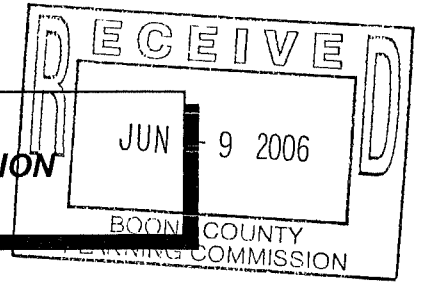


00-2MA-022-A

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

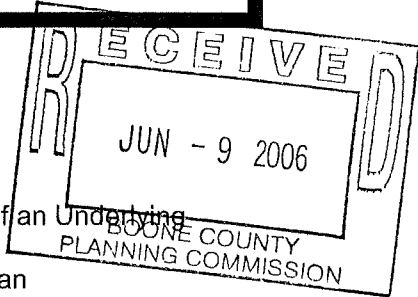
1. Name of Project RICH WOOD NORTH
 2. Location of Project US 25 + FRANK DUKE BLVD
 3. Total Acreage of Site 4.25 AC
 4. Current Zoning of Site C-1
 5. Proposed Zoning (Classification being requested) URI
 6. Proposed Uses (please specify each use) RESIDENTIAL
-
7. Names of Applicant(s) JE A 2 PROPERTIES, LLC
 - Phone Number 502-484-5802 Fax No. 502 484-0457
 8. Address of Applicant(s) P.O. BOX 157
OWENTON KY 40359
City State Zip
 9. Name of Property Owner(s) EWG CORPORATION
 - Phone Number 231-649-0536 Fax No. ---
 10. Address of Property Owner(s) 1920 KELLS RD.
WILLIAMSTOWN, KY 41097
City State Zip
 11. Proposed Building Intensities (please specify) 12 UNITS PER ACRE
8000 SF PER ACRE OVER 2 ACRES, 11000 SF PER ACRE
 12. Are there any existing buildings on the site? NO
How many? ---
 13. Deed Book 666 Page No. 269 Group No. 205B
 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 within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project RICHWOOD NORTH
- 3. Location of Project US 25 & FRANK DUKE BLVD
- 4. Total Acreage of Site 11.125
- 5. Current Zoning C-1/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 3-2-1996
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO
- 8. Proposed Uses (please specify each use) RESIDENTIAL
COMMERCIAL
- 9. Proposed Building Intensities (please specify) C-1 under 2 acre lot
8,000 SF PER ACRE - OVER 2 ACRE LOT 11,000 SF PER ACRE
UR-1, 12 UNITS PER ACRE
- 10. Have you submitted a Concept Development Plan? yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) JBA2 PROPERTIES, LLC
Phone Number 502-484-5802 Fax No. 502-484-0457
- 13. Address of Applicant(s) P.O. BOX 157
OWENTON KY 40359
City State Zip
- 14. Name of Property Owner(s) EWG CORPORATION
Phone Number 231-649-0536 Fax No. _____
- 15. Address of Property Owner(s) 1920 KELLS RD.
WILLIAMSTOWN, KY 41097
City State Zip
- 16. Are there any existing buildings on the site? NO
How many? _____
- 17. Deed Book 666 Page No. 269 Group No. 2058
- 18. Have you had a pre-application meeting with BCPC Staff? yes

EXHIBIT

“A”

STAFF REPORT

Request of **JEA 2 Properties, LLC (applicant)** for **EWG Corporation (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

July 19, 2006

REQUEST

This Concept Development Plan proposes changing the existing zoning classification from Commercial One (C-1) to Urban Residential One (UR-1) for 6.0 acres in order to allow 72 attached dwelling units (6 buildings, 12 units each) for a density of twelve (12) dwelling units per acre. The Urban Residential One (UR-1) zone permits up to twelve (12) dwelling units per acre. The approved Concept Development Plan from 1996 showed a 70,000 square foot strip style shopping center. A copy of the 1996 Concept Development Plan is attached to this Staff Report.

The approved Concept Development Plan from 1996 showed four commercial lots along Dixie Highway with no individual lot access onto Dixie Highway and utilizing a public "frontage type" road that could potentially have accessed the adjoining Mosby Point Mobile Home Park to the south and the Shehan property to the north. Two (2) public access points into the development were also proposed, one of which was constructed for access to the Richwood North Subdivision (Frank Duke Boulevard). This Concept Development Plan proposes changing the public "frontage type" road to a private road/driveway allowing cross access between potential commercial uses as well as access to and from the subdivision. The engineer contacted the Kentucky Transportation Cabinet and is showing the most recent plans for the proposed improvements to Dixie Highway (US 25) on the submitted Concept Development Plan. The road improvements are proposed to occur along the west side of Dixie Highway (US 25).

SITE HISTORY

The Richwood North Subdivision has been zoned Suburban Residential Two (SR-2) since the Comprehensive Zoning Update in 1980. In 1996, the front portion of the property (approximately 12 acres) went through the Zoning Map Amendment process to change from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow neighborhood retail and office uses. A copy of the signed condition letter is attached to this Staff Report.

ADJACENT LAND USES AND ZONING

- North: Shehan property zoned Commercial One (C-1), and the Amsterdam Village Subdivision (under construction) zoned Suburban Residential Two (SR-2).
- South: Mosby's Point Mobile Home Park zoned Mobile Home Park (MHP).
- East: Across Dixie Highway, property owned by Cuzick and Pilyer zoned Industrial One (I-1), Baumgartner and Robinson (Gathering Place Church & Zion Christian Academy) zoned Industrial One (I-1) and Industrial Two (I-2).
- West: Richwood North Subdivision zoned Suburban Residential Two (SR-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Urban Density Residential" (UD) uses. This designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre." It is critical to note that the Future Land Use Map is a 25 year projection, and is not intended to commit all areas to development immediately. In some areas, phasing may be used to make sure development is supported by infrastructure, and in others development may be delayed until planned infrastructure is provided.

The Land Use Element text makes the following statement that relates to this area (Devon Area, page 147):

"The undeveloped land south of Mt. Zion Road is appropriate for Urban Density residential development or attached affordable housing. Innovative design and affordable housing. Innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area, and which create negative visual impacts on the U.S. 25 corridor. The planned reconstruction and widening of U.S. 25 will create the potential for redevelopment in much of this corridor. Mixed use development with prevalent interconnections is recommended."

The Future Land Use Development Guidelines contain the following statements:

- 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. 140).

- B. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).
- C. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets.

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 ("Transportation and Pedestrian Network," pg. 142).

The Housing Element provides the following comments that relate to this proposal.

- A. Although single-family homes are by far the most numerous, they continue to decrease in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth ("Housing Types," pg. 75).
- B. As noted previously, there is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a continuation of the outward movement of housing construction from the general Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, US 42 and interstate interchanges. Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county. This will be an increasingly important issue as public water service is planned and implemented for the western parts of Boone County. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized.

In general, residential development has occurred at a lower density than planned in the Future Land Use Plan over the last two comprehensive plan updates in Boone County. The development has predominantly been in a limited variety of product, typified by mid-range value single-family subdivisions at approximately three units per acre. The demand for this product appears to remain strong throughout the 25 year Comprehensive Plan planning horizon with some attached housing designed into larger planned developments. Increased density does not necessarily negatively impact the quality of a community or nearby home values. Although neotraditional, true mixing of unit types, connection to green space, and similar concepts of neighborhood design have just begun to be considered by the development industry in Boone County, much work needs to be done in the design realm to implement these ideas correctly, and make them more common. These newer concepts are needed to enable the development industry and local government to address density concerns and strengthen the sense of community, as well as meet the housing demands of a changing population ("Conclusion," pg. 80).

The adopted Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, 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. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).

- F. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- G. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- H. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education needs. Primary and secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).
- I. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).
- J. 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. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. 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).
- K. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).
- L. Where existing infrastructure, services and the public school system are not adequate, developments shall be phased to coordinate with the provision of these items ("Housing," Objective 14).
- M. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- N. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).

- O. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

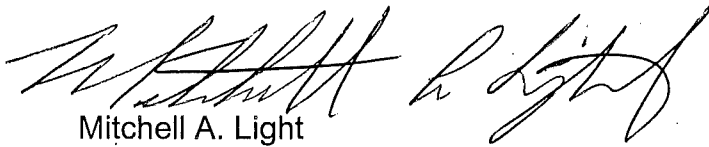
STAFF COMMENTS/CONCERNS

1. In the ten years since the ZMA was approved, the Suburban Residential Two (SR-2) portion of the Richwood North subdivision has completely developed but neither the 70,000 square foot retail strip commercial center or any of the outlot parcels have developed. The Future Land Use Map designates the entire subject site as Urban Density Residential (UD) defined as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre." Now that the Kentucky Transportation Cabinet has plans for Dixie Highway (US 25), we now know how this property will be impacted.
2. The submitted Concept Development Plan shows an access point between the two northernmost lots along Dixie Highway (US 25). Staff has scaled the distance from Frank Duke Boulevard to be approximately 475 feet and approximately 370 feet to the existing access point located on the Sheehan property. An encroachment must be obtained from the Kentucky Transportation Cabinet for this proposed access point. Section 3215 of the Boone County Zoning Regulations (Minimum Spacing of Driveways) requires 275 feet (or more) between driveways along arterial roadways.
3. The applicant has not supplied Staff with any proposed building elevations or materials for the residential or commercial lots.
4. An e-mail from Mike Ford of the Boone County Schools stating their position has been attached to this Staff Report.
5. The original Concept Development Plan from 1996 as well as the Conditions of Approval have been attached. Staff feels that certain conditions can still be applied to this application.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the 2001-02 Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

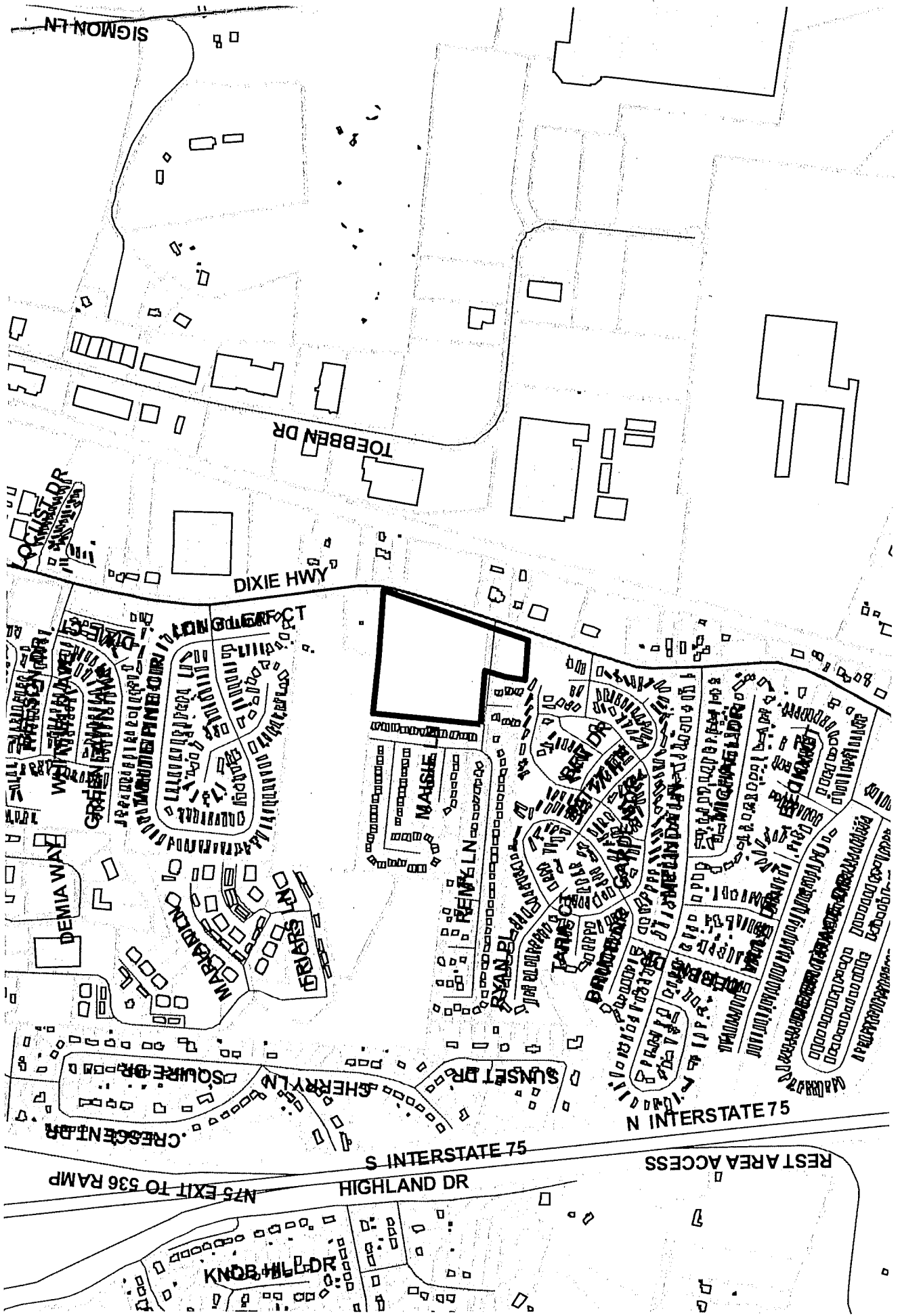


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

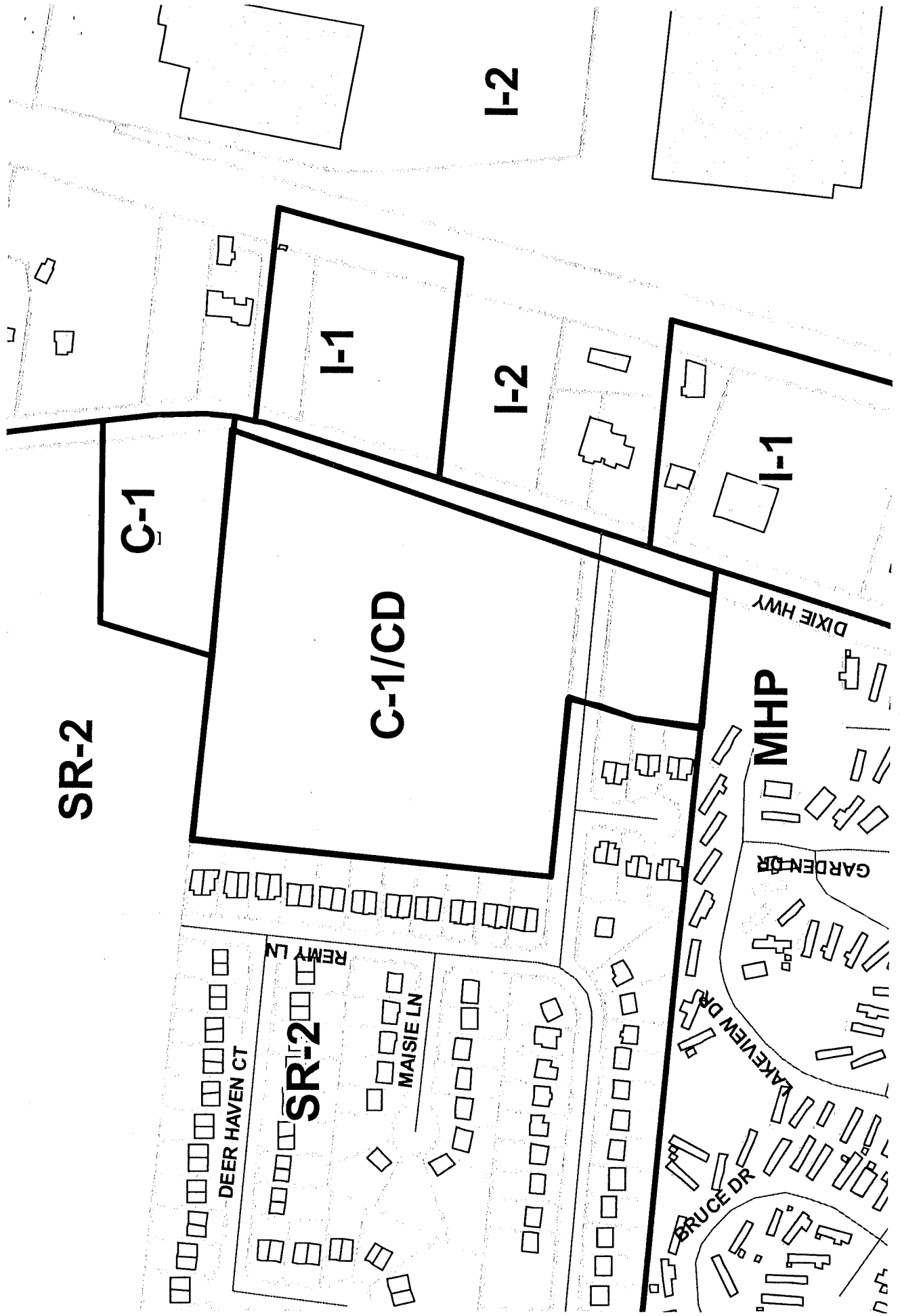
MAL/pr

attachments:

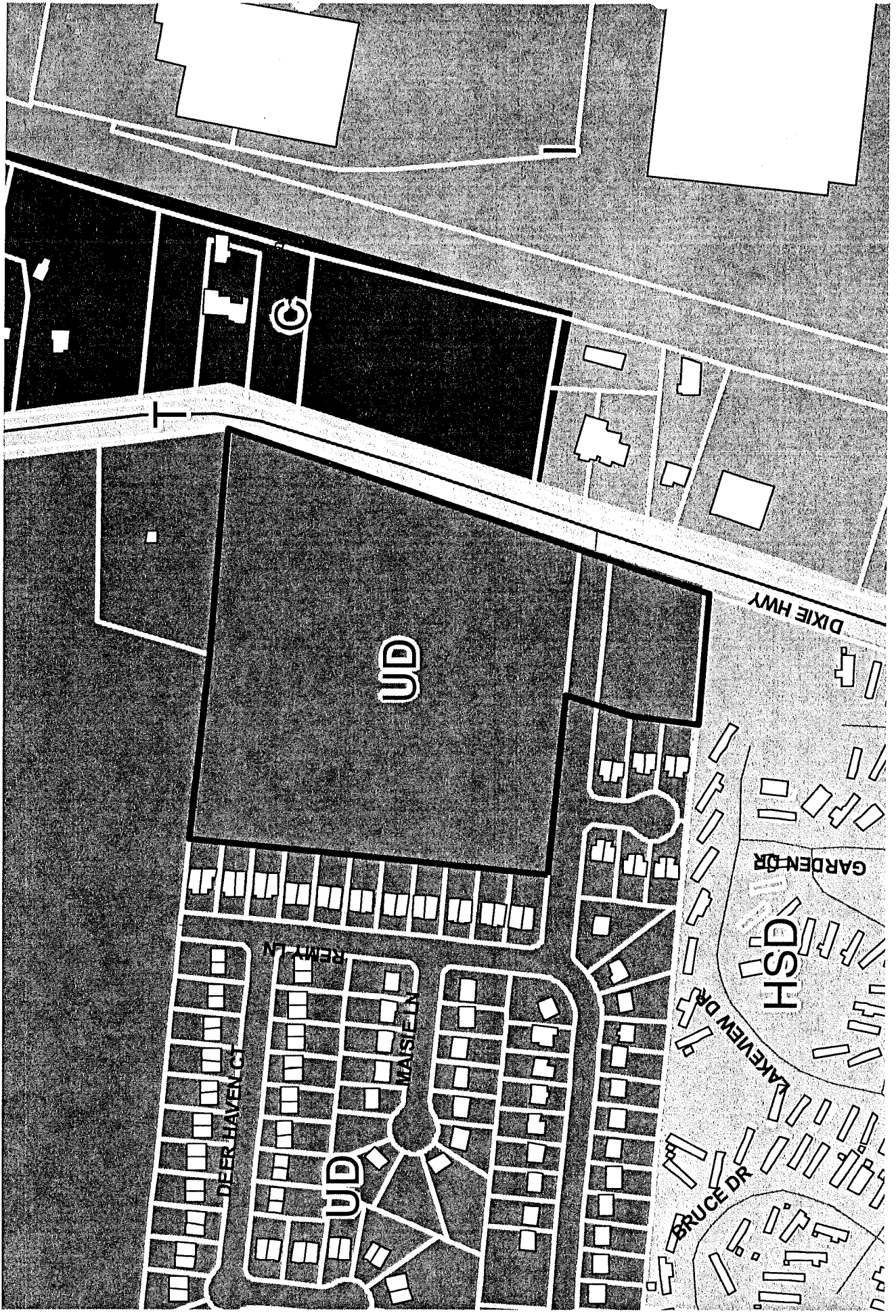
- Vicinity Map
- Zoning Map
- 2030 Future Land Use Map
- Existing Topography
- 2004 Aerial Photography
- 2006 Concept Development Plan
- 1996 Concept Development Plan
- 1996 Condition Letter
- Boone County Schools e-mail from Mike Ford
- Application



VICINITY MAP



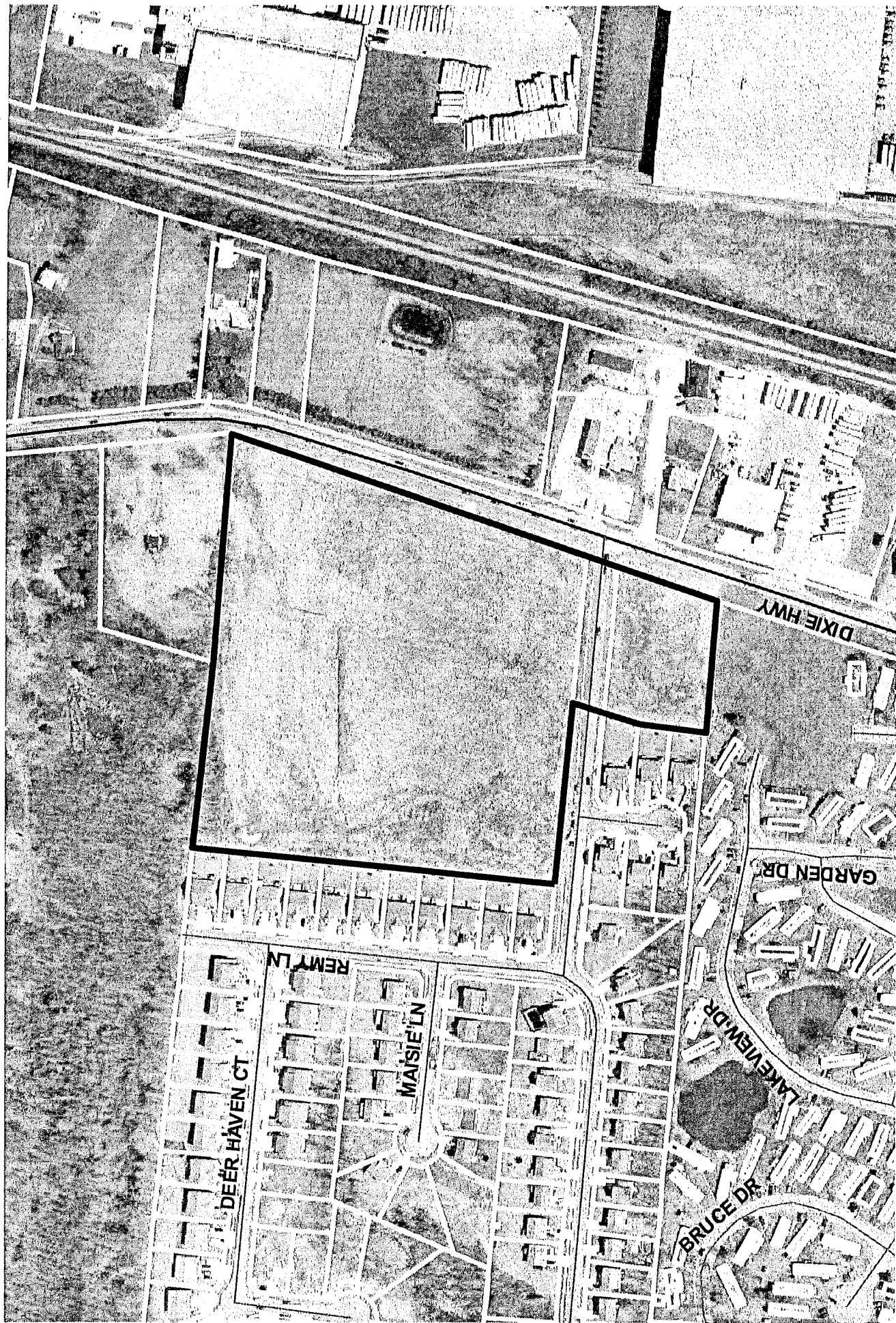
ZONING MAP



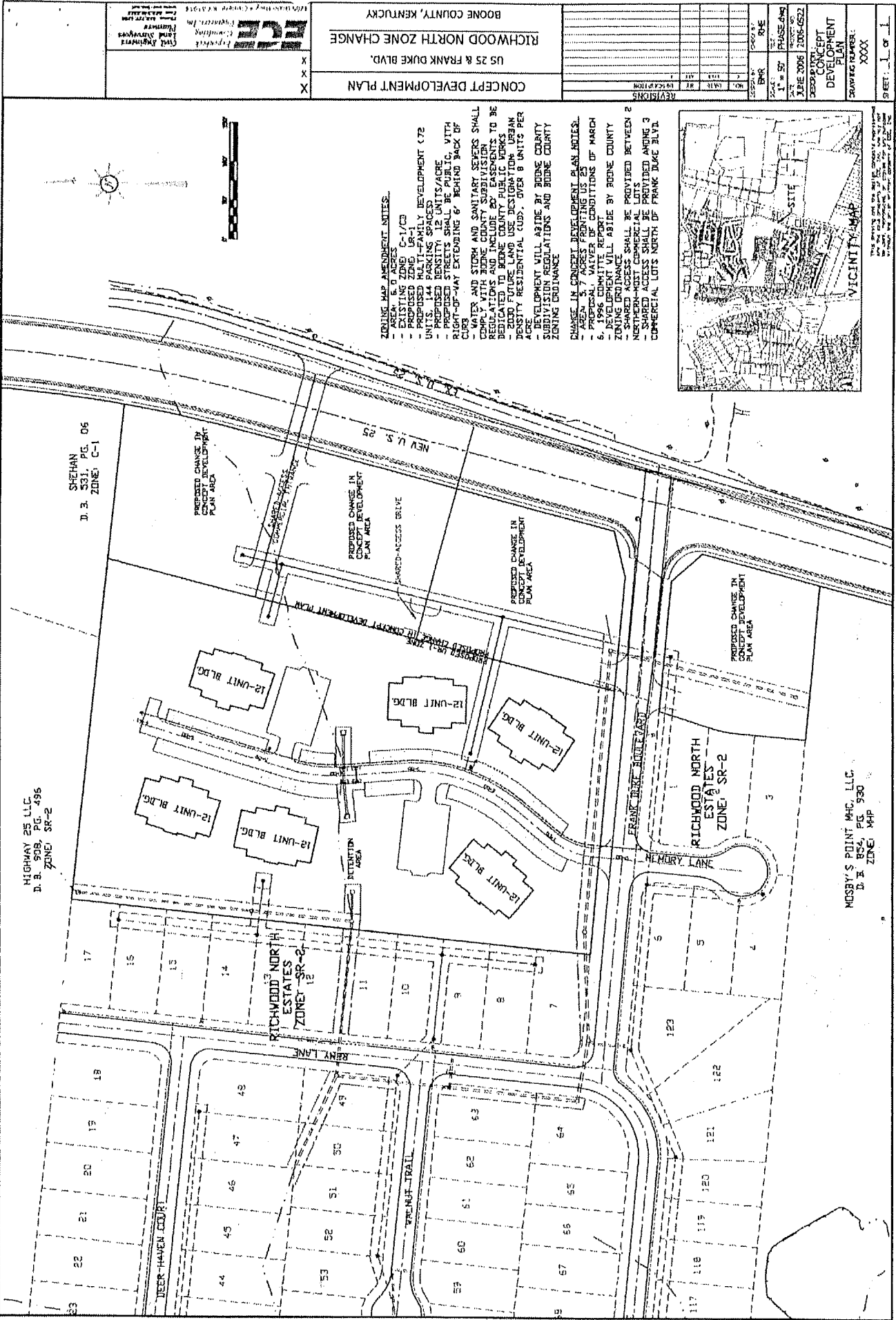
2030 FUTURE LAND USE MAP



EXISTING TOPOGRAPHY



2004 AERIAL PHOTOGRAPHY



SHEHAN
531, PG. 06
ZONE C-1

HIGHWAY 25 LLC
D. B. 809, PG. 595
ZONE SR-2

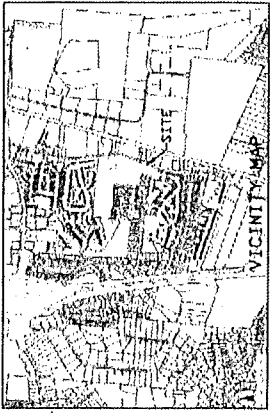
RICHWOOD NORTH
ESTATES
ZONE SR-2

RICHWOOD NORTH
ESTATES
ZONE SR-2

MOSEBY'S POINT MHC, LLC
D. B. 854, PG. 930
ZONE MAP



- ZONING MAP AMENDMENT NOTES:**
- EXISTING ZONE C-1/CO
 - PROPOSED ZONE LR-1
 - PROPOSED MULTI-FAMILY DEVELOPMENT (72 UNITS, 144 PARKING SPACES)
 - PROPOSED DENSITY 12 UNITS/ACRE
 - RIGHT-OF-WAY EXTENDING 6' BEHIND BACK OF CURB
 - WATER AND STORM AND SANITARY SEWERS SHALL COMPLY WITH BOONE COUNTY SUPERVISOR REGULATIONS AND INCLUDE 24' PLACEMENTS
 - 2000 FUTURE LAND USE DESIGNATION: URBAN DENSITY RESIDENTIAL (UD), OVER 8 UNITS PER ACRE
 - DEVELOPMENT WILL ABIDE BY BOONE COUNTY ZONING REGULATIONS AND BOONE COUNTY ZONING ORDINANCE
- CHANGE IN CONCEPT DEVELOPMENT PLAN NOTES:**
- ADEN 3.7 ACRES FRONTING US 25
 - 1996 CONCEPT DEVELOPMENT PLAN
 - DEVELOPMENT WILL ABIDE BY BOONE COUNTY ZONING ORDINANCE
 - SHARED ACCESS SHALL BE PROVIDED BETWEEN 2 AND 3 UNITS PER ACRE
 - MOST COMMERCIAL LOTS IDENTIFIED AND 3 COMMERCIAL LOTS NORTH OF FRANK DUKE BLVD.



BOONE COUNTY, KENTUCKY
RICHWOOD NORTH ZONE CHANGE
US 25 & FRANK DUKE BLVD.
CONCEPT DEVELOPMENT PLAN

NO.	DATE	BY	DESCRIPTION
1	11/13	BR	PREPARED
2	11/13	BR	REVISIONS

SCALE: 1" = 50'

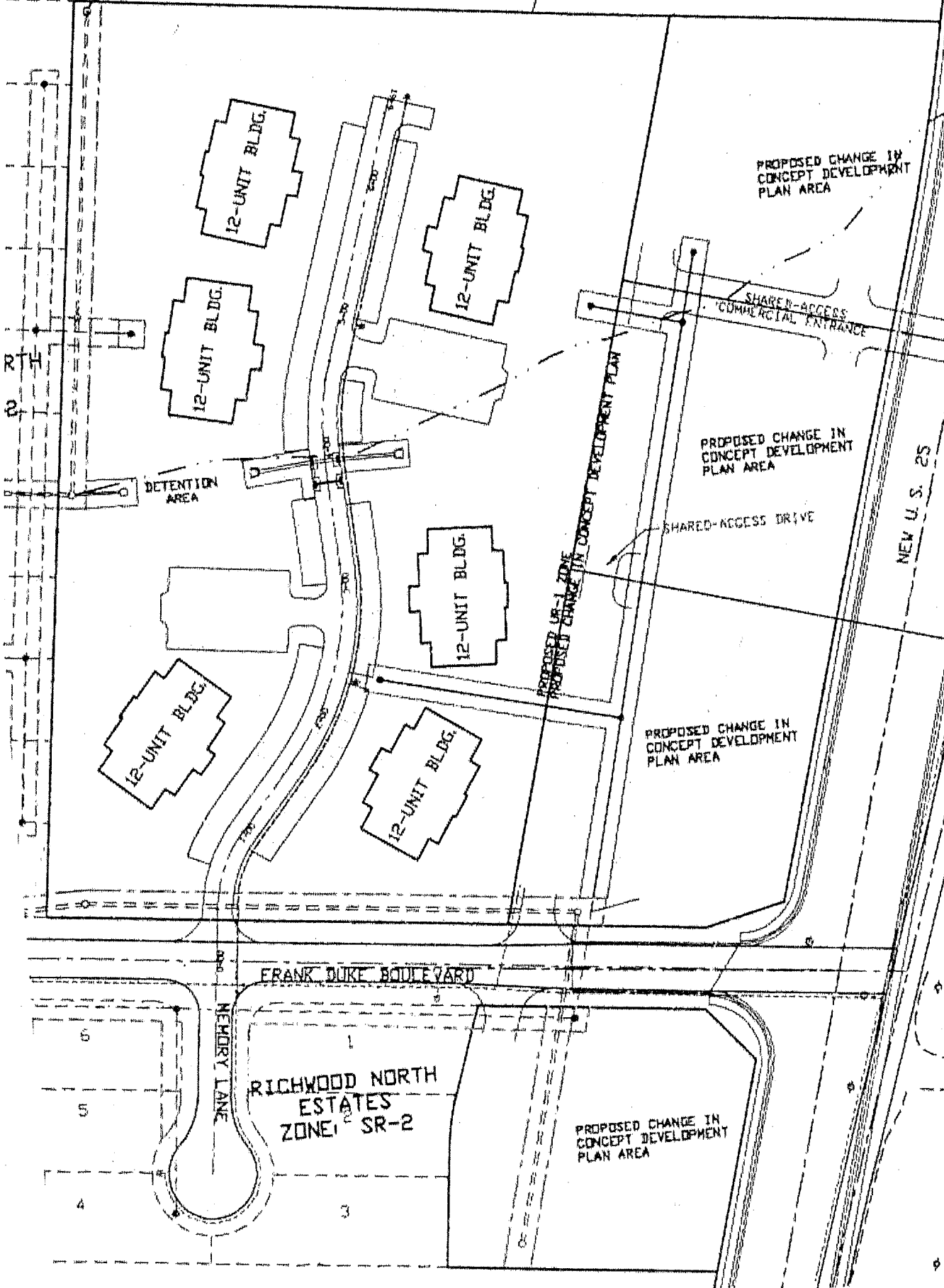
DATE: 2006 1208-0522

DESIGNER: CONCEPT DEVELOPMENT PLAN

DRAWING NUMBER: XXXX

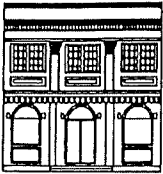
SHEET: 1 OF 1

2006 CONCEPT DEVELOPMENT PLAN



2006 CONCEPT DEVELOPMENT PLAN

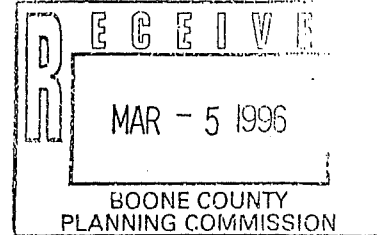
BOONE COUNTY PLANNING COMMISSION



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

February 28, 1996

Mrs. Edna Mae Geers
c/o David Hils
Concepts Real Estate
7415 Burlington Pike
Florence, KY 41042



FAX: 282-7202

RE: Recommended Conditions of Approval - Geers Zone Change from SR-2 to C-1;
10309 U.S. 25, Boone County, Kentucky

Dear Mrs. Geers:

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 owner, 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 5:00 p.m., Tuesday, March 5, 1996.

1. The future development of the site shall be subject to the submitted Concept Development Plan and the other conditions listed below herein.
2. The architectural design of the structures shall be subject to design review by the Planning Commission's staff through the Site Plan procedure to assure compatibility, continuity within the zone change area, and appropriateness with the adjoining areas. The structures within the zone change area shall use similar architectural elements and forms, emphasize pedestrian scale, use consistent building materials and a unified color scheme, and screen any roof mounted mechanical equipment.
3. Bicycle racks shall be provided on each individual lot. Bicycle 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 at least two bicycle parking spaces for every twenty five required automobile parking spaces.
4. A defined bus stop that is located outside of the moving lane on U.S. 25 shall be provided and constructed with the subdivision improvements.

1966-1996

"30 YEARS OF PLANNING THE FUTURE OF BOONE COUNTY"

Mrs. Edna Mae Geers
February 28, 1996
Page 2

5. Regularly spaced street trees shall be provided along the street frontages at a minimum ratio of at least one tree per 40 linear feet of street frontage. In addition, a minimum 25 foot wide buffer yard, with appropriate plantings and screening, shall be maintained between the proposed commercial uses and the adjoining residential areas.
6. The one acre frontage lots shall be limited to one business establishment per lot.
7. Convenience stores, freestanding package liquor stores, gas stations and automotive repair uses shall not be permitted in the zone change area.
8. Freestanding signage for the one acre frontage lots shall be limited to monument style signs that do not exceed 6 feet in height or 50 square feet in area.
9. The following shall be accomplished relative to access management:
 - A. The proposed frontage road shall be extended southward and shall connect to the undeveloped portion of the Mosby's Point site to the south.
 - B. No lot shall have direct vehicular access from U.S. 25.
 - C. The applicant will provide, at their expense, deceleration lanes on U.S. 25 by the time the zone change area is 50% developed (based on building square footage permitted under the Concept Development Plan), if such lanes have not already been provided or if U.S. 25 has not been widened by the Kentucky Transportation Cabinet.


Sincerely,


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

I, the owner, agree to the above listed conditions of approval for the requested Zoning Map Amendment from SR-2 to C-1 for the approximately 12 acre site located at 10309 U.S. 25, Boone County, Kentucky.


Edna Mae Geers, Owner

3-2-96
Date

Mitch Light

From: Ford, Mike [Mike.Ford@Boone.kyschools.us]
Sent: Wednesday, July 19, 2006 8:45 AM
To: Mitch Light
Subject: RE:

Mitch

Please download this e-mail so that you will have documentation from Boone County Board of Education

After speaking with Randy Poe and Bryan Blavatte, taking into consideration student population of all schools represented by this area, We recommend that the area remain zoned C-1.

The schools are at capacity and further residential development will result in overcrowded conditions

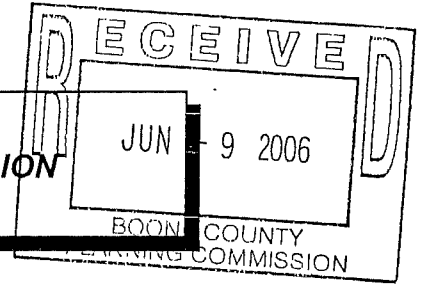
Thank you for your attention to this matter.

If you have questions or require additional information please do not hesitate to contact me

Mike Ford
Director of Pupil Personnel
Attendance Services Office
Boone County Schools
8330 US Hwy. 42
Florence, KY 41042
859.282.3325
mike.ford@boone.kyschools.us

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 RICK WOOD NORTH
- 2. Location of Project US 25 + FRANK DUKE BLVD
- 3. Total Acreage of Site ~~1.25~~ 6.0
- 4. Current Zoning of Site C-1
- 5. Proposed Zoning (Classification being requested) ~~C-1~~ UR1
- 6. Proposed Uses (please specify each use) ~~COMMERCIAL~~ - RESIDENTIAL

- 7. Names of Applicant(s) JEAZ PROPERTIES, LLC
- Phone Number 502-484-5802 Fax No. 502-484-0457
- 8. Address of Applicant(s) P.O. BOX 157
OWENTON KY 40359
City State Zip

- 9. Name of Property Owner(s) EWG CORPORATION
- Phone Number 231-649-0536 Fax No. ---
- 10. Address of Property Owner(s) 1920 KELLS RD.
WILLIAMSTOWN, KY 41097
City State Zip

- 11. Proposed Building Intensities (please specify) CU-1 - NOT UNLIM. AREAS
8,000 SF PER ACRE OVER 2 ACRES, 11,000 SF PER ACRE
12 UNITS PER ACRE

- 12. Are there any existing buildings on the site? NO

- How many? _____
- 13. Deed Book 666 Page No. 269 Group No. 2058

- 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance

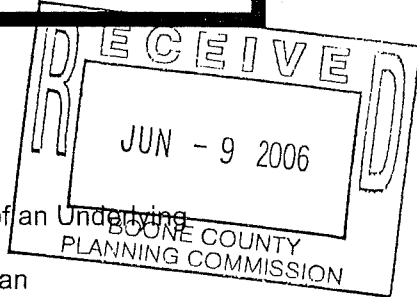
- 15. Have you submitted a Concept Development Plan? YES
- 16. Have you had a pre-application meeting with BCPC Staff? YES

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District
- _____ Florence Public Services Dept.
- _____ Duke Energy
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen Electric Cooperative, Inc.
- _____ Boone County Public Works Department
- X Kentucky Transportation Cabinet
- _____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
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- 2. Name of Project RICHWOOD NORTH
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- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 3-2-1996
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO
- 8. Proposed Uses (please specify each use) RESIDENTIAL
COMMERCIAL
- 9. Proposed Building Intensities (please specify) C-1 under 2 acre lot
8,000 SF PER ACRE - OVER 2 ACRE LOT 11,000 SF PER ACRE
UR-1, 12 UNITS PER ACRE
- 10. Have you submitted a Concept Development Plan? yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) JBA2 PROPERTIES, LLC
Phone Number 502-484-5802 Fax No. 502-484-0457
- 13. Address of Applicant(s) P.O. BOX 157
OWENTON KY 40359
City State Zip
- 14. Name of Property Owner(s) EWG CORPORATION
Phone Number 231-649-0536 Fax No. _____
- 15. Address of Property Owner(s) 1920 KELLS RD.
WILLIAMSTOWN, KY 41097
City State Zip
- 16. Are there any existing buildings on the site? NO
How many? _____
- 17. Deed Book 666 Page No. 269 Group No. 2058
- 18. Have you had a pre-application meeting with BCPC Staff? yes

(over)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**July 19, 2006
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Senior Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:35 PM and introduced the first item on the Agenda:

Applicant: JEA 2 Properties, LLC for
EWG Corporation (owner)

Request: Zoning Map Amendment and
Change in Concept Development Plan

The request of JEA 2 Properties, LLC (applicant) for EWG Corporation (owner) for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. Ed Ashcraft, P. O. Box 157, Owenton, Kentucky, stated that he is a partner in JEA 2 Properties, LLC and is present with his son John Ashcraft. He stated that their plan was developed by Ray Erpenbeck. It will be a nice residential development with adjoining commercial lots to be used by businesses that could serve the adjoining residential areas.

Mr. Ray Erpenbeck, 4205 Dixie Highway, Elsmere, engineer for the applicant, offered to answer any questions.

The Chairman asked if there was anyone else present who wished to speak on behalf of the application. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response. The Chairman asked if there were any comments or questions from the Commissioners.

Mrs. Poston questioned how many bedrooms there will be in the apartments. Mr. Ashcraft responded that the number of bedrooms will be based on a study of the market requirements. He believes the majority would be two-bedroom units and there will be some one-bedroom units.

Mr. McMillian asked if the units next to U.S. 25 will face the frontage road or U.S. 25. Mr. Ashcraft responded that it has not yet been determined which way the units will face, but he believes they will face U.S. 25 and have a connected parking lot to allow inter-circulation between the parking areas without exiting onto U.S. 25.

In response to questions from Mrs. Wilson regarding the four lots in the front, Mr. Erpenbeck stated that they will be individual commercial lots. They are one-acre lots and the size of the use would be the maximum allowed for each lot. Mrs. Wilson asked if they have allowed for the widening of the road. Mr. Erpenbeck responded "yes" and indicated on the Power Point slide how the highway is moving over 100 feet into their property. Mr. John Ashcraft indicated on the Power Point slide that the road is moving over about 100 feet at one end of their property tapering to about 50 feet at the other end of their property. Mr. Erpenbeck stated that all of the widening for the new highway is on this side of the road. Mr. Costello asked if the applicant is saying that even with the taking of the property, each lot will still net over one acre. Mr. Erpenbeck responded that each lot will still be a minimum of one acre. Mr. Costello stated that they are just pushing back the Commercial zoning line. Mr. Erpenbeck agreed but emphasized that they will have the proper lot sizes. Mrs. Wilson asked if the applicant has any additional information on the retail lots at this time. Mr. Erpenbeck responded "no".

Mrs. Kegley noted the email received from Boone County Schools (attached to the Staff Report) and questioned what the school system used for their calculations since the applicant does not know the number of bedrooms in the units. Mr. Ed Ashcraft responded that they have to look at the need in the area. He stated that if there are 1.5 children per unit, and he does not know that the number would be that high, then there would be less than 100 additional children in the neighborhood. He does not think that would be a great impact on the schools.

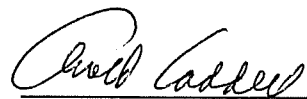
Mrs. Wilson asked if the applicant will still abide by the conditions listed in the February 28, 1996 letter from Kevin Wall (attached to the Staff Report). Mr. Erpenbeck responded that they are asking for relief from some of the original conditions because some of them are unnecessary at this point. Mrs. Wilson asked the applicant to be prepared to discuss the 1996 conditions at the Committee Meeting. Mr. Erpenbeck agreed.

Mr. Schwenke asked if there was a way to loop the residential street down into the retail area so that it would not be a deadend. Mr. Erpenbeck responded that their concern would be that the traffic from the apartments would shortcut through the commercial area and out onto U. S. 25. They prefer to have all of the traffic come out at Frank Duke Boulevard where it can be controlled. Mr. Schwenke responded that his concern is for access in the event of a fire and closure of the road. Mr. Erpenbeck stated that he does not think Staff would want traffic shortcutting through the commercial area to get out to Dixie Highway, but they will look into it and discuss it in Committee.

The Chairman advised the applicant to bring to Committee responses to the questions raised this evening, and to be prepared to discuss orientation of the buildings, what will be the front and back of the multi-family buildings, and the building materials.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 2, 2006 at 5:00 PM. This item will be on the Agenda for the Business Meeting on August 16, 2006 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
September 6, 2006
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Greg Breetz
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger
Mr. Randy Poe
Mr. Charlie Rolfsen

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment and Change in Concept Development Plan

The request of JEA 2 Properties, LLC (applicant) for EWG Corporation (owner) for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter demonstrating agreement to the conditions.

The Chairman asked if there was anyone present who wished to make a summary statement in regard to the discussion at the Committee Meeting before the Planning Commission takes action. There being no response, **Mr. Breetz moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mrs. Poston seconded the motion and it carried unanimously.**

NEW BUSINESS:

Agenda Item

No.

2

Zoning Map Amendment

The request of Bayer Becker c/o Nicole Daily (applicant) for Joseph Bremke, William Vogt, Barbara Schubert, Paulette Harp, and Claudette Peters (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 7.3 acre site located at 1009 Petersburg Road, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: September 6, 2006

RE: Request of **JEA 2 Properties, LLC (applicant)** for **EWG Corporation (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

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 Committee has concluded that the proposed Zoning Map Amendment and accompanying Concept Development Plan are in agreement with the Comprehensive Plan due to the following reasons.
 - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Urban Residential" (UR) uses. This designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."
 - B. The Goals and Objectives state that "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4)." All public utilities necessary for the development are either in place or will be extended by the developer.
 - C. Objective 13 of the Housing Element (page 10) states that "residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features."

2. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
3. The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The architectural design of the structures shall be subject to design review by the Planning Commission's staff through the Site Plan Review procedure to assure compatibility, continuity within the subject areas, and appropriateness with the adjoining areas. The residential buildings within the subject areas shall use a minimum of 50% masonry on all elevations, and all commercial buildings shall use a minimum of 50% masonry or similar architectural quality materials on all elevations, provide similar architectural elements, and screen any roof mounted equipment.
2. A maximum of 18 (25%) of the proposed 72 apartment units will be three (3) bedroom. The remaining 54 (75%) will be a combination of one (1) and two (2) bedroom units.
3. The commercial outlots shall be limited to one (1) principal structure per lot. Only one (1) of the four (4) outlots may be developed for a multi-tenant building. The overall number of outlots may be reduced provided that only one (1) principal structure is still limited on each outlot.
4. No lot shall have direct vehicular access from Dixie Highway (US 25).
5. The proposed driveway connecting the four (4) frontage outlots will act as a "connector road" providing a potential future connection to the Sheehan property to the North and Mosby's Point to the South and will be shown on each major site plan and constructed as part of each site plan.
6. A photometric plan is required to be submitted as part of each Major Site Plan review application (residential and commercial) in order to show that the lighting fixtures will be shielded and cast downward so as to prevent light pollution and light spilling onto the neighboring properties and measurable light shall be less than 1 foot candle at all property lines.

7. The following are the Principally Permitted, Accessory and Conditional, Commercial One (C-1) uses with the excluded uses stricken:

COMMERCIAL ONE (C-1)

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. ~~Liquor (Freestanding)~~, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;

16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
- ~~31. Recreation centers, gymnasiums, clubs and similar athletic uses;~~
32. Video stores;
- ~~33. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

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;
- d. Indoor target ranges and similar athletic uses;
2. ~~A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~
 - a. ~~Private garage and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping and use of appropriate household pets;~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the ~~side or~~ rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations ~~and automotive repair facilities;~~
2. Churches, synagogues, temples and other places of religious assembly for worship;

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

July 19, 2006
7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Senior Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:35 PM and introduced the first item on the Agenda:

Applicant: JEA 2 Properties, LLC for
EWG Corporation (owner)

Request: Zoning Map Amendment and
Change in Concept Development Plan

The request of JEA 2 Properties, LLC (applicant) for EWG Corporation (owner) for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

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Mr. Ed Ashcraft, P. O. Box 157, Owenton, Kentucky, stated that he is a partner in JEA 2 Properties, LLC and is present with his son John Ashcraft. He stated that their plan was developed by Ray Erpenbeck. It will be a nice residential development with adjoining commercial lots to be used by businesses that could serve the adjoining residential areas.

Mr. Ray Erpenbeck, 4205 Dixie Highway, Elsmere, engineer for the applicant, offered to answer any questions.

The Chairman asked if there was anyone else present who wished to speak on behalf of the application. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response. The Chairman asked if there were any comments or questions from the Commissioners.

Mrs. Poston questioned how many bedrooms there will be in the apartments. Mr. Ashcraft responded that the number of bedrooms will be based on a study of the market requirements. He believes the majority would be two-bedroom units and there will be some one-bedroom units.

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The Chairman advised the applicant to bring to Committee responses to the questions raised this evening, and to be prepared to discuss orientation of the buildings, what will be the front and back of the multi-family buildings, and the building materials.

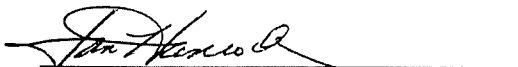
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 2, 2006 at 5:00 PM. This item will be on the Agenda for the Business Meeting on August 16, 2006 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: August 16, 2006

RE: Request of **JEA 2 Properties, LLC (applicant)** for **EWG Corporation (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

REMARKS:

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

JEA 2 Properties, LLC/EWG Corporation

August 16, 2006

Greg Breetz
Greg Breetz, Chairman
 For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
 For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
Kim Bunger
 For Project Absent
 Against Project
 Abstain Deferred

Janet K. Kegley
Janet Kegley
 For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Lisa Wilson (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: August 2, 2006

RE: Request of **JEA 2 Properties, LLC (applicant)** for **EWG Corporation (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

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JEA 2 Properties, LLC/EWG Corporation

August 2, 2006

Greg Breetz
Greg Breetz, Chairman
 For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
 For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
Kim Bunger
 For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley
Janet Kegley
 For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Lisa Wilson (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

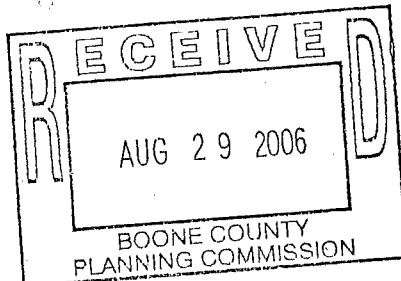
www.boonecountyky.org/pc
www.boonecountygis.com

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

August 22, 2006

Mr. Ed Ashcraft
P.O. Box 157
Owenton, KY 40359



RE: Conditions of Approval for the request of **JEA 2 Properties, LLC (applicant)** for **EWG Corporation (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

Dear Mr. Ashcraft:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their August 16, 2006 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signature of the property owner in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, September 1, 2006.

CONDITIONS

1. The architectural design of the structures shall be subject to design review by the Planning Commission's staff through the Site Plan Review procedure to assure compatibility, continuity within the subject areas, and appropriateness with the adjoining areas. The residential buildings within the subject areas shall use a minimum of 50% masonry on all elevations, and all commercial buildings shall use a minimum of 50% masonry or similar architectural quality materials on all elevations, provide similar architectural elements, and screen any roof mounted equipment.
2. A maximum of 18 (25%) of the proposed 72 apartment units will be three (3) bedroom. The remaining 54 (75%) will be a combination of one (1) and two (2) bedroom units.

3. The commercial outlots shall be limited to one (1) principal structure per lot. Only one (1) of the four (4) outlots may be developed for a multi-tenant building. The overall number of outlots may be reduced provided that only one (1) principal structure is still limited on each outlot.
4. No lot shall have direct vehicular access from Dixie Highway (US 25).
5. The proposed driveway connecting the four (4) frontage outlots will act as a "connector road" providing a potential future connection to the Sheehan property to the North and Mosby's Point to the South and will be shown on each major site plan and constructed as part of each site plan.
6. A photometric plan is required to be submitted as part of each Major Site Plan review application (residential and commercial) in order to show that the lighting fixtures will be shielded and cast downward so as to prevent light pollution and light spilling onto the neighboring properties and measurable light shall be less than 1 foot candle at all property lines.
7. The following are the Principally Permitted, Accessory and Conditional, Commercial One (C-1) uses with the excluded uses stricken:

COMMERCIAL ONE (C-1)

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. ~~Liquor (Freestanding)~~, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;

(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.

9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;

28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. ~~Recreation centers, gymnasiums, clubs and similar athletic uses;~~
32. Video stores;
33. ~~Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

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;
 - d. Indoor target ranges and similar athletic uses;
2. ~~A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~
 - a. ~~Private garage and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping and use of appropriate household pets;~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;

Mr. Ed Ashcraft
August 22, 2006
Page 5

- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

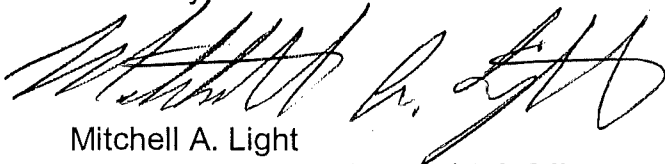
SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations ~~and automotive repair facilities;~~
2. Churches, synagogues, temples and other places of religious assembly for worship;

Sincerely,



Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

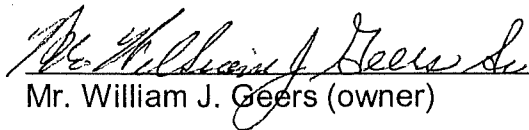
MAL\dw

Attachment

Mr. Ed Ashcraft
August 22, 2006
Page 6

Agreement

I, William J. Geers, (EWG Corporation), do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for 6.0 acres and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard, Boone County, Kentucky to allow a multi-family development and commercial outlots.

 8/29/06
Mr. William J. Geers (owner) (date)

DEED

PROPERTY TRANSFER TAX PAID \$
JERRY W. ROUSE, CLERK

KNOW ALL PERSONS BY THIS INSTRUMENT:

That EDNA MAE GEERS and WILLIAM J. GEERS, husband and wife,
the GRANTOR(S), for and in consideration of One (\$1.00) Dollar and
other good and valuable consideration as certified to below, paid
to the GRANTOR(S) by the GRANTEE(S) herein, the receipt of
which is hereby acknowledged, do(es) bargain, sell and convey
to the following named GRANTEE(S),

EWG CORPORATION, a Kentucky corporation,

its successors and assigns forever, the following described real
estate, in the county of BOONE, state of KENTUCKY, to wit:

Street Address: 42.56 ACRES U.S. HIGHWAY #25, BOONE COUNTY,
KENTUCKY

Grantee(s) Address: 10316 Sunset Drive, Florence, KY 41042

Grantor(s) Address: 10316 Sunset Drive, Florence, KY 41042

Group No.: 2058

Plat No.: _____

On the west side of Highway #25 approximately 4 miles
south of the Town of Florence, Kentucky and described
particularly thus: Beginning at a point in the west
right of way line of U. S. Highway #25 this same point a
corner with O. Dixon; thence with the Dixon line N 85-45
W 2385.1 feet to a point and iron stake by an old post in
a former line of Glackens; thence with this same Glacken
line N 0-30 E 389.4 feet to a point; thence S 84-45 E 863
feet to a point; thence N 5-15 E 558.82 feet to a point
this same a former corner in a line of the Eli Carpenter
tract and being witnessed in earlier descriptions by a
beech tree; thence S 85-15 E 1745.2 feet to a point in
the west right of way line of U. S. 25; thence along this
right of way S 17 W 936.4 feet to the beginning,
containing 42.56 acres of land. This boundary embraces
Lot #1 and one-half of Lot #2, both numbers according to
the Elizabeth Dixon land division.

24

14/10/2008

FILED
APR 23
2008
BOONE COUNTY
KENTUCKY

18

BEING the same property conveyed to Frank Domaschko and wife, Mary E. Domaschko, by deed with right of survivorship from Verner Rust and wife, Mathilde Rust, dated July 1, 1944, and recorded in Deed Book 82, page 147, of the records in the Boone County Clerk's Office at Burlington, Kentucky.

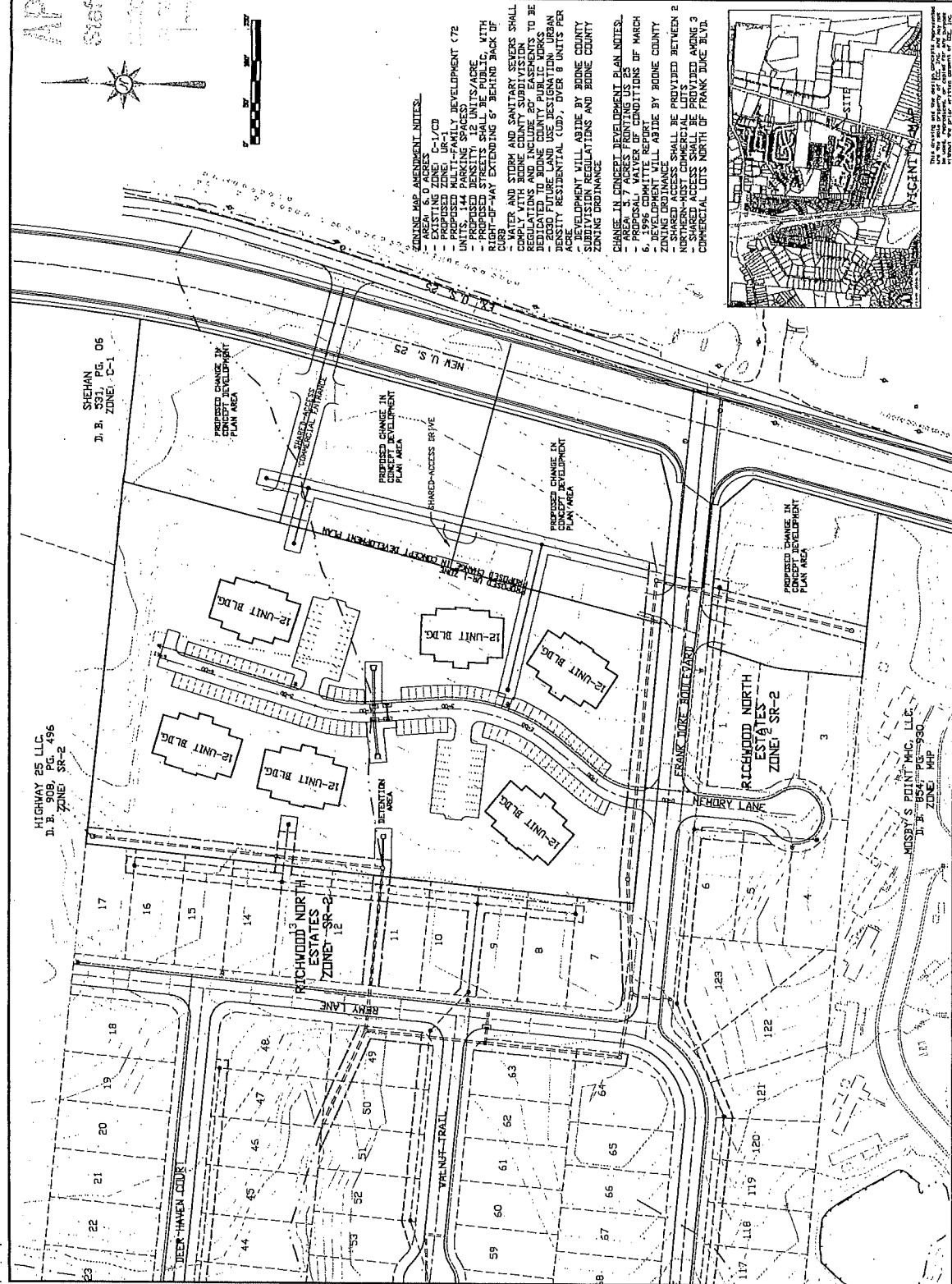
The said Mary E. Domaschko died on April 5, 1973 and by virtue of the survivorship clause in the above mentioned deed, title to said real estate vested in Frank Domaschko.

The said Frank Domaschko died testate on May 6, 1991 and his Will is recorded in Will Book 49, page 125 of the Boone County Clerk's records at Burlington, Kentucky. Under the terms of said Will, Edna Mae Geers, Grantee herein, took title to the property conveyed herein.

SUBJECT to conditions, restrictions and easements contained in deeds and instruments of record.

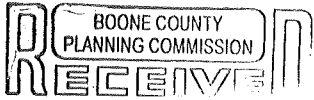
APPROVED
[Signature]
 9/6/06

ECF Engineers & Architects 4105 Dale Hwy • Elmira, NY 49118 Phone: 661-222-1111 Fax: 661-222-1112 www.ecfinc.com		BOONE COUNTY, KENTUCKY RICHWOOD NORTH ZONE CHANGE US 25 & FRANK DUKE BLVD. CONCEPT DEVELOPMENT PLAN		REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> </tr> <tr> <td>9</td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	1			2			3			4			5			6			7			8			9			10		
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SHEET: 1 OF 1
 DRAWING NUMBER: XXXX
 DATE: 9/6/06
 PROJECT: RICHWOOD NORTH ZONE CHANGE
 SCALE: AS SHOWN
 TITLE: CONCEPT DEVELOPMENT PLAN
 PROJECT NO.: 2006-0522
 DATE: 9/6/06
 PHASE: AWP
 FILE NO.: 2006-0522

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ORDINANCE 06-19

NOV 3 2006

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF JEA 2 PROPERTIES, LLC (APPLICANT) FOR EWG CORPORATION (OWNER) FOR A ZONING MAP AMENDMENT FROM COMMERCIAL ONE (C-1) TO URBAN RESIDENTIAL ONE (UR-1) FOR A 6.0 ACRE SITE GENERALLY LOCATED ALONG THE NORTH SIDE OF FRANK DUKE BOULEVARD, ACROSS FROM MEMORY LANE AND EAST OF THE RICHWOOD NORTH SUBDIVISION, AND FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL ONE (C-1) ZONE FOR 5.7 ACRES GENERALLY LOCATED ALONG THE WEST SIDE OF DIXIE HIGHWAY (U.S. 25) AT FRANK DUKE BOULEVARD AND EAST OF THE RICHWOOD NORTH SUBDIVISION, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site generally located along the north side of Frank Duke Boulevard, across from Memory Lane and east of the Richwood North Subdivision, and for a change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres generally located along the west side of Dixie Highway (U.S. 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, 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 for a change in an Approved Concept Development Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment and Conditional Use Permit for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 site generally located along the north side of Frank Duke Boulevard, across from Memory Lane and east of the Richwood North Subdivision, and for a change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres generally located along the west side of Dixie Highway (U.S. 25) at Frank Duke Boulevard and east of Richwood North Subdivision, Boone County, Kentucky. The real estate which is the subject to both requests is more particularly described in DEED BOOK 666, PAGE NO. 269 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the approval, with conditions, for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site generally located along the north side of Frank Duke Boulevard, across from Memory Lane and east of the Richwood North Subdivision, and for a change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres generally located along the west side of Dixie Highway (U.S. 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky, are the findings of fact and conditions 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 Ordinance and marked as "Exhibit A.

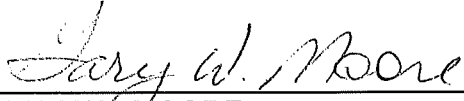
The Committee approves this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.


Introduced and given First Reading on the 3rd day of October, 2006.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 31st day of October, 2006, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



LOUIS KELLY
FISCAL COURT CLERK

11-9-06

DATE PUBLISHED



JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

