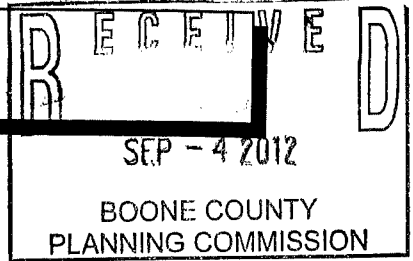


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



**FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED**

(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)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
- Zoning Administrator Review (As stated in the Mall Road District Study)

- 2. Name of Project Kiddie College Daycare
- 3. Location of Project 12895 Frogtown Connector Road, Walton, KY
- 4. Total Acreage of Site ~~30~~ 3.0
- 5. Current Zoning C-3/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) December 20, 2005
- 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) construct playground on property
- 9. Proposed Building Intensities (please specify) N/A
- 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) Kiddie College III, LLC  
Phone Number (859) 620-5830 Fax No. (859) 331-5337
- 13. Address of Applicant(s) 126 S. Main  
Dry Ridge Kentucky 41035  
City State Zip
- 14. Name of Property Owner(s) K. Hovnanian Summit Homes of Kentucky, L.L.C.  
Phone Number (330) 454-4048 Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) 2000 N 10th Street, NE  
Canton Ohio 44705  
City State Zip
- 16. Are there any existing buildings on the site? Yes  
How many? 4
- 17. Deed Book 943 Page No. 816 Group No. 2064
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of **Kiddie College III, LLC (applicant)** for **K. Hovnanian Summit Homes of Kentucky, LLC (owner)** for a Change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow an outdoor play area in conjunction with a day care center.

October 3, 2012

### REQUEST

This application is for a change in an approved Concept Development Plan for the 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road (former K. Hovnanian site). The site is subject to a conditional zone change approval from 2005 (2005 Concept Development Plan, 10/19/05 Committee Report, and Ordinance 05-18 are attached). Condition #3 of this approval states:

All uses shall be conducted completely indoors, except the outside storage which is expressly permitted within a masonry walled enclosure by condition 2.

The current proposal is to operate a day care center on the site with an outside play area. The play area is required by State authorities and necessitates a modification to condition #3 since it is an outside function other than storage.

The play area is proposed to be located on the north side of the lot, across the main driveway from the three existing buildings (Concept Development Plan is attached). The play area is proposed to be approximately 2,700 square feet in area ( $\pm 30'$  X  $\pm 90'$ ). It is set back approximately 65 feet from the Frogtown Connector Road right-of-way and approximately 85 feet from both the rear/west and side/north property lines. The area is proposed to be enclosed with an approximate 4 foot high chain link fence which has a green vinyl coating.

### ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following.

- A. I-71/75 is located to the east.
- B. The Richwood Villa Mobile Home Park is located to the west (MHP).
- C. Vacant lots are located to both the immediate north and south (C-3). Both of these tracts were part of the same zone change approval as the subject parcel.

### SITE CHARACTERISTICS

The site contains 3 acres and has 473 feet of frontage along Frogtown Connector Road. Improvements on the site include three residences which were constructed as offices (former display models for a builder), a maintenance/storage building in the northwest part of the site, an access point near the north end of the site, a common parking area behind the three main buildings, and a pylon style freestanding sign which has an electronic message center. The buffer area along the rear/west property line adjoining the mobile home park includes both mature, natural vegetation and planted nursery stock. The developed portions of the site are basically level, and the grades along the south and west property lines are gently sloping.

### SITE HISTORY

The previously mentioned Zoning Map Amendment was conditionally approved in 2005. Several Major Site Plans and site plan revisions were approved by the Planning Commission in 2006 and 2007. A Conditional Use Permit to allow a 70 square foot electronic message center as part of the 30 foot high freestanding sign, and a Variance to allow the overall sign area to be increased from 200 square feet to 280 square feet, was approved by the Boone County Board of Adjustment on March 14, 2007.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element makes the following statements that relate to the overall area.

- A. Triple Crown Subdivision provides an important road connection between Richwood Road and Frogtown Road. Other connections between Richwood Road and Frogtown Road need to occur. The southwest quadrant of I-75 and Frogtown Road, adjacent to the Frogtown-Richwood Connector Road (KY 3203), should develop as High Suburban Density residential to provide a logical transition of density and a buffer between the major roadways and single family development to the west. However, this area should not include a continuation of the existing mobile home park. Any attached housing in this area must be designed to complement adjacent single-family residential. The reconstruction of the I-75/Richwood Road Interchange is expected to occur in 2016 which may lead to the need for additional retail and office uses ("Richwood West, pg. 171).

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

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

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pp. 162 and 163).

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

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 163).

- C. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Richwood/Walton" region is estimated to change to 22,085 in 2020, and to 27,761 in 2030 (pg. 21).

The Business Activity Element states the following regarding the Richwood interchange area.

- A. Highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers. Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along U.S. Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area ("Recommended Areas of Commercial Activity," pg. 68).

The Housing Element provides the following comments that relate to the general area.

- A. The Frogtown Road and Richwood Road corridors have experienced significant residential construction with very little improvement to the existing roadways. Triple Crown sets a good example with its central, limited access boulevard that connects these two state-maintained roadways. However, other existing roads in the area, such as Hicks Pike and Chambers Road are designed for less traffic. Significant improvements to these roadways will be needed to support extensive growth. Future development in this area should be sensitively designed to minimize impact on existing low density residential land uses, and connecting routes that take traffic off existing roadways should be encouraged. Boone County should be encouraged to work closely with the Kentucky Transportation Cabinet to improve existing roadways ("Union/West Florence/West Richwood Area," pg. 85).

The Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. 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).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).

- D. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- G. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- H. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
- I. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial [Retail and Office] Objective 2).

### STAFF COMMENTS

The governing bodies will need to determine whether the proposal is in agreement with the Comprehensive Plan. The Future Land Use Map designates this site as "Commercial." The Land Use Element ("Richwood West, pg. 171) states "the southwest quadrant of I-75 and Frogtown Road, adjacent to the Frogtown-Richwood Connector Road (KY 3203), should develop as High Suburban Density residential to provide a logical transition of density and a buffer between the major roadways and single family development to the west. However, this area should not include a continuation of the existing mobile home park. Any attached housing in this area must be designed to complement adjacent single-family residential."

The Business Activity Element ("Recommended Areas of Commercial Activity," pg. 68) states "highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers." The governing bodies will also need to consider the alternate statutory findings for a Zoning Map Amendment.

The day care center use that is proposed for the property is principally permitted in the C-3 zone and is permitted by the current zone change conditions. It is the outdoor play area specifically, an accessory component, which is not permitted under the current conditions. Thus, the governing bodies need to evaluate the impacts that this change could cause both on this property and the neighboring sites, notably the adjoining mobile home park. The proposed play area is approximately 85 feet from the adjoining mobile home park. There is an existing landscape buffer area along the rear/west property line between the two properties. To more fully understand the potential effects of the proposal on the adjoining residential neighbors, the applicant should outline the typical time frames that the play area would be used, and whether any outdoor lighting would be added.

A 4 foot high green vinyl clad chain link fence is proposed. The fence would be clearly visible from the Frogtown Connector Road right-of-way as there would be no intervening "hard" improvements such as buildings or parking. For comparison purposes, the play areas at Abby's day care center on Grand National Boulevard (SR-1/PD zone) use white vinyl type vertical board fences. These play areas face the street across the parking lot. The play area for Little Red Schoolhouse on Paddock Drive (C-3 zone) is at the rear of the site, and is not readily visible from the street. There is a stock wire type right-of-way fence along I-71/75 across from the subject site.

Based on the Comprehensive Plan's direction regarding overall design issues and landscaping, and the visibility of the proposed play area from the road, Staff recommends that an alternate fence material be selected. Options include white vinyl products which simulate the appearance of wood (vertical board, picket style, etc.), architectural type steel fences, and other products which have more of a "finished" appearance. Additional landscaping to diffuse the view of a chain link fence from the road is also an option which could be considered. There are several existing trees which appear to be within the boundary of the proposed play area. These trees could be relocated and used as part of a plan to soften the appearance of the fence.

For the applicant's information, there is landscaping missing in the field which is required on the approved site plan. This landscaping will need to be replaced.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the proposed change in Concept Development Plan in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

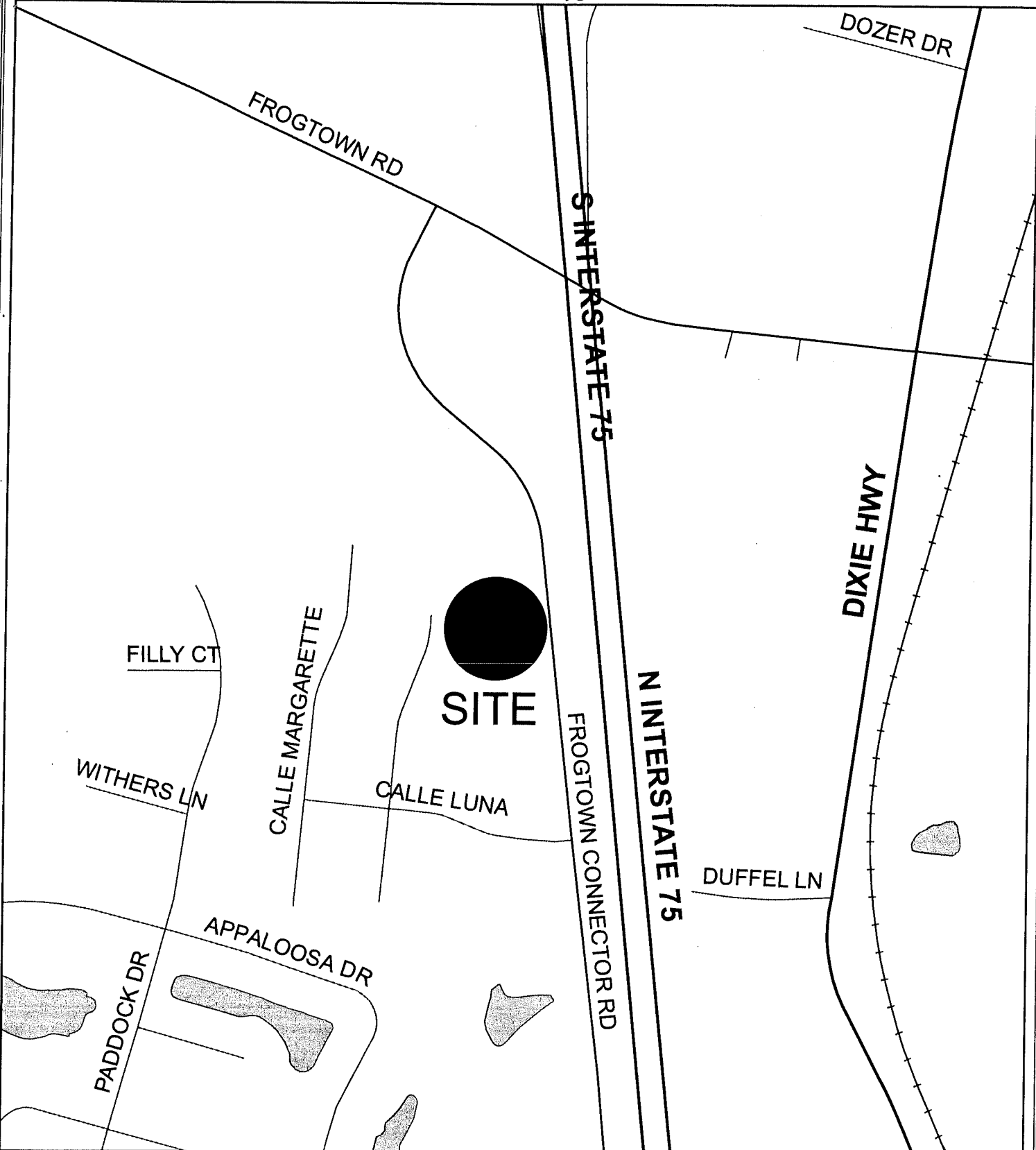
KTW/dw

attachments:

- location map
- air photo w/ zoning information
- Future Land Use Map excerpt
- topographic map
- 2005 Concept Development Plan
- 10/19/05 Committee Report
- Ordinance 05-18
- application materials including Concept Development Plan

# Location

www.boonecountygis.com



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Feet

1 inch = 83,333 feet

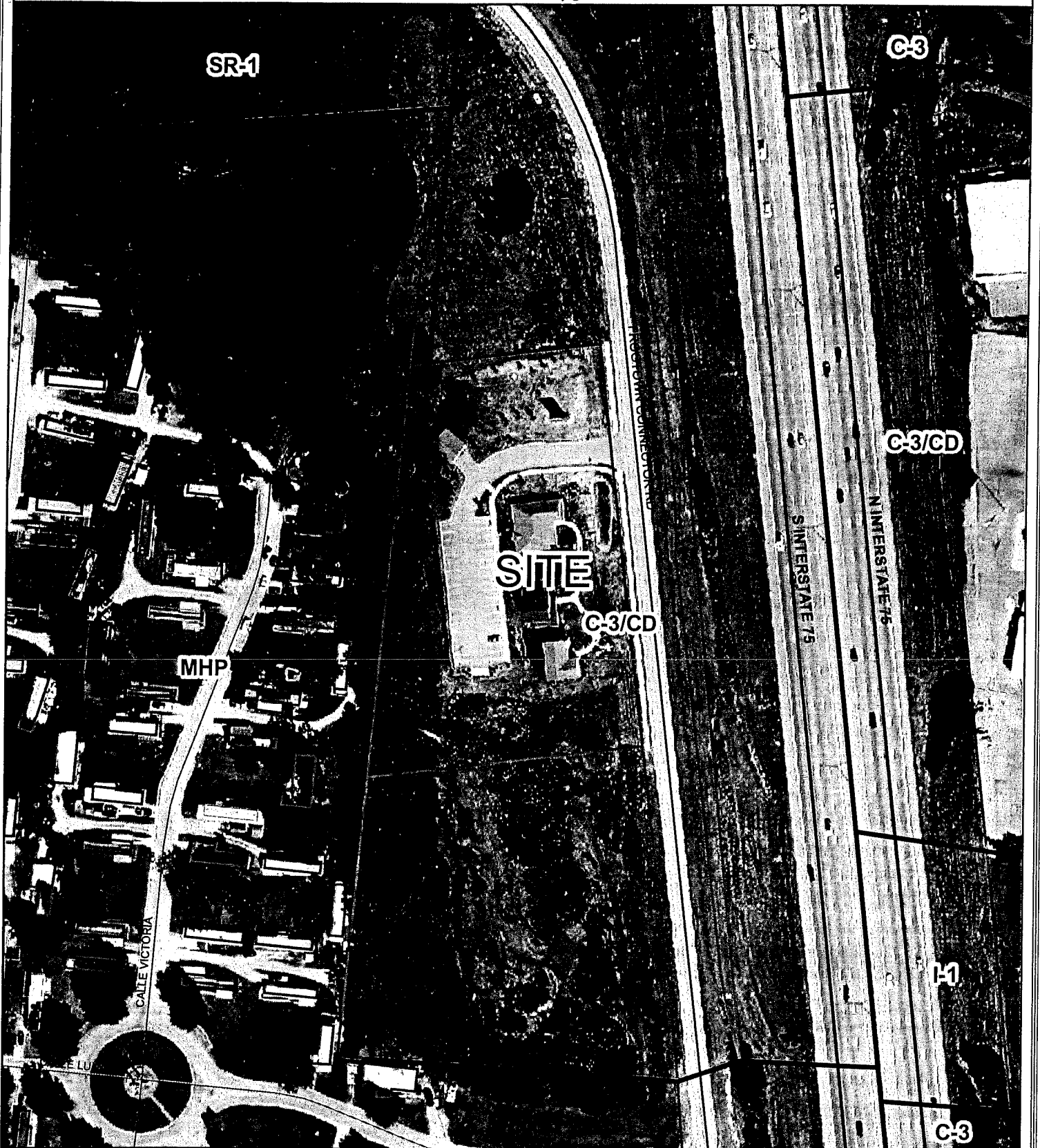


**Boone County GIS - Putting Northern Kentucky on the Map**



# Zoning

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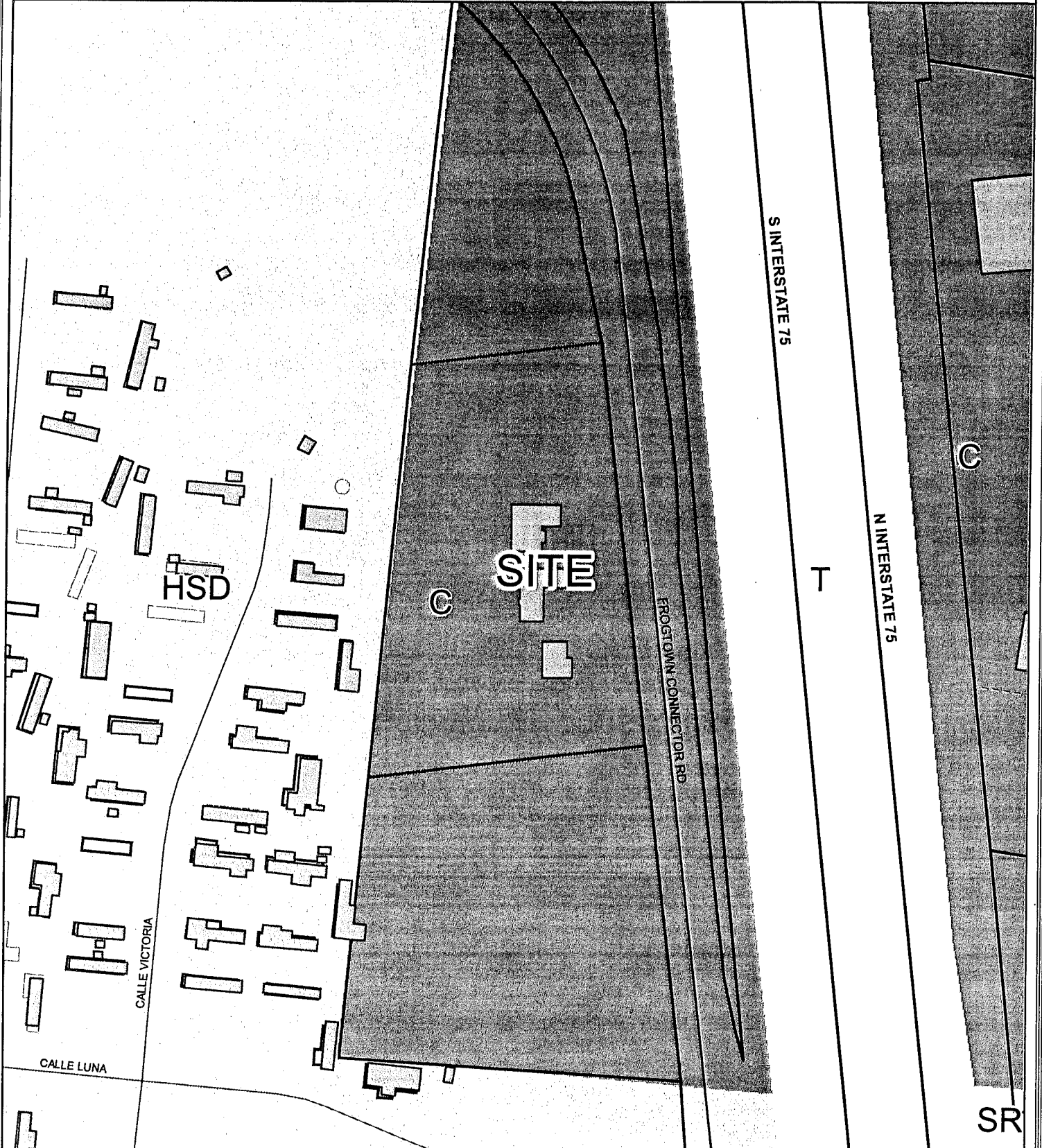


**Boone County GIS - Putting Northern Kentucky on the Map**



# Future Land Use

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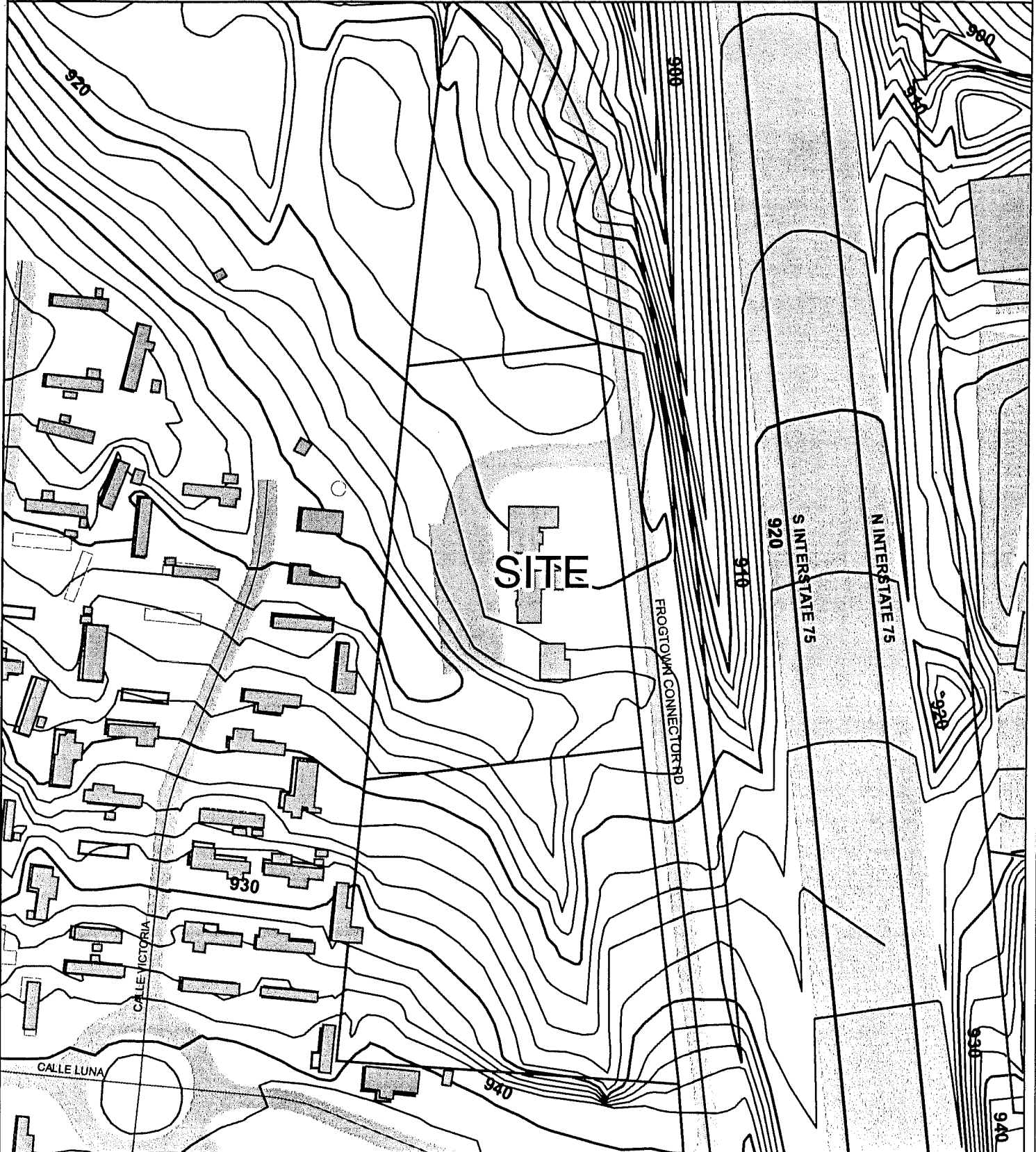


**Boone County GIS - Putting Northern Kentucky on the Map**



# Topography

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1 inch = 83,333 feet



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





## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: October 19, 2005

RE: Request of **James W. Berling (applicant)** for **DMC Trucking, Inc. (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site located on the north/east side of Frogtown Connector Road and south of the property at 329 Frogtown Road, Boone County, Kentucky. The request is for two zone changes to allow a hotel and other uses permitted in the C-3 zone.

### REMARKS:

We, the Committee, recommend approval of the above referenced request based on 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 Future Land Use Map designates the approximate southern two thirds (2/3) of the southern site for "Commercial" (C) uses and the remaining areas for "High Suburban Density Residential" (HSD) uses. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." Due to the conceptual nature of the Future Land Use Map and the fact that the remaining areas have substantial exposure to both Frogtown Connector Road and I-75, are not conducive to residential development, and can not be reasonably segregated from the southern part of the southern site for development purposes as the entire area was one single tract prior to the construction of Frogtown Connector Road, the Committee has concluded that the entire zone change area can be reasonably interpreted as lying within the Commercial area. This interpretation does not eliminate or

diminish the potential on adjoining sites for the High Suburban Density Residential uses which are shown on the Future Land Use Map and discussed in the Land Use Element.

The point regarding commercial development in this area is reinforced by the Land Use Element ("Richwood Area," pg. 167) which states "the commercial development northwest of the interchange will expand and extend along the interstate. This expansion can occur with the completion of the connector road to Frogtown Road. The commercial areas need to be adequately buffered from the existing residential areas, and should not include uses which require outside display of products." The entire site in question is within the area to the northwest of the interchange mentioned and the proposal involves the expansion and extension of commercial development along Frogtown Connector Road, which has been completed for several years. Adequate buffering and other compatibility controls will be provided through the agreed conditions and normal requirements of the zoning regulations. Additionally, the agreed conditions include use restrictions and require any limited, remaining outside storage to be conducted within a walled enclosure structure.

This same section of the Land Use Element states "intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75." The intrusive highway related services mentioned in the text will be prohibited in the development due to the agreed use restrictions.

- B. The Business Activity Element ("Areas of Future Commercial Activity," pg. 71) states "highway related commercial activity is appropriate at the I-75/Richwood Road Interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers. Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along U.S. Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area."

As noted above, adequate buffering and other compatibility controls will be provided for this development. Also, due to the agreed use restrictions, these commercial uses will be oriented to local residents versus highway travelers which could cause substantive impacts on Richwood Road and the interchange. The proposed hotel is the one use that is oriented towards travelers, but this use should not have tangible peak hour impacts on the road system - this point and the fact that the other proposed uses in general shouldn't have substantive impacts on Richwood Road or the interchange were reinforced by the applicant's traffic expert who discussed the proposal with the Committee. The proposal does not include any "truck oriented uses" as mentioned in the text.

- C. 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.
2. Due to the expansive frontage of both sites on Frogtown Connector Road and I-75, and the fact that the sites are not conducive to, or desirable for, residential uses as they do not readily "integrate" with the adjoining areas, the Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and the 2005 Boone County Comprehensive Plan Goals and Objectives. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The minimum spacing for access points within the development shall be 230 feet, as measured from centerline to centerline.

2. The following principally permitted uses normally allowed in the C-3 zone shall be prohibited within this development.

#3: Commercial parking facilities and commercial recreational vehicle parking facilities;

#5: Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;

#9: Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;

#13: Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;

#14: Sale of satellite dishes;

#23: Flea markets.

The following O-1 zone principally permitted use normally allowed in the C-3 zone by reference shall be prohibited within this development.

#20: Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment.

The following principally permitted uses normally allowed in the C-3 zone shall be restricted within this development as modified below. Any outside storage that is accessory to these uses must be conducted within a masonry walled enclosure.

#10: Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles. The permitted uses in this category shall be limited to garden and landscape sales only, with no bulk storage of materials such as topsoil or mulch.

#12: Equipment (light), automobile, truck rental and leasing services. The permitted uses in this category shall be limited to light equipment only.

Any outside storage for the following accessory uses permitted in the C-3 zone must be conducted within a masonry walled enclosure.

#6: Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

#7: The rental of trucks and trailers.

3. All uses shall be conducted completely indoors, except the outside storage which is expressly permitted within a masonry walled enclosure by condition 2.
4. Street trees installed in or along the road right-of-way shall be installed as each site develops, in addition to any other required landscaping. The tree species and spacing shall be determined at the site plan stage.
5. A consistent architectural theme shall be provided throughout the development as it is viewed from I-75. The architectural theme for the buildings shall use consistent materials, colors, and architectural elements. The architectural design of each structure shall be reviewed by Staff through the site plan process. A common signage theme which correlates to the architectural designs shall also be provided.
6. Lighting at the rear of the buildings shall be directed away from the adjoining residential uses and properties. All fixtures shall be downlit to avoid ambient glare.
7. No outdoor PA systems are permitted in the development.
8. All existing trees within 10 feet of the common property lines with Richwood Villa Mobile Home Park shall be retained. All buffer yards shall otherwise meet the requirements of the zoning regulations.

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 Committee Vote.

ORDINANCE 05-18

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF JAMES W. BERLING (APPLICANT) FOR DMC TRUCKING, INC. (OWNER) FOR A ZONING MAP AMENDMENT REQUEST FROM MOBILE HOME PARK (MHP) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR A 7.5 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF FROGTOWN CONNECTOR ROAD AND NORTH OF THE BUILDING AT 540 CALLE LUNA, BOONE COUNTY, KENTUCKY; AND FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3) FOR A 1.238 ACRE SITE GENERALLY LOCATED ON THE NORTH/EAST SIDE OF FROGTOWN CONNECTOR ROAD, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for two Zoning Map Amendments to the Boone County Zoning Map and such Zoning Map Amendments being a zone change from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site generally located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky; and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site generally located on the north/east side of Frogtown Connector Road, 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 two Zoning Map Amendments.

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

**SECTION I**

That the request for two Zoning Map Amendments for the real estate which is more particularly described below shall be and is hereby approved, with conditions, these Zoning Map Amendments being a zone change from Mobile Home Park (MHP) and Suburban Residential One (SR-1) to Commercial Services (C-3) for a 7.5 acre site generally located on the west side of Frogtown Connector Road and north of the building at 540 Calle Luna, Boone County, Kentucky, and for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 1.238 acre site generally located on the north/east side of Frogtown Connector Road, Boone County, Kentucky. The real estate which is the subject of this request for two Zoning Map Amendments in both a Mobile Home Park (MHP) and Suburban Residential One (SR-1) zone is more particularly described in DEED BOOK 504, PAGE NO. 175 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

ORDINANCE 05-18

**SECTION II**

That as a basis for the approval for two Zoning Map Amendment requests 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 Resolution and marked as "Exhibit A."

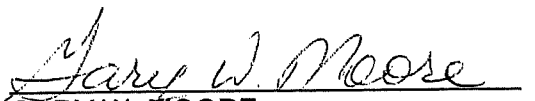
The Committee recommended approval for these requests based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**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 8<sup>th</sup> day of November, 2005.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20<sup>th</sup> day of December, 2005, 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:

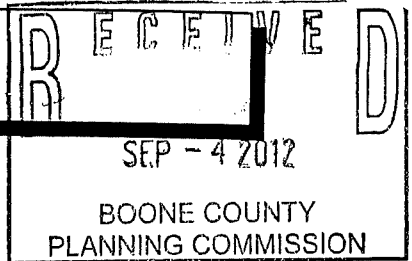
  
MICHELE ROBERTS  
FISCAL COURT CLERK

  
JAMES R. SCHRAND II  
BOONE COUNTY ATTORNEY

December 29, 2005  
DATE PUBLISHED

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(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)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
- Zoning Administrator Review (As stated in the Mall Road District Study)

- 2. Name of Project Kiddie College Daycare
- 3. Location of Project 12895 Frogtown Connector Road, Walton, KY
- 4. Total Acreage of Site ~~30~~ 3.0
- 5. Current Zoning C-3/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) December 20, 2005
- 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) construct playground on property
- 9. Proposed Building Intensities (please specify) N/A
- 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) Kiddie College III, LLC  
Phone Number (859) 620-5830 Fax No. (859) 331-5337
- 13. Address of Applicant(s) 126 S. Main  
Dry Ridge Kentucky 41035  
City State Zip
- 14. Name of Property Owner(s) K. Hovnanian Summit Homes of Kentucky, L.L.C.  
Phone Number (330) 454-4048 Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) 2000 N 10th Street, NE  
Canton Ohio 44705  
City State Zip
- 16. Are there any existing buildings on the site? Yes  
How many? 4
- 17. Deed Book 943 Page No. 816 Group No. 2064
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

19. Please check the following organizations/agencies which you have discussed the proposed development with in 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
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union
- Union

K. Hovnanian Summit Homes of Kentucky, L.L.C. per authority in attached contract

21. ORIGINAL Property Owner's Signature David Shultz number  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature David Shultz number  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 9/4/12 Fee Received \$2,342.00 R#105553

2. Check what has been submitted:

- Application  Fee \_\_\_\_\_ Legal Description \_\_\_\_\_
- Concept Development Plan \_\_\_\_\_ Addresses of Adjoining Property Owners \_\_\_\_\_
- 5 No. of copies of plan received \*\*

3. Is application complete? YES \_\_\_\_\_ NO \_\_\_\_\_

4. Staff Reviewer KEVIN WALL

5. Committee Chairperson \_\_\_\_\_

6. Scheduled Public Hearing Date 10/3/12

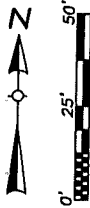
7. Boone County Planning Commission Action:

- Approved
- Denied
- Approved With Conditions

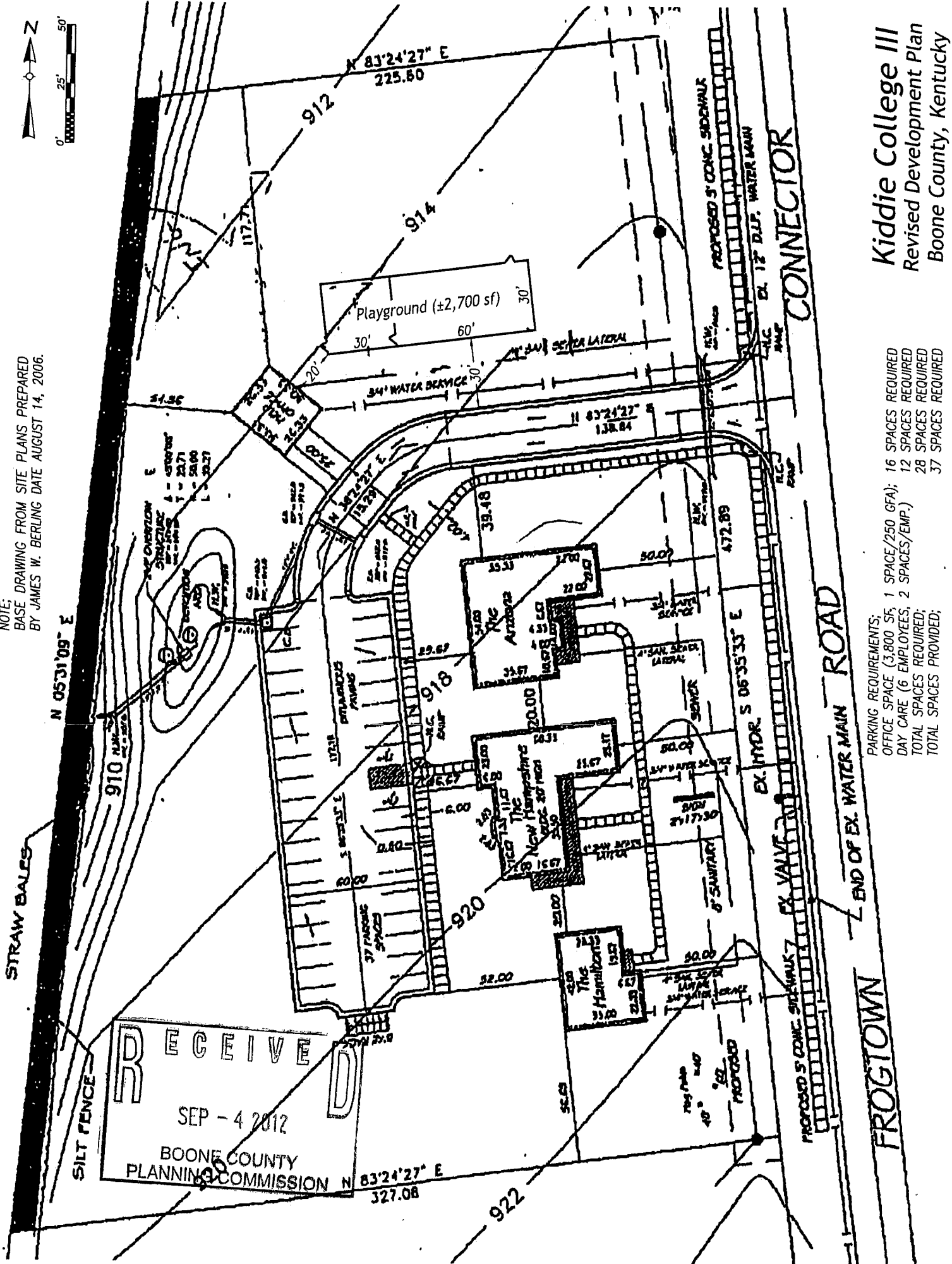
8. Other: \_\_\_\_\_

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

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.



NOTE:  
 BASE DRAWING FROM SITE PLANS PREPARED  
 BY JAMES W. BERLING DATE AUGUST 14, 2006.




**Kiddie College III**  
 Revised Development Plan  
 Boone County, Kentucky

PARKING REQUIREMENTS:

OFFICE SPACE (3,800 SF);	1 SPACE/250 GFA);	16 SPACES REQUIRED
DAY CARE (6 EMPLOYEES;	2 SPACES/EMP.)	12 SPACES REQUIRED
TOTAL SPACES REQUIRED;		28 SPACES REQUIRED
TOTAL SPACES PROVIDED;		37 SPACES REQUIRED

**RECEIVED**  
 SEP - 4 2012  
 BOONE COUNTY  
 PLANNING COMMISSION

PROPOSED 5' CONC. SIDEWALK  
 EX VALVE  
 EX HYDR. S 06°35'33" E  
 EX. 472.89  
 END OF EX. WATER MAIN ROAD  
 FROGTOWN



**Cardinal**  
Fence & Supply, Inc.

**Residential Industrial Commercial**  
Over 25 Years of  
Quality Workmanship & Experience  
Committed to Excellence

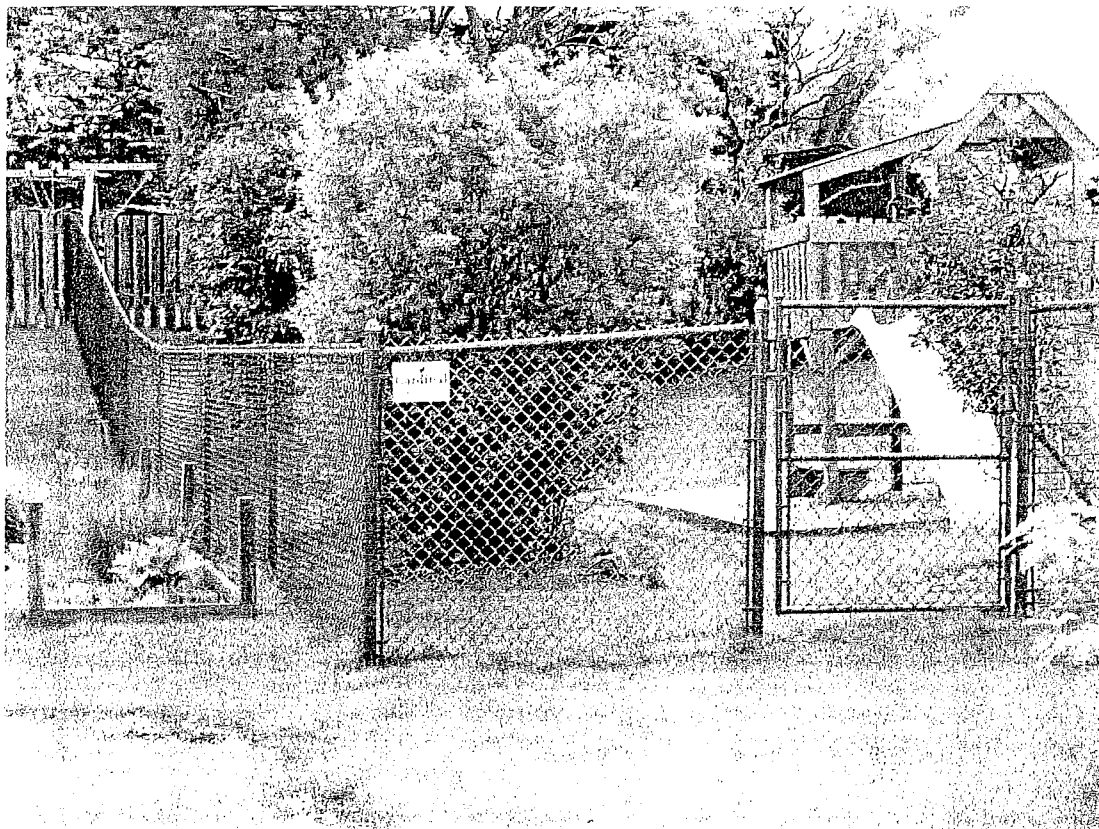
Free Estimates: (630) 860-5188 | (847) 670-0130

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- [Cedar](#)
- [Ornamental Aluminum & Iron](#)
- [Chain Link](#)
- [PVC](#)
- [Access Control](#)
- [Commercial / Industrial](#)
- [Staining](#)
- [Financing](#)
- [About Us](#)
- [Contact Us](#)

Example of Type of Fencing Around Playground



## Chain Link » Green Vinyl Chain Link



**CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff**

2. Request of **Kiddie College III, LLC (applicant)** for **K. Hovnanian Summit Homes of Kentucky, LLC (owner)** for a Change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow an outdoor play area in conjunction with a day care center.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site was subject to a zone change application about 7 years ago. It is located off the Frogtown Connector Road in front of the mobile home park. It is the K. Hovnanian complex of display model homes. The Future Land Use Map of the Comprehensive Plan shows the site as Commercial. There was a condition of approval from the 2005 zone change that said "all uses shall be conducted completely indoors, except the outside storage, which is expressly permitted within a masonry enclosure by Condition 2." The current proposal involves a day care, which is permitted in the C-3 zone. What is not allowed is the outdoor activity. The applicant is proposing an approximate 2,700 square foot outdoor play area enclosed by a vinyl coated green chain link fence. Mr. Wall then showed photographs of the property and adjoining properties including the residential uses to the west. References to the Comprehensive Plan are stated in the Staff Report. In terms of Staff Comments, the Staff has a question about the hours of when the playground will be used, lighting the playground area and the fence material as it relates to the visual impact and aesthetics. Mr. Wall provided information about what other day cares in the area did in terms of fencing - Abby's Day Care and the Little Red School House in Richwood. The Staff has provided some alternatives to address the visual impact and aesthetics. They are identified in the Staff Report.

At this time, Chairman Rolfsen asked if the applicant was ready to make their presentation about the request?

Mr. David Wallace, Wallace Boggs PSC, stated he is representing Kiddie College III, LLC. The request is to construct a play area for a day care facility. Day cares are allowed in a C-3 zoning district and the State requires play areas that may be either indoor or outdoor. Outdoor is preferred. The typical hours for operation of the playground is staggered from 10:00 a.m. to 5:00 p.m. The hours of operation for the day care facility itself is 6:00 a.m. to 6:00 p.m. Monday through Friday. Mr. Wallace stated that his client wants a nice looking fence but they are subject to State regulations relating to day cares. Older day care facilities had to comply with a 50% visibility requirement for play areas. Today, the requirement is 70%. Mr. Wallace referred to KAR 922.2120 which states that a play area has to be visible to staff all

times. It also has to be the type of fencing that a child can't put their foot or head through. He stated that he is willing to look at other alternatives but the coated chain link fence might be the best option. The site has a lot of landscaping and it could be a problem with the State because of their visibility requirements.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, he inquired whether the Board members had any questions or comments?

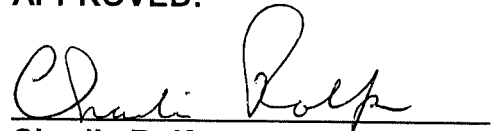
Mr. Schwenke stated that safety is the most important aspect of the use. In terms of visibility, there is nothing better than watching kids play.

Mr. Reynolds inquired about the play area being visible at all times? Mr. Wallace responded that the play area has to be visible to the employees and supervisors at the day care facility from all four sides. This does not mean from any adjoining properties like the mobile home park.

Mr. Bunger asked what was the plan for the other two buildings? Mr. Wallace first replied the current plan was to use the first building closest to the play area for the day care. The intention is to use the other two buildings for a professional office use. Mr. Wallace stated there is no intention at this time for those two buildings to be used for day care facilities.

**There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 17, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on November 7, 2012 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:13 P.M.**

**APPROVED:**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
NOVEMBER 7, 2012  
7:00 P.M.**

---

Chairman Rolfsen welcomed the audience to the Planning Commission's November 7th Business Meeting. He invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Ms. Susan Schultz  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner

**Approval of the Minutes:**

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the October 3, 2012 Business Meeting and Public Hearings. He asked if there were any comments or corrections. There being no changes to the minutes, **Mr. Reynolds moved that the Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.**

**ACTION ON PLAN REVIEWS:**

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff; Ben Brandstetter, Chairman**

1. Request of **Kiddie College III, LLC (applicant)** for **K. Hovnanian Summit Homes of Kentucky, LLC (owner)** for a Change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow an outdoor play area in conjunction with a day care center.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to one condition (see Committee Report). Mr. Wall noted that the Committee voted unanimously for the project with Mr. Brandstetter, Mrs. Kegley, Mr. Breetz and Mr. Bunger voting in favor of the request.

At this time, Chairman Rolfsen asked if there is a motion to take action on the request? **Mr. Brandstetter moved that the request be approved with a condition by Resolution to the Boone County Fiscal Court based upon the Committee Report. Mrs. Kegley seconded the motion and it carried unanimously.**

**ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT - Todd Morgan, Staff; Kim Bunger, Chairman**

2. Request of **Mike Martinelli (applicant)** for **Corporex Parks of Kentucky, Inc. (owner)** for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in a Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

Chairman Rolfsen announced that Mr. Brandstetter recused himself from voting on the request due to a prior business relationship with the property owner. Mr. Brandstetter left the meeting room.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously for the project with Mr. Bunger, Mr. Breetz, and Mrs. Kegley voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit?

Ms. Arli Schuermann, representing Corporex stated that her company is on board with the proposed project. It will be high quality. It will be located at the front door of their park. It

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: November 7, 2012

RE: Request of **Kiddie College III, LLC (applicant)** for **K. Hovnanian Summit Homes of Kentucky, LLC (owner)** for a Change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow an outdoor play area in conjunction with a day care center.

**REMARKS:**

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following condition.

**FINDINGS OF FACT**

1. The Committee has concluded that the proposed Change in Concept Development Plan application is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
  - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial." This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The proposed day care center falls within the Commercial designation and is already permitted on the site under the previous zone change. The Committee has determined that the fenced outdoor play area, which is the subject of this application, is a secondary aspect of the operation which should not create tangible impacts such as noise and light for the surrounding properties.
  - B. The Land Use Element discusses the potential "need for additional retail and office uses" in the vicinity ("Richwood West, pg. 171). This statement is reinforced by the Business Activity Element which states "as the residential area of Richwood grows, especially with the development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travelers" ("Recommended Areas of Commercial Activity," pg. 68). Again, the proposed day care center is a neighborhood commercial

use that is already permitted on the site, and the subject of this application is the fenced outdoor play area which the Committee has determined to be acceptable with the landscaping condition outlined below.

- C. The Land Use Element's Future Land Use Development guidelines include provisions regarding appropriate development design ("Design, Signs, and Historic Preservation," pg. 164). These provisions are reinforced by the Goals and Objectives, which state "proper design principles shall be applied in development" ("Overall," Objective 3). It is the Committee's conclusion that the placement of the play area, the green vinyl coated fencing, and relocated landscaping described in the agreed condition address these design provisions.
2. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

#### CONDITION

1. The existing trees that are in and around the immediate play area site shall be relocated along the front property line adjoining the play area. These trees shall be maintained and replaced if they die.

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 Committee Vote.

**COMMISSION MEMBERS PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
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Mr. Greg Breetz  
Mr. Mark Hicks  
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Ms. Susan Schultz

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner

Mr. Charlie Rolfsen, Chairman, called the Public Hearing to order at 8:00 P.M. and introduced the next item on the Agenda:

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff**

2. Request of **Kiddie College III, LLC (applicant)** for **K. Hovnanian Summit Homes of Kentucky, LLC (owner)** for a Change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow an outdoor play area in conjunction with a day care center.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site was subject to a zone change application about 7 years ago. It is located off the Frogtown Connector Road in front of the mobile home park. It is the K. Hovnanian complex of display model homes. The Future Land Use Map of the Comprehensive Plan shows the site as Commercial. There was a condition of approval from the 2005 zone change that said "all uses shall be conducted completely indoors, except the outside storage, which is expressly permitted within a masonry enclosure by Condition 2." The current proposal involves a day care, which is permitted in the C-3 zone. What is not allowed is the outdoor activity. The applicant is proposing an approximate 2,700 square foot outdoor play area enclosed by a vinyl coated green chain link fence. Mr. Wall then showed photographs of the property and adjoining properties including the residential uses to the west. References to the Comprehensive Plan are stated in the Staff Report. In terms of Staff Comments, the Staff has a question about the hours of when the playground will be used, lighting the playground area and the fence material as it relates to the visual impact and aesthetics. Mr. Wall provided information about what other day cares in the area did in terms of fencing - Abby's Day Care and the Little Red School House in Richwood. The Staff has provided some alternatives to address the visual impact and aesthetics. They are identified in the Staff Report.

At this time, Chairman Rolfsen asked if the applicant was ready to make their presentation about the request?

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Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, he inquired whether the Board members had any questions or comments?

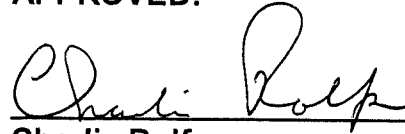
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Mr. Bunger asked what was the plan for the other two buildings? Mr. Wallace first replied the current plan was to use the first building closest to the play area for the day care. The intention is to use the other two buildings for a professional office use. Mr. Wallace stated there is no intention at this time for those two buildings to be used for day care facilities.

**There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 17, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on November 7, 2012 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:13 P.M.**

**APPROVED:**

  
\_\_\_\_\_  
**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: October 17, 2012

RE: Request of Kiddie College III, LLC (applicant) for K. Hovnanian Summit Homes of Kentucky, LLC (owner) for a Change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow an outdoor play area in conjunction with a day care center.

### 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.

Kiddie College III, LLC (applicant) for

K. Hovnanian Summit Homes of Kentucky, LLC (owner)

October 17, 2012

*B. Brandstetter*  
**Ben Brandstetter, Chairman**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

*Greg Breetz*  
**Greg Breetz**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

*Kim Bunger*  
**Kim Bunger**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

*Janet R. Kegley*  
**Janet Kegley**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Susan Schultz**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Mark Hicks (Alternate)**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

**Jim Longano (Alternate)**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

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

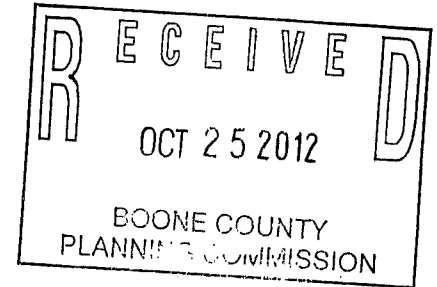
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

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

October 22, 2012

Mr. David Plunkett  
c/o Mr. David Wallace  
Wallace & Boggs  
300 Buttermilk Pike, Suite 100  
Ft. Mitchell, KY 41017

FAX: 331-5337



RE: Recommended Condition of Approval for Kiddie College Change in Concept Development Plan Application, 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky

Dear Mr. Plunkett:

The following represents the condition of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their October 17, 2012 meeting. If you, as the authorized representative of the property owner agree to this condition, 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, October 26, 2012.

## CONDITION

1. The existing trees that are in and around the immediate play area site shall be relocated along the front property line adjoining the play area. These trees shall be maintained and replaced if they die.

Sincerely,

Kevin T. Wall, AICP  
Director, Zoning Services

KTW/vlm

## AGREEMENT

I, the authorized representative of the property owner of the 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky, agree to the condition listed herein for the above referenced Change in Concept Development Plan application.

David Plunkett, Authorized Representative for  
K. Hovnanian Summit Homes of Kentucky, LLC

October 25 / 2012  
Date

## **ORDINANCE 13-04**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO APPROVAL, WITH ONE CONDITION, FOR A REQUEST OF KIDDIE COLLEGE III, LLC (APPLICANT) FOR K. HOVNANIAN SUMMIT HOMES OF KENTUCKY, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES (C-3) ZONE FOR A 3.0 ACRE LOT LOCATED AT 12875, 12885 AND 12895 FROGTOWN CONNECTOR ROAD, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot located at 12875, 12885 and 12895 Frogtown Connector Road, 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 one condition, for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot located at 12875, 12885 and 12895 Frogtown Connector Road, Boone County, Kentucky.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, 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 approved, with one condition, in a Commercial Services (C-3) zone for a 3.0 acre lot located at 12875, 12885 and 12895 Frogtown Connector Road, Boone County,

Kentucky. The real estate which is the subject of this Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone is more particularly described in DEED BOOK 943, PAGE NO. 816, (as supplied by the applicant) as recorded in the Boone County Clerk's office.

## **SECTION II**

That a basis for this approval, with one condition, of a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot located at 12875 12885 and 12895 Frogtown Connector Road, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The findings of fact and one condition as set forth in the Boone County Planning Commission Committee Report are marked as "Exhibit B."

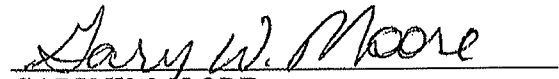
## **SECTION III**

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 18<sup>th</sup> day of December, 2012.

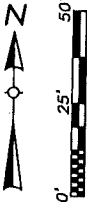
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 22<sup>nd</sup> day of January, 2013 and signed by the County

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

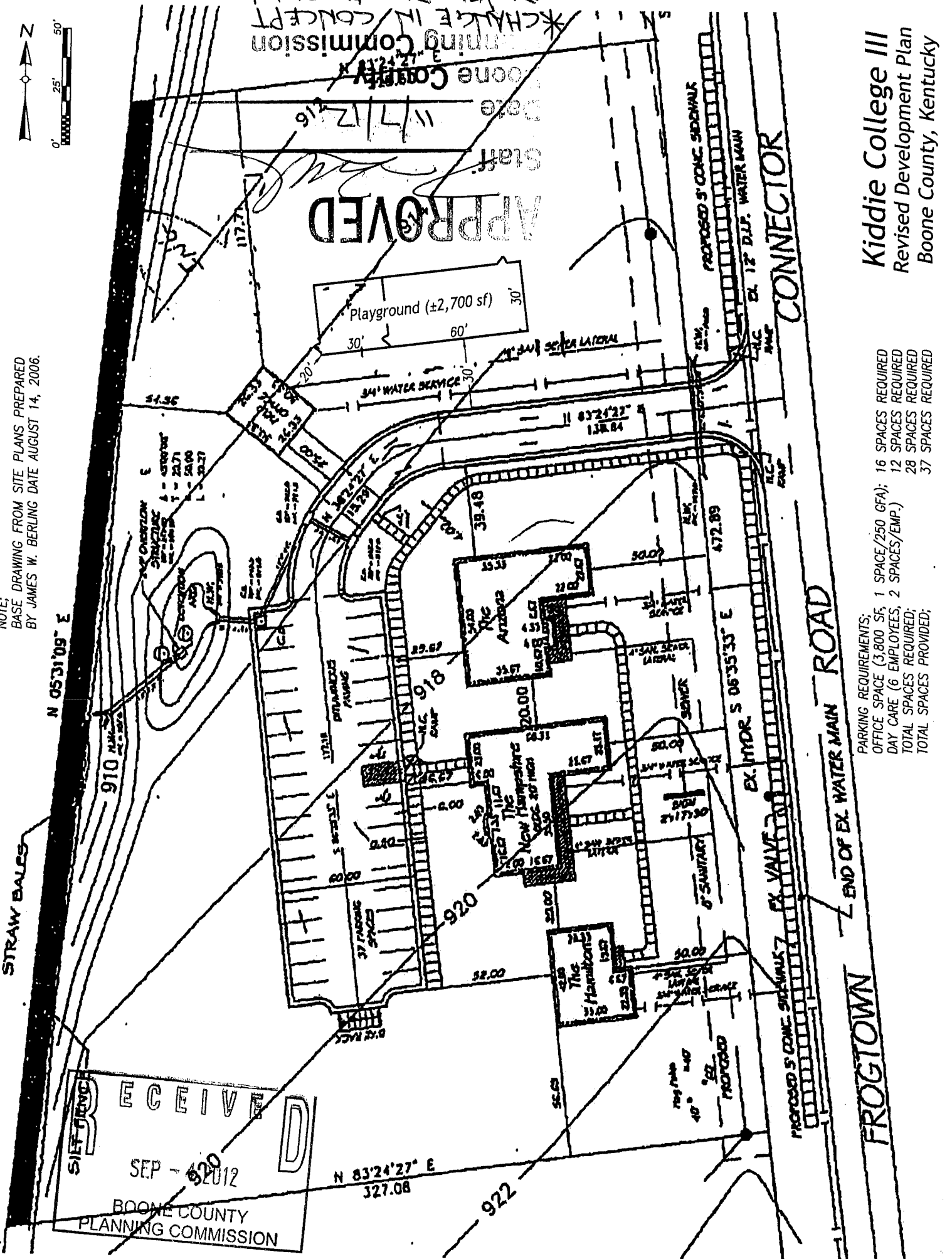
  
DAPHNE KORNBLUM  
FISCAL COURT CLERK

NOTE:  
 BASE DRAWING FROM SITE PLANS PREPARED  
 BY JAMES W. BERLING DATE AUGUST 14, 2006.



\*CHARGE IN CONCEPT  
 DEVELOPMENT PLAN  
 Boone County  
 Planning Commission  
 Date 11/12/16  
 Staff:

**APPROVED**



**Kiddie College III**  
 Revised Development Plan  
 Boone County, Kentucky

PARKING REQUIREMENTS:  
 OFFICE SPACE (3,800 SF, 1 SPACE/250 GFA): 16 SPACES REQUIRED  
 DAY CARE (6 EMPLOYEES, 2 SPACES/EMP.): 12 SPACES REQUIRED  
 TOTAL SPACES REQUIRED: 28 SPACES REQUIRED  
 TOTAL SPACES PROVIDED: 37 SPACES REQUIRED

SIFT-TROND  
**RECEIVED**  
 SEP - 2012  
 BOONE COUNTY  
 PLANNING COMMISSION

**FROGTOWN**

END OF EX. WATER MAIN ROAD

CONNECTOR

PROPOSED 3" CONC. SIDEWALK  
 EX. 12" D.I.P. WATER MAIN

EX. HDOR. S 06°35'33" E  
 472.89

EX. VALVE

PROPOSED 5" CONC. SIDEWALK

N 83°24'27" E  
 327.08

922

N 05°31'09" E

910

920

37 PARKING SPACES

Playground (±2,700 sf)

34" WATER SERVICE

ENCLOSURE

ENCLOSURE

ENCLOSURE

ENCLOSURE

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