

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 Technical Design 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 Lots 1 through 7 of Cornerstone Estates.
- 3. Location of Project Cornerstone Estates, Burlington Kentucky
- 4. Total Acreage of Site 3.4 Acres
- 5. Current Zoning RS/CO
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 7/2/2004
- 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) _____

8. Proposed Uses (please specify each use) Single Family Residential

9. Proposed Building Intensities (please specify)
Have homes face Cornerstone drive instead of facing Builttsville Road and preserve berm.

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) Golden Masonry Homes
Phone Number 513-615-1570 Fax No. _____ E-Mail brianbolen@hotmail.com

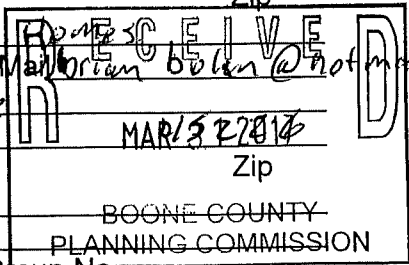
13. Address of Applicant(s) 3741 Vineyard Place
Cincinnati Ohio 45226
City State Zip

14. Name of Property Owner(s) Golden Masonry
Phone Number 513-615-1570 Fax No. _____ E-Mail brianbolen@hotmail.com

15. Address of Property Owner(s) 3741 Vineyard Place
Cincinnati Ohio _____
City State Zip

16. Are there any existing buildings on the site? No
How many? _____

17. Deed Book 969 Page No. 497 Group No. _____



EXHIBIT

“A”

STAFF REPORT

Request of Golden Masonry Homes (owner) for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

May 3, 2017

REQUEST

The applicant is requesting to modify the Conditions of Approval from the 2004 Zoning Map Amendment to allow the homes on Lots 1 through 7 to face inward (Cornerstone Drive) instead of facing Bullittsville Road as was originally proposed and agreed upon by the former owner/developer. The applicant also proposes to "preserve" the berm, along Bullittsville Road, as a buffer. The applicant shows the 100' setback from Bullittsville Road to remain as a minimum rear yard setback for the principal structure. The setbacks in the Rural Suburban (RS) zone are 40' front, 40' rear and 10' on each side (20' corner side).

In 2004, the Boone County Planning Commission and Boone County Fiscal Court approved the Cornerstone Estates subdivision with certain conditions including that "all houses along Bullittsville Road shall face Bullittsville Road." This applies to Lots 1-7 and 40-42 (which have already been constructed facing Bullittsville Road).

In 2015, Adam Miller (applicant) submitted a similar request. After the Public Hearing and Zone Change Committee meeting (where a recommendation of approval with conditions was reached) the request was ultimately withdrawn when the property owner (Golden Masonry Homes) was not in agreement with one or more of the conditions. The draft conditions from the 2015 request are attached for reference.

ADJACENT ZONING AND LAND USES

North & East: Properties within the Cornerstone Estates Subdivision zoned Rural Suburban with an approved Concept Development Plan (RS/CD).

South & West: Properties with frontage on Bullittsville Road zoned Rural Suburban Estates (RSE).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Suburban Residential (SR). This classification is defined in the adopted Comprehensive Plan as:

SR "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential development as a formal subdivision."

The Land Use Element text within the 2010 Boone County Comprehensive Plan makes the following general statement:

"Subdivision activity should continue around Bullittsville and along Bullittsville Road, with High Density Suburban Residential and local commercial uses designed to reinforce the small town character. Residential development proposed to access Graves Road, including the portion south of I-275, must be accompanied by improvements to that road. Development to the east of Bullittsville Road and south of KY 20 should include a network of road connections and is a prime location for a residential collector road between Bullittsville Road and KY 20 that includes no individual driveways or lot frontages (16. Hebron, pp. 178)."

The adopted 2010 Boone County Comprehensive Plan 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. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- D. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design 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," Objective 2).

STAFF COMMENTS

1. The submitted Concept Development Plan proposes that the homes on Lots 1-7 face inward toward Cornerstone Drive with a 100' rear yard setback along Bullittsville Road for the principal structure and that the berm remain as a buffer.
2. Staff suggests evergreen trees be planted on top of berm and/or at the base along Bullittsville Road.

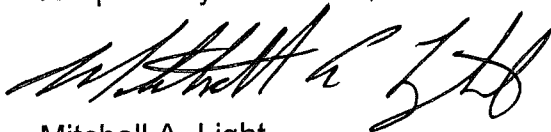
3. Staff would like to point out that the Boone County Zoning Regulations allow fencing along the rear and side property lines at a maximum height of 6 feet. The code allows privacy fencing as well as chain link. If the subdivision has deed restrictions that further limit the height and materials, the enforcement of those deed restrictions falls on the property owners within the subdivision.
4. Section 3122 of the Boone County Zoning Regulations states: "The setback for a rear yard or corner side yard which adjoins a freeway, expressway, arterial, or collector road, as classified in Article 32, shall be a minimum of fifty (50) feet for principal structures and twenty (20) feet for accessory structures. Bullittsville Road is classified as a collector road. If the subdivision has deed restrictions that further restrict accessory structures, the enforcement of those deed restrictions falls on the property owners within the subdivision.
5. The draft conditions from the 2015 request are attached for reference.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

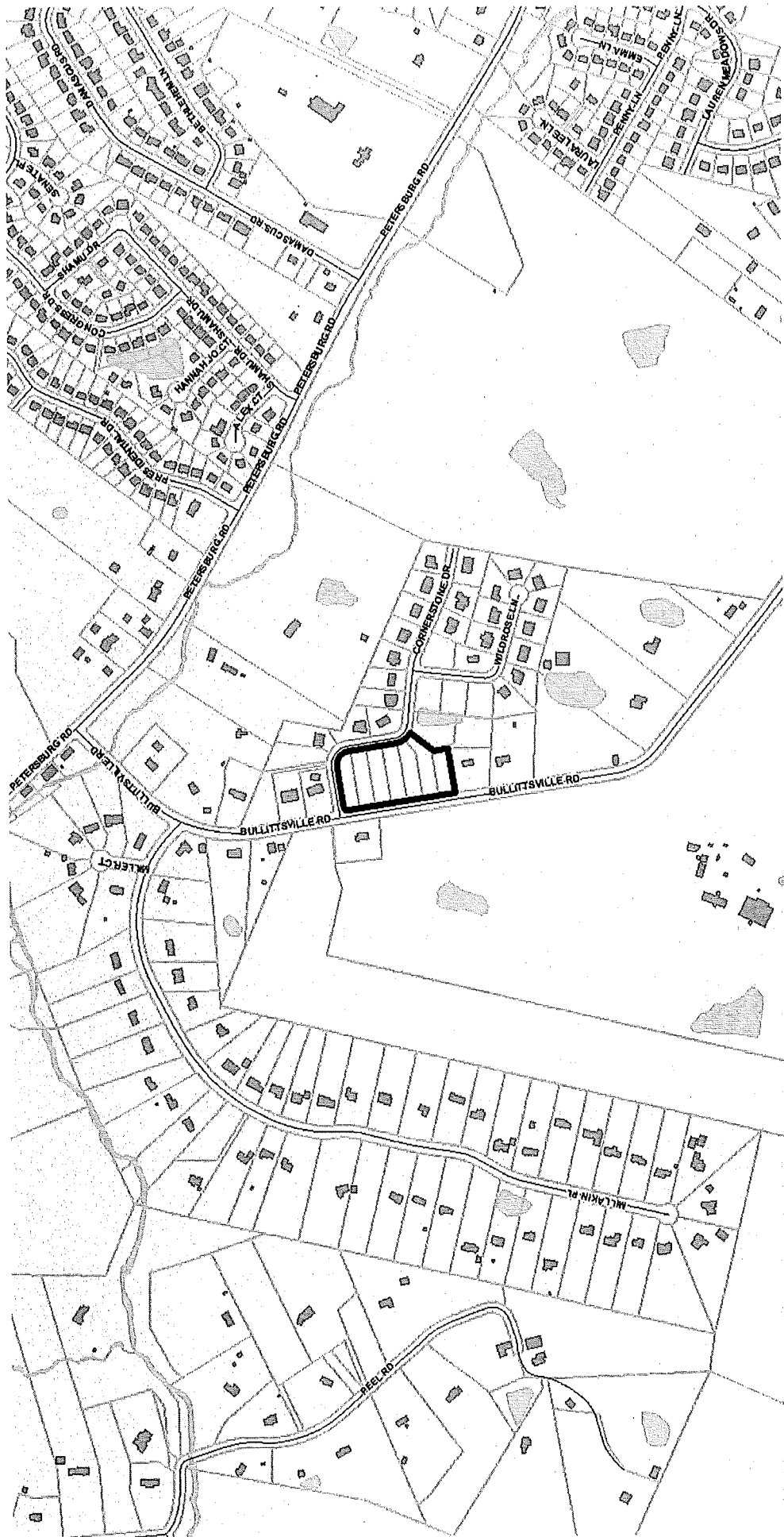


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

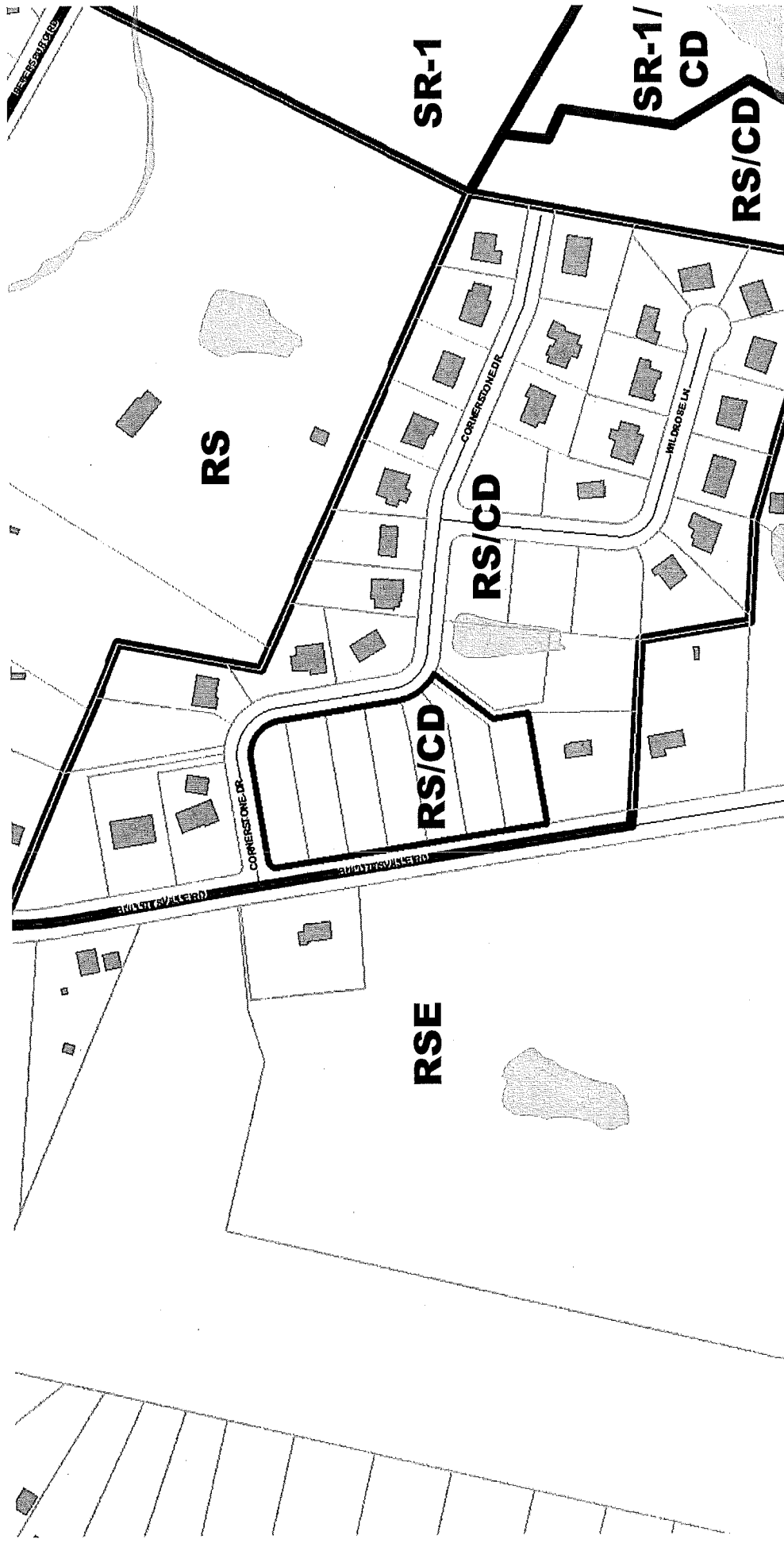
MAL/ss

Attachments:

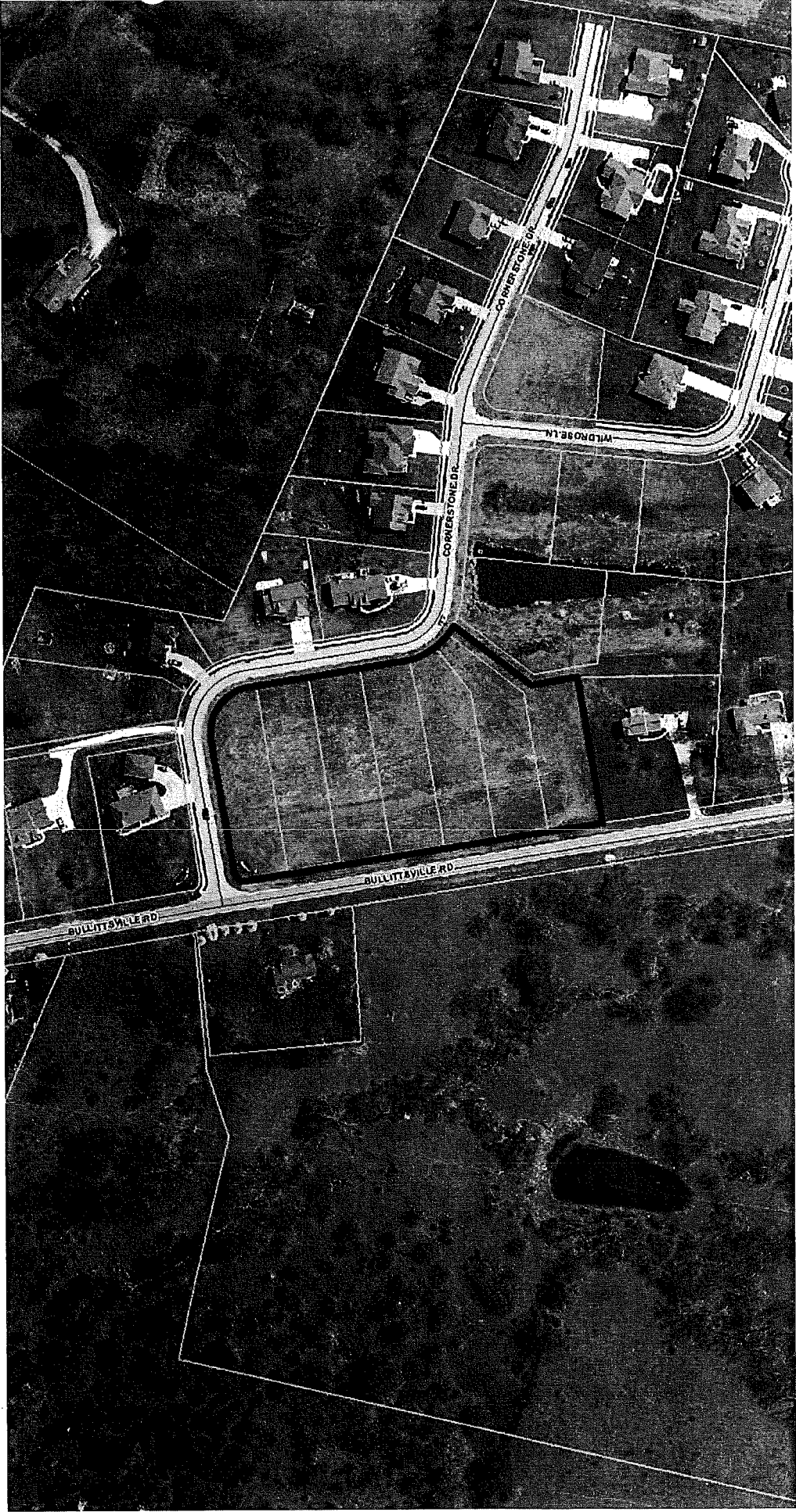
- Vicinity Map
- Zoning Map
- 2016 Aerial Photography
- 2017 Proposed Concept Development Plan
- 2015 Draft Conditions of Approval
- 2015 Draft Revised Concept Development Plan
- 2004 Conditions of Approval
- 2004 Approved Concept Development Plan
- Application



VICINITY MAP



ZONING MAP



2016 AERIAL PHOTOGRAPHY



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

Mr. Adam Miller, CEO
 May 27, 2015
 Page 2

May 27, 2015

Mr. Adam Miller, CEO
 Adam Miller Homes
 495 Erlanger Road, Suite 101
 Erlanger, KY 41018

RE: Request of Adam Miller Homes (applicant) for Golden Masonry Homes (owner) for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

Dear Mr. Miller:

The following represents the condition of approval for the above referenced application as recommended by the Boone County Planning Commission at their May 20, 2015, Zone Change Committee Meeting. Please provide the property owner's signature in the space provided at the end of this letter, and return to the Planning Commission office by Monday, June 1, 2015.

CONDITION

1. The Property owner agrees that all of the original conditions of approval from the 2004 Zoning Map Amendment will still apply unless amended below.
2. The Property owner agrees that only single story ranch style homes will be built on lots 1-7 facing inward toward the subdivision.
3. The Property owner agrees that there will be a 100' rear yard setback from Bullittsville Road for the principal structures placed on lots 1-7.

4. The Property owner will shape the existing berm by moving it further away from Bullittsville Road and lowering the highest point near Lots 4 through 7 as much as 4 feet making the slope on both sides easier to mow and maintain. Additional berming will be added to lots 1 & 2 near Bullittsville Road and behind the entry monument sign structure in order to provide more buffering for Ms. Nixon at 3239 Bullittsville Road. 6' high evergreen trees will be planted on top of the berm per the revised concept development plan.

5. In addition to the trees on top of the berm, the Property owner agrees to provide three (3) 6' high evergreen trees on the shared property line between lot 7 and Mr. Tom Fryar to provide a landscape buffer.
6. The Property owner agrees to provide language in the deeds for these 7 lots that no accessory structures will be located on top of the berm or from the top of the berm toward Bullittsville Road.
7. The Property owner agrees that the modifications to the berm and the evergreens will be planted prior to the review of any Zoning Permits for homes proposed on lots 1-7.

Sincerely,

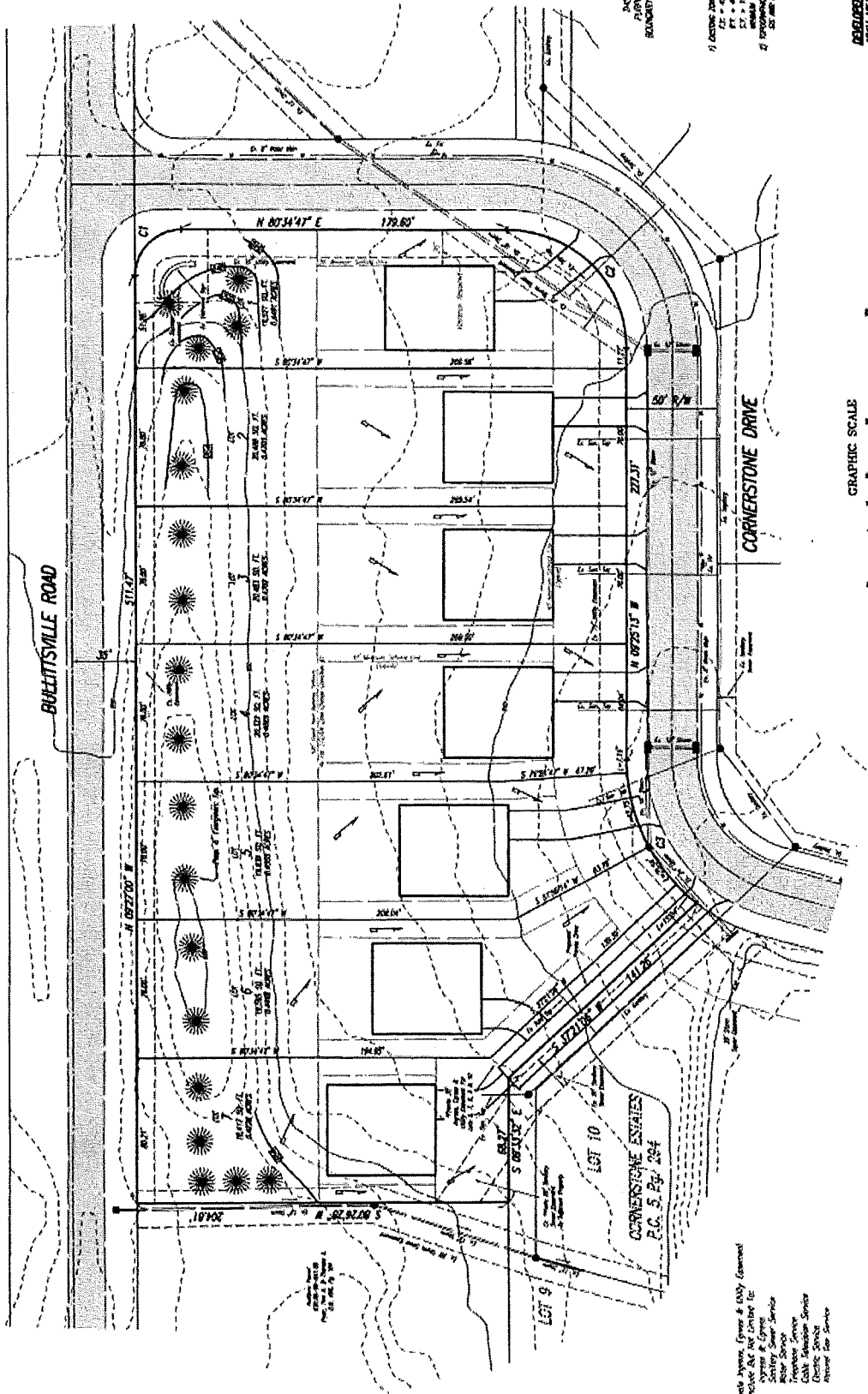
Mitchell A. Light
 Assistant Zoning Admin/Enforcement Officer
 MAL/flb

AGREEMENT

I, Brian Bolan, do hereby agree to the recommended condition of approval stated above for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

Brian Bolan, Golden Masonry Homes
 (owner) _____ Date

2015 DRAFT CONDITIONS OF APPROVAL



C1
 Date=5/07/17
 P=25.00'
 L=18.28'
 Chd=33.35'
 N 35.5333° E

C2
 Date=5/07/17
 P=65.00'
 L=102.10'
 Chd=91.92'
 S 54.2513° E

C3
 Date=5/11/16
 P=100.00'
 L=92.49'
 Chd=47.45'
 S 35.7032° E

PLS REVIEW & REVIEW FOR PLANNING
 PURPOSES ONLY AND DOES NOT REPRESENT A
 BOUNDARY SURVEY-NOT INTENDED FOR LAND TRANSFER

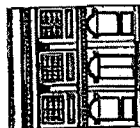
1) LOCATING POINTS - AS SHOWN
 2) 1" = 40'
 3) 1" = 80'
 4) UNLESS NOTED OTHERWISE - 2"
 5) 1" = 100' FOR ALL OTHERS
 6) ALL DIMENSIONS ARE IN FEET UNLESS NOTED OTHERWISE

DESIGNER:
 JOHN MILLER HOMES
 485 DEANERD RD
 SUITE 101
 DUNWOOD, VT 05108



Michael Systems, Lynch & O'Neil (Contract)
 15 N. Main St. & 1000 Main St.
 Systems & Design
 Surveying & Mapping Services
 Topographic Services
 CAD & GIS Services
 Drafting Services
 Planning & Design Services

REVISED CDP RECEIVED 5/27/2015



2995 Washington Street • Burlington, KY 41005
www.boonecountyky.org
Phone: (859) 334-2196
Fax: (859) 334-2264
E-mail: plancom@boonecountyky.org

July 2, 2004

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

RE: Request of Durward Fryar, Pearl Jean Fryar, Tom Fryar, and Theresa Fryar (owners) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 18.77 acres of a 24.24 acre site located at 3200 and 3290 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

Dear Mr. Erpenbeck:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their June 23, 2004 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Tuesday, July 6, 2004.

CONDITIONS

1. The property owners agree to a 100' minimum front yard setback for the lots fronting on Bullittsville Road.
2. The property owners agree to shared access for lots 6, 7, 9, and 10, as well as lots 39, 40, and 41 as they are shown on the Concept Development Plan.
3. The property owners agree to install sidewalks on both sides of all public streets.
4. The property owners agree that the homes to be built within this development will be consistent with the architectural elevations that were submitted at the June 16, 2004 Public Hearing by Mr. Rob Adams, St. Williams.
5. The property owners agree to a 15' undisturbed area along the perimeter of the property except in the area of the future road connection and at the location of the storm sewer outlet where grading is necessary.
6. The property owners agree to construct a 4' high berm with buffer yard "A" evergreens to begin in lot 15, continuing through lots 16 and 17 and ending in lot 18.
7. The property owners agree to provide a 20' Sanitary Sewer easement to the adjoining properties to the south.

Mr. Raymond Erpenbeck
July 2, 2004
Page 2

8. The property owners agree to provide the necessary information at the Improvement Plan review to assure that the design and construction of the proposed storm sewer system for this development fulfills the commitment stated at the June 16, 2004 Public Hearing and that the specifics of the retention pond ownership and maintenance are properly identified. This will also be required on the final plat and deeds for recording with the Boone County Clerks Office.

9. The property owners agree that a determination will be made at the Improvement Plan review by the Boone County Engineer if additional right-of-way will be necessary for possible turn lanes on Bullittsville Road. If additional right-of-way is required by the Boone County Engineer, the property owners will dedicate the necessary land, at that time, for future improvement by others.

Sincerely,

Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

We, Durward Fryar, Pearl Jean Fryar, Tom Fryar, and Theresa Fryar (owners) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 18.77 acres of a 24.24 acre site located at 3200 and 3290 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

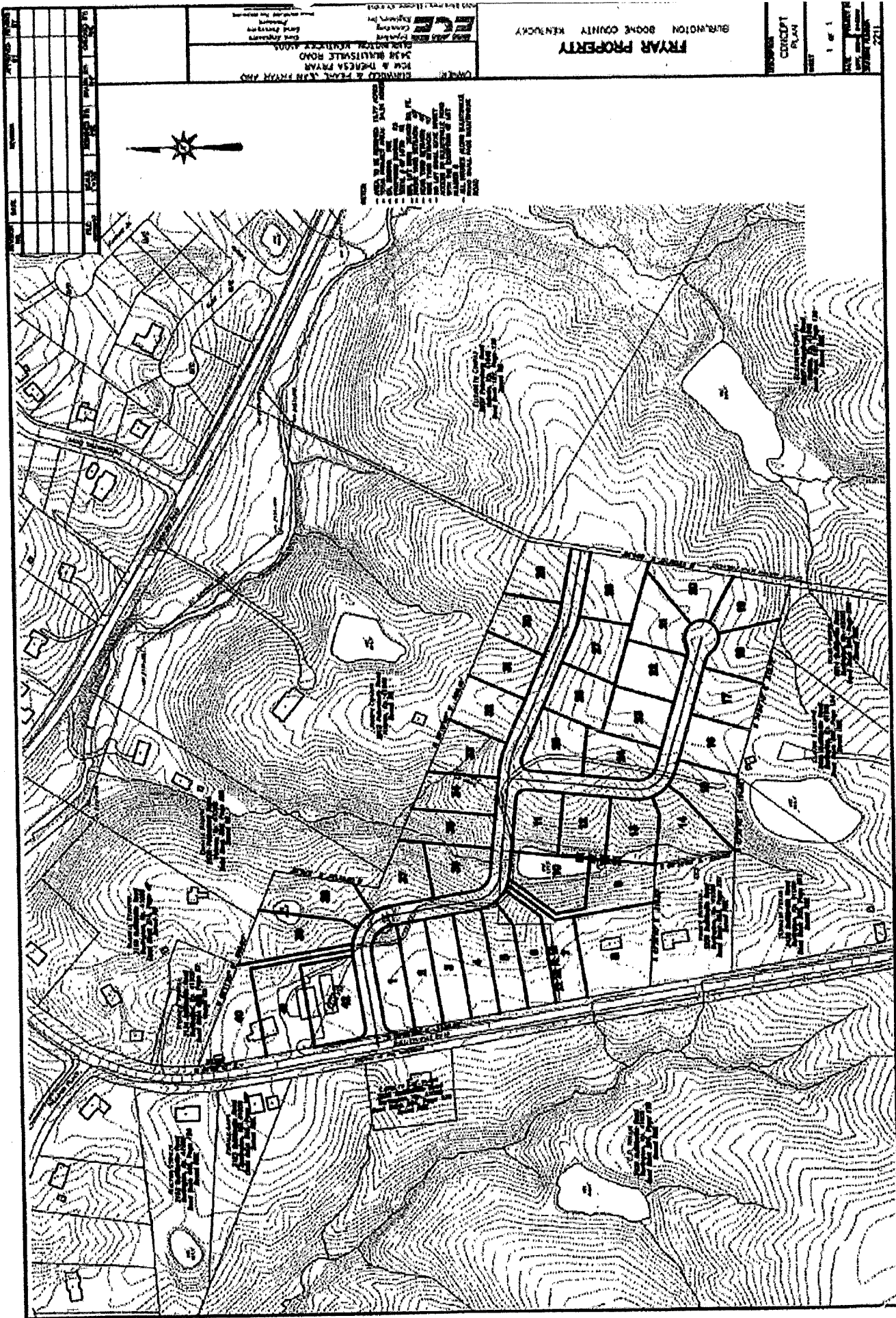
Durward Fryar 7-6-04
Durward Fryar
Owner Date

Pearl J Fryar 7-6-04
Pearl Jean Fryar
Owner Date

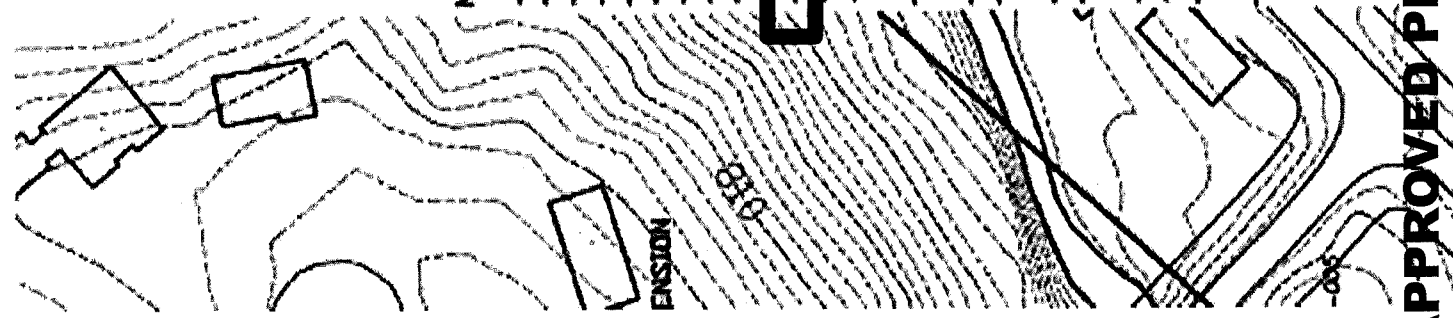
Tom Fryar 7-6-04
Tom Fryar
Owner Date

Theresa Fryar 7-6-04
Theresa Fryar
Owner Date

2004 CONDITIONS OF APPROVAL

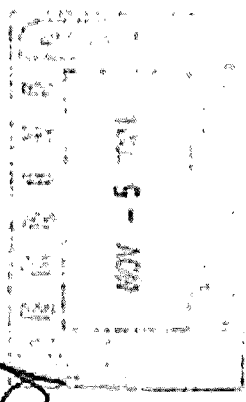


2004 APPROVED CONCEPT DEVELOPMENT PLAN

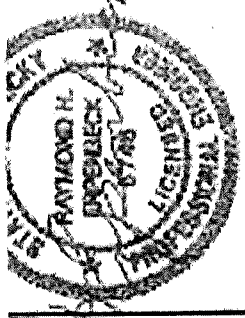


APPROVED

Staff: *[Signature]*
 Date: 11/2/09
 Boone County
 Planning Commission



NOV 05 2009



NOTES:

- TYPE OF HOUSING: SINGLE-FAMILY DETACHED
- ZONING: RS
- TOTAL PROJECT AREA: 24.24 ACRES
- TOTAL # OF LOTS: 42
- MIN. LOT SIZE: 20,000 SQ. FT.
- FRONT YARD SETBACK: 40' (100' FOR LOTS 1-8 & 40-42)
- REAR YARD SETBACK: 40'
- SIDE YARD SETBACK: 10'
- NO LOT SHALL HAVE DIRECT ACCESS TO BULLITTSVILLE RD WITH THE EXCEPTION OF LOT NUMBER 8
- ALL HOUSES ALONG BULLITTSVILLE RD SHALL FACE BULLITTSVILLE RD
- ALL PROPOSED HOUSES SHALL BE 25' WIDE & BE DURWARD VAY AND PEARL LANE SHALL BE 25' WIDE & BE CLASSIFIED AS CUL-DE-SACS. ALL STREETS TO BE PUBLIC
- ALL SANITARY SEWERS SHALL BE PER THE SPECIFICATIONS OF THE SANITATION DISTRICT AND THE 1990 TEN-STATE STANDARDS
- ALL SANITARY SEWER EASEMENTS SHALL BE 20'
- ALL STORM SEWERS SHALL BE DESIGNED TO MEET THE SPECIFICATIONS OF THE BOONE COUNTY SUBDIVISION REGULATIONS
- ALL STORM SEWER EASEMENTS SHALL BE 20'
- ALL WATERMANS SHALL BE PER THE SPECIFICATIONS OF THE BOONE COUNTY WATER DISTRICT
- ALL WATERMAIN EASEMENTS SHALL BE 20'
- TELEPHONE, ELECTRIC, & CABLE TO BE UNDERGROUND.
- ALL SIDEWALKS SHALL BE PER ARTICLE 3, SECTION 305, SUBSECTION 'D' OF THE BOONE COUNTY SUBDIVISION REGULATIONS
- LOTS 6, 7, 9, 10 AND LOTS 39, 40, 41 SHALL SHARE ACCESS DRIVES

DURWARD & PEARL JEAN FRYAR AND
 TOM & THERESA FRYAR
 3438 BULLITTSVILLE ROAD
 BURLINGTON, KENTUCKY 41005

Kyrenbeck
 Consulting
 Engineers, Inc.
 Civil Engineers
 Land Surveyors
 Planners
 Phone: 859.737.4500 Fax: 859.242.6551
 www.kyrenbeckengr.com
 • Elsmere, KY 41018

APPROVED PRELIMINARY PLAT

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 Technical Design 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 Lots 1 through 7 of Cornerstone Estates.
- 3. Location of Project Cornerstone Estates, Burlington Kentucky
- 4. Total Acreage of Site 3.4 Acres
- 5. Current Zoning RS/CO
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 7/2/2004
- 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) _____

8. Proposed Uses (please specify each use) Single Family Residential

9. Proposed Building Intensities (please specify)
Have Homes face Cornerstone drive instead of facing Bullittsville Road and preserve perm.

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) Golden Masonry Homes
Phone Number 513-615-1570 Fax No. _____ E-Mail brian.bolen@hotmail.com

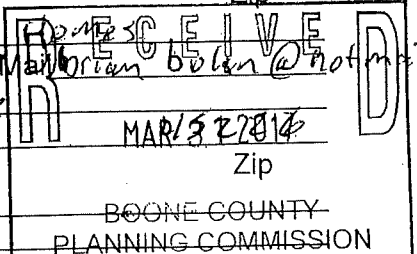
13. Address of Applicant(s) 3741 Vineyard Place
Cincinnati Ohio 45226
City State Zip

14. Name of Property Owner(s) Golden Masonry
Phone Number 513-615-1570 Fax No. _____ E-Mail brian.bolen@hotmail.com

15. Address of Property Owner(s) 3741 Vineyard Place
Cincinnati Ohio _____
City State Zip

16. Are there any existing buildings on the site? No
How many? _____

17. Deed Book 969 Page No. 497 Group No. _____



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

DATE: June 7, 2017

RE: Request of **Golden Masonry Homes (owner)** for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

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 request is in agreement with the 2010 Boone County Comprehensive Plan for the following reason:

The Land Use Element (16. Hebron, pp. 178) states "Subdivision activity should continue around Bullittsville and along Bullittsville Road, with High Density Suburban Residential and local commercial uses designed to reinforce the small town character. Residential development proposed to access Graves Road, including the portion south of I-275, must be accompanied by improvements to that road. Development to the east of Bullittsville Road and south of KY 20 should include a network of road connections and is a prime location for a residential collector road between Bullittsville Road and KY 20 that includes no individual driveways or lot frontages."

2. The Committee has concluded that the request is in agreement with the 2010 Goals and Objectives of the Boone County Comprehensive Plan for the following reason:

Environment, Objective 2, states "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design 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."

3. 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.

CONDITIONS:

1. The Property owner agrees that all of the original conditions of approval from the 2004 Zoning Map Amendment will still apply unless amended below.
2. The Property owner agrees that on lots 1-7, there will be a 100' rear yard setback (from Bullittsville Road) for the principal structure and a 50' rear yard setback (from Bullittsville Road) for any accessory building, with a maximum height of twelve (12) feet.
3. The Property owner will shape the existing berm by moving it further away from Bullittsville Road and lowering the highest point near Lots 4 through 7 as much as 4 feet making the slope on both sides easier to mow and maintain. Additional berming will be added to lots 1 & 2 near Bullittsville Road and behind the entry monument sign structure in order to provide more buffering for Ms. Nixon at 3239 Bullittsville Road. 6' high evergreen trees will be planted on top of the berm per the revised concept development plan that was originally reviewed by the Committee on 5/27/2015.
4. In addition to the trees on top of the berm, the Property owner agrees to provide three (3) 6' high evergreen trees on the shared property line between lot 7 and the Brewer property (3290 Bullittsville Road) to provide a landscape buffer.
5. The Property owner agrees that the modifications to the berm and that all of the evergreens will be planted prior to the review of any Zoning Permits for homes proposed on lots 1-7.

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.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

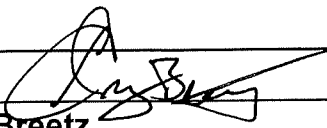
DATE: May 17, 2017

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Steve Turner, Chairman, Mitch Light, Staff

2. Request of **Golden Masonry Homes (owner)** for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

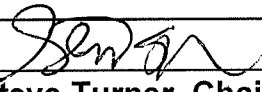
REMARKS:

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.



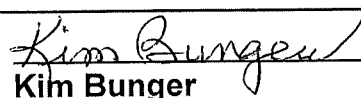
Greg Breetz

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Steve Turner, Chairman

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

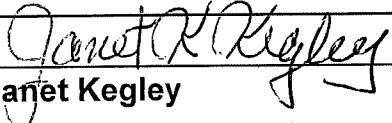


Kim Bunger

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)

For Project _____ Absent _____
Against Project _____

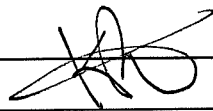


Janet Kegley

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Lisa Heilman, (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



Kim Patton

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

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For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED _____ FOR PROJECT _____ ABSENT _____
_____ AGAINST PROJECT _____ ABSTAIN _____

COMMISSION MEMBERS PRESENT:

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Mr. Greg Breetz
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
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Mr. Kim Bunger, Secretary/Treasurer
Mr. Charlie Reynolds
Mr. Brad Shipe

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Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator
Mr. Todd Morgan, AICP, Senior Planner
Mr. Robert Jonas, AICP, Director, Planning Services

Chairman Rolfsen called the Public Hearing to order at 9:22 P.M. and introduced the second item on the Agenda:

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Steve Turner, Chairman, Mitch Light, Staff

2. Request of **Golden Masonry Homes (owner)** for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The applicant is requesting to modify the Conditions of Approval from the 2004 Zoning Map Amendment to allow the homes on Lots 1 through 7 to face inward (Cornerstone Drive) instead of facing Bullittsville Road as was originally proposed and agreed upon by the former owner/developer. The applicant also proposes to "preserve" the berm, along Bullittsville Road, as a buffer. The development includes a 100' setback from Bullittsville Road to remain as a minimum rear yard setback for the principal structure. The setbacks in the Rural Suburban (RS) zone are 40' front, 40' rear and 10' on each side (20' corner side). In 2004, the Boone County Planning Commission and Boone County Fiscal Court approved the Cornerstone Estates subdivision with certain conditions including that "all houses along Bullittsville Road shall face Bullittsville Road." This applies to Lots 1-7 and 40-42 (which have already been constructed facing Bullittsville Road). In 2015, Adam Miller (applicant) submitted a similar request. After the Public Hearing and Zone Change Committee meeting (where a recommendation of approval with conditions was reached), the request was ultimately withdrawn when the property owner (Golden Masonry Homes) was not in agreement with one or more of the conditions. The draft conditions from the 2015 request are attached for reference. Mr. Light described the adjacent zoning and land use. The Future Land Use Map designates the site as Suburban Density Residential (SD), which allows for single family housing of up to 4 units per acre. Other references to the Comprehensive Plan are noted in the Staff Report. Mr. Light showed photographs of the seven lots under review. The applicant is requesting permission to turn the houses inward towards Cornerstone Drive. The submitted Concept Development Plan looks very similar to the one submitted in 2015. The proposed house locations would still maintain the 100 foot setback from Bullittsville Road. In 2015, the Condition Letter was signed by the builder, Adam Miller Homes, but was not signed by the property owner or Golden Masonry Homes. The property owner didn't want to limit himself to building ranch homes in the event Adam Miller Homes doesn't buy all seven lots. Mr. Light showed the 2015 Concept Development Plan. There was also a Condition that all houses along Bullittsville Road shall face it. Mr. Light showed photographs of the site. He noted the location of the existing berm.

In terms of Staff Comments, Mr. Light explained that the submitted Concept Development Plan proposes that the homes on Lots 1-7 face inward toward Cornerstone Drive with a 100' rear yard setback along Bullittsville Road for the principal structure and that the berm remain as a buffer. Staff also suggests evergreen trees be planted on top of berm and/or at the base along Bullittsville Road. In addition, Staff would like to point out that the Boone County Zoning Regulations allow fencing along the rear and side property lines at a maximum height of 6 feet. The code allows privacy fencing as well as chain link. If the subdivision has deed restrictions that further limit the

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Mr. Bolan responded that he wanted to preserve the berm. He does not want to take it out. However, if he can't turn the houses around and they have to face Bullittsville Road, then he has to take the berm out. Nobody wants a berm in their front yard.

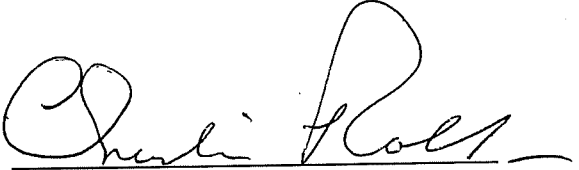
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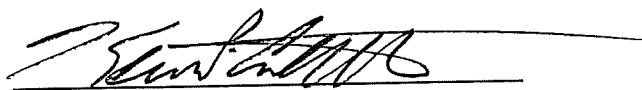
Mr. Bunger inquired about combining lots? Would the developer consider perhaps reducing the number of lots by at least 1?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be held on May 17, 2017 at 5:00 P.M. in this room or the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on June 7, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:46 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

DATE: June 7, 2017

RE: Request of **Golden Masonry Homes (owner)** for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

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 request is in agreement with the 2010 Boone County Comprehensive Plan for the following reason:

The Land Use Element (16. Hebron, pp. 178) states "Subdivision activity should continue around Bullittsville and along Bullittsville Road, with High Density Suburban Residential and local commercial uses designed to reinforce the small town character. Residential development proposed to access Graves Road, including the portion south of I-275, must be accompanied by improvements to that road. Development to the east of Bullittsville Road and south of KY 20 should include a network of road connections and is a prime location for a residential collector road between Bullittsville Road and KY 20 that includes no individual driveways or lot frontages."

2. The Committee has concluded that the request is in agreement with the 2010 Goals and Objectives of the Boone County Comprehensive Plan for the following reason:

Environment, Objective 2, states "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design 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.”

3. 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.

CONDITIONS:

1. The Property owner agrees that all of the original conditions of approval from the 2004 Zoning Map Amendment will still apply unless amended below.
2. The Property owner agrees that on lots 1-7, there will be a 100' rear yard setback (from Bullittsville Road) for the principal structure and a 50' rear yard setback (from Bullittsville Road) for any accessory building, with a maximum height of twelve (12) feet.
3. The Property owner will shape the existing berm by moving it further away from Bullittsville Road and lowering the highest point near Lots 4 through 7 as much as 4 feet making the slope on both sides easier to mow and maintain. Additional berming will be added to lots 1 & 2 near Bullittsville Road and behind the entry monument sign structure in order to provide more buffering for Ms. Nixon at 3239 Bullittsville Road. 6' high evergreen trees will be planted on top of the berm per the revised concept development plan that was originally reviewed by the Committee on 5/27/2015.
4. In addition to the trees on top of the berm, the Property owner agrees to provide three (3) 6' high evergreen trees on the shared property line between lot 7 and the Brewer property (3290 Bullittsville Road) to provide a landscape buffer.
5. The Property owner agrees that the modifications to the berm and that all of the evergreens will be planted prior to the review of any Zoning Permits for homes proposed on lots 1-7.

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.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

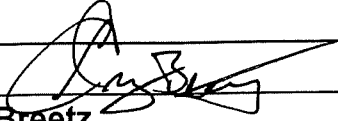
DATE: May 17, 2017

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Steve Turner, Chairman, Mitch Light, Staff

2. Request of Golden Masonry Homes (owner) for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

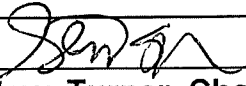
REMARKS:

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.



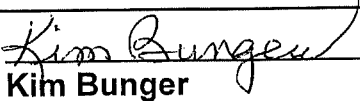
Greg Breetz

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Steve Turner, Chairman

For Project Absent _____
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Abstain _____ Deferred _____

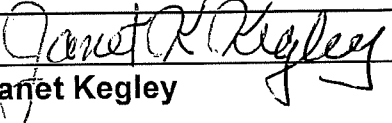


Kim Bunger

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Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)

For Project _____ Absent _____
Against Project _____

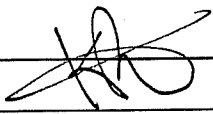


Janet Kegley

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Mr. Todd Morgan, AICP, Senior Planner
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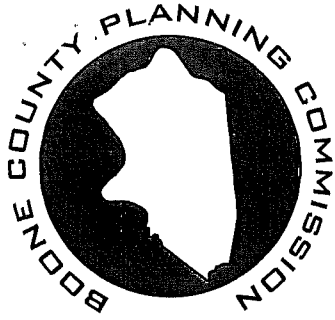
APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

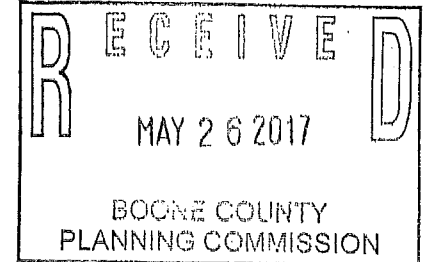
www.boonecountyky.org/pc
www.boonecountygis.com

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

May 22, 2017

Mr. Brian Bolan
Golden Masonry Homes
3741 Vineyard Place
Cincinnati, OH 45226



RE: Request of **Golden Masonry Homes (owner)** for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky (Lots 1 through 7 of Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

Dear Mr. Bolan:

The following represents the condition of approval for the above referenced application as recommended by the Boone County Planning Commission at their May 17, 2017, Zone Change Committee Meeting. Please provide the property owner's signature in the space provided at the end of this letter, and return to the Planning Commission office by Monday, May 30, 2017.

CONDITIONS

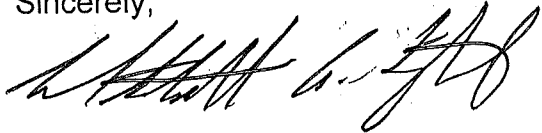
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Mr. Brian Bolan
May 22, 2017
Page 2

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5. The Property owner agrees that the modifications to the berm and that all of the evergreens will be planted prior to the review of any Zoning Permits for homes proposed on lots 1-7.

Sincerely,



Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/

AGREEMENT

I, Brian Bolan, do hereby agree to the recommended condition of approval stated above for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road.

Brian Bolan, Golden Masonry Homes, 5/24/17
Brian Bolan, Golden Masonry Homes Date
(owner)

C1
 Date=07/17/07
 Project
 1-18-07
 Client=JLW
 N 333337 E

C2
 Date=07/17/07
 Project
 1-18-07
 Client=JLW
 S 522517 E

C3
 Date=07/17/07
 Project
 1-18-07
 Client=JLW
 S 377037 E

THIS DRAWING IS INTENDED FOR PLANNING
 PURPOSES ONLY AND DOES NOT CONSTITUTE A
 GUARANTEE OF ACCURACY OR A WARRANTY OF ANY KIND.

1) Existing roads - As shown. Stationing
 2) 1" = 40'
 3) 1" = 20'
 4) 1" = 10'
 5) 1" = 5'
 6) 1" = 2.5'
 7) 1" = 1.25'
 8) 1" = 0.625'
 9) 1" = 0.3125'
 10) 1" = 0.15625'
 11) 1" = 0.078125'
 12) 1" = 0.0390625'
 13) 1" = 0.01953125'
 14) 1" = 0.009765625'
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 156)

ORDINANCE NO. 2017 – 12

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING THE REQUEST, WITH CONDITIONS, OF GOLDEN MASONRY HOMES (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A RURAL SUBURBAN (RS) ZONE FOR AN APPROXIMATE 3.4 ACRE SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE BULLITTSVILLE ROAD/CORNERSTONE DRIVE, BOONE COUNTY, KENTUCKY, (LOTS 1 THROUGH 7 CORNERSTONE ESTATES SUBDIVISION). THE REQUEST IS FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN TO MODIFY A PREVIOUS CONDITION OF APPROVAL TO ALLOW SEVEN HOMES TO FACE CORNERSTONE DRIVE INSTEAD OF BULLITTSVILLE ROAD.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site generally located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, 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 Change in an Approved Concept Development Plan,.

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

Section One

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 conditions, in an Rural Suburban (RS) zone for an approximate 3.4 acre site generally located on the southeast corner of the Bullittsville Road/Cornerstone Drive, Boone County, Kentucky, (Lots 1 through 7 Cornerstone Estates Subdivision). The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval to allow seven homes to face Cornerstone Drive instead of Bullittsville Road. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone is more particularly described in DEED BOOK 969, PAGE NO. 497 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for this approval, with conditions, for a Change in an Approved Concept Development Plan in a Rural Suburban (RS) zone for an approximate 3.4 acre site generally located on the southeast corner of the Bullittsville Road/Cornerstone Drive intersection, Boone County, Kentucky, (Lots 1 through 7 of Cornerstone Estates Subdivision) are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request 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 Boone County Planning Commission Committee recommended approval, with conditions, for this request based on findings of fact as set forth in the Committee Report and same are marked as "Exhibit B."

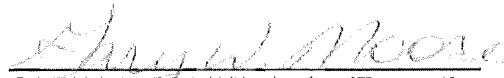
Section Three

This Ordinance shall be in effect and in full force from and after its adoption and publication as provided by law.

Adopted this 8th day of August, 2017

First Reading - the 11th day of July, 2017

Second Reading - the 8th day of August, 2017 Yes 4 No 0


**GARY W. MOORE, Judge/Executive
Boone County Fiscal Court**

Attest:


**Sharon Burcham,
Fiscal Court Clerk**

