial uses shall not exceed the limitations specified in either the 12/21/94 letter from the applicant, or the Concept Development Plan, or condition 3A stated herein.

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

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

- 6. The design guidelines for the commercial uses shall outline a consistent architectural theme and shall include architectural elements that are vernacular in nature; i.e., influenced by traditional Boone County architectural forms, materials, and details. The character created by the design guidelines as a whole shall be compatible with the existing rural landscape and the horse farms in the area.
- 7. A minimum 25 foot wide landscape buffer shall be provided between all differing land uses (both residential and non-residential) within the development. The buffer shall consist of evergreen trees, planted a maximum distance apart of 25 linear feet on center; the trees shall have a 6 foot minimum planting height. Alternate landscaping treatments for the buffers such as berms, deciduous trees, the use of existing tree stands, or some combination thereof, may be approved by

the Zoning Administrator on a case by case basis if he/she finds that the alternate proposal provides a superior buffer than would be created by the evergreen trees, or that the alternate proposal is more appropriate for the given site. Alternate landscaping treatments for the landscape buffers may also be proposed for review and approval through the design guidelines.

A landscaped area that is at least 20 feet wide shall be provided between any parking area and the US 42 or Mt. Zion Road rights-of-way. Appropriate landscape treatments for these setback areas shall be delineated in the design guidelines, and shall include the types and quantities of landscape plants required.

8. Freestanding signs for any commercial or office use shall be monument style which may not exceed 60 square feet in area or 10 feet in height. With the exception of the style, size, and height restrictions for freestanding signs noted herein, the current signage regulations within the Zoning Regulations shall regulate signage on the site unless alternate regulations are approved through the design guidelines. Alternate size and height limitations for freestanding signs may also be proposed through the design guidelines.
9. The applicant shall install a traffic signal at the intersection of the collector road (Wetherington Boulevard) and US 42, and install right and left turn lanes with sufficient stacking areas on the collector road at both the US 42 and Mt. Zion Road intersections. The applicant shall also install a right turn lane on Mt. Zion Road (west bound traffic), that allows traffic to turn onto the collector road, as part of the construction of the collector road. These requirements shall be subject to approval by the Kentucky Transportation Cabinet and the traffic signal shall also be subject to the warrants established by the Cabinet.

Right turn lanes shall be provided for all curbcuts onto US 42 subject to the approval of the Kentucky Transportation Cabinet.
10. A 10 foot wide bicycle/pedestrian path shall be provided on one side of the collector road. The path shall be constructed simultaneously with the collector road. Bus "pull-out" lanes/bus stops shall be provided on the collector road near the vehicular entrance to each phase for use by school buses and public transit buses in the future.
11. At least two road connections shall be provided from the phases along the western boundary of the site (Areas 4, 6, 7, and 9) to the properties to the west.

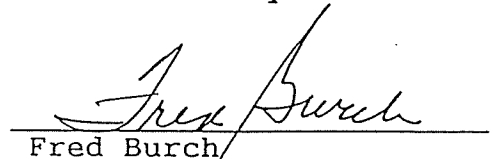
12. The project phasing shall be revised and include the following components:
 - A. No development review application for the commercial or office uses proposed for Area 3 (Mt. Zion Road vicinity) will be submitted prior to the substantial upgrade of Mt. Zion Road, or prior to the issuance of Zoning Permits for the first seven hundred new dwelling units within Plantation Pointe and the completion of the full length of the collector road, whichever comes first.
 - B. The entire length of the collector road (from Mt. Zion Road to US 42) must be constructed, inspected, and accepted by the City of Florence prior to the occupancy of any multi-family dwelling units.
 - C. The HOA open space areas and public walkways shall be constructed along with, and considered a part of, the infrastructure for the applicable phase and reviewed as part of the applicable Improvement Plan. Site plan applications for the pool facilities must accompany the Improvement Plan submittals for the applicable phase. The pool facility proposed at the southern end of the development shall be constructed by 31 December 1996. The pool facility proposed at the northern end of the development shall be constructed prior to the issuance of 410 Zoning Permits for new single family residences within the entire development.
13. Although the applicant is encouraged to adaptively reuse the existing Gothic Revival residence and farm structures within Plantation Pointe, such methods of disposition may include moving the structures to another site or dismantling the structures for use of the components and materials. The applicant shall allow the Historic Preservation Planner to access the site for the purpose of inspecting or documenting the structures, and shall allow access to the site for the purpose of disposition of the structures or portions thereof. All actions by the Historic Preservation Planner regarding the Gothic Revival residence or the farm structures must be taken within 60 days of final zoning approval by the City of Florence and the City of Union.
14. Bicycle racks shall be provided in all of Plantation Pointe with the exception of residential development where garages are provided. Bike racks shall be provided outside of vehicular parking areas but near main entrances to buildings. Bicycle parking spaces shall be provided at the ratio of 2 bicycle parking spaces for every twenty five required automobile parking spaces.

15. Existing tree stands or tree lines shall be delineated in the applicable Preliminary Plat, Improvement Plan, and/or Site Plan application. Such tree stands and tree lines shall be retained within the HOA open space areas, and buffer and setback areas. Existing tree stands or tree lines may be modified for aesthetic purposes or to allow for the reasonable development of a particular site. Individual lot owners (including the HOA) within the development may trim or remove trees for maintenance purposes without any approval.
16. The applicant shall compile a single document that incorporates the original Concept Development Plan as amended through the Zone Change review, the commercial use lists supplied by the applicant, and the conditions of approval. If the required design guidelines are not submitted as part of this document, the document shall incorporate the future design guidelines, by reference, as a binding part of the proposal. Five copies of the document shall be submitted for final review and approval by the Planning Commission. When approved, each copy shall be stamped "approved" and signed by the Planning Commission Staff.

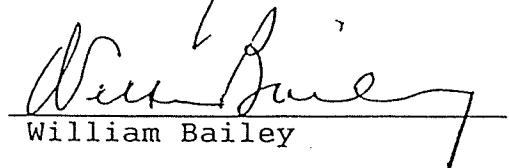
The title page of the document shall include the following statement: "If conflicts between the conditions of approval and the Concept Development Plan, or the Zoning or Subdivision Regulations currently in effect are discovered, or if one or more of these documents does not address a particular development issue, the conditions of approval along with the Concept Development Plan shall prevail first, and the Zoning or Subdivision Regulations currently in effect shall prevail second."

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.


Barry Neltner, Chairman


Fred Burch


Phil Damstrom


William Bailey


Gayle McElroy

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: July 17, 1996

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for ERPS, Inc., Thomas D. Erpenbeck, and Catherine E. Erpenbeck (owners) for a Zoning Map Amendment on a 321 acre site located on both sides of U.S. 42 and to the east of Union Village Subdivision, Florence, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Office One/Planned Development (O-1/PD), and Commercial Two/Planned Development (C-2/PD) in order to allow a mixed-use residential/commercial development, **Plantation Pointe - North.**

REMARKS:

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

Findings of Fact

1. The residential aspects of the request are in agreement with the adopted Boone County Comprehensive Plan Future Land Use Map which indicates the area as Suburban Density Residential and High Suburban Density Residential.
2. The Committee concludes that due to the developing character and growing needs of the area, due to the fact that US 42 has been upgraded to a five lane highway adjacent to the site, and due to the fact that a commercial subdivision is being developed immediately to the west, a mixed-use development, as sought by the Boone County Comprehensive Plan, that includes a variety of commercial uses as well as a variety of residential uses is appropriate for the site in question.
3. The Committee concludes that although commercial uses are appropriate, these uses must be limited in scope and compatible with the existing physical character of the site in question and the adjoining areas. The Committee also concludes that it is appropriate for the range of uses permitted, and their corresponding intensities, to become more limited around the proposed intersection of US 42 and Wetherington Boulevard (extended) as to discourage the future uninterrupted commercial development along US 42 to the center of Union, as sought by the Boone County Comprehensive Plan.

4. The Committee concludes that given the Findings of Fact numbered 1, 2, and 3 above, the current zoning is inappropriate and the proposed zoning is more appropriate.
5. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the Boone County Comprehensive Plan as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" and Article 16 "Employment Planned Development District (EPD), Residential Planned Development District (RPD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions. It is further understood that the development shall otherwise follow the provisions stated in the submitted Concept Development Plan that served as a basis for the recommendation contained in this Committee Report.

Conditions

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

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

3. The design guidelines for the commercial and office uses shall outline a consistent architectural theme and shall include architectural elements that are vernacular in nature; i.e., influenced by traditional Boone County architectural forms, materials, and details. The character created by the design guidelines as a whole shall be compatible with the existing rural landscape and the horse farms in the area.
3. A. All residential uses designated as single family attached in the Concept Development Plan shall be owner occupied.

4. Freestanding signs for any commercial or office use shall be monument style which may not exceed 60 square feet in area or 10 feet in height. With the exception of the style, size, and height restrictions for freestanding signs as noted herein, the current signage regulations within the Zoning Regulations shall regulate signage on the site unless alternate regulations are approved through the design guidelines. Alternate size and height limitations for freestanding signs may also be proposed through the design guidelines.

5. The HOA open space areas and public walkways shall be constructed along with, and considered a part of, the infrastructure for the applicable phase and reviewed as part of the applicable Improvement Plan. A site plan application for the pool facility must accompany the Improvement Plan submittal for the applicable phase. The pool facility shall be constructed prior to the issuance of 410 Zoning Permits for new single family residences within the entire Plantation Pointe development; the 410 figure includes the Lancashire and Antebellum phases of Plantation Pointe which are not subject to the current application.

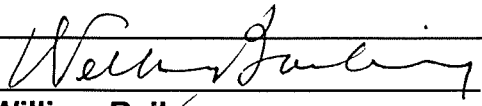
6. The development shall provide the following street connections:
 - A. A connection between Area 4 and the adjoining property immediately to the west (Seltman property).

 - B. A connection between Area 9 and the commercial area in Union Village Subdivision, and a connection between Area 9 and Area 10 within the proposed development.

 - C. A connection between Area 10 and Area 11 within the proposed development.

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.

<hr/>			
Barry Neltner, Chairman			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input checked="" type="checkbox"/>

			
William Bailey			
For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

Fred Burch
Fred Burch
For Against
Abstain Absent

Arnold Caddell
Arnold Caddell
For Against
Abstain Absent

Phil Damstrom
Phil Damstrom
For Against
Abstain Absent

Robert Millay
Robert Millay
For Against
Abstain Absent

TOTAL: 5 FOR AGAINST ABSTAIN ABSENT 1

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Bailey, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. White.

Mr. McKinney introduced the second item on the Agenda:

2. Applicant: Raymond Erpenbeck Consulting Engineers for ERPS, Inc., Thomas D. Erpenbeck, and Catherine E. Erpenbeck (owners)

Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for ERPS, Inc., Thomas D. Erpenbeck, and Catherine E. Erpenbeck (owners) for a Zoning Map Amendment on a 321-acre site located on both sides of U.S. 42 and to the east of Union Village Subdivision, Florence, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Office One/Planned Development (O-1/PD), and Commercial Two/Planned Development (C-2/PD) in order to allow a mixed-use residential/commercial development, Plantation Pointe - North.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). He advised that a bound document had been distributed to the Commissioners, see "Concept Development Plan, PLANTATION POINTE NORTH", which was prepared by the applicant.

Mr. McKinney asked for the applicant's presentation.

Mr. Ray Erpenbeck stated that the applicant is the owners of the property. He stated that they were before the Planning Commission in October, 1994 for a Concept Development Plan and a zone change, similar to what is before the Planning Commission tonight. The Planning Commission gave a unanimous vote of approval for the previous Concept Development Plan, but it was turned down the by City of Florence. He stated that the current application addresses all of the concerns raised by the City of Florence at the time of the previous application.

Mr. Erpenbeck stated that there are two developments underway off Mt. Zion Road (Antebellum and Lancashire), and that area is not included in this application. The current application is Plantation Pointe North, and the primary focus is residential with open space and commercial uses. The request is for Residential Planned Development, Office-One Planned Development, and Commercial-Two Planned Development. He referred to an exhibit map and stated that the first use will be the single-family detached housing. Areas 1, 4, and 7 (shown in yellow) will be single-

family detached areas. They have a combined total of 130 acres and 455 houses, which is a density of 3.5 units per acre. The second housing type will be single-family attached townhomes (shown in pink). This area is 45 acres and 270 units, for a density of 6.0 units per acre. Areas 3 and 6 are single-family attached condos (shown in dark brown), and total 46 acres and 552 units, which is 12 units per acre. Area 5 (shown in light green) is the multi-family area. It is 16 acres and 192 units, for a density of 12 units per acre. Areas 9, 11, and 12 are identified for C-2 uses. They have a combined total of 31.5 acres. They have limited the C-2 uses (see pgs. 3 & 4 of the handout). Area 10 is for office uses. It is approximately 11 acres. It is a limited office use designation (see pgs. 8 & 9 of the handout). There will also be Community Facilities. Area 8 (13 acres) is for an elementary school of 750 students. They are also providing 20 acres of open space along the west side of the south fork of Gunpowder Creek, which will be maintained by a homeowners association (or the City of Florence may incorporate it into their park system). There will be seven lakes -- four of which are existing and will be enhanced, and there will be three new lakes. The lakes will serve as a water retention system and will be more than adequate for this purpose. The red area in the middle is approximately 1.5 acres and is for the community swimming pool. Mr. Erpenbeck stated that they have set forth some Development Standards that will be part of the development. They intend to provide a variety of housing types and lot sizes. Of the total 321 acres, 237 are set aside for residential development -- which is 73.8% of the land area. They will also have commercial and office uses.

Mr. Erpenbeck stated that they will agree to a consistent architectural theme. He stated that some of Mr. Wall's comments are interpretation and there may need to be clarification of what is in the plan and what Mr. Wall has in mind. He stated that they will set forth guidelines for the architectural style of the development, landscaping, and site arrangement. There is natural buffer along Gunpowder Creek. He indicated a green area on the bottom of the map which will not be disturbed. He stated that they agree to 25-foot landscape buffers between all of the uses, residential and non-residential along U.S. 42. A 20-foot landscape buffer will be provided between the highway and all parking facilities. Weatherington Boulevard will be extended in the direction of U.S. 42 and will serve as a collector street. It will be 24 feet wide with a pedestrian/bicycle path along the east side. He referred to Ex. 2 in the back of the booklet which is a sketch of the proposed collector roadway. Along the collector boulevard, they will provide left turn lanes into all phases of the development. Bus pull off lanes will be provided to allow the school buses to pull off the road onto a paved area for picking up and dropping off children out of the traffic. If they receive TANK service, those buses can also use the pull-offs.

Mr. Erpenbeck stated that the Union Village development, which is under construction, shows two connections into this development. He stated that they anticipate this project will generate 9,255 vehicles per day, which is an average of 6.3 trips per day per unit. Where Weatherington Boulevard joins U.S. 42, they will provide a left turn, right turn, and thru lane for the traffic exiting the development on U.S. 42, which is a five-lane highway with a left turn lane. They will construct right turn lanes into the development off U.S. 42, provided they can meet the

Kentucky Transportation Cabinet requirements for those lanes, and they will work with the Kentucky Transportation Cabinet to get signalization of that intersection. For the commercial property that abuts U.S. 42, they propose minimum spacing of 500 feet between any access points onto U.S. 42 and the entrances will have right turn lanes -- provided they can meet the requirements.

Mr. Erpenbeck stated that the area will be served by sanitary sewer. There is an 18-inch sanitary sewer along Gunpowder Creek and they have extended that sewer as part of the Antebellum and Lancashire Developments. Mr. Erpenbeck presented an exhibit showing the sewer extension. The green line on the lower edge of the exhibit is the existing 18" sanitary sewer. They have upsized the extension to 30 inches so that it will be capable in the future of handling the entire drainage area of the south fork of Gunpowder Creek. Water is by the City of Florence system. There is a 16" water main along new U.S. 42 and old U.S. 42, and a 12" stub off that line into this development. As part of the Union Village development, a 12" line is being extended and will connect into the Plantation Point Development at the rear of the Union Village development. As part of the previous application, the Water and Sewer Commission had their engineers review and analyze for a proposed water system. The City of Florence recommended fire flow of 1,000 GPM and Burgess & Niple determined that any fire hydrant in this development will exceed that requirements. Stormwater drainage will be per the Subdivision Regulations. The seven lakes will provide proper stormwater control and will work as retention ponds, and help alleviate future flooding problems on Gunpowder Creek. A homeowners association will take care of the open space, landscaping, and walkways. Fire protection is from the City of Florence. A new fire station was recently built on Weaver Road and there is emergency medical service within that building. The building is within a mile of this development and response time will be very quick.

Mr. Erpenbeck stated that they anticipate this being a 15 - 20 year development. There will be no pole signs. There will be all monument signs along U.S. 42. Other signs that may be necessary within the development will be per the Zoning Code. They will build a walkway network through the development. There will be a ten-foot bicycle/pedestrian path along the east side of the main boulevard. They will provide bicycle racks in all of the developments that do not provide garages and in all of the commercial and office areas. They will do their best to maintain the maximum number of trees.

Mr. Erpenbeck stated that the total number of units proposed is 1,469. The 1994 development covering the same area had 1,633 units. They have reduced the number of units by 10% (164 units), with the biggest reduction being in multi-family which was 426 units in 1994 and is reduced to 192 units -- a reduction of 55% or 234 units. There is no change in the number of townhomes (270 units). They have increased the condo area from 446 units to 552 units, for an increase of 106 units. The overall density is 4.85 units per acre. He stated that Area 1 is 75 acres, 262 units, and

a density of 3.5 units per acre. Area 2 is townhomes, 217 units on 45 acres, and a density of 6 units per acre. Area 3 is the condo area with approximately 25 acres, 300 units, and a density of 12 units per acre. Area 4 is 10 acres for single-family detached, with 3.5 units per acre. In the previous plan, this area was proposed for multi-family. Area 5 is a multi-family rental area of 16 acres, 192 units, and a density of 12 units per acre. In 1994, this area was 24 acres and 298 units. There is a reduction of 106 units. Area 6 is the condo units. It is 21 acres and 252 units. Area 7 is single-family detached. It is 45 acres and 158 units. The large orange area is the proposed school site and contains 13 acres. In 1994, this area was 11 acres. He stated that the school asked to increase the size of the size to allow 750 students instead of 600. This site is one of the prime areas within the development and was the School Board's choice. In addition to providing the 13-acre site, they will also bring the road, sanitary sewer, and water to the school site. The School Board will probably save \$400,000 - \$500,000 and, over the life of a bond to pay for the school, the citizens of Boone County will save \$600,000 - \$700,000. This is a substantial contribution to the community and will make a down payment on the next school. This may be the last opportunity for the School Board to get a site within the City of Florence. The school will also be an asset to the development. The children in this community, Union Village, and the other areas that develop, will be able to walk to school and ride their bicycles safely on the bike path. Mr. Erpenbeck read a letter he received from Mr. Brady and provided copies for the Commissioners (a copy is on file).

Mr. Erpenbeck stated that Area 9 is a commercial (C-2) area with 10 acres and is immediately adjacent to the Union Village commercial development where the Kroger superstore will be. The depth is 600 feet and they have extended that depth into Plantation Pointe North to match it. He stated that a connector road goes to the property line and will be extended into the commercial development to provide circulation. The Union Square commercial area is approximately 23 acres in size and six additional outlots will be developed. It is a major commercial area. They are asking for Office One/Planned Development for Area 10 and the uses will be limited (see list on Pages 8 & 9 of the handout). Area 11 is limited C-2 uses, which are listed on Pages 3 & 4 of the handout. This area is approximately 10.5 acres and is directly across the street from the 13-acre Hanes commercial development that has commercial lots. Area 12 is the island located between new U.S. 42 and old U.S. 42. It is a limited C-2 use area (see Pages 5 - 7 of the handout). This area is 10.6 acres. He stated that Mr. Wall brought up in the Staff Concerns a maximum building height in Area 12 of 35 feet, which is agreeable to them.

Mr. Erpenbeck stated that Mr. Wall covered the Comprehensive Plan in his report. Mr. Erpenbeck stated that they are in conformance with the Comprehensive Plan, which was determined when the Planning Commission voted in 1995. In the new 1995 Comprehensive Plan it states that 46% of the residential growth is anticipated in this area of the county, which is referred to as the Union/West Florence area, and includes the C-2 areas of the Concept Plan. He stated that they are providing recreational uses per the Comprehensive Plan. They have all of the public facilities. Natural gas, electric, water, and sewer are there. They are providing a school site to the county.

Mr. Erpenbeck asked that the Planning Commission approve the zone change for Plantation Pointe North as it is in compliance with the Comprehensive Plan.

Mr. McKinney asked if there was anyone else present who wished to speak in behalf of the request. There being no response, he asked if there was anyone present who wished to speak in opposition to the project.

Mr. Robert Hay, Council Member from the City of Florence, stated that he is not necessarily in opposition to or in favor of the request. He stated that subsequent to the denial by the City of Florence in April of last year, there were several discussions with the applicant as to exactly what he could do with the project to make it more amenable to City Council. He stated that prior to the current application, he was approached and asked his final opinions about this project and he gave his concerns. He was then asked to commit his vote in advance of the public process, which is inappropriate. He stated that the comment was made that the applicant did not want to go through the expensive process of going before the Planning Commission with the potential that the request might be denied by the City of Florence. He stated that he can understand that, but that is a business decision one seeking a zone change must make. He stated that the applicant was not going to present this request unless there was assurance that it would pass through the City Council. The fact that the request is before the Planning Commission says that ahead of this Planning Commission making a recommendation, the votes have been lined up for this project. He stated that he hopes that will not deter the Planning Commission from giving this the same vigorous review as always and being vigilant that it is appropriate and -- if conditions are needed -- that they are put on.

Carolyn Mitchell stated that she is a resident of Farmview, which is one of Mr. Erpenbeck's projects that is not completed and terribly neglected. She is concerned about some of the proposed commercial uses shown on Page 3 and does not want "Eating and drinking places including alcoholic beverages and entertainment, and including drive-in and franchise fast food chains" on U.S. 42 across from their subdivision. The amount of traffic from the use would be astronomical, and fast food would bring a lot of traffic until 1 AM or 2 AM. She questioned the accessory use "Retail sale of motor fuels including service stations" (Page 4, Item 3).

Mr. Wall advised that his would be a typical UDF with gas pumps.

Mrs. Mitchell referred to Page 9 of the handout and quoted "This donation of land is contingent upon a separate agreement between the applicant and the Boone County Board of Education.". She questioned what the separate agreement entails. She stated that Farmview was trying to get a swimming pool, which some people were promised. She stated that Mr. Erpenbeck said it was not promised, but then agreed to give two lots if the Erpenbecks could build it -- but they charged double what everybody else was charging. She questioned if this agreement is that Mr. Erpenbeck has to build the school -- will he double the price of building the school to get his money back on the lots? She stated that he has a lack of commitment to his other projects, but stands here sincerely making promises and making his company look like it does a lot for the city. She showed the

Planning Commission pictures of the lot next to her taken in 1994, 1995, and last week showing overgrown weeds. She is concerned about the mess that will be across the street if Mr. Erpenbeck is allowed to start a new project. She asked if "community pool" means it is just for the homeowners association members in Plantation Pointe or if it means people who live in the area. She stated that in the R. C. Durr subdivision across from them, one of the conditions was that whatever trees they took down they had to replace -- but a lot of trees are being destroyed and none are being put back. She questioned a timeframe for developers to start replacing the trees.

Mr. McKinney advised that the Staff will look into the issue of the trees on the R.C. Durr subdivision to be sure that the conditions are being met.

Mrs. Mitchell stated that last year when Mr. Erpenbeck asked for the zone change, one of the contingencies was that the school would have to be started no later than 2010, and Paul Hazen said that it would have helped if the growth in the county would have warranted a school in that location. She questioned what has changed now to warrant a school in that location. She stated that the School Board owns land on the Ryle campus and questioned why that land cannot be used instead of urgently having to build in Plantation Pointe. She stated that the school was not needed last year, and it was not known if it would be needed until 2010, but now it is needed in 1997.

Mr. McKinney stated that her comments do not agree with the School Board's letter of June 13, 1996 (copy on file) and possibly her questions should be addressed by the School Board. He noted that a representative of the School Board may be present.

Mrs. Mitchell stated that the Comprehensive Plan stated last year that continuous commercial development should not extend any further south than Pleasant Valley and Gunpowder on U.S. 42. She questioned where the cut-off is on U.S. 42 for the commercial development to stop.

Mr. Wall advised that the finalized version is as he quoted in the Staff Report. There is not a particular "line in the sand" in the Comprehensive Plan. He stated that at the time of the R. C. Durr proposal (Union Village Subdivision), there was discussion in the Zone Change Committee and at the Planning Commission that there is a need to look at that being the point where commercial development starts tapering off. On that Concept Plan, there was a library site to taper off the commercial uses. He stated that the exact alignment of U.S. 42 is not known and will have bearing on the overall picture.

Mrs. Mitchell stated that there is a lot of construction where the Comprehensive Plan says there should not be -- she questioned the Scheben Company. Mr. Wall stated that the zoning of the Haines Development pre-dates the 1990 Comprehensive Plan. It was zoned in 1987 and they only recently decided to go forward with the subdivision. Mrs. Mitchell questioned the number of commercial properties could be built there.

Counselor Wilson explained that Mrs. Mitchell's point is whether it is becoming uninterrupted commercial activity. Mrs. Mitchell stated that that would be in violation of the Comprehensive Plan. Mr. McKinney stated that this issue will be discussed at the Committee level.

Mrs. Mitchell questioned the community pool -- whether other homeowners can join and if there is a time limit for when the pool will be open and memberships available. Mr. McKinney advised that this question may be too specific -- this is a concept. He stated that this will be taken up at the Committee Meeting and suggested Mrs. Mitchell attend.

Mr. McKinney asked if there was anyone else present who wished to speak in opposition to the project.

Patricia Smith, 25 Red Clover Court, stated that Mr. Erpenbeck's proposal talked about flexibility, creative solutions, and innovative use of the land. She stated that a year ago she heard these exact words about a development on the radio, and it went on to talk about rolling hills and trails -- and it turned out to be Farmview. She stated that she did a survey on Farmview last year for the City of Florence. She stated that Mr. Erpenbeck's proposal to the City of Florence stated that 29% of Farmview was left undeveloped -- but she could not find it and it turned out that 71% was still to be developed. She questioned why they would get into something like this that would take 30 years when they still have 71% of one subdivision to develop. She stated that she belongs to the Farmview Homeowners Association, but there is not one within the county records. There are no maintenance people. When they have a problem, they call the Erpenbecks and they do not come out and do the lawn.

Mr. McKinney advised that her comments are getting away from what is being discussed.

Mrs. Smith stated that the people who do the lawn do not clean up the mess, they throw it further back. The traffic and debris is much worse now that they connect with Pleasant Valley in the back. She stated that this proposal is called a planned community -- but there is no church or ballfields. She stated that no one has been able to walk on their nature paths for over two years.

Mr. McKinney suggested that she get together with her homeowners association in this regard.

Mrs. Smith stated that there is no homeowners association. Mr. Erpenbeck collects the money and he is the homeowners association. They have no say. She stated that there are a lot of homes for sale because of the conditions.

Mr. McKinney stated that those issues are not related to this zone change request.

Mrs. Smith stated that Area 12 and the limited C-2 uses include gas stations and storage sheds, which are not appropriate.

JoAnn Seltman, 8921 U.S. 42, stated that what happens in one place affects another. She stated that what the Erpenbecks are doing in Boone County is a disgrace. What they build on Parcels 4 and 5 will be on their property line. She stated that Berling will not plant any trees and has destroyed the land. She stated that one builder goes to another builder to another builder and she wants to know, before it happens, what she can do to protect their land.

Mr. Costello stated that Mr. Erpenbeck can address the buffering on Parcels 4 and 5. He stated that they have been working with the developer to solve the problems in regard to Union Village.

Mrs. Seltman stated that she does not want her property destroyed. She stated that she has been to everyone in Boone County and not gotten anywhere. The builders are being regarded over the residents and the Planning Commission has no concern to hear the residents complaints or suggestions.

Mr. McKinney asked if Mrs. Seltman had testimony in regard to this particular project.

Mrs. Seltman stated that the project will landlock their property and she wants to know what kind of borders there will be.

Mr. Costello stated that he has no information regarding landlocked property.

Mrs. Seltman stated that they will be landlocked because they would not sell to Mr. Erpenbeck.

Mr. Mark Washam, a resident of Florence, stated that he is opposed to the zone change. The proposed uses would congest an already congested area. He is concerned about holding the School Board hostage and using that land to push the request through. He is concerned that one governmental body would try to influence another in this manner. He is concerned about the commercial use on the elevated side near Farmview Drive. There is daycare there now and anything built there would be monument-like because it is so built up.

Mr. David Jay, a resident of Farmview, stated that we are putting one road in between connecting U.S. 42 and Mt. Zion. There would be a 24-foot road to accommodate 1,469 dwellings. There is a sidewalk and a ten-foot bike path to accommodate the pedestrians. He stated that there should be more access to the area -- there should be access on Gunpowder Road. He stated that the essence of this proposal is the commercial area. There are two subdivisions in the area that are not completed and it is not likely that they will be completed in a 30-year period.

Mr. McKinney asked if there were any further comments, there being no response, he asked if there were any questions or comments from the Commissioners.

Mr. Neltner stated that the handout indicates that they plan to have the school open for the 1997-98 school year. He asked if there is a similar provision in their contract with the School Board, or will they have more than 2 or 3 years to get the school started.

Mr. Erpenbeck stated that the conditions are the same as they were in 1994. He stated that Dr. Wetekamp and Mr. Brady are present to answer any questions. He stated that he resents some of the accusations that have been made. He asked Dr. Wetekamp to address the agreement.

Mr. McKinney questioned the community pool.

Mr. Erpenbeck stated that the community pool will be for the Plantation Pointe residents and will be owned and serviced by the homeowners association.

Mr. Ries questioned where the parking will be for Lots 9, 10, and 11 which face U.S. 42. Mr. Erpenbeck stated that he assumes the parking will be between the building and U.S. 42, which is the reason they agreed to provide the 20-foot buffer between the parking lots and the roadway.

Mr. Neltner questioned the frontage road. Mr. Erpenbeck stated that the intent is to provide a connector road from Weatherington Road to Union Village.

Mrs. Arnett asked if the townhouses are to be owner-occupied. Mr. Erpenbeck responded "yes" and stated that the only rental units are to be in Area 5 (192 units).

Mrs. Arnett questioned if they agree to the Union Village setbacks. Mr. Erpenbeck stated that this will be reviewed on each individual section. It will be reviewed by Staff and agreed to at that point.

Mrs. Schaffer asked if there is a condition that the condos and townhouses will be owner-occupied. Mr. Erpenbeck stated that they would be happy to add that condition. Mrs. Schaffer stated that it was a condition last time.

Mr. Bailey stated that there was an article in the Enquirer today about the need for school property in the Florence area. He stated that he sees that they have increased the size of the contribution, which makes him look favorably on this. He asked if there is any pedestrian access from this side of the street to Farmview park.

Mr. Erpenbeck stated that there will be no direct access other than through the development along U.S. 42 into Farmview. He is not aware of any plans to bring the pedestrian path and bikeway along Gunpowder Creek into this area. He stated that the green areas along the entire length of their development would be conducive to one and it might happen down the road.

Mr. Bailey questioned how the commercial portion compares with what was in the other plan.

Mr. Erpenbeck stated that it is very similar. In the agreement on the previous plan, the office area was to be between Weatherington Boulevard and what is now Union Village. They have moved the office area to the middle of the site. The boulevard will split the office area and enable the commercial use at Union Village to extend down and make an area of C-2 development. On the west and along Gunpowder Creek is C-2, which has more restrictive uses permitted. He stated that the overall total is generally the same, but the arrangement is changed slightly.

Mr. Bailey stated that the combined total for commercial and office would be 13%. He questioned the percentage of commercial. Mr. Erpenbeck stated that the combined total is 13.2%, and one-third is office. He stated that about 7% - 8% is commercial.

Mr. McKinney asked if there were any further comments.

Mr. Erpenbeck asked Dr. Wetekamp or Mr. Brady to address the school issues.

Mr. Wetekamp, Superintendent of Schools, stated that the School Board has not taken a position for or against any zone changes. They are very interested in obtaining land. They have some financial difficulties and have been conservative in what they have been able to do. He stated that they have a planning process and develop a school facility plan which is finalized by the Board of Education. This plan has been updated in the past year. Even though they did not have funding and could not approach building any facilities, Mr. Brady was authorized to identify land for the future. Land is costly, particularly in attractive areas. He stated that they have been looking for land in north Hebron. They own land in the southern part of Union. They wanted to identify property sufficient in size in Florence, but were not successful. This particular site meets their needs for the immediate future. He stated that they offered to buy portions of the land, but Mr. Erpenbeck was gracious enough to say that it would be a contribution. The site is centralized and will provide relief from the overcrowding -- they are already using portable classrooms and transporting students from the north end of Florence to Goodrich. The site in Union is removed from the development areas and would complicate things beyond just relocating boundaries. He stated that the commitment from the School Board was simply that the school would be named for the Erpenbeck family, which has been done in the past with other families. There is a 15-year window for the school to develop or the property would revert back to Mr. Erpenbeck. There are costs to the family in the interim (maintenance and taxes). He stated that a year or so ago they were not in a position to move ahead and were restudying their facility needs. Since that time, the State Department has issued a letter indicating that they have additional bonding capacity and will work with them. He stated that they have the equivalent of a school of 700 children housed in portable classrooms in the county. They will have to house another 810 students in the following year. They have been authorized to move forward. There are no strings attached to any monies exchanged and this is an outright gift. He stated that Mr. Erpenbeck will bring the utilities and the road to the school.

There being no further comments, Mr. McKinney stated that the Committee Meeting for this item will be on Monday, July 8, 1996 at 4 P.M. -- which is the same time as the Committee Meeting for the previous request and there may not be enough time for both. This item will be on the Agenda for the Business Meeting on July 17, 1996 at 8 P.M..

Mr. McKinney closed this Public Hearing and called for a short recess.

APPROVED:

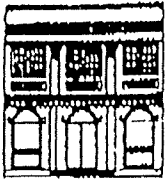
Michael McKinney, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

July 15, 1996

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

FAX: 342-5852

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

Dear Mr. Erpenbeck:

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

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

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

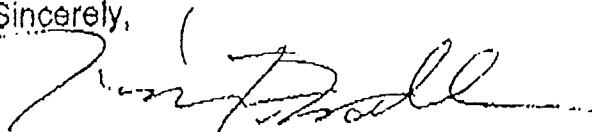
Mr. Raymond Erpenbeck

July 15, 1996

Page 2

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

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

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


Raymond Erpenbeck, Applicant

7/15/96
Date

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-17-96

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-17-96 on _____, 1996. The title of this Ordinance is as follows:

ORDINANCE NO. 0-17-96

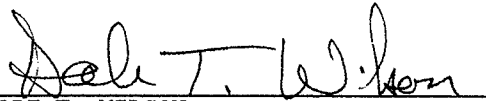
AN ORDINANCE ADOPTING AND APPROVING A REZONING OF 321 ACRES LOCATED ON BOTH SIDES OF U.S. HIGHWAY 42 AND TO THE EAST OF UNION VILLAGE SUBDIVISION, FLORENCE, KENTUCKY, AND TO UTILIZE THE UNDERLYING ZONE, THIS REZONING BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL ONE (SR-1) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD), OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD), AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO ALLOW A MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT, SUBJECT TO AN AGREED DEVELOPMENT PLAN. (ERPS, INC. - PLANTATION POINTE - NORTH)

By enactment of this Ordinance, the development of Plantation Pointe is approved, subject to an agreed development plan. Plantation Pointe is a mixed development of residential and commercial uses.

The full text of Ordinance No. 0-17-96 is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Municipal Building, 7431 U.S. Highway 42, Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance _____ and that it has been prepared by me and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



DALE T. WILSON
ROUSE, SKEES, WILSON & DILLON
7699 Ewing Boulevard, P.O. Box 756
Florence, Kentucky 41042-0756
(606) 371-7407

ORDINANCE NO. 0-17-96

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF 321 ACRES LOCATED ON BOTH SIDES OF U.S. HIGHWAY 42 AND TO THE EAST OF UNION VILLAGE SUBDIVISION, FLORENCE, KENTUCKY, AND TO UTILIZE THE UNDERLYING ZONE, THIS REZONING BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL ONE (SR-1) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD), OFFICE ONE/PLANNED DEVELOPMENT (O-1/PD), AND COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO ALLOW A MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT, SUBJECT TO AN AGREED DEVELOPMENT PLAN. (ERPS, INC. - PLANTATION POINTE - NORTH)

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

WHEREAS, the Boone County Planning Commission has recommended that a requested zone change be approved for an approximate 321 acre site located on both sides of U.S. Highway 42 and to the east of Union Village Subdivision from the current zoning of Suburban Residential One (SR-1) to Residential Planned Development (RPD), Office One/Planned Development (O-1/PD), and Commercial Two/Planned Development (C-2/PD), and to utilize the underlying zones, subject to agreed conditions of a development plan, and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and agreed conditions of a development plan, which have been reviewed by the City Council of Florence, Kentucky,

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

SECTION I

That the requested zone change for the real estate which is more particularly described below shall be and is hereby approved to rezone the approximate 321 acre parcel in Florence, Kentucky, from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Office One/Planned Development (O-1/PD), and Commercial Two/Planned Development (C-2/PD), subject to the agreed development plan and its conditions. This real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

SECTION II

That the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning of the subject property.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change and utilization of the underlying zones shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, including the findings and recommended conditions of the Commission and the development plan to which owners/applicants have agreed.

SECTION IV

In the event the rezoning of this property and utilization of the underlying zones should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning and utilization of the underlying zones on this particular piece of property, and are intended to continue to have effect regardless of any invalidity regarding this particular rezoning.

SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS THE 27th DAY OF August, 1996.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS THE 10th DAY OF September, 1996.

APPROVED:

Edgar M Kalb
MAYOR

ATTEST:

Wynne Conrad
CITY CLERK

CONCEPT DEVELOPMENT PLAN

PLANTATION POINTE NORTH

A Planned Community

City of Florence
Boone County, Kentucky

Prepared for:
ERPS, Inc.
8720 Valley View Drive
Florence, Kentucky 41042

Raymond Erpenbeck Consulting Engineers

ENGINEERS • SURVEYORS • PLANNERS

4205 DIXIE HIGHWAY • ELSMERE, KENTUCKY 41018 • (606) 727-1200

TABLE OF CONTENTS

Exhibit No. 1, Concept Development Plan	
I. Statement of Purpose and Intent	1
II. Zoning	1
III. Development Guidelines	1
IV. Land Uses	2
V. Development Standards	10
VI. Land Use Summary	15
VII. Comprehensive Plan	17
VIII. Summary	19
Appendix	
Exhibit No. 2, Typical Section, Weatherington Boulevard	20
Property Owners	21
Zone Change Application	22
Adjoining Property Owners	27

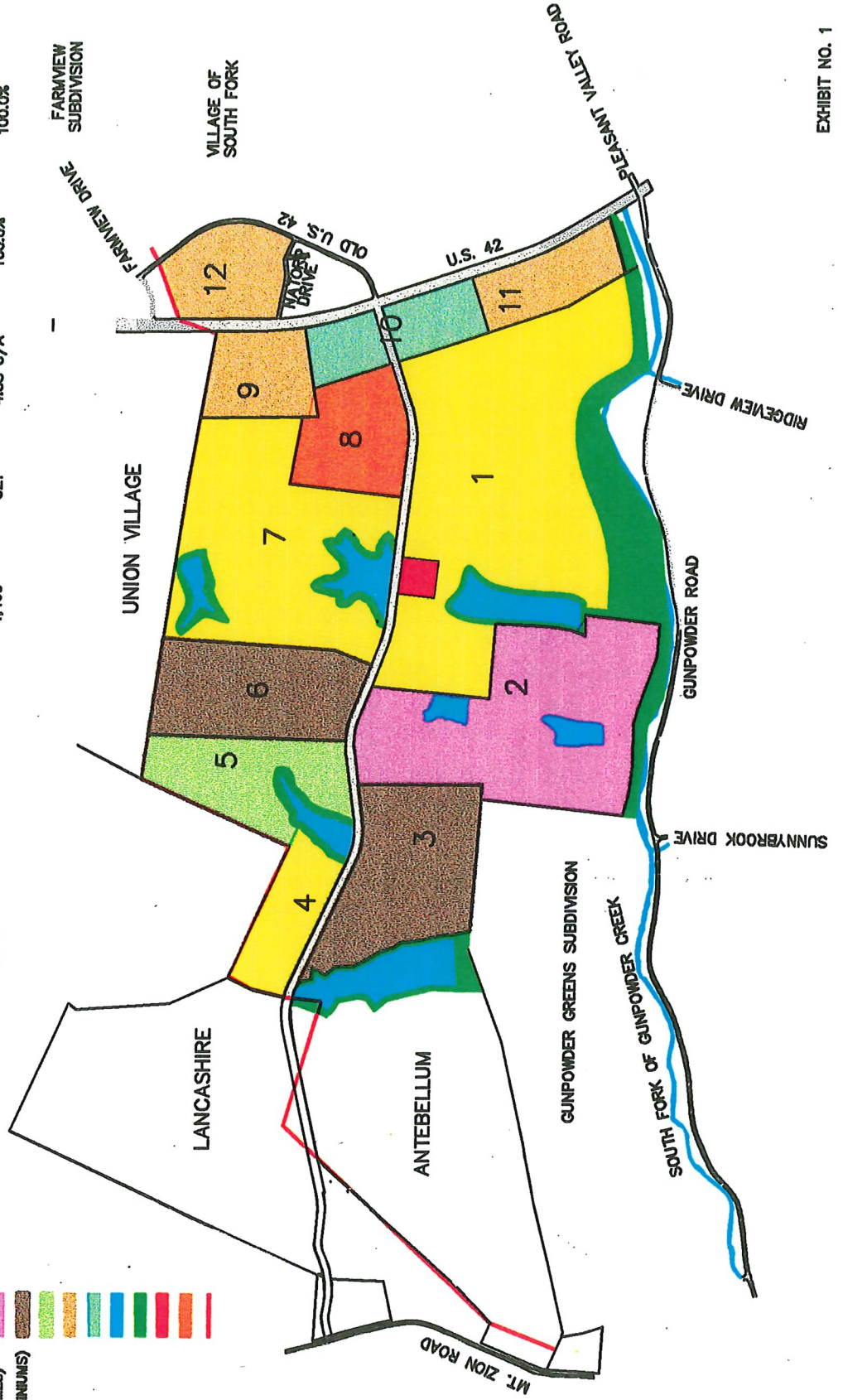
CONCEPT DEVELOPMENT PLAN
 PLANTATION POINTE - NORTH
 CITY OF FLORENCE

SUMMARY BY LAND USE

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

LEGEND

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



I. STATEMENT OF PURPOSE AND INTENT

PLANTATION POINTE - NORTH is to be a planned community providing a broad range of house opportunities. While the primary focus is residential, other special uses, such as open space and commercial use, play an integral part in creating a unique living environment.

II. ZONING

PLANTATION POINTE - NORTH will be developed in accordance with this Concept Development Plan and any conditions of approval that may be established during the review process.

However, if conflicts between the conditions of approval and the Concept Development Plan or the Zoning or Subdivision Regulations currently in effect are discovered, or if one or more of these documents does not address a particular development issue, the conditions of approval along with the Concept Development Plan shall prevail first, and the Zoning or Subdivision Regulations currently in effect shall prevail second.

III. DEVELOPMENT GUIDELINES

The following principles will be used in guiding development toward a planned community which can respond to changing market conditions:

- o Encouraging FLEXIBILITY in site design with respect to building spacing, heights, and density of buildings, open space, and parking.
- o Allowing a variety of CREATIVE SOLUTIONS to project design that may not be possible through the strict application of the local zoning and subdivision regulations.
- o Encouraging a mixed-use, MASTER PLANNED community providing for residential, recreational, commercial, office, and community services.
- o Encouraging INNOVATIONS in land use that result in the availability of attractive development opportunities.
- o Promoting more EFFICIENT use of land and energy through reasonable infrastructure requirements.
- o Maximizing the UNIQUE physical features within PLANTATION POINTE.
- o Creating development patterns and project designs that further the GOALS and POLICIES of the local governmental agencies.

- o Providing appropriate TRANSITIONS between land uses while encouraging an overall community focus.
- o Providing FLEXIBILITY for both land use type and density to be TRANSFERRED between parcels, responding better to the needs of the consumer and changing market conditions.

IV. LAND USES

PLANTATION POINTE - NORTH will provide a broad range of land uses. These uses shall include residential (single family and multi-family), commercial, open space, and educational.

- A. Single Family - Detached housing shall incorporate approximately 130 acres and provide a maximum of 455 dwelling units (Areas 1, 4, and 7, Exhibit No. 1). This provides for a maximum average density of 3.5 dwelling unit per acre. Lot sizes and setback requirements shall be specifically established at the preliminary plat review for each section as developed.
- B. Single Family - Attached (townhouses) housing shall incorporate approximately 45 acres and provide a maximum of 270 dwelling units for townhouse-type units (Area 2, Exhibit No. 1). This provides for a maximum average density of 6.0 dwelling units per acre.
- C. Single Family - Attached (condominium) housing shall incorporate approximately 46.0 acres and provide for a maximum of 552 dwelling units (Areas 3 and 6, Exhibit No. 1). This provides for a maximum average density of 12.0 dwelling units per acre.
- D. Multi-family (rental apartments) housing shall incorporate approximately 16.0 acres and provide a maximum of 192 dwelling units (Area 5, Exhibit No. 1). This provides for a maximum average density of 12.0 dwelling units per acre.
- E. Commercial use will be located on approximately 31.5 acres along Highway U.S. 42. This area is identified as Areas 9, 11, and 12 on the concept development plan map (Exhibit No. 1).
 - 1. Area 9 has an area of approximately 10 acres and will be developed in conformance with the Commercial Two (C-2) Zone, Section 1020 of the Zoning Code.
 - 2. Area 11 has an area of approximately 10.9 acres and will be limited to the following C-2 uses:

- 1) All Principally Permitted Uses of a Commercial One (C-1) district except antiques and used furniture;
- 2) All the Principally Permitted Uses in an Office One (O-1) district;
- 3) Eating and drinking places including alcoholic beverages and entertainment, and including drive-in and franchise fast food chains;
- 4) Department stores, mail order houses, direct retail selling organizations of general merchandise;
- 5) Furniture, home furnishings including specialty and floor coverings;
- 6) Apparel stores;
- 7) Household appliances, china, glassware, and metal ware;
- 8) Radio, T.V., watch, clock, and jewelry repair;
- 9) Legal services, engineering, and architectural services;
- 10) Security brokers, dealers, and flotation services;
- 11) Title abstracting services; holding and investment services;
- 12) Advertising services including direct mail;
- 13) Business and management consulting services;
- 14) Employment services;
- 15) Consumer and mercantile credit reporting, adjustment, and collection services;
- 16) Travel arranging, transportation ticket, and public event or promotional booking agencies;
- 17) Art, music, and dancing schools, libraries, and museums;
- 18) Medical and dental laboratory services;
- 19) Medical clinics - out-patient services;
- 20) Welfare and charitable services;
- 21) Business associations and professional membership organizations including civic, social, and fraternal organizations;
- 22) Art and craft galleries and similar exhibit space;
- 23) Aquariums, botanical gardens, and other natural exhibitions;
- 24) Recreation centers, gymnasiums, clubs, and similar athletic uses;
- 25) Bike shops excluding outside storage;
- 26) Garden and landscape sales including florist greenhouses, lawn furniture, and the like;
- 27) Gasoline service stations and normal maintenance, repair, and wash services for vehicles;

- 28) Churches, synagogues, temples, and other places of religious assembly for worship;
- 29) Funeral homes and crematoriums excluding cemeteries or mausoleums;
- 30) Additional Principally Permitted Uses that may be added to the current list of Principally Permitted Uses for the Commercial Two (C-2) zoning classification will become a permitted use if the Zoning Administration determines that the additional use is compatible with the existing permitted uses.

Accessory Uses: Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses include:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls, and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General leisure, ornamental and other parks, spaces, trails, bikeway systems, malls, and urban pedestrian networks;
2. Directional and incidental signage (See Article 34);
3. Parking (See Article 33);
4. Temporary buildings incidental to construction;
5. Storage, uncrating, or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which tend to enlarge or overpower the activities of permitted uses;
6. Automatic teller services;
7. Retail sale of motor fuels (excluding service stations);
8. Recycling collection points (See Article 31);
9. Garment and furniture centers (See Article 31).

Intensity: No individual commercial use within any structure shall exceed 50,000 square feet.

3. Area 12 has an area of approximately 10.6 acres and is the island located between new U.S. 42, old U.S. 42, Natorp Drive, and Farmview Drive. The development of Area 12 will be limited to the following C-2 uses:

- 1) Eating and drinking places including alcoholic beverages, but excluding drive-thru;
- 2) Grocery stores and supermarkets;
- 3) Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
- 4) Fruit and vegetable stores; bakeries, candy, nut, and confectionery stores;
- 5) Convenience stores;
- 6) Liquor, beverage, drug, and proprietary stores;
- 7) Banking services (including drive-thru facilities) savings and loan associations, credit unions, and other credit services;
- 8) Insurance carriers and agents; brokers and services;
- 9) Physician, dental, optical goods and services; including medical and dental laboratories;
- 10) Veterinary services and pet grooming services but not including the boarding of animals;
- 11) Beauty and barber services and tanning salons;
- 12) Nursery and day care centers;
- 13) Laundering and dry cleaning and dyeing services including self-service;
- 14) Alteration and garment repair and custom tailoring;
- 15) Shoe repair, shoe shining, and hat cleaning services;
- 16) Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
- 17) Jewelry stores;
- 18) Radio, T.V., music supplies, cameras, photographic supplies, and specialty household appliances;
- 19) Art, craft, and hobby supplies and products, gifts and novelties;
- 20) Books, stationery, newspapers and magazines;
- 21) Florist excluding greenhouses;
- 22) Sporting goods including bicycles;
- 23) Draperies, curtains, upholstery, and floor coverings;
- 24) Paint, glass, and wallpaper stores;
- 25) Photofinishing services;

- 26) Recreation centers, gymnasiums, clubs, and similar athletic uses;
- 27) Gasoline service stations;
- 28) Churches, synagogues, temples, and other places of religious assembly for worship;
- 29) Real estate operators, agents, lessors, and real estate sub-dividing and developing services, operative builders and related services;
- 30) Accounting, auditing, and bookkeeping services;
- 31) Business and personal credit services and title services;
- 32) Security brokers, dealers, and flotation services and finance companies;
- 33) Holding and investment services;
- 34) Photographic services;
- 35) Direct mail and advertising services;
- 36) Stenographic services and other duplicating and mailing services;
- 37) News syndicate service and employment services;
- 38) Research, development, and testing services of an office nature;
- 39) Business and management consulting services and associations;
- 40) Motion picture, audio-visual, and similar media production and distribution services;
- 41) Legal, engineering, architectural, education and scientific research services;
- 42) Welfare and charitable administration offices;
- 43) Professional membership organizations, labor organizations, and civic associations;
- 44) Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting, or receiving towers or similar unattached, erected equipment;
- 45) The administration, management, and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organizations, incorporations, companies, associations, and such uses. Includes all integral stenographic reproduction, mailing, research, sales, and similar office functions as determined by the Zoning Administrator.
- 46) Business colleges or schools;
- 47) Recreation centers, gymnasiums, and other related recreational facilities;

- 48) Retail and sales of drugs and proprietary goods;
- 49) Medical clinics - out-patient services;
- 50) Additional Principally Permitted Uses that may be added to the current list of Principally Permitted Uses for the Commercial Two (C-2) zoning classification will become a permitted use if the Zoning Administration determines that the additional use is compatible with the existing permitted uses.

Accessory Uses: Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district include:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens, and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Directional and incidental signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Storage, uncrating, or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which tend to enlarge or overpower the activities of permitted uses;
7. Retail sale of motor fuels;
8. Automatic teller services.

Intensity: No individual commercial use within any structure shall exceed 50,000 square feet.

- F. Office use will be located on approximately 11 acres along U.S. 42 and being split by Weatherington Boulevard. This area is identified as Area 10 on the concept plan map. The following O-1 uses will be permitted to be developed in Area 10 (Exhibit No. 1):

- 1) Bank-related services (including drive-thru facilities);
- 2) Business and personal credit services and title services;
- 3) Security brokers, dealers, and flotation services and finance companies;
- 4) Insurance agents, brokers, and services;
- 5) Real estate agents, brokers, and management services;
- 6) Real estate services and builders offices excluding any outside storage equipment and the like;
- 7) Holding and investment services;
- 8) Photographic services;
- 9) Eating and drinking establishments including alcoholic beverages and excluding drive-thru facilities;
- 10) Direct mail and advertising services;
- 11) Stenographic services and other duplicating and mailing services;
- 12) News syndicate services and employment services;
- 13) Research, development, and testing services of an office nature;
- 14) Business and management consulting services and associations;
- 15) Motion picture, audio-visual, and similar media production and distribution services;
- 16) Physician and dental services including medical and dental laboratories;
- 17) Legal, engineering, architectural, education, and scientific research services;
- 18) Accounting, auditing, and bookkeeping services;
- 19) Welfare and charitable administration offices;
- 20) Professional membership organizations, labor organizations, and civic associations;
- 21) Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
- 22) The administration, management, and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organizations, incorporations, companies, associations, and such uses. Includes all integral stenographic reproduction, mailing, research, sales, and similar office functions as determined by the Zoning Administrator.
- 23) Veterinary services not including the boarding of animals;

- 24) Business colleges or schools;
- 25) Recreation centers, gymnasiums, and other related recreational activities;
- 26) Nursery and day care centers;
- 27) Retail and sales of drugs and proprietary goods;
- 28) Medical clinics - out-patient services;
- 29) Additional Principally Permitted Uses that may be added to the current list of Principally Permitted Uses for the Office One (O-1) zoning classification will become a permitted use if the Zoning Administration determines that the additional use is compatible with the existing permitted uses.

Accessory Uses: Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district include:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens, and other natural exhibitions;
 - c. Stages and similar assembly areas;
- 2. Accessory uses for an office facility;
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 3. Directional and incidental signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Temporary buildings incidental to construction.

G. Community Facilities

- 1. Educational: PLANTATION POINTE - NORTH will provide to the Boone County Board of Education a 13.0 acre tract of land for the construction of an elementary school (Area 8). This 13.0 acre tract will permit the construction of an elementary school capable of accommodating 750 students. This donation of land is contingent upon a separate agreement between the applicant and the Boone County Board of Education.

The Boone County Board of Education has indicated that the elementary school will be open for the 1997-1998 school year.

2. Open Space: There will be provided a 20 acre open space along the west side of the South Fork of Gunpowder Creek.

The location of the open space provides a unique setting. It contains a variety of mature trees, the aesthetic value of Gunpowder Creek, and a significant area of highly developable ground. The developable ground can be used for a variety of passive and active uses.

The open space will be owned and maintained by a homeowner's organization. However, the City of Florence has expressed an interest in this area indicating that it may fit into their long-term plans for the Florence Park system. The City will study the feasibility of including this open space into their park system.

3. Lakes: There will be included in PLANTATION POINTE - NORTH, seven (7) lakes, four (4) existing and three (3) new. The four (4) existing lakes will be enhanced and several may be increased in size.

All the lakes will also function as retention facilities and will control the discharge of water from the developed areas.

4. Swimming Pool: There will be provided within PLANTATION POINTE - NORTH a swimming pool and bathhouse. It will be centrally located along Weatherington Boulevard on approximately 1.5 acre tract.

V. DEVELOPMENT STANDARDS

- A. Shapes and Locations of Residential Buildings: There will be encouraged the use of a variety of building shapes, sizes, and types.

The single family - detached housing will include a variety of single family housing types on lot sizes and building setbacks that are to be established as part of and during the detailed site planning and platting for individual development parcels.

The single family - attached housing will include a variety of housing types including townhouses, condominiums, and apartments.

The various housing types will be developed in locations identified on the concept development plan map. The building configurations, sizes, and locations will be determined during the detailed site planning and platting for individual development parcels.

- B. Commercial/Office: A consistent architectural theme shall be developed for the commercial and office uses. The architectural theme shall be vernacular in nature, i.e. influenced by the traditional Boone County architectural forms, materials, and details.

The applicant will establish guidelines that address general qualitative architectural, landscape, and general site arrangement for the commercial/office site. Signage design elements shall be included within the guidelines. The commercial/office site shall be regulated by the design guidelines in addition to any other site plan requirements.

- C. Buffering: The South Fork of Gunpowder Creek extends along the eastern line of PLANTATION POINTE - NORTH. This provides a natural buffer along Gunpowder Road. This natural buffer will remain in place.

A 25 foot wide landscape buffer shall be provided between all differing land uses (both residential and non-residential) within the development. The minimum buffer shall consist of evergreen trees planted a maximum distance apart of 25 linear feet on center. The trees shall have a 6 foot minimum planting height.

A landscaped area 20 feet wide shall be provided between any parking area and the U.S. 42 right-of-way. These landscaped areas shall enhance the architectural theme of the commercial/office areas in which they are located.

- D. Streets: Weatherington Boulevard will be extended from its current terminus, approximately 1800 feet north of Mt. Zion Road, and extended approximately 1.2 miles northwardly to U.S. 42 at the intersection of new U.S. 42 and old U.S. 42. This road will function as a collector road and will be constructed with a 24 foot pavement width with grass ditches and shoulders (Exhibit No.).

The entire length of Weatherington Boulevard will be constructed and inspected by the City of Florence prior to the occupancy of any multi-family dwelling unit.

Left-turn lanes will be provided to each vehicular entrance to each phase. Private driveway access will not be permitted to Weatherington Boulevard except within the commercial/office area.

A 10 foot bicycle/pedestrian path will be constructed along the east side of the pavement and will be built simultaneously with the roadway.

Bus "pull-out" lanes/bus stops shall be provided along Weatherington Boulevard near the vehicular entrance to each phase.

Inter-street connections will be made with two (2) proposed connection plans as part of the Union Village development being developed along the west limits of PLANTATION POINTE - NORTH.

- E. Flood-Prone Areas: A small area along the South Fork of Gunpowder Creek is subject to periodic flooding. This area will remain undeveloped and serve as part of the open space.
- F. Vehicular Traffic: PLANTATION POINTE - NORTH is expected to generate approximately 9,255 vehicles per day when totally developed. To provide for the proper flow of traffic, a collector road (Weatherington Boulevard) as described in paragraph D above, will be constructed.

At the intersection of Weatherington Boulevard with U.S. 42, right-turn and left-turn lanes will be constructed to provide adequate capacity for turning movement.

U.S. 42 is presently a five (5) lane highway with the fifth lane serving as a dual left-hand turn lane. A right-hand turn lane will be constructed on U.S. 42 per Kentucky Department of Transportation requirements and warrants.

The applicant will pursue the signalization of the Weatherington Boulevard-U.S. 42 intersection with the Kentucky Transportation Cabinet and shall be subject to the warrants established by the Cabinet.

Access to U.S. 42 from the commercial development proposed along U.S. 42 will be limited to a 500 foot spacing between access points.

- G. Sanitary Sewers: The entire PLANTATION POINTE - NORTH development is located within the City of Florence and

will be serviced by the Gunpowder Creek outfall sewer and the Fowler Creek lift station. The sewage will be treated at the Dry Creek Wastewater Treatment Facility.

The Gunpowder Creek outfall sewer has sewer lines from 30" diameter to 18" diameter with adequate capacity to service PLANTATION POINTE - NORTH.

- H. Water: PLANTATION POINTE - NORTH will be serviced by the Florence Water and Sewer Commission. A 16" water main currently exists along U.S. 42 which will more than adequately service this development.

A 12" water main is currently being extended into Union Village Subdivision. The extension will interconnect with PLANTATION POINTE - NORTH in the southwestern portion of the development. This will increase the water flow and pressure in the development.

The Florence Water and Sewer Commission recently had their engineers study the fire flows within PLANTATION POINTE - NORTH assuming full build-out and determined that all fire hydrants will exceed the City's recommended fire flow of 1000 gallons per minute.

- I. Storm Drainage: Adequate storm water systems will be developed within PLANTATION POINTE - NORTH. All storm sewers will be designed in compliance with the subdivision regulations.

The seven (7) lakes (four (4) existing and three (3) proposed) will be enhanced and designed to serve as retention facilities to adequately control the discharge of storm water from the development.

- J. Building Coverage/Floor Area Ratio: The actual building coverage/floor area ratio will not exceed the ratios permitted in the C-2 and O-1 zoning classifications. The detailed calculations will be determined during the detailed site planning and platting for individual development parcels.

- K. Homeowners Association (HOA): All property owners within PLANTATION POINTE - NORTH will be members of the Plantation Pointe HOA. The HOA will have responsibility for the maintenance of all public landscaping, open space, lakes, and other common facilities within the development.

- L. Fire Protection: PLANTATION POINTE - NORTH will receive fire protection and emergency medical services from the Florence Fire and Rescue (EMS) units.

The City of Florence recently opened a new fire and EMS station on Weaver Road located approximately one mile to the east. This facility will more than adequately service this development.

- M. Phasing: PLANTATION POINTE - NORTH will be developed over a period of time. It is anticipated that it will take 15 to 20 years to completely build out.
- N. Signs: Free-standing signs for the commercial and office use shall be monument style which may not exceed 75 square feet in area or 10 feet in height.

All other signage shall be in conformance with the current signage regulations within the Zoning Regulations.

- O. Pedestrian Paths: An interconnecting pedestrian walking system will be provided within PLANTATION POINTE - NORTH. The pedestrian system will be designed to provide access to the open spaces and to interconnect individual development areas.

The actual walking system will be determined for each individual development area during the detailed site planning and platting process.

- P. Bicycles: As outlined in paragraph D above, a 10 foot bicycle/pedestrian path will be built along the east side of Weatherington Boulevard.

Bicycle racks will be provided in all areas of PLANTATION POINTE - NORTH with the exception of residential developments where garages are provided. Bicycle parking spaces shall be provided at a ratio of two (2) bicycle parking spaces for every 25 required automobile parking spaces. No individual bicycle parking areas shall be required to contain more than 15 spaces.

- Q. Tree Stands: Existing tree stands or tree lines will be delineated in the applicable detailed site planning and platting process. Such tree stands and tree lines will be retained whenever possible. Existing tree stands and tree lines may be modified for aesthetic purposes or to allow for the reasonable development of a particular site.

VI. LAND USE SUMMARY

A. The following is a listing of the proposed land use types, acreage of each land use type, and the percentage of the total area.

<u>Land Use Type</u>	<u>Area</u>	<u>Percentage</u>
Single Family (Detached)	130.0 Acres	40.5%
Single Family (Attached)	91.0 Acres	28.3%
Multi-Family	16.0 Acres	5.0%
Commercial/Office	42.5 Acres	13.2%
Elementary School Site	13.0 Acres	4.1%
Open Space	20.0 Acres	6.2%
Community Swimming Pool	1.5 Acres	0.5%
Weatherington Boulevard R.O.W.	<u>7.0 Acres</u>	<u>2.2%</u>
	321.0 Acres	100.0%

B. The following is a listing of the proposed housing types, number of dwelling units, and the percentage of the total number of dwelling units.

<u>Housing Types</u>	<u>Number of Dwelling Units</u>	<u>Percentage</u>
Single Family-Detached	455	31.0%
Single Family-Attached (Townhouses)	270	18.4%
Single Family-Attached (Condominiums)	552	37.6%
Multi-Family	<u>192</u>	<u>13.0%</u>
	1,469	100.0%

C. Exhibit "1" identifies twelve (12) different areas with each area having a specified land use intended for each area. The following provides the land use summary for each area.

Area 1:

Use: Single Family (Detached)
 Density: 3.5 units/acre
 Acreage: 75 acres
 Total units: 262 dwelling units

Area 2:

Use: Single Family (Attached) Townhouses
 Density: 6.0 units/acre
 Acreage: 45 acres
 Total units: 270 dwelling units

Area 3:

Use: Single Family (Attached) Condominiums
Density: 12 units/acre
Acreage: 25 acres
Total units: 300 dwelling units

Area 4:

Use: Single Family (Detached)
Density: 3.5 units/acre
Acreage: 10 acres
Total units: 35 dwelling units

Area 5:

Use: Multi-Family (Rented)
Density: 12 units/acre
Acreage: 16 acres
Total units: 192 dwelling units

Area 6:

Use: Single Family (Attached) Condominiums
Density: 12 units/acre
Acreage: 21 acres
Total units: 252 dwelling units

Area 7:

Use: Single Family (Detached)
Density: 3.5 units/acre
Acreage: 45 acres
Total units: 158 dwelling units

Area 8:

Use: Elementary School
Density: 750 students
Acreage: 13 acres

Area 9:

Use: C-2 Commercial
Intensity: 15,000 S.F. per acre
Acreage: 10 acres

Area 10:

Use: Limited O-1 Office (see Section III-F)
Intensity: 20,000 S.F. per acre
Acreage: 11 acres

Area 11:

Use: Limited C-2 Commercial (see Section III-E-2)
Intensity: 15,000 S.F. per acre
Acreage: 10.5 acres

Area 12:

Use: Limited C-2 Commercial (see Section III-E-3)

Intensity: 15,000 S.F. per acre

Acreage: 10.6 acres

VII. COMPREHENSIVE PLAN

The proposed PLANTATION POINTE - NORTH development is in conformance with the 1995 Boone County Comprehensive Plan. This is based on the following elements of the Comprehensive Plan.

- A. Population: The population in Boone County is expected to increase from approximately 64,000 residents in 1994 to an estimated 91,500 residents in 2020. This population is being characterized as suburban in nature. The U.S. 42 area, in which PLANTATION POINTE - NORTH is located, is one of the areas where major growth is anticipated to occur. The Boone County population is becoming more diverse and requiring multiple types of housing. PLANTATION POINTE - NORTH will provide the multiple types of housing required by the diverse population.
- B. Environment: The PLANTATION POINTE - NORTH development is located within the Gunpowder Creek watershed (upper basin). This development addresses the concerns addressed in this element of the Comprehensive Plan. The storm water from this development will be controlled by a series of lakes/retention ponds. The woodlands, wildlife habitat, park, and recreation are being addressed by the inclusion of substantial amounts of open space.
- C. Business: The 1995 Comprehensive Plan states "The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The scale and amount of commercial activity along U.S. 42 from Florence to Union will also be dependent upon the location and design of the upgraded U.S. 42."
- D. Housing: The area identified as Union-West Florence Area states that 46% of the project population growth in Boone County between 1994 and 2020 will happen in this area. It further states: "The proposed Plantation Pointe development, across from Farmview between U.S. 42 and Mt. Zion Road, would bring a mix of commercial uses and both single family and multi-family residences to the area."

E. Recreation: This element of the 1995 Comprehensive Plan outlines the need for open space, pedestrian access and circulation, and parks. PLANTATION POINTE - NORTH is addressing the needs outlined in the Comprehensive Plan by providing 20 acres of open space, a bicycle/pedestrian path, a pedestrian walkway, lakes, and a community swimming pool.

F. Public Facilities:

1. Water Distribution: PLANTATION POINTE - NORTH is serviced by a 16 inch water main along U.S. 42. The Florence Water and Sewer Commission recently had their engineers study the fire flows within this development, assuming full build out. The engineers determined that all fire hydrants within the development will provide fire flows in excess of Florence's recommended minimum flow of 1000 gallons per minute.

2. Sanitary Sewage Collection and Treatment: The sewage from PLANTATION POINTE - NORTH will be collected by the Gunpowder Creek outfall sewer and pumped to the Dry Creek Wastewater Treatment Plant from the Fowler Creek lift station.

The Gunpowder Creek outfall sewer ranges from 30 inches to 18 inches in diameter.

3. Storm Water Management: The storm water discharge from PLANTATION POINTE - NORTH will be managed by a system of seven (7) lakes/retention facilities that will be developed throughout the development.

4. Natural Gas Distribution: ULH&P Company has a major distribution gas main along U.S. 42 that will adequately service this development.

5. Municipal/Public Services: This development is located in the City of Florence and will be serviced by the Florence Police Department and the Fire and Rescue units.

The City of Florence recently opened a new fire and rescue station on Weaver Road approximately 1.0 miles to the east.

6. Education: PLANTATION POINTE - NORTH is currently serviced by Gray Middle School and Ryle High School.

As a part of this development, a 13.0 acre tract of land will be provided to the Boone County Board

of Education for the construction of a new elementary school. This site will accommodate a school for 750 students.

The Board of Education has indicated they will have the school open for the 1997-1998 school year.

7. Transportation: The transportation element provides an overview of the existing transportation facilities and future transportation needs.

These future needs are being addressed by providing a major collector (Weatherington Boulevard) through the development. This provides an alternate connector between U.S. 42 and Mt. Zion Road (Ky. 537).

A bicycle/pedestrian path is being provided along Weatherington Boulevard. A pedestrian walkway system will be provided internally connecting the various development areas and open spaces.

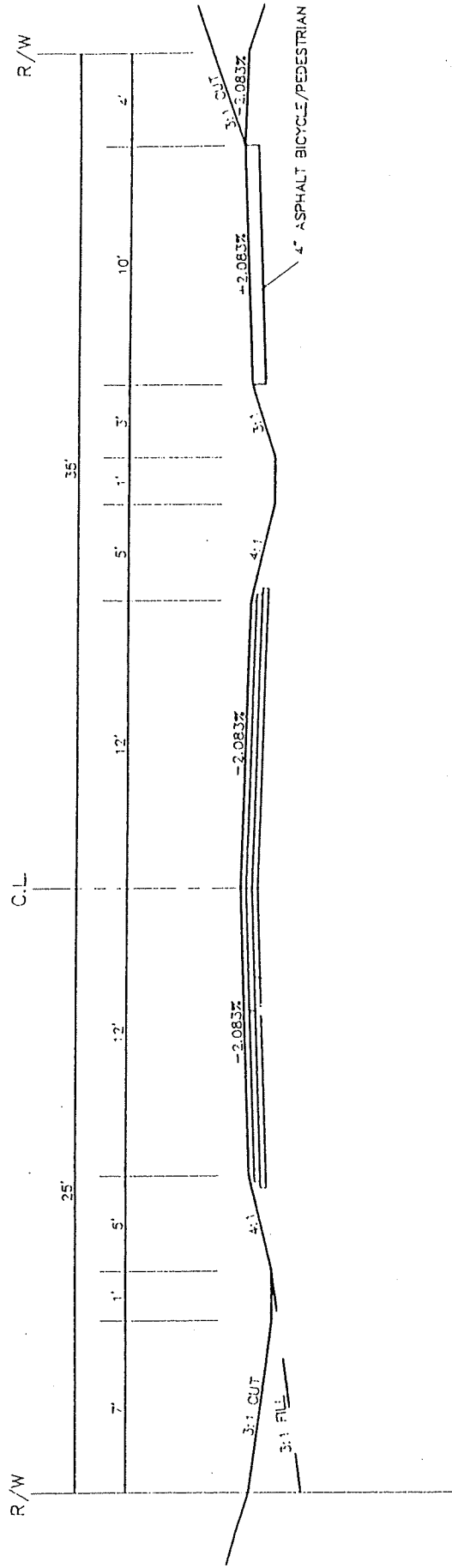
Bus pull-outs and left-turn lanes will be provided along Weatherington Boulevard.

8. Land Use (C-5: Union Area): This element states "In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, the opening of the Mt. Zion Road interchange, and proposed improvement to U.S. 42."

VIII. SUMMARY

PLANTATION POINTE - NORTH will provide, as outlined in the 1995 Boone County Comprehensive Plan, a wide range of land uses as well as a wide variety of housing types. The land use includes residential, commercial, office, educational, and open space. The housing types include single family-detached, single family-attached including townhouses and condominiums, and multi-family.

This Concept Development Plan for PLANTATION POINTE - NORTH is in conformance with the 1995 Comprehensive Plan for Boone County, Kentucky.



TYPICAL SECTION
WETHERINGTON BOULEVARD

PROPERTY OWNERS

Group No. 2047

ERPS, Inc.
4205 Dixie Highway
Elsmere, Kentucky 41018

D.B. 486, Pg. 120
D.B. 432, Pg. 210

Thomas D. Erpenbeck
1118 Mt. Zion Road
Union, Kentucky 41091

D.B. 530, Pg. 11

Catherine E. Erpenbeck, Trustee
Catherine E. Erpenbeck Revocable Trust
1118 Mt. Zion Road
Union, Kentucky 41091

D.B. 604, Pg. 137

APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Plantation Pointe - North
2. Location of Project Located on the south side of U.S. 42 and west of Gunpowder Creek
3. Total Acreage of Site 321 Acres
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) RPD, C-2/PD, and O-1/PD
6. Proposed Uses (please specify each use) Single Family-detached; Single Family-attached; Condominiums; Multifamily; Commercial and Office
7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers
Phone Number 727-4200 Fax No. 342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) See Attached List
Phone Number 727-4200 Fax No. 342-5852
10. Address of Property Owner(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
11. Proposed Building Intensities (please specify) See Attached Drawing
12. Are there any existing buildings on the site? Yes
How many? 2
13. Deed Book _____ Page No. _____ Group No. See Attached
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
n/a Boone County Water and Sewer District
Yes Florence Water and Sewer Commission
Yes Union Light Heat and Power
Yes Cincinnati Bell
No Owen County Rural Electric
No Boone County Public Works Department

(over)

June 4, 1996

LEGAL DESCRIPTION

SR-1 to RPD

Being a parcel of land located on the south side of Relocated U.S. 42 and the north side of Mt. Zion Road and the west side of Gunpowder Creek and being more particularly described as follows:

Beginning at a point in the south right-of-way of Relocated U.S. 42 and ERPS' northeast corner; thence with ERPS and the right-of-way of Relocated U.S. 42 and Gunpowder Road S49°38'48"E 78.00 feet to a point; thence N40°21'12"E 17.19 feet to a point; thence S38°08'03"E 328.61 feet to the real point of beginning; thence S38°08'03"E 91.29 feet to a point; thence S25°38'03"E 634.90 feet to a point; thence S47°51'57"W 100 feet to a point; thence S27°51'57"W 350.00 feet to a point; thence S42°08'03"E 433.00 feet to a point; thence S53°38'03"E 500.00 feet to a point; thence S25°12'E 785.90 feet to a point; thence S13°08'03"E 412.50 feet to a point; thence S11°21'57"W 214.90 feet to a point; thence S12°38'03"E 643.50 feet to a corner with Vater (DB 204 Pg. 224); thence with Vater S77°00'25"W 1092.00 feet to a point; thence S15°11'02"E 1047.95 feet to a point; thence S55°27'06"W 945.84 feet to a point; thence S74°23'14"W 768.06 feet to a corner with Seltman (DB 225 Pg. 305); thence with Seltman N5°34'12"E 743.78 feet to a point; thence N4°48'44"E 268.52 feet to a point; thence N85°47'47"W 1146.53 feet to a corner with the Scheben Co. & B&Z Development Inc. (DB 572 Pg. 301); thence with the Scheben Co. & B&Z Development Inc. N10°30'53"W 2534.60 feet to a point; thence with a new division line of Erpenbeck et al. N70°06'09"E 812.29 feet to a point; thence N28°23'21"W 198.78 feet to a point; thence N52°34'55"E 1857.87 feet to a point; thence N40°21'12"E 558.42 feet to the real point of beginning.

Containing 277.94 acres.

87058

June 4, 1996

LEGAL DESCRIPTION

Parcel #2

SR-1 to C-2/PD

Being a parcel of land located between Old U.S. 42 and Relocated U.S. 42 in the City of Florence and Union, Boone County, Kentucky, and being more particularly described as follows:

Beginning at a point in the north right-of-way of Relocated U.S. 42 and the common corner between ERPS' and Natorp (DB 489 Pg. 68); thence with Relocated U.S. 42 and a curve to the right 85.18 feet ($= 2^{\circ}36'46''$, $R = 1867.86$) to a point; thence $S70^{\circ}06'09''W$ 395.10 feet to a corner with Durr & Kratz (DB 425 Pg. 301); thence with Durr & Kratz $N85^{\circ}15'29''W$ 265.64 feet to a point; thence $N41^{\circ}11'02''W$ 276.25 feet to a point on the right-of-way of Old U.S. 42; thence with said right-of-way $N32^{\circ}35'57''E$ 283.20 feet to a P.C. of a curve; thence with a curve to the right 592.76 feet ($= 62^{\circ}18'59''$, $R = 545.00$); thence $S85^{\circ}05'04''E$ 152.89 feet to a corner with Natorp; thence with Natorp $S4^{\circ}54'56''W$ 136.88 feet to a point; thence $S26^{\circ}21'E$ 118.78 feet to a point; thence $S8^{\circ}46'35''E$ 300.00 feet to the point of beginning.

Containing 10.63 acres.

87058

June 4, 1996

LEGAL DESCRIPTION

Parcel #1

SR-1 to C-2/PD and O-1/PD

Being a parcel of land located on the south side of U.S. 42 and west of Gunpowder Creek in the City of Florence, Boone County, Kentucky, and being more particularly described as follows:

Beginning at a point in the south right-of-way of U.S. 42 and ERPS' northwest corner; thence with ERPS' east line and the new right-of-way of U.S. 42 and Gunpowder Road S49°38'48"E 78.00 feet to a point; thence N40°21'12"E 17.19 feet to a point; thence S38°08'03"E 328.61 feet to a point; thence with a new division line of ERPS' S40°21'12"W 558.42 feet to a point; thence S52°34'55"W 1857.87 feet to a point; thence S28°23'21"E 198.78 feet to a point; thence S70°06'09"W 812.29 feet to a point in the common line between ERPS' and the Scheben Co. & B&Z Development Inc.; thence with the Scheben Co. & B&Z Development Inc. N10°30'53"W 608.14 feet to a point in the south right-of-way of U.S. 42; thence with U.S. 42 N70°06'09"E 332.15 feet to a P.C. of a curve; thence with the curve to the left 596.77 feet (= 17°31'04", R = 1951.86') to a point; thence N52°34'55"E 1232.31 feet to a P.C. of a curve; thence with a curve to the left 416.58 feet (= 12°13'43", R = 1951.86') to a point; thence N40°21'12"E 354.88 feet to the point of beginning.

Containing 31.86 acres.

87058

ADJOINING PROPERTY OWNERS

Glenn & Hannah Baird
8702 U.S. 42
Florence, KY 41042

Frank Schwartz
8628 U.S. 42
Florence, KY 41042

Charles & Cynthia Ash
13876 Vest Lane
Crittenden, KY 41030

Haines Oils Ltd
8600 U.S. 42
Florence, KY 41042

Natorp Garden Stores Inc.
4400 Reading Road
Cincinnati, OH 45229

B & K Leasing & Land Co.
P.O. Box 834
Florence, KY 41042

Harold & Anna B. Presser
8650 Gunpowder Road
Florence, KY 41042

Sherry & James Morgan
8678 Gunpowder Road
Florence, KY 41042

Jerry Inskip
606 Durrett Street
Covington, KY 41011

Cecil & Jo Ann Seltman
Box 33
Florence, KY 41042

Darrell & Vickie Vater
9379 Gunpowder Road
Florence, KY 41042

Gayle Egnor
~~9379~~ Gunpowder Road 9447
Florence, KY 41042

John S. Howard
9471 Gunpowder Road
Florence, KY 41042

Kenneth & Gusta Elder
9108 Gunpowder Road
Florence, KY 41042

Charles & Barbara Farr
9172 Gunpowder Road
Florence, KY 41042

James & Pamela Robinson
9146 Gunpowder Road
Florence, KY 41042

Robert & LaRue Howard
9204 Gunpowder Road
Florence, KY 41042

J. T. & Etta Wilson
9230 Gunpowder Road
Florence, KY 41042

Freddie Smith
9280 Gunpowder Road
Florence, KY 41042

Earl Washmuth
9308 Gunpowder Road
Florence, KY 41042

Russell Jackson
956 Sunnybrook Drive
Florence, KY 41042

Ronald & Azalia Doering
9733 Windsor Way
Florence, KY 41042

Heritage Bank
1818 Burlington Pike
Burlington, KY 41005

Albert Faulkner
726 Meadow Wood
Villa Hills, KY 41017

John D. Dryden
8756 Gunpowder Road
Florence, KY 41042

Adjoining Property Owners
(Continued)

Grace Adick
c/o Grace Conner
31 Dudley Road
Edgewood, KY 41017

Anthony & Julie Zwick
8863 Gunpowder Road
Florence, KY 41042

Linda Layne
8875 Gunpowder Road
Florence, KY 41042

Ernest & Judy Noble
8941 Gunpowder Road
Florence, KY 41042

Victory Baptist Church
9066 Gunpowder Road
Florence, KY 41042

Village of South Fork
c/o Guardian Real Estate
Services
1260 Tennessee Avenue
Cincinnati, OH 45229

Gail & Gerald Deatherage
993 Ridgeview Drive
Florence, KY 41042

Shirley A. Fisher
c/o Mary Fischer Dunn
3216 Mable Avenue
Covington, KY 41015

Scheben Co. & B&Z
Development, Inc.
1671 Park Road
Ft. Wright, KY 41011

Paul Michels and Sons, Inc.
3636 Madison Pike
Covington, KY 41011

R.C. Durr
8100 Burlington Pike
Florence, KY 41042