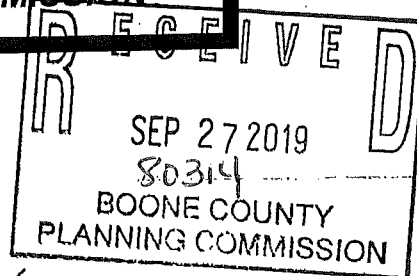


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Thousand Hills Holdings LLC
2. Location of Project 3215 Lougher Park
3. Total Acreage of Site 3.87
4. Current Zoning of Site Public Facilities
5. Proposed Zoning (Classification being requested) C-2 / PD
6. Proposed Uses (please specify each use) Household pet indoor boarding and Daycare with outdoor exercise yard
7. Names of Applicant(s) Jason Burcham
8. Phone No. 859-628-5310 Fax No. _____ E-Mail drjburcham@yahoo.com
9. Address of Applicant(s) 1520 Bloomer Spring Ct
10. Hebron KY 41048
City State Zip
11. Name of Property Owner(s) Boone County Public Library
12. Phone No. _____ Fax No. _____ E-Mail _____
13. Address of Property Owner(s) 7425 US 42
14. Florence KY 41042
City State Zip
15. Proposed Building Intensities (please specify) Existing 6300 sq ft building
16. Are there any existing buildings on the site? Yes, one
17. How many? one
18. Deed Book 389 Page No. 195 Group No. 2007
19. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
20. Have you submitted a Concept Development Plan? Yes
21. Have you had a pre-application meeting with BCPC Staff? Yes
22. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

EXHIBIT

“A”

STAFF REPORT

#1

Request of Jason Burcham (applicant) for Boone County Public Library (owner) for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a zone change to allow a kennel with an outdoor exercise yard.

November 6, 2019

REQUEST

The request is for a Zoning Map Amendment changing the zoning of an approximate 3.87 acre area located at the southeast corner of the intersection of North Bend Road with Langley Drive/Cougar Path, from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD). The proposal is to convert the former Boone County Public Library building into a kennel and provide for an outdoor exercise yard.

SITE HISTORY

- 1988 On April 20, 1988, the Boone County Planning Commission recommended approval of a zoning map amendment changing the zoning of the site in question from C-2/PD to PF to allow the construction of a branch library (R-23-88). On June 7, 1988, the Boone Fiscal Court approved the zoning map amendment (Ord. 920.150).
- 1988 On June 15, 1988, the Boone County Planning Commission approved a Site Plan to allow the construction of a one-story, 6,300 square foot library branch building, on the site in question.
- 1988 On July 13, 1988, a Conveyance Plat was approved creating the lot in question, including a 60 foot wide easement of access.
- 1997 On February 5, 1997, a Conveyance Plat was approved creating the lot adjacent to the site in question, including a 60 foot wide access easement.

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment 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.
- B. Section 1515 of the Boone County Zoning Regulations provide for the following procedure for a Planned Development (PD) District:

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

SITE CHARACTERISTICS

- A. The approximate 3.9 acre site is located at the southeast corner of the intersection of North Bend Road with Langley Drive/Cougar Path.
- B. The site is currently occupied by:
 1. A one-story, 6,300 square foot building
 2. Thirty-four (34) off-street parking spaces
 3. A split rail fence along North Bend Road and Cougar Path
 4. A free standing sign
- C. Access to the site is from a shared driveway onto Cougar Path.
- D. Topography of the site slopes from 880 MSL at the northwest corner of the site to 904 MSL at the southeast corner of the site. There is a berm along the north side of the driveway.
- E. The site is located within the 60 Day/Night Noise Level of the Greater Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONING

North: Vacant land (C-2/PD)

South: Hebron Baptist Church (C-2/PD)

East: Vacant land (C-2/PD)

West: Hebron Animal Hospital (I-1/CD)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial uses. This designation is described as follows:

“Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”

- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

- C. The following is an excerpt from Our Boone County – Plan 2040:

The property adjacent to the former Public Library, on the north side of Cougar Path, should develop as various, clustered public facilities, and/or compatible commercial and office uses, to make use of the easy access to Hebron-Burlington-North Bend Road service areas. The former Lents Branch Library site itself should develop with commercial, office, or retail uses and have its access off Cougar Path. (Land Use, Description and Purpose of Land Use Maps, 7 Hebron, page 111).

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:

1. Conversion of the existing building into a kennel with an indoor exercise area.
2. Repair of the front porch.
3. Use of the existing 34 space parking area.
4. Access from the current shared drive onto Cougar path.

5. Retention of the existing split rail fence along North Bend Road and Cougar Path.
 6. Removal of the existing free standing sign.
 7. Installation of a five (5) foot high, black aluminum, fence in the side yard, for an outdoor exercise area.
 8. Installation of a ten (10) foot wide by twenty (20) foot high free standing sign.
- B. Staff recommends that the following issues be analyzed:
1. Section 1023, 7., of the Boone County Zoning Regulations identifies indoor kennels for household pets as a conditional use within the C-2 Zone. Section 1511 of the Boone County Zoning Regulations state that uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. The Commission should evaluate whether this use meets the requirements of Section 1511 of the Boone County Zoning Regulations.
 2. Based on the linear frontage of the site in question, Section 3413, 4., (2), a., Section, 3413, 4., (2), c. and Section 3413, 4., (2), d. of the Boone County Zoning Regulations allow the site to have one (1) architectural freestanding sign having a maximum size of 150 square feet and a maximum height of thirty (30) feet. While the applicant has provided information that the proposed sign structure will be a maximum of ten (10) foot wide by twenty (20) foot high, insufficient information has been submitted to determine the actual sign area.
 3. It is unclear if any existing trees will be removed for the installation of the proposed fenced exercise area. The Commission should evaluate the impact of the outdoor exercise area on the retention/removal of existing vegetation/landscaping.
- C. Should the commission take action to recommend approval of the submitted request, the following conditions should be considered as part of that action:
1. That the proposed freestanding sign meet the minimum requirements of Article 34 of the Boone County Zoning Regulations.
 2. That any landscaping that is removed for the development of the site is replanted as close as possible to its current location. If replanting cannot be accomplished, new landscaping, of the same type and species, are to be planted.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Florence City Council in terms of Kentucky Revised Statute (KRS) 110.213, Article 3 of the Boone County Zoning Regulations, Section 1514 of the Boone County Zoning Regulations, the appropriate

planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Planner

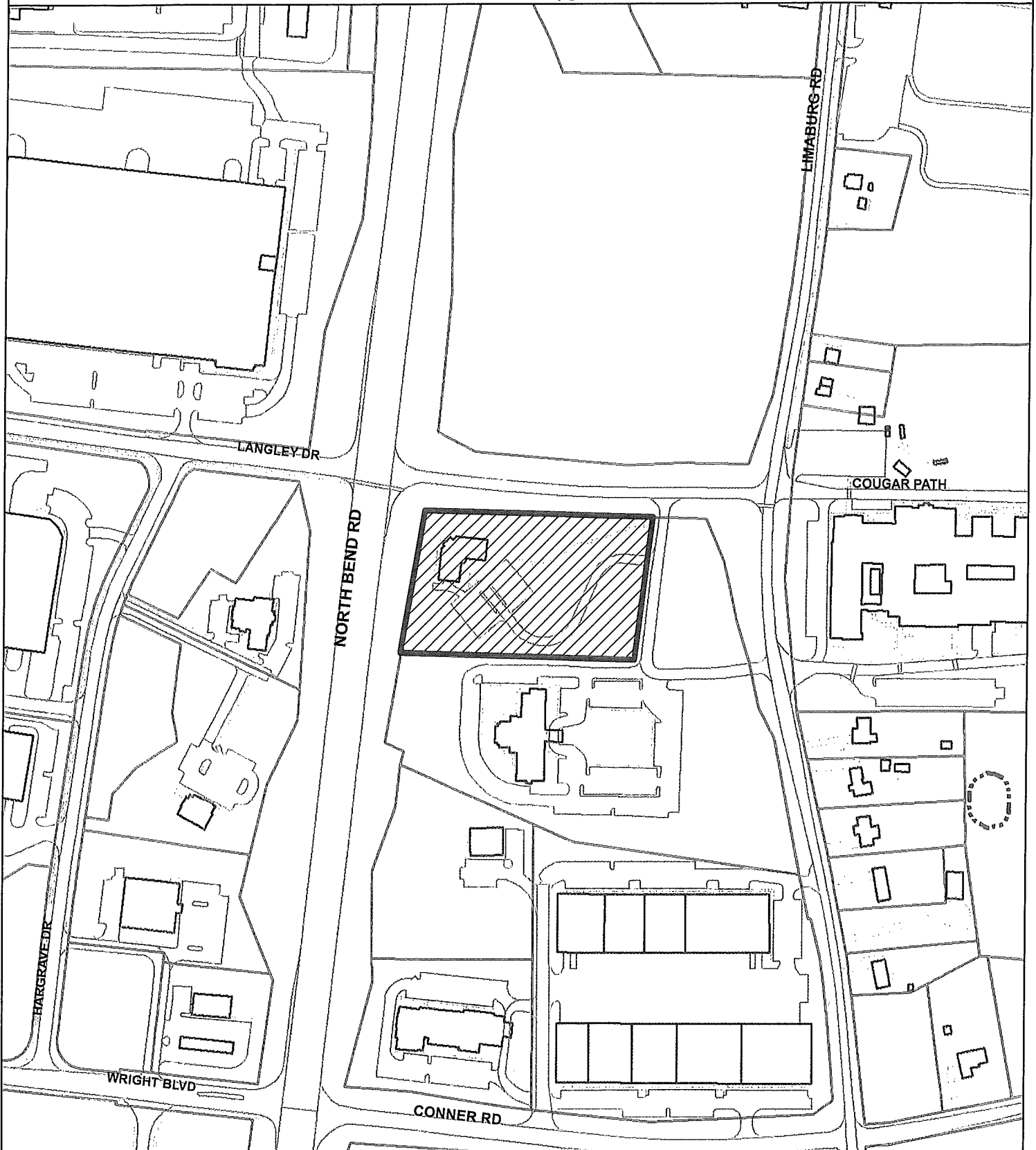
MDS/ss

Attachments:

- *Vicinity Map
- *Conveyance Plat of Site
- *Conveyance Plat of Adjacent Site
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Application
- *Business Description
- *Changes To The Building
- *Concept Plan – Exterior
- *Concept Plan – Interior
- *Proposed Column For Porch
- *Proposed Base For Porch
- *Proposed Fence
- *Proposed Sign

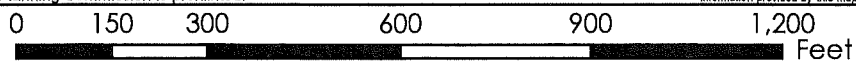
Vicinity Map

www.boonecountygis.com



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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

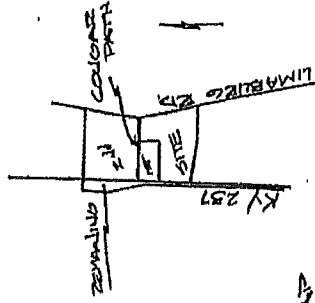
Map Created: 01/01/2018

Boone County GIS
ArcMap Document *.mxd

Conveyance Plat of Adjacent Site

LAND SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT HAS BEEN PREPARED BY ME IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.
 P.L.S. 2030 *T. McNeely* 1-15-97 DATE



FOR BUILDABLE LOTS
 LAND SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE BOONE COUNTY COURT CLERK AND FIND THAT THIS IS THE 1411TH CONVEYANCE MADE UNDER THE PRESENT CHAIN OF TITLE AND THE PRESENT TRACT SEPARATED FROM THE ADJACENT TRACT SINCE 1880.
 P.L.S. 2030 *T. McNeely* 1-15-97 DATE

APPROVAL CERTIFICATE

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION THIS 5 DAY OF FEB 19 1997

Robert R. Kie
 VICE CHAIRMAN'S SIGNATURE
 C-2/PO
 2-5-97
 GIS

VICINITY MAP
 SCALE: 1" = 2000'
 GROUP NO. 2007
 ZONE: C-2/PD

PLAT OF 8.8741 ACRES TO BE CONVEYED BY
 JO CRIGLER

BOONE COUNTY KENTUCKY

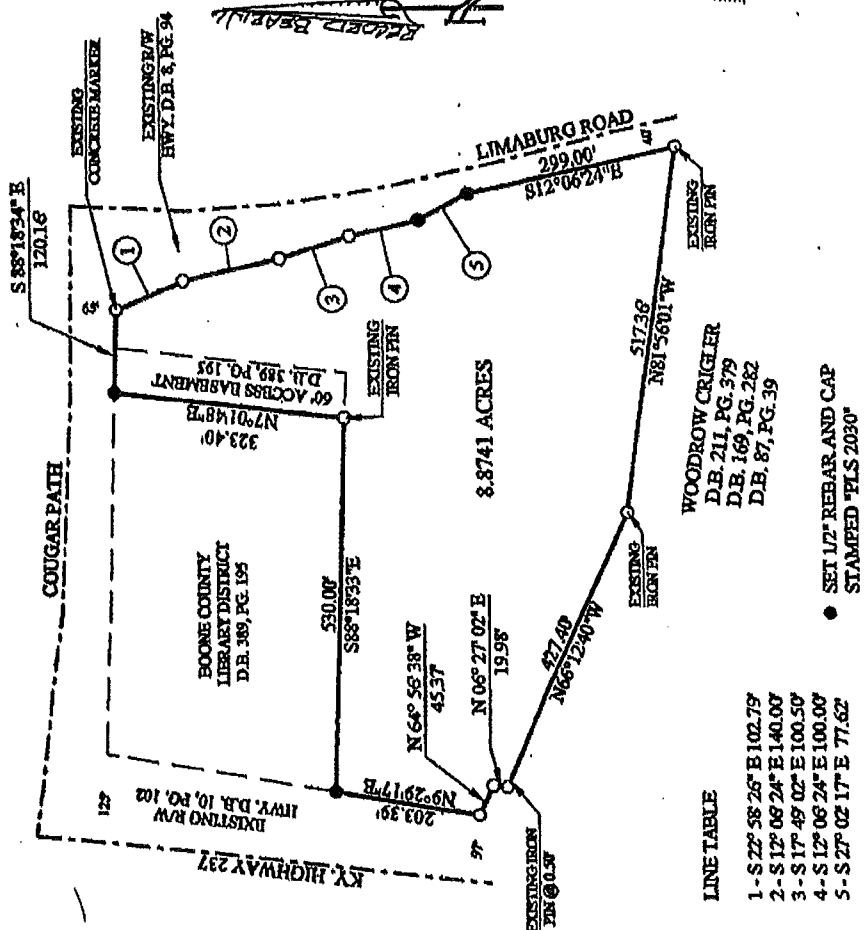
EAST SIDE OF KY. HIGHWAY 237, SOUTH SIDE OF
 COUGAR PATH AND WEST SIDE OF LIMABURG RD.

JANUARY 14, 1997 SCALE: 1" = 200'
 REF.D.B. 81, PG. 617

MENEELY SURVEYING, INC.
 6256 MAIN STREET, BURLINGTON, KY 41005
 (606) 386-6497

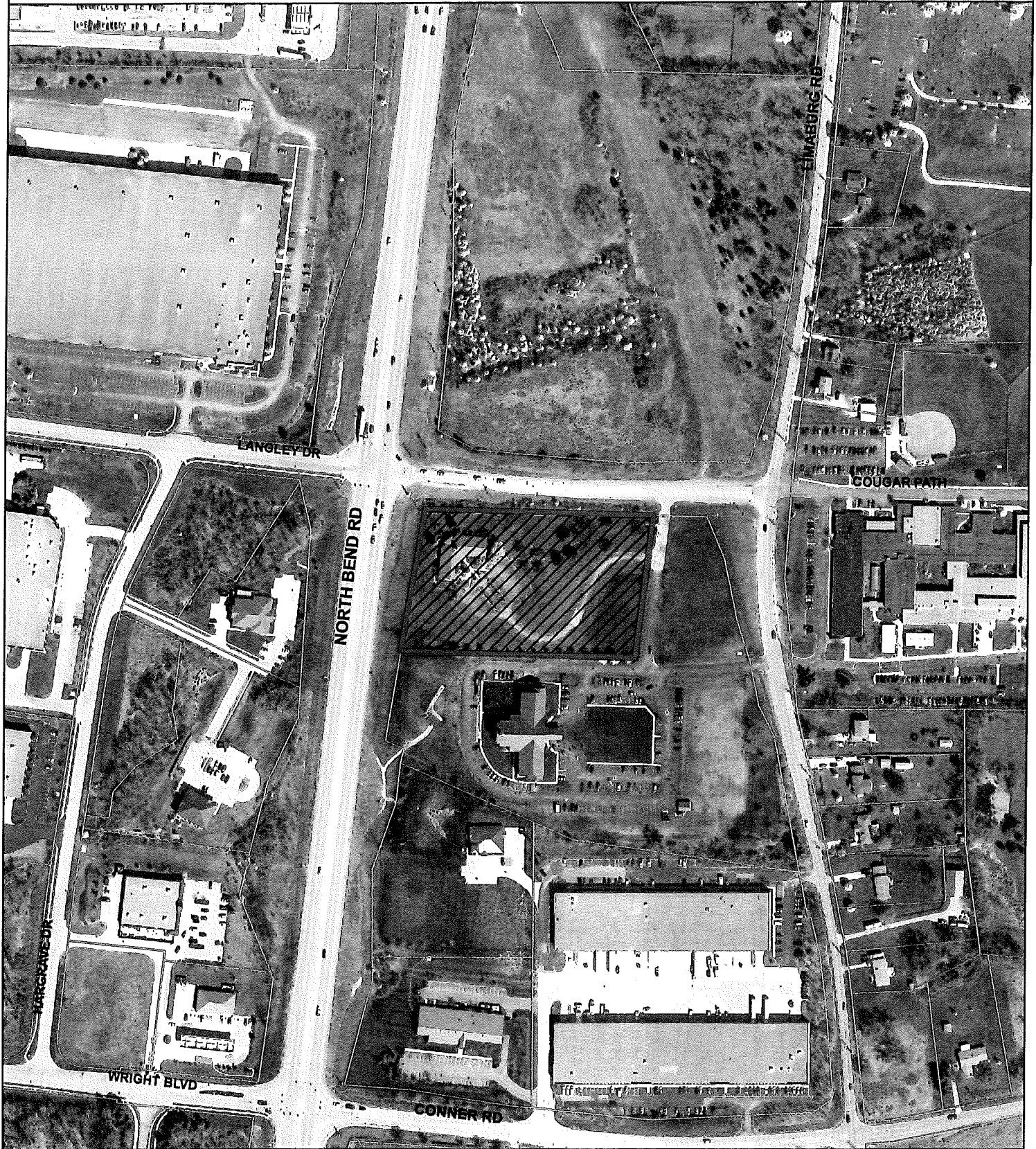


P & Z Code No. 2925



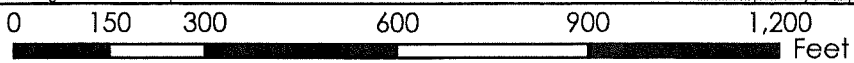
Aerial Map

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1 Inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

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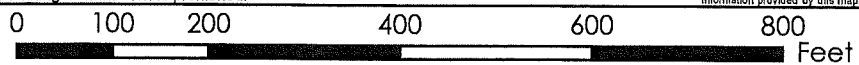
Topographical Map

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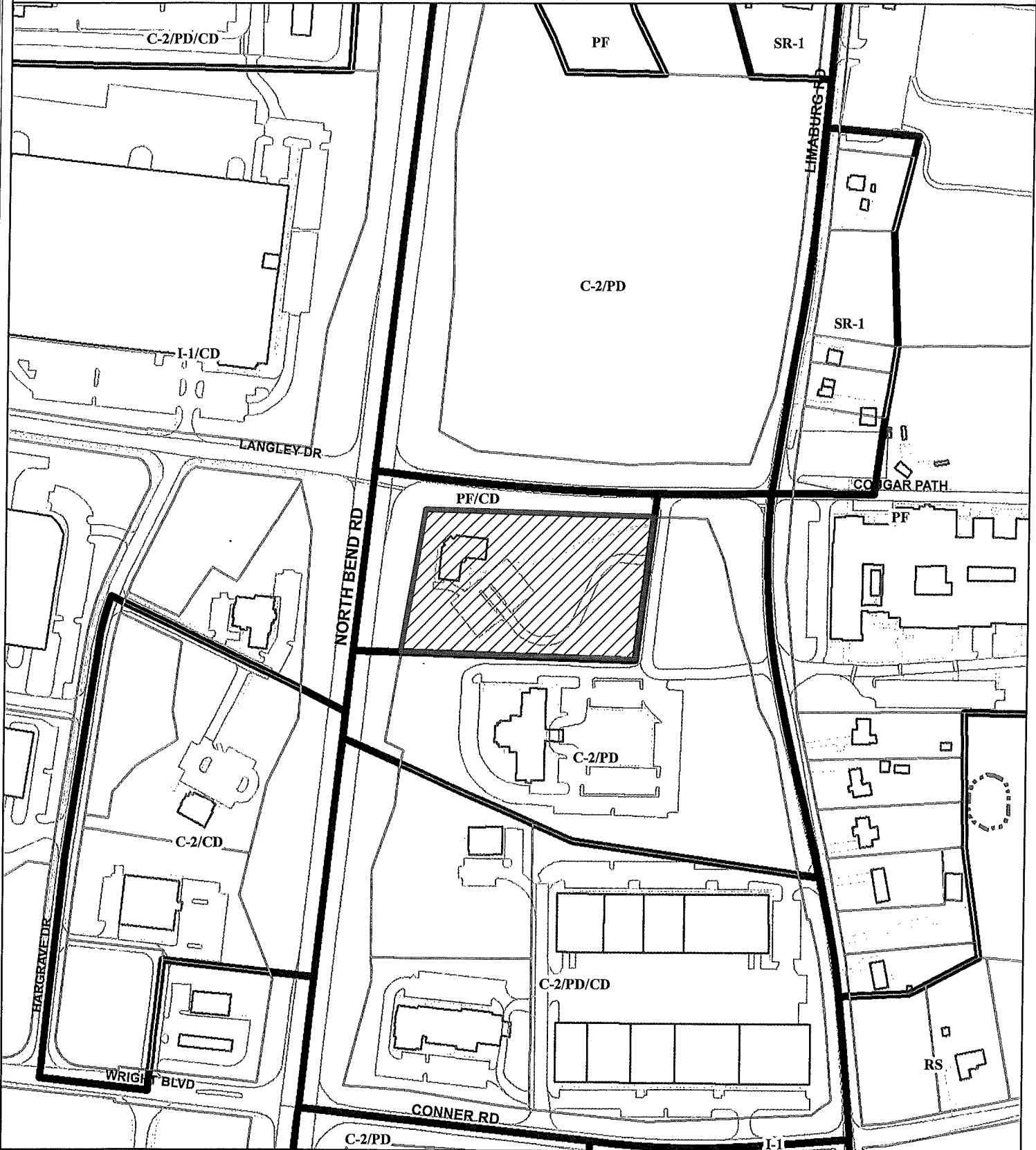
1 Inch = 200 feet



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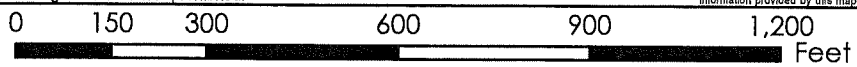
Zoning Map

www.boonecountygis.com



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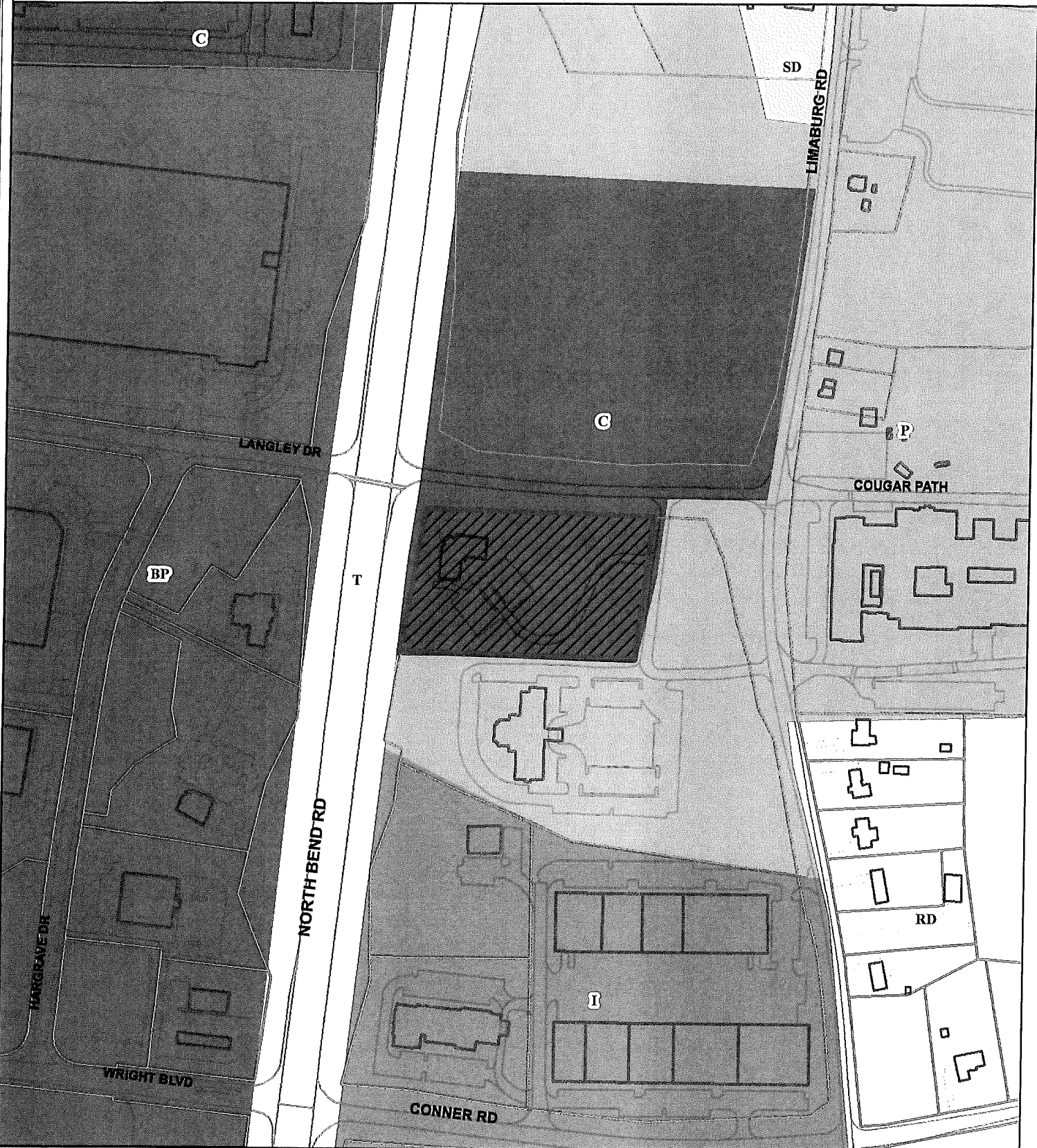
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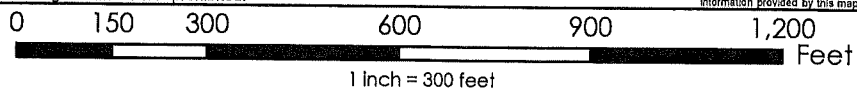
2040 Future Land Use Map

www.boonecountygis.com



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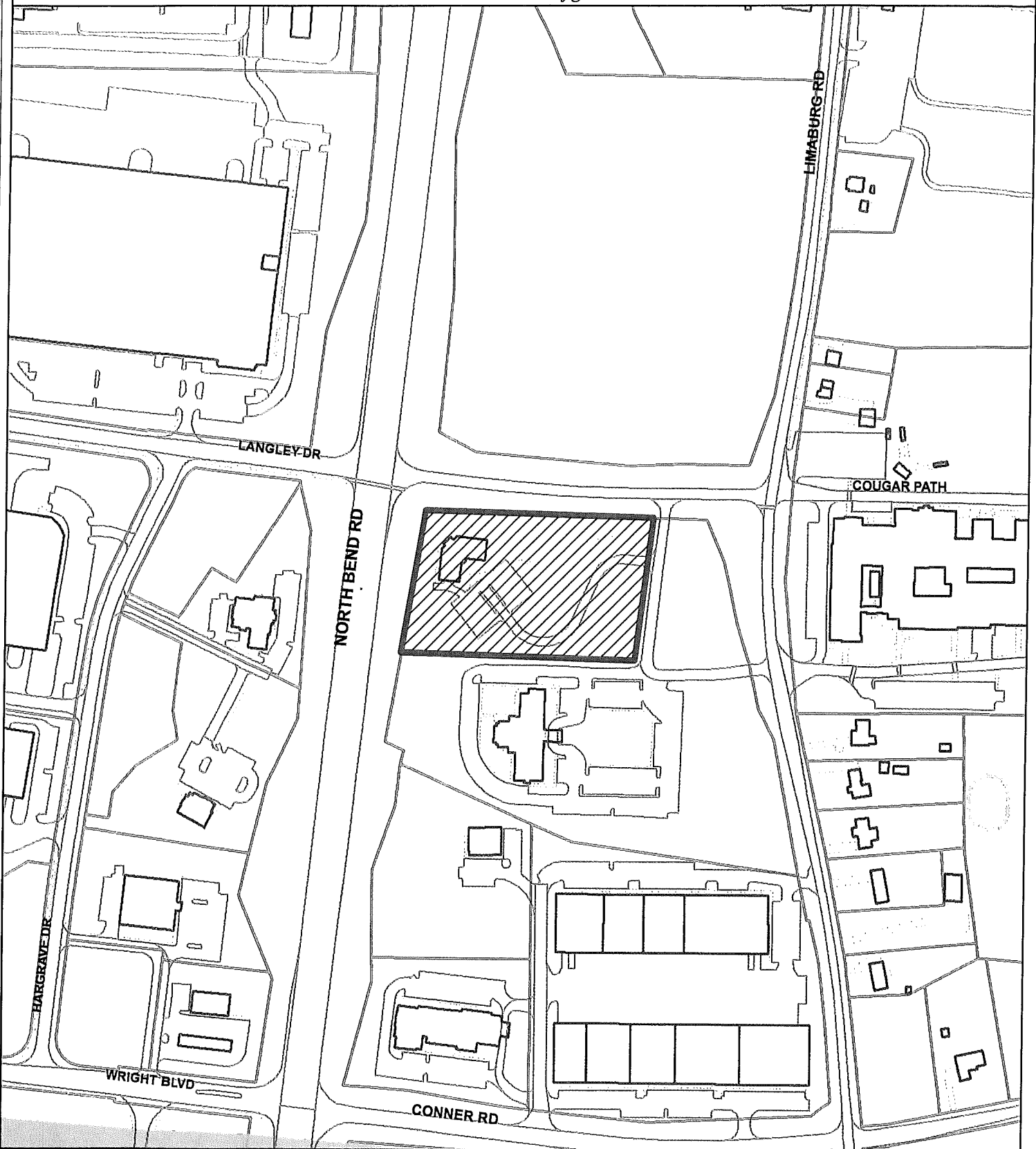


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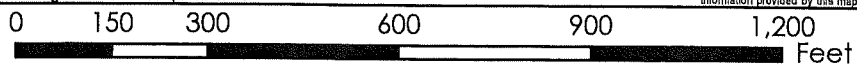
Noise Contour Map

www.boonecountygis.com

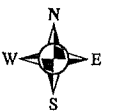


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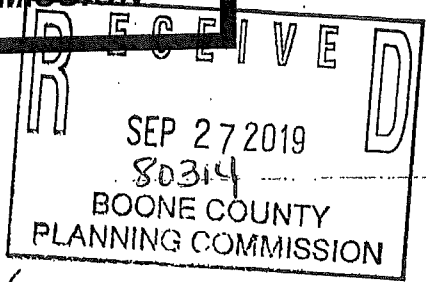
Boone County GIS - Putting Northern Kentucky on the Map

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APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Thousand Hills Holdings LLC
2. Location of Project 3215 Cougar Park
3. Total Acreage of Site 3.87
4. Current Zoning of Site Public Facilities
5. Proposed Zoning (Classification being requested) C-2 / PD
6. Proposed Uses (please specify each use) Household pet indoor boarding and Daycare with outdoor exercise yard
7. Names of Applicant(s) Jason Burcham
8. Phone No. 859-628-5310 Fax No. _____ E-Mail drjburcham@yahoo.com
9. Address of Applicant(s) 1520 Blossom Spring Ct
10. Hebron KY 41048
City State Zip
11. Name of Property Owner(s) Boone County Public Library
12. Phone No. _____ Fax No. _____ E-Mail _____
13. Address of Property Owner(s) 7425 US 42
14. Florence KY 41042
City State Zip
15. Proposed Building Intensities (please specify) Existing 6300 sq ft building
16. Are there any existing buildings on the site? Yes, one
17. How many? one
18. Deed Book 389 Page No. 195 Group No. 2007
19. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
20. Have you submitted a Concept Development Plan? Yes
21. Have you had a pre-application meeting with BCPC Staff? Yes
22. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

18. Project Jurisdiction/Location
X Unincorporated Boone County _____ Walton
_____ Florence _____ Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action
✓ Check if Applicable

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on December 5, 2019.

20. ORIGINAL Property Owner's Signature Carrie A. H.
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature John [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 9/27/19
2. Review Fee 2359.40 RA 80314
3. Check what has been submitted:

- Application
- Fee
- Legal Description
- Concept Development Plan
- Address of Adjoining Property Owners
- Number of Copies of Plan Received**

4. Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer MICHAEL SCHWARTZ

6. Committee Chairman _____

7. Scheduled Public Hearing Date _____

8. Boone County Planning Commission Action:
_____ Approval
_____ Approval with Conditions
_____ Denial

Resolution # _____

9. Other: _____

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

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

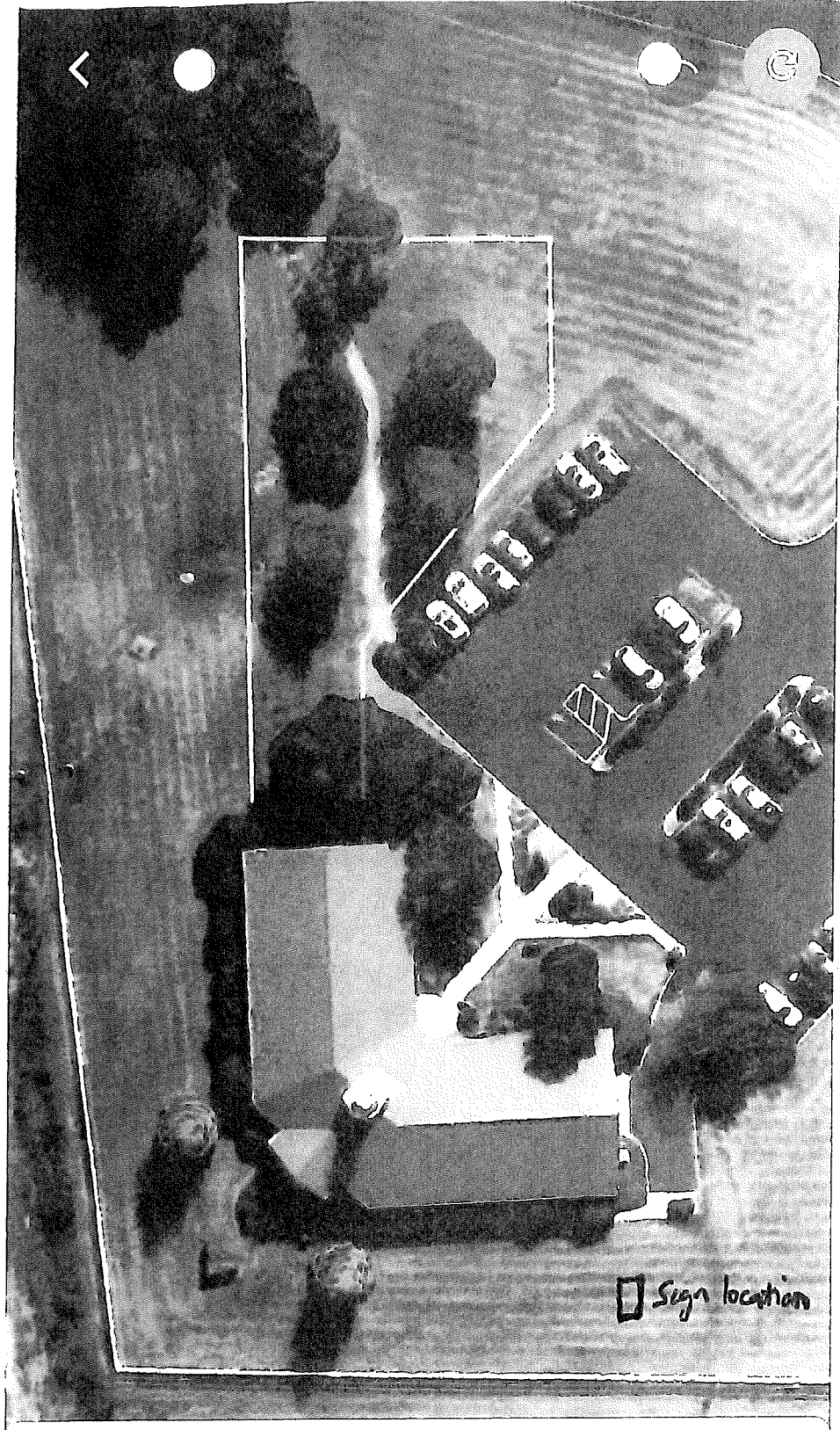
Business Description for 3215 Cougar Path, Hebron, KY.

Thousand Hills Holdings LLC will be setting up the property for a pet boarding and pet daycare facility. Approximately half of the building will house indoor kennels for overnight boarding of dogs and cats. The other half of the building will be more of an open area for indoor exercise and dog daycare. The facility will be open to the public from 7:00 am to 7:00 pm on weekdays. On Saturdays the hours will be shortened and close to the public by 5:0. Sunday hours will only be for pick up and drop off of pets in the morning and not be open to the public for the remainder of the day. There will be employees in the building outside of those hours for care of the animals. An outdoor exercise area will be installed behind the corner side yard line on the cougar path side of the property to allow the dogs to take short outdoor breaks and exercise. No pets will be housed outdoors or kept outdoors overnight.

3215 Cougar Path changes to the building:

The outside of the building will be improved from its current state by repairing the dilapidated gutters and trim, replacing the old rotten windows, replacing the dead landscaping, and repairing the rotten columns on the front porch. The old sign in the front yard, which the library has spray painted, will be replaced by a lighted monument sign placed on the 237 side of the building. A black, aluminum 5 ft decorative fence will be installed, per Boone county fencing regulations, on the Cougar path side of the building behind the corner side yard line. The current entrance from the parking lot will be repaired and repainted as it is currently configured.

The inside of the building will remain very much the same only with new flooring and the small restroom by the back doors will be converted to a laundry room. The former meeting room and workroom, as the library called them, will be the kennel area and have multiple kennels installed to house the pets.



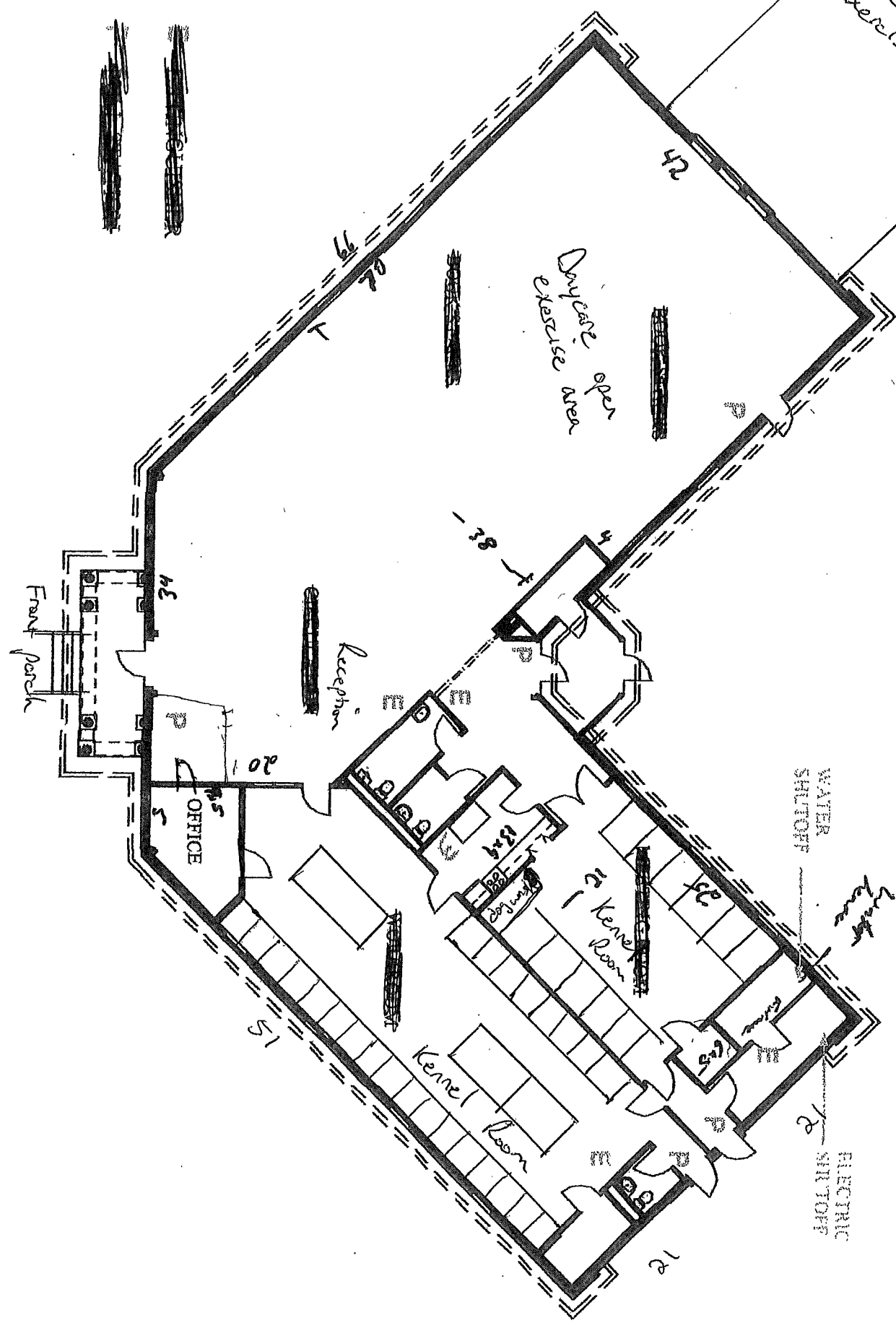
Distance ?

Fence drawn in yellow

442 ft



Fence & In
exercise area

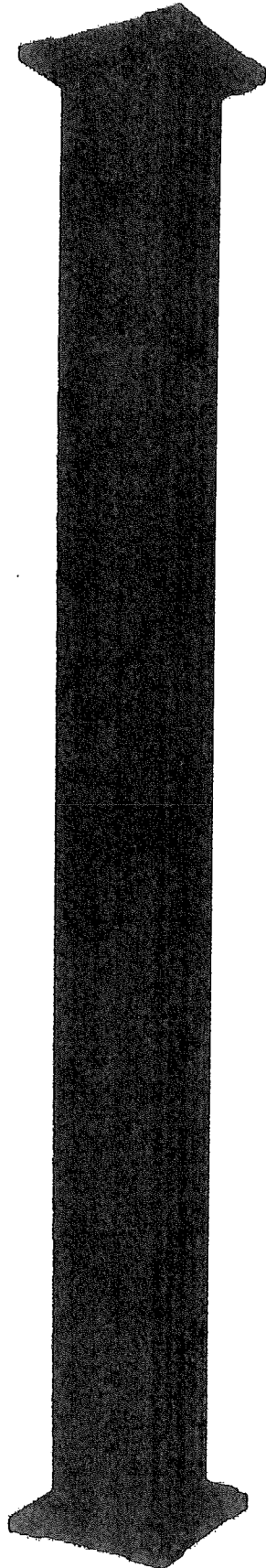


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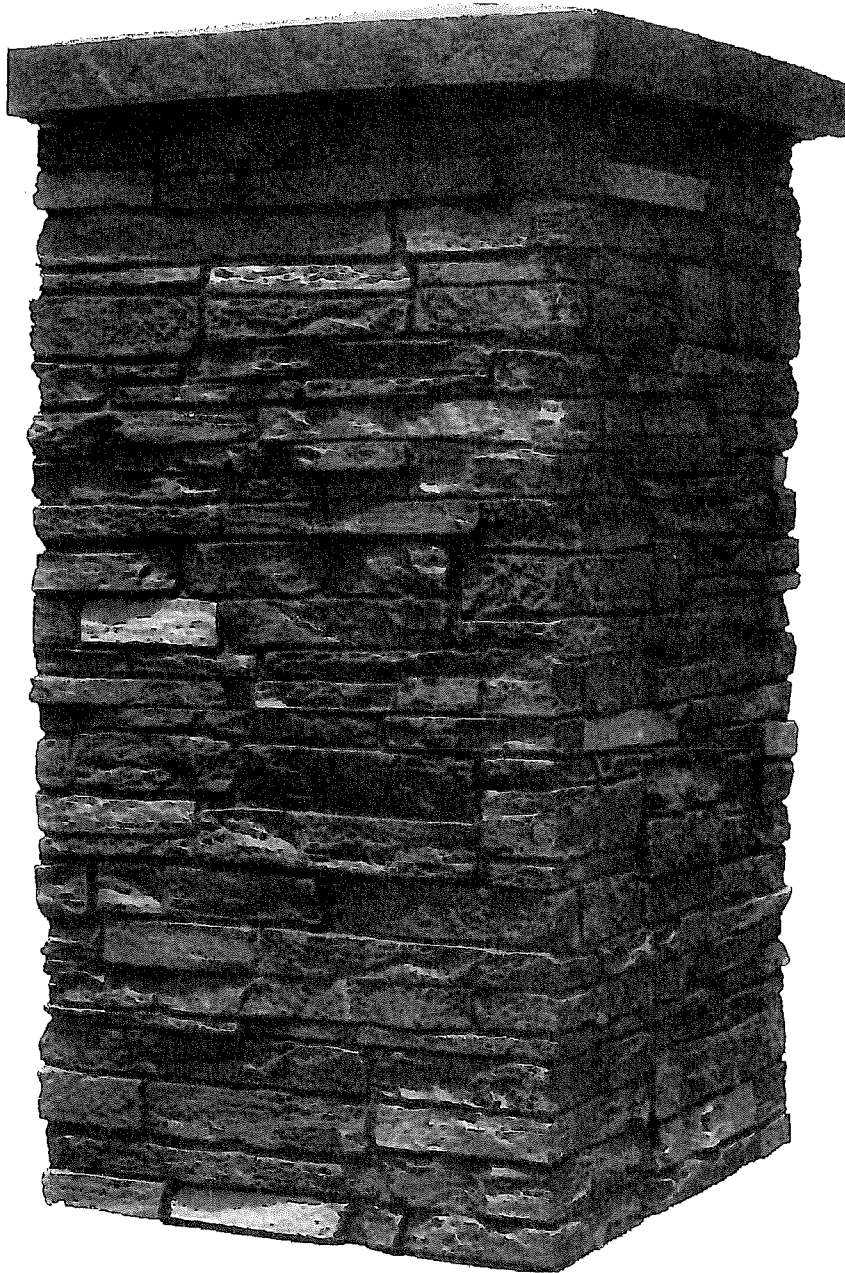


~~buyalco.com~~

Columns For Front
Porch Repair -
Black Aluminum

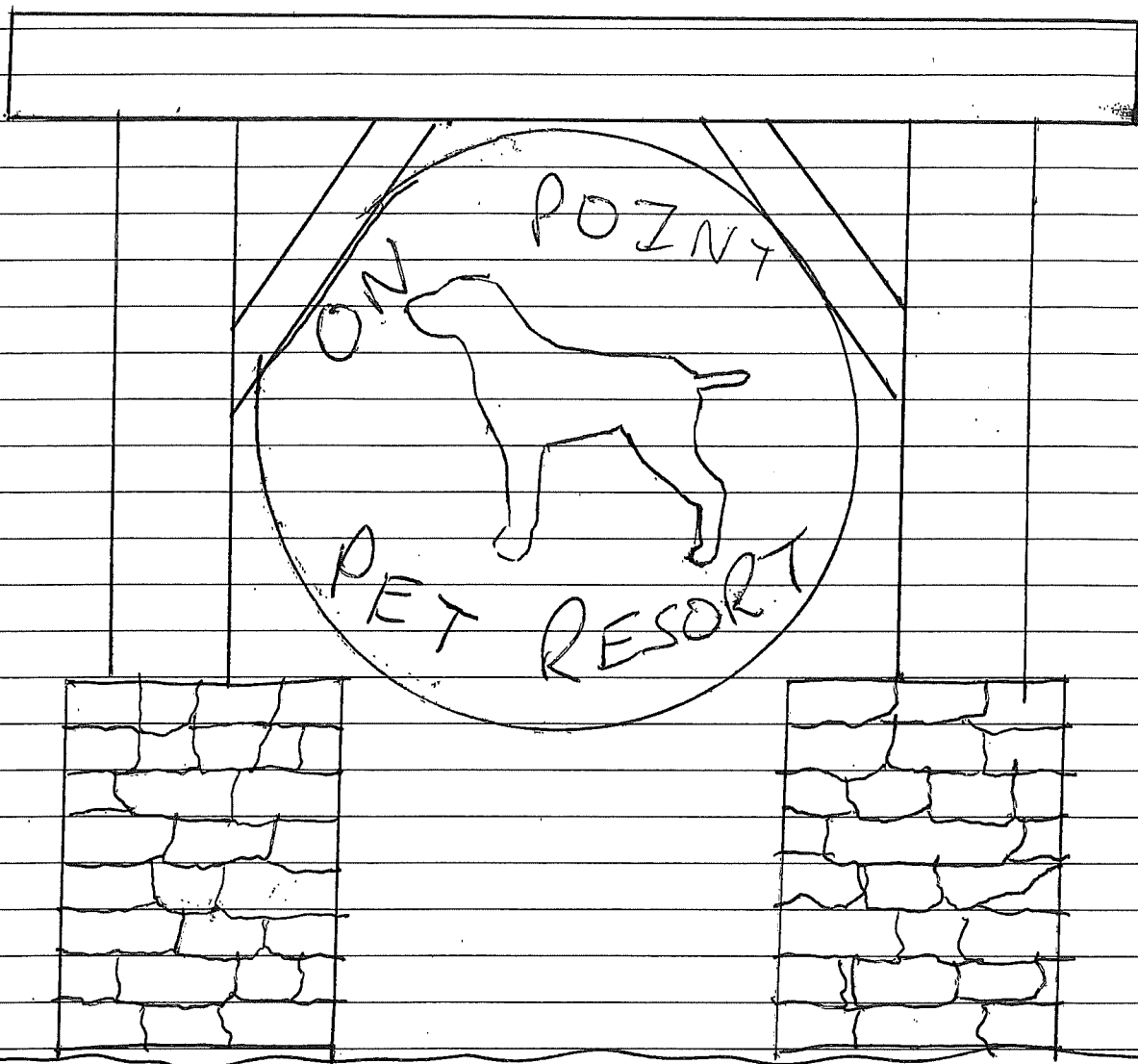


Base for Front porch new
Columns





S for
aluminum fence
for the area
in the corner
side yard



The total dimensions of the sign will be 10ft wide by 20ft high. The columns will match the ones used to repair the front porch. The sign will be illuminated at night. The sign dimensions can be adjusted if needed to satisfy the regulations for C-2 zoning.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: December 4, 2019

RE: Request of **Jason Burcham (applicant)** for **Boone County Public Library (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a zone change to allow a kennel with an outdoor exercise yard.

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 C-2/PD zone is consistent with Our Boone County – Plan 2040 “2040 Future Land Use Plan”, which designates the site for Commercial uses. The proposed C-2/PD zone principally permits a variety of commercial uses, including the proposed use of the site as a kennel.
2. The Committee has concluded that the provision of an outdoor exercise area, as an accessory function to the principal use of the site as a kennel, is consistent with the intent of the Planned Development (PD) district.
 - a. In evaluating the appropriateness of the proposed outdoor exercise area, the Committee has concluded that it will be far enough away from any adjoining land use activity, it will be visually separated from any adjoining land use activity by grade change and vegetation, and will not cause a disturbance to any adjoining land use activity.
3. The Committee finds that the proposed map amendment, along with the submitted concept development plan, is consistent with Land Use Chapter of Our Boone County – Plan 2040 which states that the former Lents Branch Library site should develop with commercial, office, or retail uses and have its access off Cougar Path (Land Use, Description and Purpose of Land Use Maps, 7 Hebron, page 111). The submitted proposal would allow the site to be used for a commercial use.
4. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
On Point Pet Resort/Cougar Path
December 4, 2019
Page 2

CONDITION:

1. That any landscaping that is removed for the development of the site is replaced with non-deciduous trees planted along the south property line to screen the site from the adjacent church building and enclosed outdoor play area.

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 Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: November 20, 2019

3. Request of **Jason Burcham (applicant)** for **Boone County Public Library (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a zone change to allow a kennel with an outdoor exercise yard.

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.

Kim Bunger

For Project ___ Absent

Against Project ___

Abstain ___ Deferred ___

Mark Hicks (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Janet Kegley

For Project ___ Absent

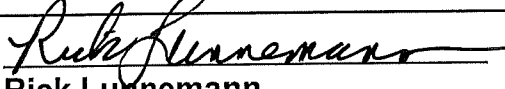
Against Project ___

Abstain ___ Deferred ___

Lori Heilman (Alternate)

For Project ___ Absent ___

Against Project ___


Rick Lunnemann

For Project Absent ___

Against Project ___

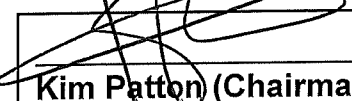
Abstain ___ Deferred ___

Steve Turner (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___


Kim Patton (Chairman)

For Project Absent ___

Against Project ___

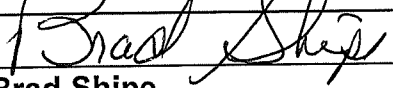
Abstain ___ Deferred ___

Randy Bessler (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___


Brad Shipe

For Project Absent ___

Against Project ___

Abstain ___ Deferred ___

TOTAL: ___ DEFERRED 3 FOR PROJECT 0 ABSENT
___ AGAINST PROJECT ___ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
NOVEMBER 6, 2019
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Rick Lunnemann
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda at 7:35 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN - Michael Schwartz, Staff

ZONING MAP AMENDMENT - Michael Schwartz, Staff

1. Request of Jason Burcham (applicant) for Boone County Public Library (owner) for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a zone change to allow a kennel with an outdoor exercise yard.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site is 3.9 acres and is located at the southeast corner of the intersection of North Bend Road and Cougar Path. In 1988, there was a Zoning Map Amendment request to change the zoning of the site from C-2/PD (Commercial Two/Planned Development) to PF (Public Facilities) to allow the construction of the branch library. Also in 1988, there was a Site Plan approved for the library. A Conveyance Plat was approved in 1988 that created the lot in question as well as a 60 foot wide access easement for the lot. In 1997, there was another Conveyance Plat approved which created the lot behind the library for Hebron Baptist Church. It showed the continuance of the 60 foot access easement in order to serve the church and library. The site is currently occupied by the former library branch building, an off-street parking lot and a driveway area. Mr. Schwartz identified the adjacent zoning and land uses as well as the topography of the site. The site slopes from 880 to 904. There is an existing berm on the site that will block the view of the fenced outdoor exercise area for the dogs. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C). The site is located in the 60 DNL noise level of the Airport. Mr. Schwartz showed photographs of the site and adjoining properties as well as the submitted Concept Development Plan. The Concept Development Plan includes both the exterior and interior improvements. The exterior includes the conversion of the 6,300 square foot building into a kennel. The existing porch will be repaired. The 34 off-street parking spaces will be retained along with existing split rail fence located along North Bend Road and Cougar Path. The existing sign will be replaced with a new sign. A new 5 foot high black aluminum fence will be installed in the side yard for the outdoor exercise area for the animals. The inside of the building will include renovation for the installation of kennels, offices and an indoor exercise area. Mr. Schwartz showed drawings and photographs for the porch base and columns and the proposed fence. He also showed a drawing of the proposed sign. It will be 10 feet high and 20 feet wide. The exact location of the sign has not been identified. The total sign area cannot be calculated based upon the measurements provided. Page 4 of the Staff Report identifies issues that the Planning Commission should consider - the use of the PD overlay, the regulations for outdoor kennels and activities, the size of the sign, impact on existing landscaping as well as potential conditions that could be applied to the Planning Commission's action. Mr. Schwartz concluded that the request is a Zoning Map Amendment request so findings must be made by the full Planning Commission as well as at the Committee level.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Jason Burcham, applicant, stated that the library building has been vacant since 2015. The plan is to use the existing building with improvements. Some of the landscaping needs to be

replaced. Mr. Burcham stated that he is willing to meet the current sign regulations.

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

Mr. Robert Mason, Hebron Baptist Church, noted that the existing driveway is owned by the church and not the library. In his discussion with Ms. Carrie Hermann, Boone County Library, it was revealed that there were 2 easements into the property but one was too close to the intersection. There was a gentleman's agreement between the Library Board and Hebron Baptist Church that if that section of the access drive was maintained by the Library Board, the Church would allow them to use it for access. Mr. Mason noted that this information was passed on to the future purchaser of the property by Ms. Hermann. Until now, he was not aware of anyone who was going to purchase the library property. The Church doesn't have a written agreement on the access and maintenance. Is it truly the Church's access?

Mr. Costello recommended that the representatives from the Church meet with the applicant and the library (current owner) to come to some agreement on the maintenance issue. This is important now since there will be some construction traffic. Mr. Mason noted that the Library District has recently patched some potholes. It is not in very good shape. They just want to protect their interest. They have not been contacted by the potential buyer about this issue. Mr. Mason stated that he didn't want anyone to use the access until this issue is settled.

Mr. Wilson stated that the Planning Commission was not going to get involved in a private dispute. The Planning Commission's duty is to examine the Zone Change request to determine if it should be approved. Mr. Mason questioned whether another access point could be constructed? The existing access driveway was intended to be a shared driveway on a gentleman's agreement. The church let the library use it and in return, the library offered to maintain it. Mr. Mason stated that the church didn't have a problem with the kennel itself.

Mr. Steve Kinman, Hebron Baptist Church, stated that the Church is against the proposal because the kennel is located close to their facility.

Chairman Rolfsen inquired about the possibility of another curb cut for the proposed use? Mr. Schwartz replied that the Staff did not look at the possibility. Access to North Bend Road is by an encroachment permit process administered by the Kentucky Transportation Cabinet. It would most likely be "No." Access to Cougar Path is reviewed by the Boone County Public Works Department or possibly the Kentucky Transportation Cabinet. The applicant currently has access via a shared access easement. It would require a closer look at it and would have to meet certain requirements. Mr. Schwartz stated that he would approach the Public Works Department to get some answers. Staff will also research the original approval. The access was created with one 60 foot easement.

In response to a question posed by Mr. Hicks, Mr. Shawn Fry, stated that the Boone County Library Board was in support of the application. The proceeds from the sale of the property will go into the Library District's capital fund for the new Walton branch.

Mr. Patton asked what type of animals will be kenneled? Mr. Schwartz replied domestic animals. The applicant has applied for the PD to allow indoor/outdoor boarding activities.

Chairman Rolfsen asked if animals would be left outside? Mr. Burcham said no. The purpose of the outdoor area is to allow the dogs outside to exercise for part of a day. It would only occur during normal business hours. Hours of operation are from 7:00 a.m. to 7:00 p.m. There would be no outdoor activities overnight. Sunday hours will be abbreviated for pick-up and drop off. Mr. Burcham stated that in his contract with the Library District, there was an access easement.

Mr. Mason stated that the side of the Church facing the subject property has a pre-school and a playground. Pre-school children are outside 5 days a week.

Mr. McMillian asked how did the Library District get hooked up with a dog kennel? Mr. Costello answered that the Library District is trying to sell the property. A restaurant was interested in the property but did not pursue approval before the Planning Commission. The library was located at the intersection before the church. The Library branch has moved to another location and thus the need to sell the building. The new Hebron Library is open.

Mrs. Heilman asked if the outside area includes dog runs? Mr. Burcham responded no. How many dogs will the building accommodate? Mr. Burcham responded 50 kennels. He will have 12-14 employees. Mrs. Heilman asked the applicant if he would be willing to add some additional landscaping near the outdoor area? Mr. Burcham replied yes. He also noted that the inside exercise area has an acoustic drop ceiling that will muffle indoor noise.

Mr. McMillian inquired about the smell of the exercise area. Mr. Burcham replied that they clean up the area on a regular basis.


Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 20, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 4, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:00 P.M.

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

November 21, 2019

Mr. Jason Burcham
1520 Bloomin Spring Court
Hebron, Kentucky 41048

RE: Recommended Condition of Approval for Jason Burcham (applicant) for Boone County Public Library (owner) for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a zone change to allow a kennel with an outdoor exercise yard.

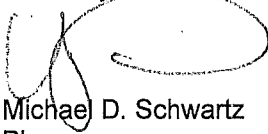
Dear Mr. Burcham:

The following represents the recommended condition of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their November 20, 2019 meeting. If you, as the authorized representative of the applicant and 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 Wednesday, November 27, 2019.

CONDITION

1. That any landscaping that is removed for the development of the site is replaced with non-deciduous trees planted along the south property line to screen the site from the adjacent church building and enclosed outdoor play area.

Sincerely,

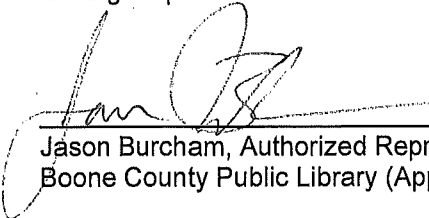


Michael D. Schwartz
Planner

MDS/ss

AGREEMENT

I, the authorized representative of the property owner of the approximate 3.87 acre lot located at 3215 Cougar Path, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.



Jason Burcham, Authorized Representative for
Boone County Public Library (Applicant)

11/25/19
Date

ORDINANCE 2020 - 06

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH A CONDITION, FOR A REQUEST OF JASON BURCHAM (APPLICANT) FOR BOONE COUNTY PUBLIC LIBRARY (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM PUBLIC FACILITIES (PF) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) FOR A 3.87 ACRE SITE LOCATED AT 3215 COUGAR PATH, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR ZONE CHANGE TO ALLOW A KENNEL WITH AN OUTDOOR EXERCISE YARD.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar, 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 a condition, for the Zoning Map Amendments.

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

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with a condition, this Zoning Map Amendment being a zone change from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Public Facilities (PF) zone is more particularly described in DEED BOOK 389, PAGE NO. 195 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for this approval of a Zoning Map Amendment requests are the findings of fact, and a condition, 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 marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and a condition as set forth in the Committee Report and same are marked as "Exhibit B."

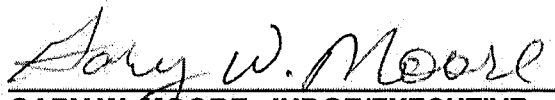
SECTION III

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

First Reading on the 14th day of January, 2020.


Second Reading on the 28th day of January, 2020.

Adopted this 28th day of January 2020. Yes 4 No 0



GARY W. MOORE, JUDGE/EXECUTIVE
BOONE COUNTY FISCAL COURT

ATTEST:

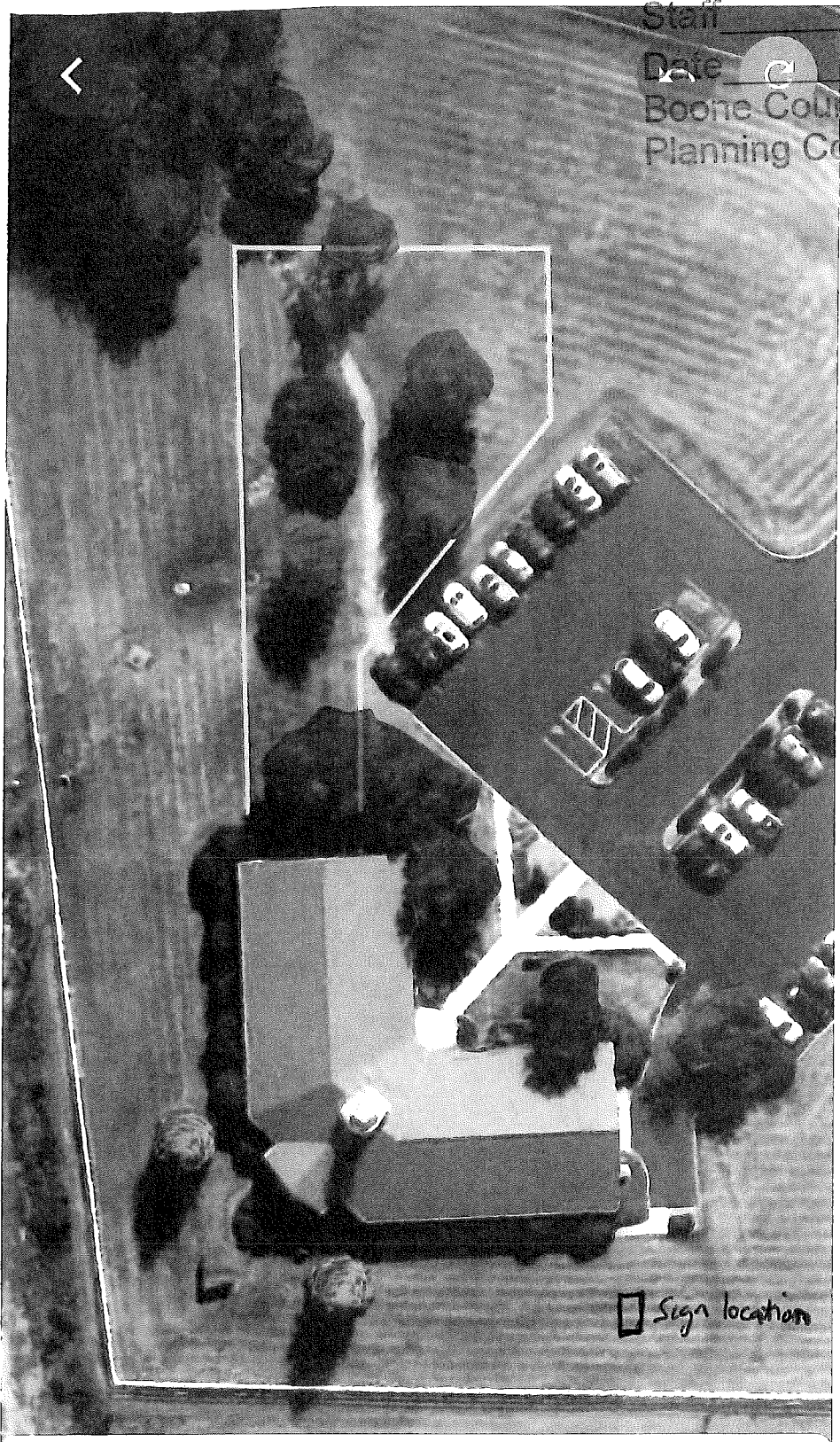


Sharon Burcham
Fiscal Court Clerk

Staff M. Schwartz

Date 12/4/19

Boone County
Planning Commission



Distance ?

Fence drawn in yellow

442 ft ▾



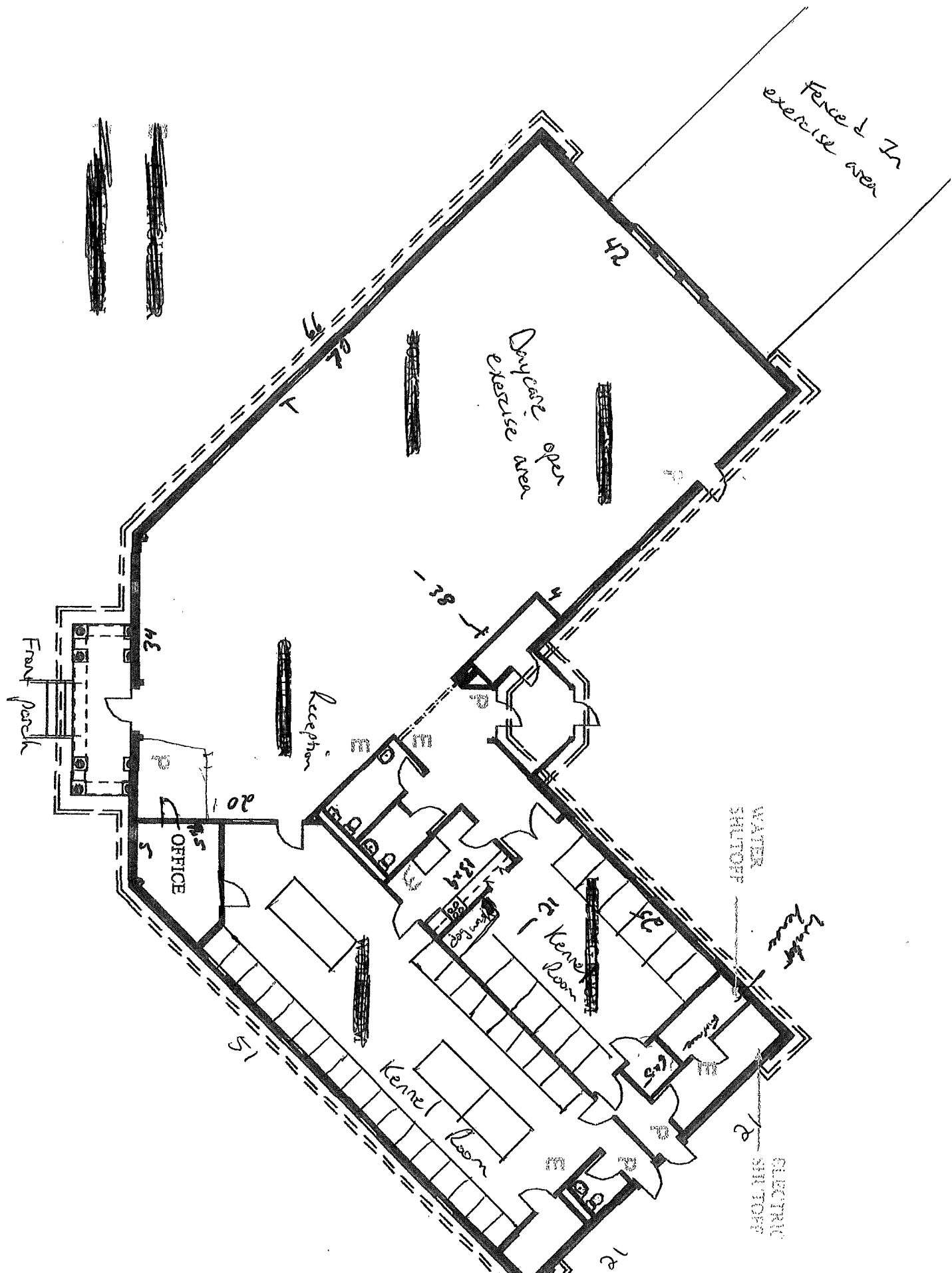
Business Description for 3215 Cougar Path, Hebron, KY.

Thousand Hills Holdings LLC will be setting up the property for a pet boarding and pet daycare facility. Approximately half of the building will house indoor kennels for overnight boarding of dogs and cats. The other half of the building will be more of an open area for indoor exercise and dog daycare. The facility will be open to the public from 7:00 am to 7:00 pm on weekdays. On Saturdays the hours will be shortened and close to the public by 5:0. Sunday hours will only be for pick up and drop off of pets in the morning and not be open to the public for the remainder of the day. There will be employees in the building outside of those hours for care of the animals. An outdoor exercise area will be installed behind the corner side yard line on the cougar path side of the property to allow the dogs to take short outdoor breaks and exercise. No pets will be housed outdoors or kept outdoors overnight.

3215 Cougar Path changes to the building:

The outside of the building will be improved from its current state by repairing the dilapidated gutters and trim, replacing the old rotten windows, replacing the dead landscaping, and repairing the rotten columns on the front porch. The old sign in the front yard, which the library has spray painted, will be replaced by a lighted monument sign placed on the 237 side of the building. A black, aluminum 5 ft decorative fence will be installed, per Boone county fencing regulations, on the Cougar path side of the building behind the corner side yard line. The current entrance from the parking lot will be repaired and repainted as it is currently configured.

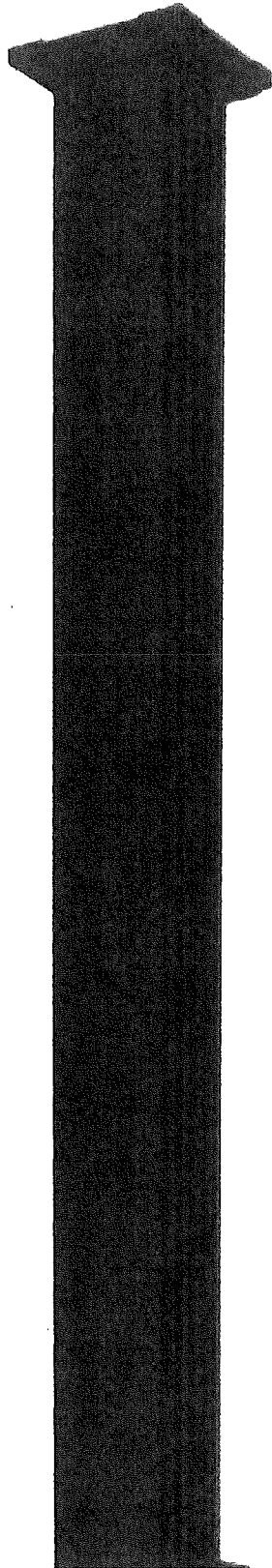
The inside of the building will remain very much the same only with new flooring and the small restroom by the back doors will be converted to a laundry room. The former meeting room and workroom, as the library called them, will be the kennel area and have multiple kennels installed to house the pets.



9:45 7



~~buythis.com~~



Columns For Front
Porch Repair -
Black Aluminum

9:44 7

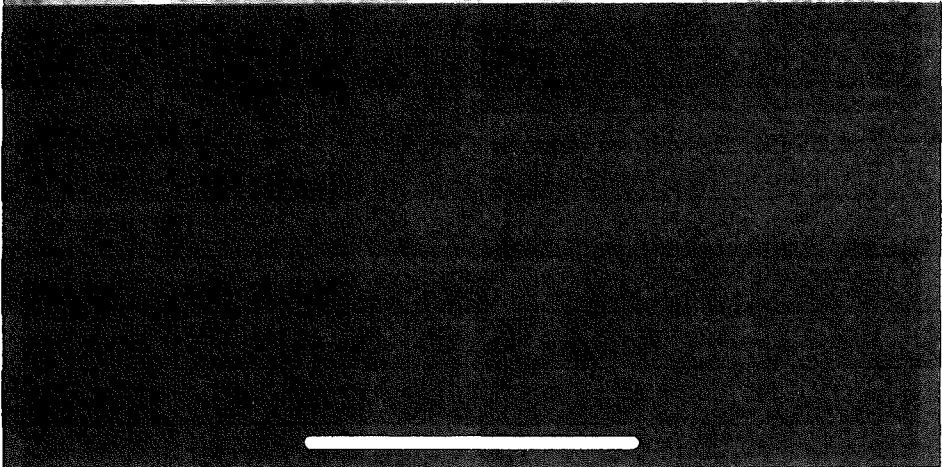


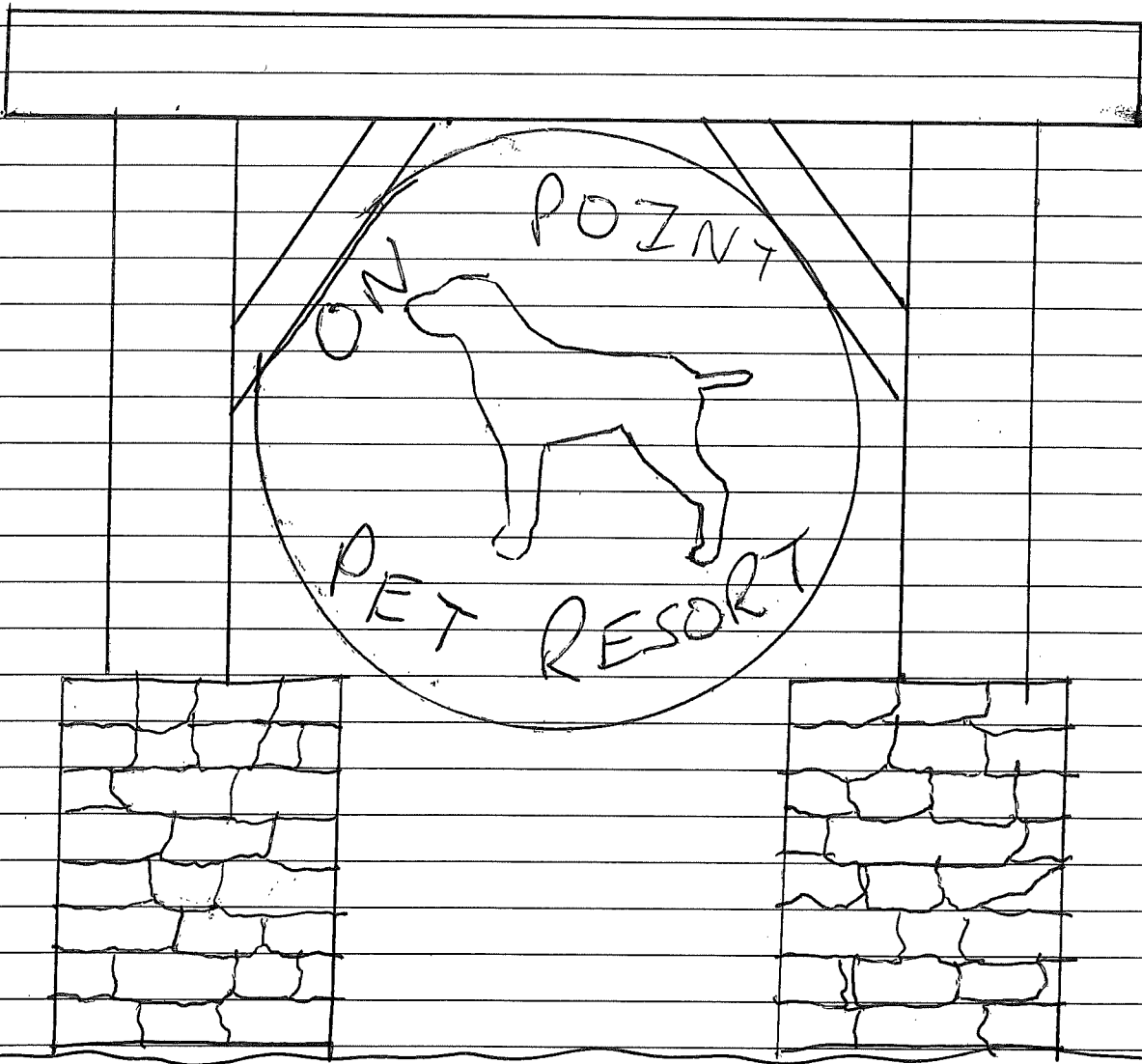
Base for Front Porch new
Columns





5 ft.
aluminum fence
for the area
in the corner
side yard





The total dimensions of the sign will be 10ft wide by 20ft high. The columns will match the ones used to repair the front porch. The sign will be illuminated at night. The sign dimensions can be adjusted if needed to satisfy the regulations for C-2 zoning.