

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2021-15**

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF FARMVIEW COMMONS, LLC FOR ERPS, INC. FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE +11.82 ACRE SITE LOCATED ON THE NORTHEAST CORNER OF THE U.S. 42/FARMVIEW DRIVE INTERSECTION AND THE SOUTHEAST CORNER OF THE OLD U.S. 42/FARMVIEW DRIVE INTERSECTION, FLORENCE AND UNION, KENTUCKY TO PERMIT EATING AND DRINKING ESTABLISHMENTS AND COMMERCIAL USES, INCLUDING DRIVE-THROUGH FACILITIES, ELDERLY HOUSING FACILITY, MULTI-FAMILY HOUSING AND MEDICAL OFFICES AND TO MODIFY PREVIOUS CONDITIONS OF APPROVAL CONCERNING ARCHITECTURAL DESIGN AND TO PERMIT A 50 FOOT MAXIMUM BUILDING HEIGHT ON THE ENTIRE SITE IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE.

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

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change for a for an approximate +11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing and medical offices and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site in a commercial two/planned development (C-2/pd) Zone.

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Union, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment; and

WHEREAS, the Boone County Planning Commission by Resolution No. R-21-006-A recommended approval of the rezoning described above, with conditions; and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon

certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Commission for the City of Union, Kentucky; and

WHEREAS, the Union City Commission desires to affirm and approve the recommendation of the Boone County Planning Commission, with one additional condition, pursuant to K.R.S. 100.211 within ninety (90) days of the Planning Commission's final action and grant the application of the Zoning Map Amendment, with conditions.

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

SECTION I

That the request for a change in the Zoning Map Amendment being a Zone Change for an approximate +11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky. The Request Is For A Zone Change to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing and medical offices, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site in a Commercial Two/Planned Development (C-2/PD) Zone, shall be and is hereby approved, with conditions, including the requirement that Farmview Commons, LLC paves the approximate 330 foot section of Farmview Drive from its intersection with U.S. 42 to its intersection with Old Union Road, as set forth in the Boone County Planning Commission's Resolution R-21-006-A, which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance and is attached hereto and marked Exhibit "A" and incorporated herein by reference.

SECTION II

If approval for Zoning Map Amendment shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations,

zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.


SECTION III

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

PASSED AND APPROVED ON FIRST READING this the 7th day of June, 2021.

PASSED AND APPROVED ON SECOND READING this the 7th day of July, 2021.

APPROVED:



HON. LARRY K. SOLOMON, MAYOR

ATTEST:



CHRISTY EVERMAN
CITY CLERK

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF FARMVIEW COMMONS LLC (APPLICANT) FOR ERPS, INC. (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR AN APPROXIMATE ±11.82 ACRE SITE LOCATED ON THE NORTHEAST CORNER OF THE U.S. 42/FARMVIEW DRIVE INTERSECTION AND THE SOUTHEAST CORNER OF THE OLD U.S. 42/FARMVIEW DRIVE INTERSECTION, FLORENCE (±10.80 ACRES) AND UNION (±1.14 ACRES), KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE KENTUCKY AND THE CITY OF UNION, UNION, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ±11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, and the City of Union, Union, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ±11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ±11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky.

The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOKS: 517, 425 PAGE NOS: 158, 301, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ± 11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky, findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

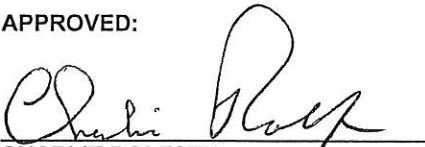
The Committee recommended approval, with conditions, for this request based on the findings of fact as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate ± 11.82 acre site located on the northeast corner of the U.S. 42/Farmview Drive intersection and the southeast corner of the Old U.S. 42/Farmview Drive intersection, Florence and Union, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, and the City of Union, Union, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 19TH DAY OF MAY, 2021.

APPROVED:


CHARLIE ROLFSEN
CHAIRMAN

ATTEST:


TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES

CR/tlb



BOONE COUNTY PLANNING COMMISSION

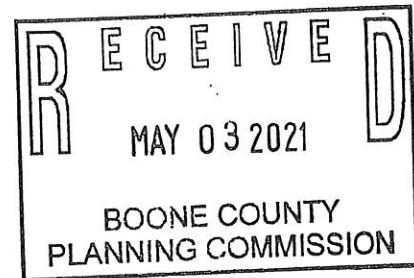
www.boonecountyky.org/pc
www.boonecountygis.com

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

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

April 28, 2021

Mr. Hemal Soni
Farmview Commons, LLC
c/o Mr. Sean Suder
1010 Delta Avenue
Suite 1
Cincinnati, OH 45208



RE: Recommended Conditions of Approval for Farmview Commons LLC/ERPS, Inc. Change in Concept Development Plan Application in a C-2/PD Zone for Approximate 11.82 Acre Site on Northeast Corner of US 42/Farmview Drive Intersection, Florence and Union, Kentucky.

Dear Mr. Soni:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their March 3, 2021 and April 21, 2021 meetings. If you, as the property owner's authorized representative agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, April 30, 2021.

CONDITIONS


1. The development shall follow the revised "Farmview Commons Option A" Concept Development Plan sheet (attached) except where modified by the agreed conditions outlined below. The "Farmview Commons Option B" sheet, which included a car wash, has been formally withdrawn.
2. The Traffic Impact Study shall be updated to reflect the revised "Farmview Commons Option A" Concept Development Plan sheet and forwarded to the Kentucky Transportation Cabinet, the City of Florence, and the City of Union for review. The developer shall construct, at their expense, any road improvements (including right turn lanes at the US 42 intersections with Farmview Drive and Old US 42) required by the Kentucky Transportation Cabinet, the City of Florence, and/or the City of Union.
3. The existing north-south driveway which runs along the site's east boundary (St. Elizabeth Way) shall be upgraded to the City of Florence's public street standards and shall be dedicated to the City of Florence.
4. The main on-site north/south driveway, which runs between Lots 6 and 7 to Old US 42, shall be constructed as part of the overall site circulation system. The note on the revised "Farmview Commons Option A" Concept Development Plan sheet which states, "If St. Elizabeth Way becomes public, then this connection to Old U.S. 42 may not be constructed" shall not apply.

5. The graded slopes at the Farmview Drive and Old US 42 entrances shall be grassed and landscaped to be kept in a highly maintained/finished condition. The detention/retention basin(s) shall also be kept in a highly maintained/finished condition.
6. The buildings along the US 42 frontage (Lots 1 through 5) shall follow the submitted architectural concepts (attached). A combination of flat and pitched roofs shall be provided on the buildings that are 8,000 square feet or greater and entirely pitched roofs shall be provided on the buildings that are smaller than 8,000 square feet.
7. The building on Lot 6 shall have full height brick exterior walls. Other materials may be used for trim and secondary wall areas. This building shall also have a pitched roof which covers the entirety of the structure. The height of this structure, from grade to the highest ridge line, shall be a maximum of 44 feet.
8. Mechanical equipment and dumpsters shall be screened with enclosure structures which use materials, colors, and design detailing that are consistent with the buildings they serve.
9. All retaining walls shall have a decorative/architectural finish which correlates to the architectural theme in the development.
10. Freestanding site lighting fixtures shall use decorative/architectural masts and shall have a maximum height of 20 feet.
11. A decorative fence shall be provided around the detention/retention basin(s) in accordance with the City of Florence's requirements. Additionally, a decorative white board fence shall be provided in the landscape area along the site's US 42 frontage.
12. Bench seating shall be provided in the seating area on Lot 7. Outside seating shall be provided at each restaurant and enclosed with a decorative fence or rail.
13. The monuments signs (three total) shall be located as shown on the revised "Farmview Commons Option A" Concept Development Plan sheet. The monument signs shall follow the designs on the "Sign Concepts" exhibit (attached). Building mounted signs shall be internally illuminated channel letter signs only.
14. No outside storage shall occur in the development.
15. No automotive repair facility/auto service uses shall be permitted in the development.
16. Lot 1 shall not have a full service drive-through facility, but may have a pick-up only style drive-through facility.
17. If a drive-through facility is proposed on Lots 1 through 5 in combination with land uses 930, 933, 934, 935, 937, 938, 939, or 940 as defined by the 10th Edition of the ITE Trip Generation Manual, a Traffic Study shall be submitted to the Planning Commission for review with the applicable site plan application(s). This Traffic Study shall evaluate on-site traffic flow and the expected queue lengths at proposed drive-through facilities. The site plan shall provide adequate storage for drive-through queue lengths, to prevent stacking of vehicles on shared driveways/roadways within the development during peak business

Mr. Hemal Soni
Farmview Commons, LLC
c/o Mr. Sean Suder
April 28, 2021
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hours. This will include consideration of drive-through window placement to provide additional storage as needed and agreed upon by the Planning Commission staff.

Sincerely,



Kevin T. Wall, AICP
Director, Zoning Services

KTW/tlb

enclosures

AGREEMENT

I, the authorized representative of the property owner of the approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection, Florence and Union, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan application.



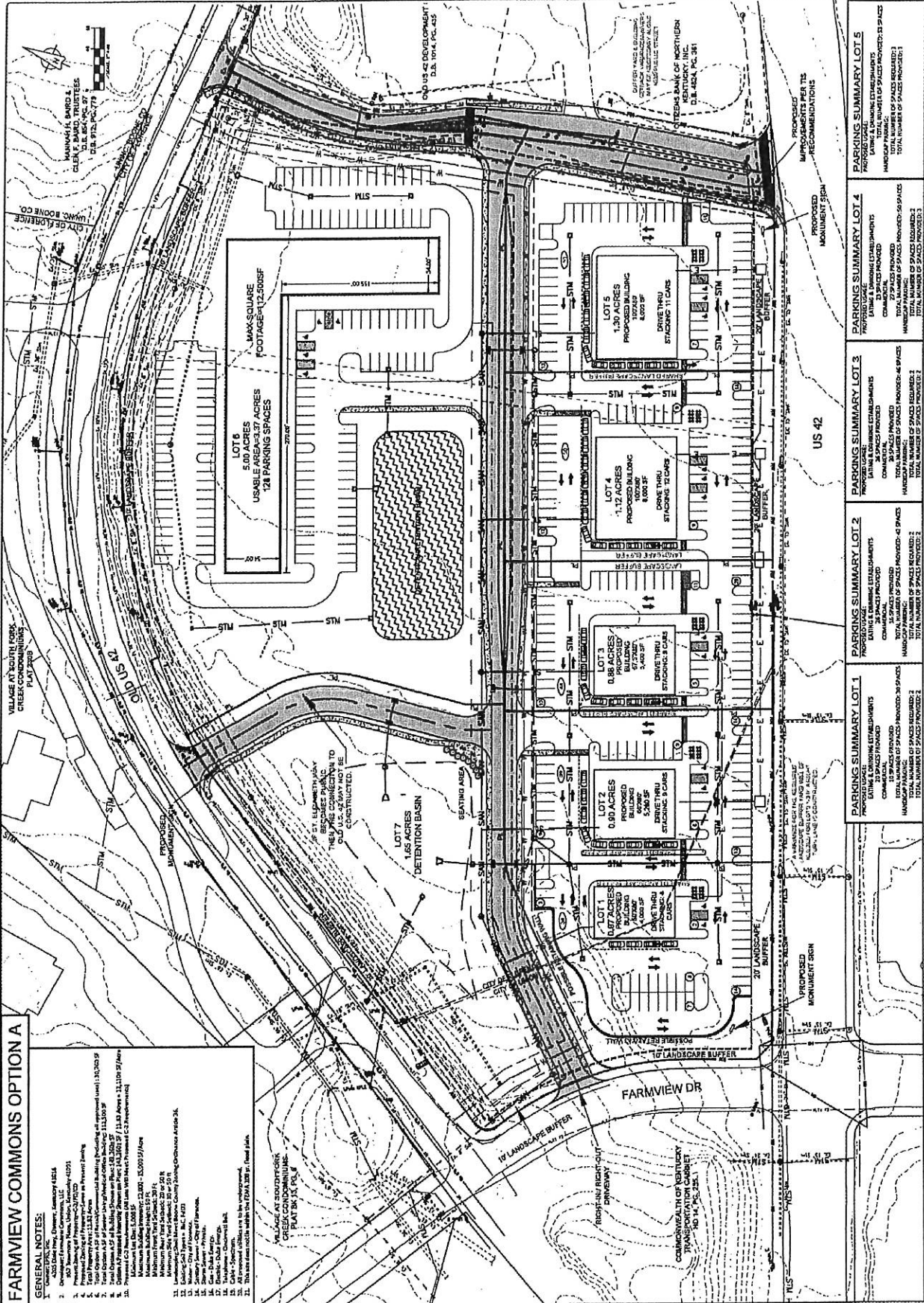
Hemal Soni
Farmview Commons, LLC

4/28/21
Date

FARMVIEW COMMONS OPTION A

GENERAL NOTES

1. General Notes, Chapter 1, Section 1.1
2. General Notes, Chapter 1, Section 1.2
3. General Notes, Chapter 1, Section 1.3
4. General Notes, Chapter 1, Section 1.4
5. General Notes, Chapter 1, Section 1.5
6. General Notes, Chapter 1, Section 1.6
7. General Notes, Chapter 1, Section 1.7
8. General Notes, Chapter 1, Section 1.8
9. General Notes, Chapter 1, Section 1.9
10. General Notes, Chapter 1, Section 1.10
11. General Notes, Chapter 1, Section 1.11
12. General Notes, Chapter 1, Section 1.12
13. General Notes, Chapter 1, Section 1.13
14. General Notes, Chapter 1, Section 1.14
15. General Notes, Chapter 1, Section 1.15
16. General Notes, Chapter 1, Section 1.16
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98. General Notes, Chapter 1, Section 1.98
99. General Notes, Chapter 1, Section 1.99
100. General Notes, Chapter 1, Section 1.100



PARKING SUMMARY LOT 1	PARKING SUMMARY LOT 2	PARKING SUMMARY LOT 3	PARKING SUMMARY LOT 4	PARKING SUMMARY LOT 5
PROPOSED BUILDING FOOTPRINT: 1,000 SF TOTAL NUMBER OF SPACES PROVIDED: 10 SPACES TOTAL NUMBER OF SPACES REQUIRED: 2	PROPOSED BUILDING FOOTPRINT: 1,000 SF TOTAL NUMBER OF SPACES PROVIDED: 10 SPACES TOTAL NUMBER OF SPACES REQUIRED: 2	PROPOSED BUILDING FOOTPRINT: 1,000 SF TOTAL NUMBER OF SPACES PROVIDED: 10 SPACES TOTAL NUMBER OF SPACES REQUIRED: 2	PROPOSED BUILDING FOOTPRINT: 1,000 SF TOTAL NUMBER OF SPACES PROVIDED: 10 SPACES TOTAL NUMBER OF SPACES REQUIRED: 2	PROPOSED BUILDING FOOTPRINT: 1,000 SF TOTAL NUMBER OF SPACES PROVIDED: 10 SPACES TOTAL NUMBER OF SPACES REQUIRED: 2

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered into this ____ day of _____, 2021 by and between ***FARMVIEW COMMONS*** and the ***CITY OF UNION, KENTUCKY*** (the "City").

RECITALS:

- A. The City has conditionally agreed to change the Zoning on a certain tract of land to be known as the Farmview Commons.
- B. That it is necessary that the developer pave Farmview Drive from its intersection at U.S. 42 to its intersection to the end of the intersection of Old Union Road, approximately 330 feet.
- C. The parties are entering into this Memorandum of Understanding to confirm their mutual understanding and agreement regarding of the paving of Farmview Drive from its intersection at U.S. 42 to the end of the intersection of Old Union Road, approximately 330 feet.

AGREEMENT:

NOW, THEREFORE, the parties agree as follows:

1. The Developer agrees to pave Farmview Drive from its intersection at U.S. 42 to the end of the intersection of Old Union Road, approximately 330 feet; at its cost.
2. The City agrees to cooperate with the Developer for the paving of Farmview Drive as described above.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Understanding as of the date first written above.

CITY OF UNION, KENTUCKY

BY: _____
DAVID PLUMMER
UNION CITY ADMINISTRATOR

FARMVIEW COMMONS

BY: _____

THIS INSTRUMENT PREPARED BY:

GREG D. VOSS, ESQ. (KBA #73429)
Attorney for the City of Union, Kentucky
301 West Pike Street
Covington, KY 41011
Telephone: (859) 344-1141