

12. 1167 434 2046
Deed Book Page Number Group Number

13. Have you had a pre-application meeting with the BCPC staff: Yes No

14. Have you submitted a Concept Development Plan: Yes No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

16. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

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

ORIGINAL Property Owner's Signature: Carol Ray Paul Medina
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

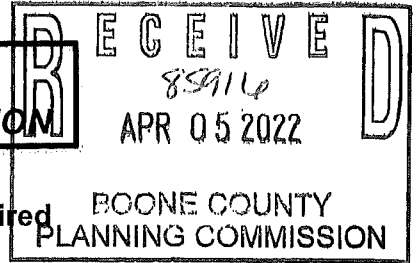
ORIGINAL Applicant's Signature: ARLINGHAUS I, LLC
BY: Brent Schroeder, V.P.
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 4/5/22 Fee Received: \$335.35 Receipt #: 85915
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: C. Gullick
7. Scheduled Public Hearing Date: 5/4/2022
8. Boone County Planning Commission Action: _____ Date of Action: 6/1/2022
 - _____ Approved
 - Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

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

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Type of review (check one):
 - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (as stated in the Union Town Plan)
 - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
 - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
 - Zoning Administrator Review (as stated in the Mall Road District Study)
 - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
2. Name of Project: WESTBROOK ESTATES
3. Location of Project: WESTFIELD LAKE
4. Total Acreage of Project: 14.18 AC
5. Current Zoning of Property: A-2/UT6
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
June 2006, January 2013
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: Union Town
8. Proposed Use(s) (specify each use):
Single Family Detached
9. Proposed Building Intensities (specify for each building):
2.5 D.U.A
10. Have you submitted a Concept Development Plan: Yes No
11. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
12. Current Owner: Arlinghaus I, LLC
Address: 142 BAENWOOD DRIVE
EDGEWOOD Ky 41017
City State Zip Code
- Phone Number: 859-392-8900 Fax Number: _____
Email: bob@schroder.net
13. Applicant: Arlinghaus I, LLC

Address: 1 1/2 BARMOOD
EDGEWOOD KY 41017
City State Zip Code

Phone Number: 859-392-8907 Fax Number: 344-7983

Email: bob@schroder.net RWAYNEE@ECE-INK.NET

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

15. 779 178 2046
Deed Book Page Number Group Number

16. Have you had a pre-application meeting with the BCPC staff: Yes No

17. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

18. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

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

ORIGINAL Property Owner's Signature: Ardayhans I LLC
By Robert Schroder VP
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Ardayhans I LLC
By Robert Schroder VP
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 4/5/22 Fee Received: \$2228.70 Receipt #: 85911
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: C. Gullick
7. Scheduled Public Hearing Date: 5/14/2022
8. Boone County Planning Commission Action: _____ Date of Action: 6/1/2022

- _____ Approved
- _____ Approved with Conditions
- _____ Denial
- _____ Other

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EXHIBIT

“A”

STAFF REPORT

#1

Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

May 4, 2022

REQUEST

- A. The first part of the submitted request is to rezone an approximate 81 acre area located along the north side of Hathaway Road, directly across from Meiman Road, from RSE to SR-1 for a 158 single-family residential lot subdivision.
- B. The second part of the submitted request is for a Change in an Approved Concept Development Plan for an approximate 14 acre area of Westbrook Estates, located at the terminus of Westfield Lane, from a seventy-one (71) single-family residential lot subdivision with no street extension to the west to a thirty-three (33) single-family residential lot subdivision with a street extension to the west.

SITE HISTORY

- 2000 The 2000 Union Town Plan was adopted by the City of Union on August 28, 2000 and the Boone County Fiscal Court on September 19, 2000.
- 2006 On June 7, 2006, the Planning Commission's Long Range Planning Committee determined that the design and layout for the Westbrook Estates Subdivision was consistent with the Comprehensive Plan and the 2000 Union Town Plan and that the project could proceed with the 'short' review process.
- 2006 On June 30, 2006, the Boone County Planning Commission approved the

Preliminary Plat for the Westbrook Estates Subdivision.

- 2018 On June 6, 2018, the Planning Commission's Long Range Planning Committee determined that the design and layout for the Westbrook Estates Subdivision (Revised) was consistent with the Comprehensive Plan and the 2000 Union Town Plan and that the project could proceed with the 'short' review process.
- 2018 On July 16, 2018, the Boone County Planning Commission approved the Revised Preliminary Plat for the Westbrook Estates Subdivision.

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 314 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Sections 301-310.
- C. Section 930 of the Boone County Zoning Regulations states that the purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.
- D. Section 2560 of the Boone County Zoning Regulations states that residential development within the Union Town Overlay (UTO) district can follow either a

'short' review process, a 'long' review process, or a zoning map amendment/concept development plan process.

E. Section 3111 of the Boone County Zoning Regulations provides for the following requirements for development within a SR-1 district:

- | | | |
|----|-----------------------------|------------------------------|
| 1. | Maximum Intensity: | 4 dwelling units per acre |
| 2. | Minimum Size of District: | 5 acres |
| 3. | Minimum Lot Size: | 8,000 sq. ft. |
| 4. | Minimum Frontage: | 65 feet |
| 5. | Minimum Front Yard Setback: | 30 feet |
| 6. | Minimum Rear Yard Setback: | 30 feet |
| 7. | Minimum Side Yard Setback: | 5 feet minimum/15 feet total |

EXISTING APPROVED CONCEPT PLAN

A. The existing approved Preliminary Plat, which was approved on June 30, 2006, indicates the following for the approximate 14 acre area located at the terminus of Westfield Lane:

1. Provision for 71 single-family residential lots.
2. Approximately 2,500 linear feet of public street.
3. A street extension to the south of the site.

2000 UNION TOWN PLAN

A. The 200 Union Town Plan indicates the following for the approximate 14 acre area located at the terminus of Westfield Lane:

1. Single-family residential development at a maximum intensity of 22 dwelling unit per acre.
2. Street extensions to the south and west.

SITE CHARACTERISTICS

A. Zoning Map Amendment Area:

1. Contains approximate 81 acres, of which approximately 0.35 acres is located within the City of Union.
2. Has approximately 160 feet of frontage along Hathaway Road.
3. The site is currently vacant with approximately 75% being used for agricultural purposes and the remaining approximate 25% being wooded.
4. A 150 wide overhead electric transmission easement crosses through the site along the southwest property line.

5. A 12-inch public water line runs along the north side of Hathaway Road.
6. The site is centrally located within an approximate 522 acre Agricultural District (see Attached description).

B. Change In Concept Development Plan Area:

1. Contains approximately 14 acres within the City of Union.
2. Has been cleared and is currently being graded as part of the Westbrook Estates Subdivision.

ADJACENT LAND USES AND ZONING

- North: Vacant land (future Grenay Fields Subdivision and Westbrook Estates Subdivision) (SR-1 and RSE/UTO)
- South: Single-family residential and vacant/undeveloped/agricultural land (RSE, RSE/UTO, and A-2/UTO)
- East: Single-family residential and vacant/undeveloped/agricultural land (A-2/UTO and RSE/UTO)
- West: Single-family residential and vacant/undeveloped/agricultural land (RSE)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Suburban Density Residential uses which is defined as single family housing of up to four units per acre.
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
1. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 2. 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).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 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).

5. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
6. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
7. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).
8. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).
9. Housing development shall be phased to coordinate with the provision of infrastructure, services, and education facilities (Demographics Goal B, Objective 9).
10. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
11. 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).
12. Specific areas, innovative land use planning concepts, and design incentives shall be identified to encourage the preservation of agricultural lands (Natural and Cultural Resources Goal B, Objective 1).
13. The impacts of proposed adjacent residential development on existing agricultural operations shall be examined and addressed (Natural and Cultural Resources Goal B, Objective 3).
14. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions.

(Transportation Goal A, Objective 1).

15. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).
- C. Hathaway Road is a state maintained arterial street providing for two-way traffic within two driving lanes. The posted speed limit is 45 MPH. There are no sidewalks along the roadway.
- D. The following are excerpts from Our Boone County, Plan 2040:
1. Different residential development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists (or is planned) to support the development. Fluctuations in the economy and housing market should be considered when evaluating uses and design of developments (Land Use, Future Land Use Development Guidelines, Development Layout, Lot Sizes, and Setbacks, page 95).
 2. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and sight distance for access points, adequate spacing between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service. In addition, the amount of travel time saved for services relying on routing (such as school buses, waste collection, mail, and other delivery services) is invaluable, not to mention the importance of simply connecting neighborhoods and people to each other. More importantly, the connectivity between developments promotes safety as emergency response vehicles have multiple ways of gaining access to a property during an emergency (Land Use, Future Land Use Development Guidelines, Access Management, page 96).
 3. This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should

experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2040 Future Land Use Map and also affect the Boone County Zoning Regulations.

Areas west and south of the Union Town Plan area, along U.S. 42, Hathaway Road, and Longbranch Road, contain an existing agricultural, horse farm, and estate residential character. The connections shown in the Union Town Plan need to be continued outside the study area to the next logical properties and arterial roadways. The Frogtown Road corridor has experienced significant residential construction with very little improvement to the existing roadways. Triple Crown sets a good example with its central, limited access boulevard that connects two state-maintained roadways (Frogtown Road and Richwood Road). Significant improvements to roadways will be needed to support extensive growth. Future development in this area should be sensitively designed to minimize impact on existing low density residential land uses, and connecting routes that take traffic off existing roadways should be encouraged.

New subdivisions should be developed with connecting roads providing alternative routes for residential traffic and decreasing the impact on major roadways. Road connections should include multi-modal elements such as paths, bike lanes, and bus stops to help make Union more pedestrian-oriented. Wetherington Boulevard is an example. Further road connections that prohibit driveway access and street parking should occur between U.S. 42, Camp Ernst Road, Longbranch Road, and Hathaway Road. Hathaway Road needs special attention to protect this important east-west route. Water and sanitary sewer infrastructure should accompany such road connections and extensions as to prevent premature, estate-style residential development, and to prevent frontage subdivisions that result in poor access management. Development proposals shall be carefully evaluated relative to the area-wide road network and any necessary contributions to the network.

All major residential developments should provide recreational facilities, or other public facilities, through cooperative efforts between developers, legislative bodies, and other agencies/organizations. These facilities should be designed not only to serve the residents of the specific subdivision but, where appropriate, to serve surrounding populations in order to mitigate the impacts upon existing facilities. This section of Boone

County should develop as a major population area, and sites for recreation and other public facilities should be planned and obtained before prime sites are no longer available or become too costly for acquisition. The potential to renovate and expand the Union Park property should be considered as a way to accommodate the increasing need for such facilities in the area. The 2006 Parks and Recreation Master Plan called for the property to develop as a family outdoor aquatic center with a multi-purpose building and playground.

4. The Kentucky Division of Conservation's Agricultural (Ag) District Program is administered locally by the Boone County Conservation District under KRS 262.850 (enacted 1982). Agricultural Districts are distinct from zoning districts and are aimed at protecting the best agricultural land for food and fiber production and discouraging its conversion to non-agricultural uses. In addition, these Agricultural Districts are voluntary and offer members the following protection under the law:

- The right to have their land assessed at the land's agricultural use value;
- Protection against involuntary annexation;
- Deferred assessment of fees for water service extensions unless the land is sold for nonagricultural purposes;
- Right to a public hearing to contest condemnation by certain utilities.

An Agricultural District must include a minimum of 250 contiguous acres, with certain parcel size requirements, and must meet the state definition of agricultural land in KRS 132.010. In 1995, Boone County had five Agricultural Districts totaling 3,343 acres. In 2004, there were 13 districts comprising 6,770 acres. There are currently 16 districts encompassing 8,227 acres of land owned by 80 families (Boone County Conservation District Annual Report 6/30/10; Boone County GIS 2017) (Natural and Cultural Resources, Agriculture, Agricultural Districts, page 43).

5. Agricultural land has value beyond the production of goods and services, according to the Boone County Conservation District, including benefits for storm water filtration, ground water recharge, flood reduction, soil retention, wildlife habitat, air purification, historic sites, scenic corridors, as well as the economic benefit of visual character. However, recent statistics show that development of the county's rural areas continues. To protect farming, a combination of tax structures, planning efforts, incentive programs, conservation easements, and utility expansions should continue to be explored. New residential development should be correlated with sufficient infrastructure, including sewer, adequate roads, fire hydrant water pressure, storm water management, and emergency response are necessary to support residential development in the long

term. This adds to the cost of providing community services. Agriculture, on the other hand, enables an economic use of the land and requires relatively little infrastructure support or public expenditure (Natural and Cultural Resources, Conclusions and Recommendations, pages 55-56).

CONCEPT PLAN

A. Zoning Map Amendment Area

1. Provision for 158 single-family residential lots, creating an intensity of 1.94 units per acre.
2. Provision for three (3) stormwater retention lots.
3. Provision for one (1), 7.5 acre open space lot.
4. Street extensions from the north and east.
5. Future street extensions to the east and west.

B. Change In Concept Development Plan Area

1. The following table provides a comparison between the existing approved Preliminary Plat and the proposed Amended Concept Development Plan:

	Existing Approved Preliminary Plat	Proposed Amended Development Plan
Number of Lots	71	33
Intensity	5 units/acre	2.33 units/acre
Lineal Street Length	2,500 feet	1,700 feet
Street Extensions	to the south	to the south and west

STAFF COMMENTS

- A. The westernmost north/south street (Cimmaron Trail) within the existing Westbrook Subdivision is proposed to extend south, to the north property line of the site in question. The submitted Concept Development Plan shows that this street will continue in a southerly direction and connect to Hathaway Road, as well as providing street extensions to the adjacent properties to the east and west of the site in question. Based on the submitted Concept Development Plan and the acreage of the adjoining vacant properties, this street will serve between 100 and 500 residential lots. Pursuant to the Boone County Subdivision Regulations, this street would be classified as a sub-collector street. The applicant should address whether the entirety of this street will be designed and

constructed to the sub-collector street standards.

- B. If the proposed zoning map amendment is approved, it will leave an approximate two (2) acre area as being zoned RSE. Section 3111 of the zoning regulations state that the minimum district size for the RSE zone is five (5) acres. The applicant should address how they intend to deal with this leftover piece of zoning so as not to create a free standing zone that does not meet the minimum district size requirements.
- C. Immediately to the east of the site in question, there is a cluster of five (5) properties having direct access onto Hathaway Road. These properties are:
1. 2140 Hathaway Road, currently owned by James and Sara Barnes.
 2. 2142 Hathaway Road, currently owned by Paul Medin and Carol Ray.
 3. 2144 Hathaway Road, currently zoned by Charles Ferguson and Martha Hill.
 4. 2150 Hathaway Road, currently owned by Alex Hayden.
 5. 2190 Hathaway Road, currently owned by Richard Hayden and Martha Fergus.

With development potentially surrounding these rural residential lots, these properties may redevelop in the future. To minimize the number of curb cuts onto Hathaway Road, the applicant should address the potential for a street connection from their development to this area.

- D. An inter-departmental email was sent to the Boone County Public Works, Boone County Schools, Boone County Water District, City of Union, KYTC, SD1, and the Union Emergency Services Alliance requesting comments pertaining to the request.
1. Mike Rouse, Boone County Water District, replied that he had no comments.
 2. Linzy Brefeld, KYTC, replied that a Traffic Impact Study will be required.
 3. Andy Aamon, SD1, replied that this project has been submitted for a storm water land disturbance permit which is currently under review.
 4. Chief Michael Morgan, Union Fire Protection District, replied that he had no comments.

CONCLUSION

- A. The request for the proposed zoning map amendment and change of concept plan needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 and Article 25 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
Director, Zoning Services

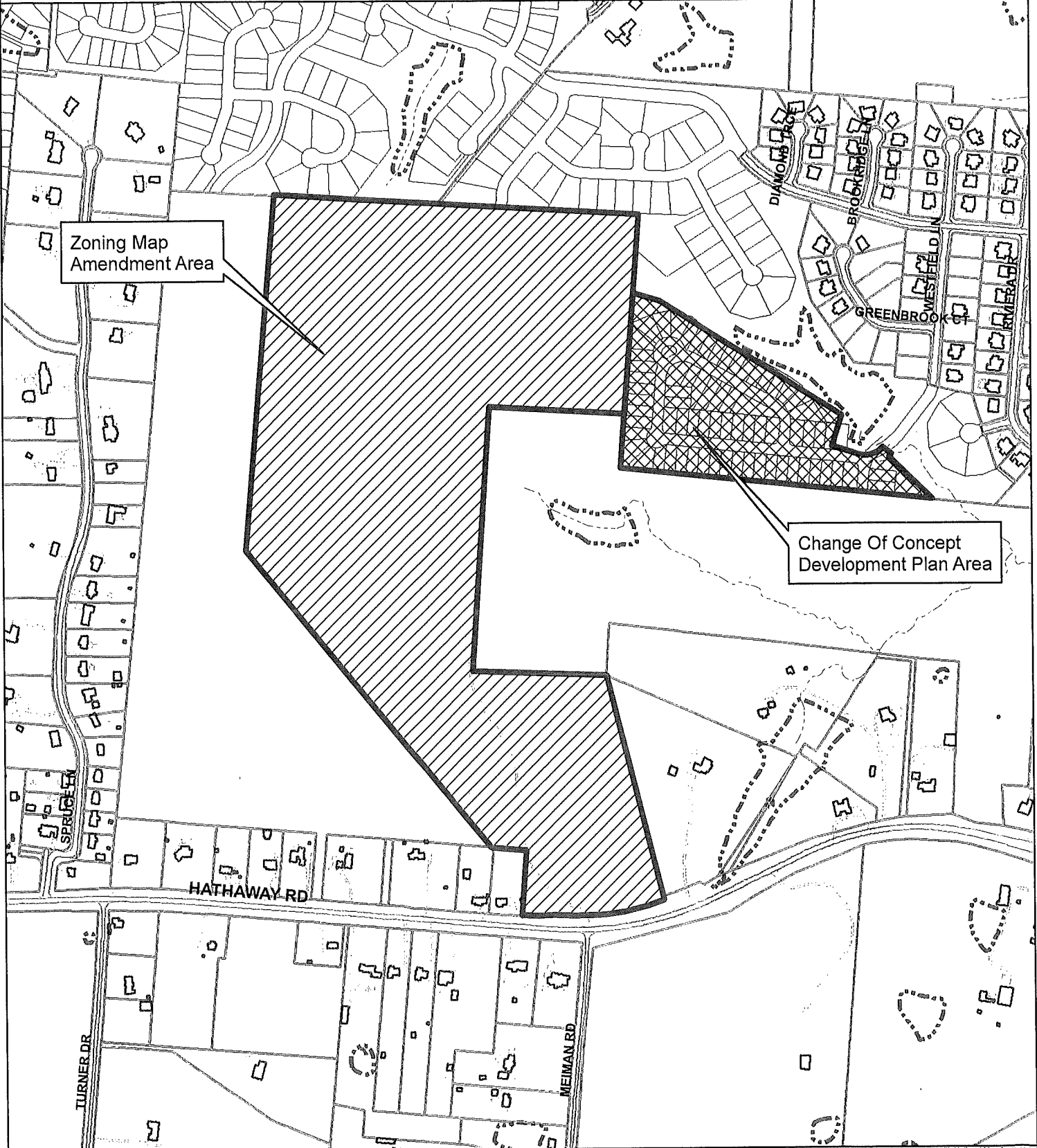
MDS/ss

Attachments:

- *Vicinity Map
- *Legislative Boundary Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Agricultural District Map
- *Application
- *Concept Development Plan
- *Building Types

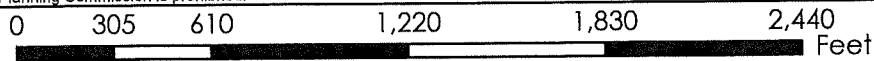
Vicinity Map

www.boonecountygis.com



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1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map

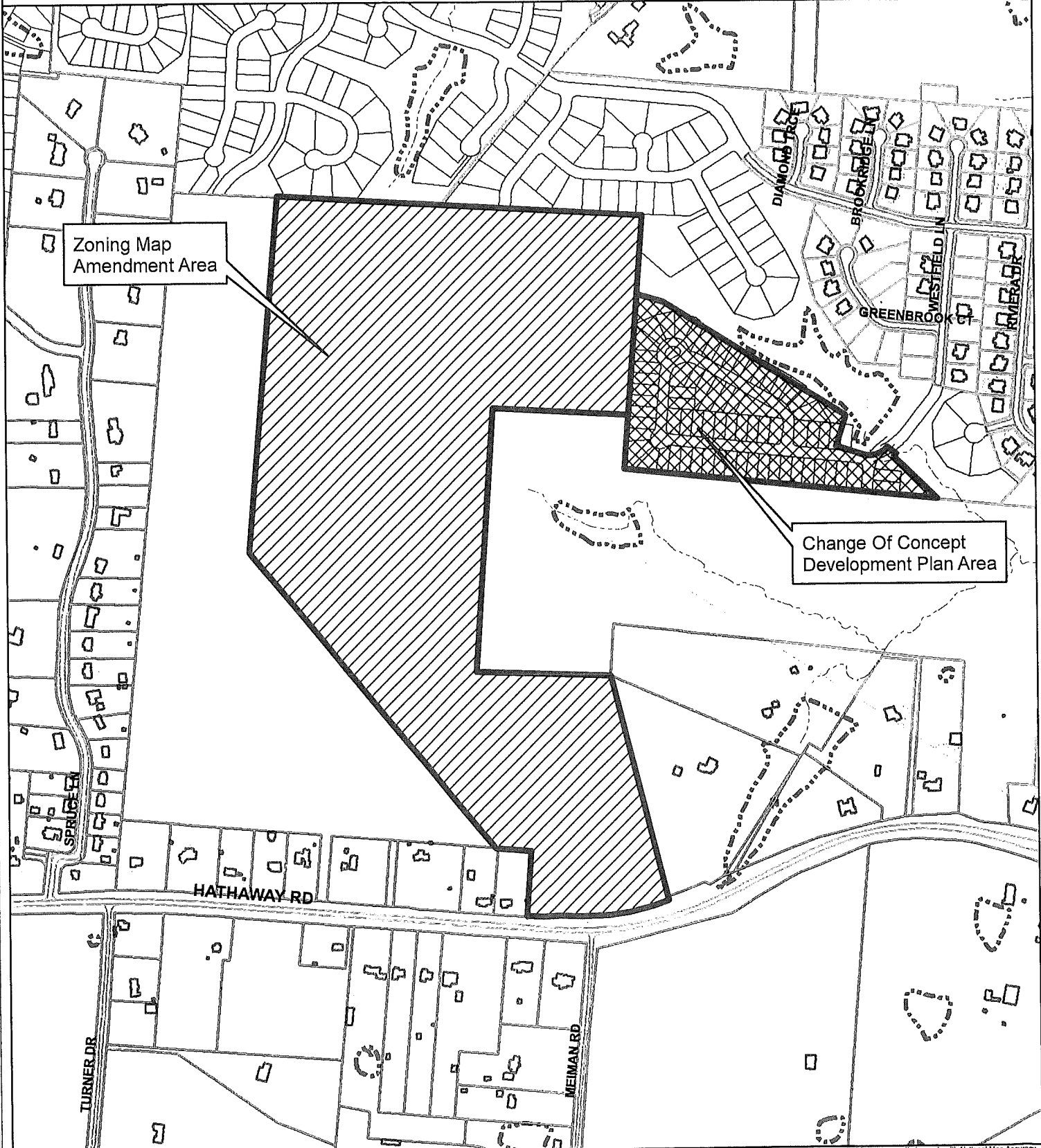


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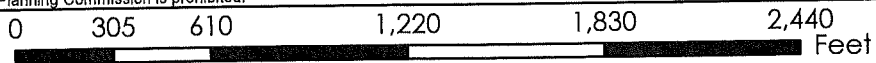
Legislative Boundary Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2021

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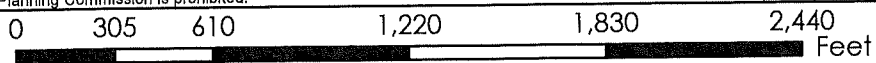
Aerial Map

www.boonecountygis.com



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1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map

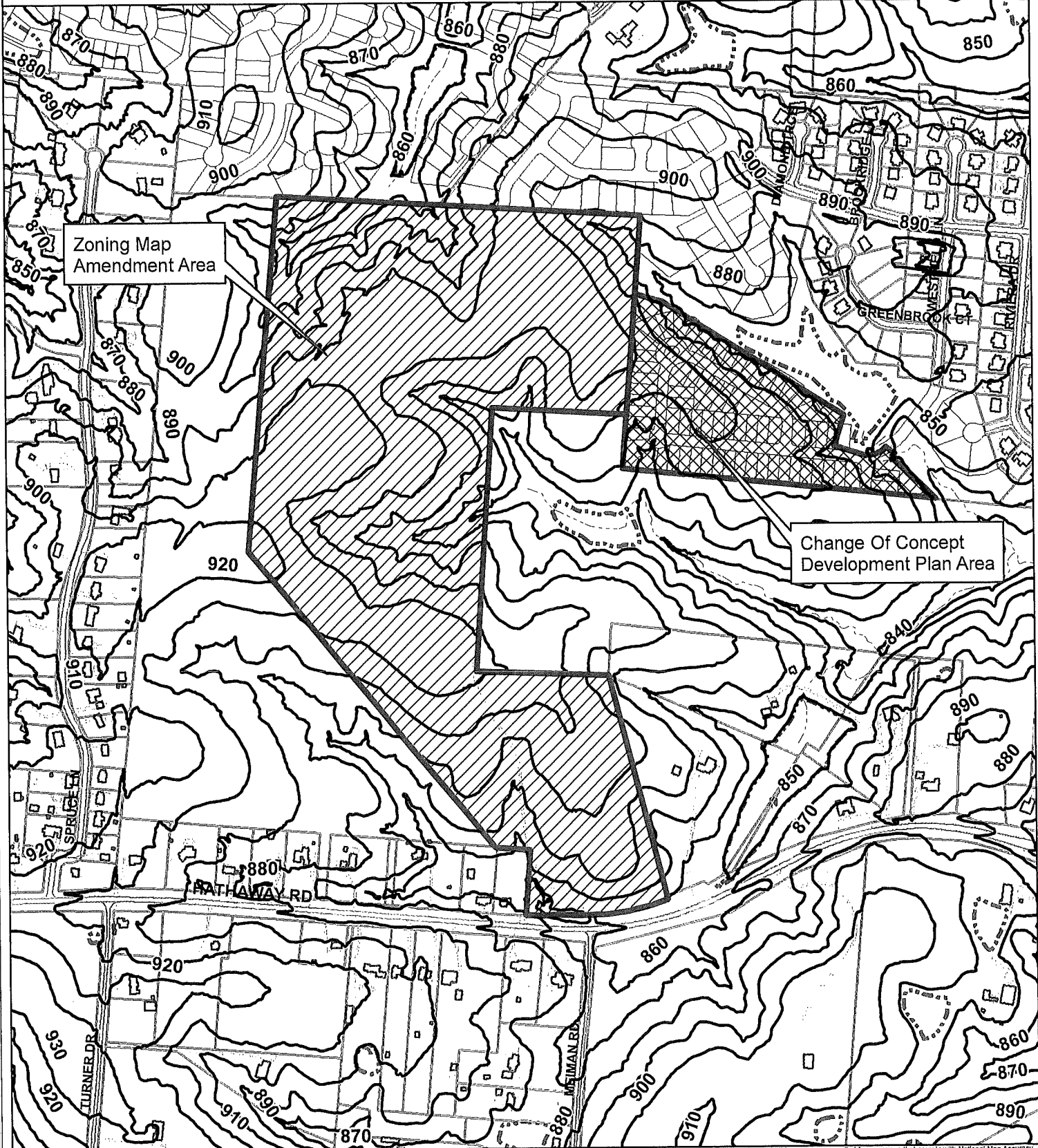


Boone County GIS
ArcMap Document: *.mxd

Map Created: xx/xx/2021

Topographical Map

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 305 610 1,220 1,830 2,440 Feet

1 inch = 600 feet

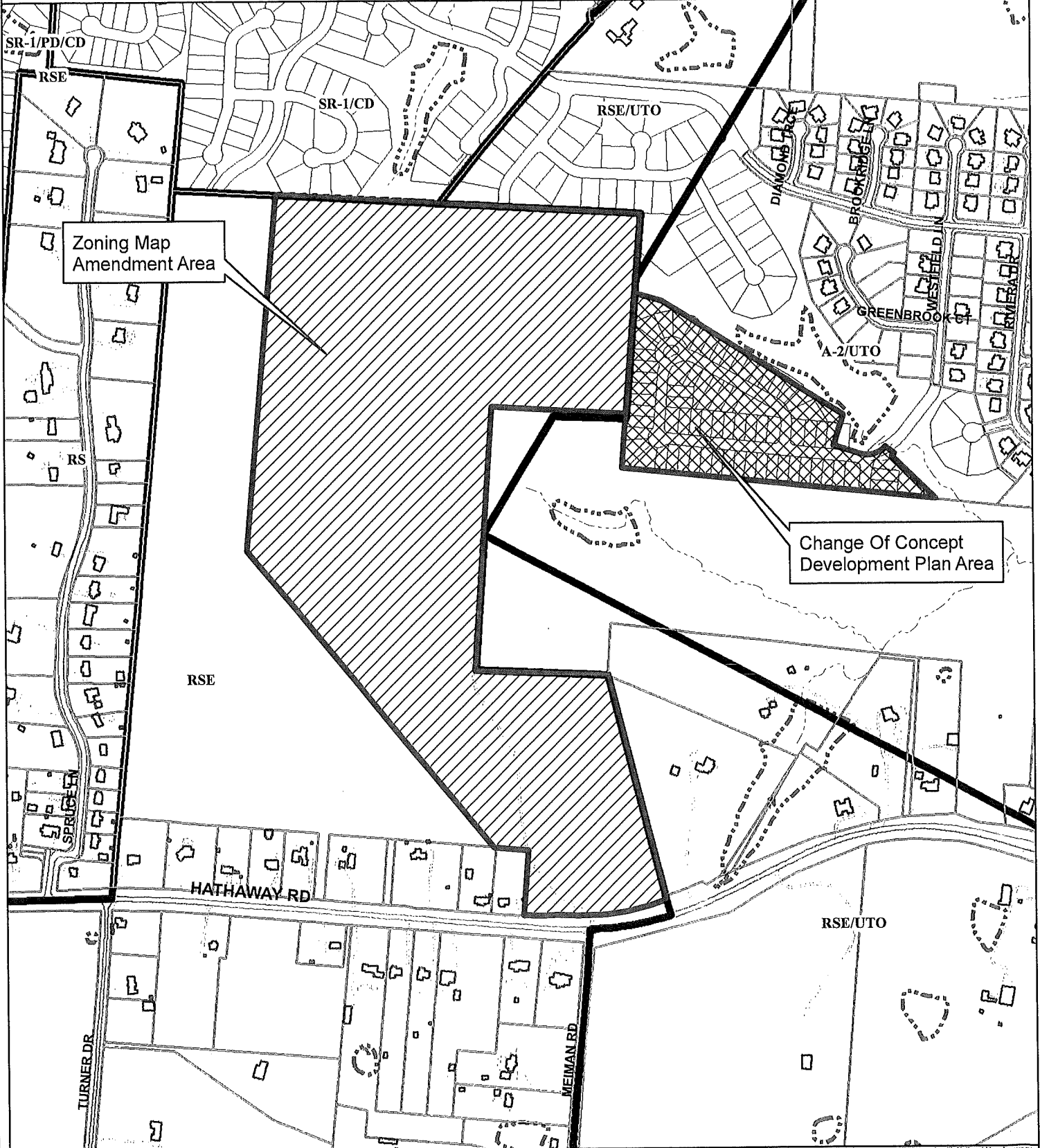


Boone County GIS - Putting Northern Kentucky on the Map



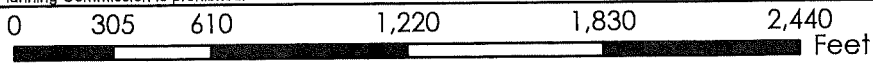
Zoning Map

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1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map

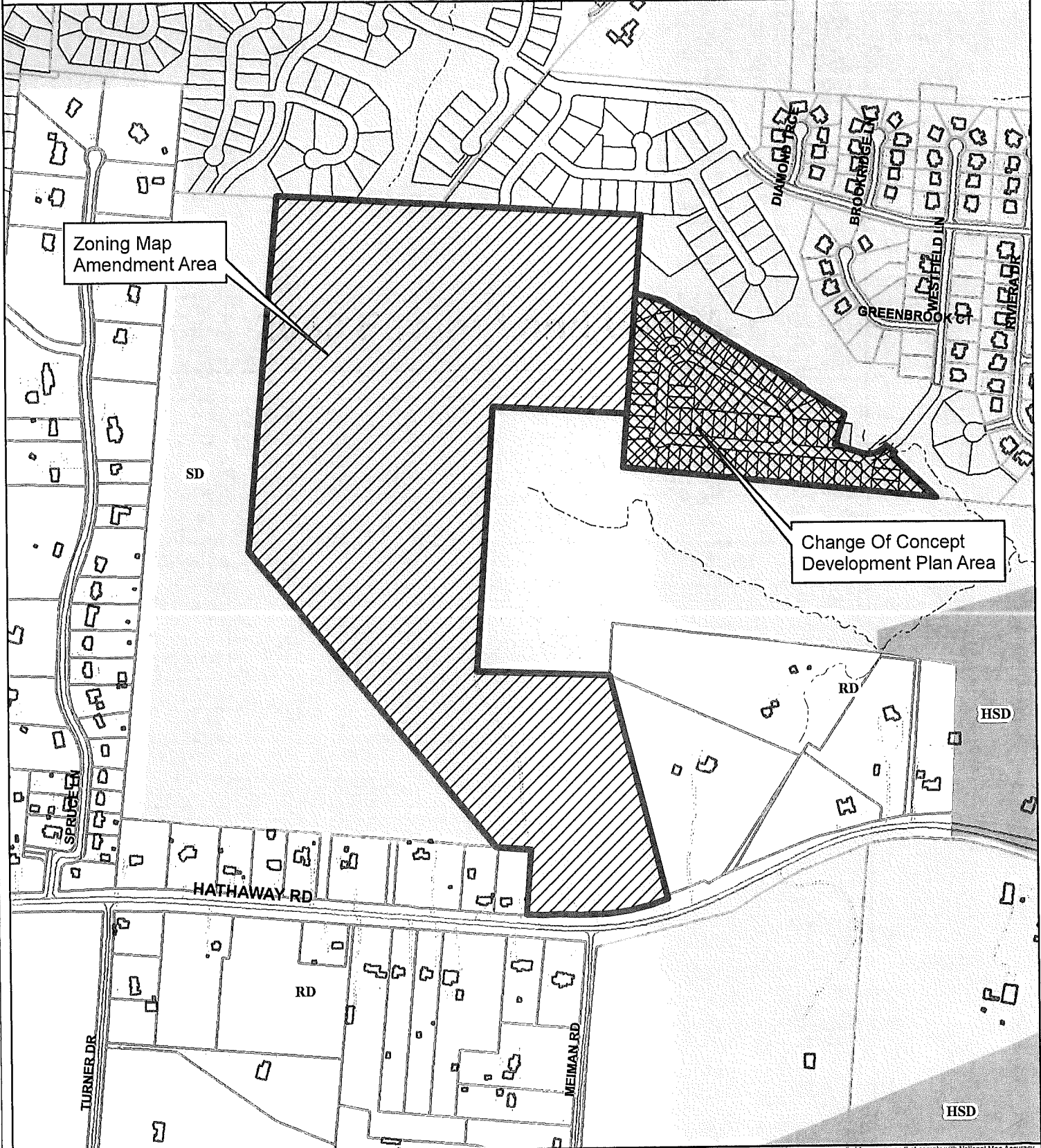


Map Created: xx/xx/2021

ArcMap Document: *.mxd

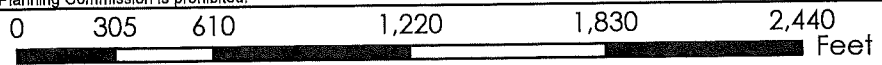
20.0 Future Land Use Map

www.boonecountygis.com



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1 inch = 600 feet



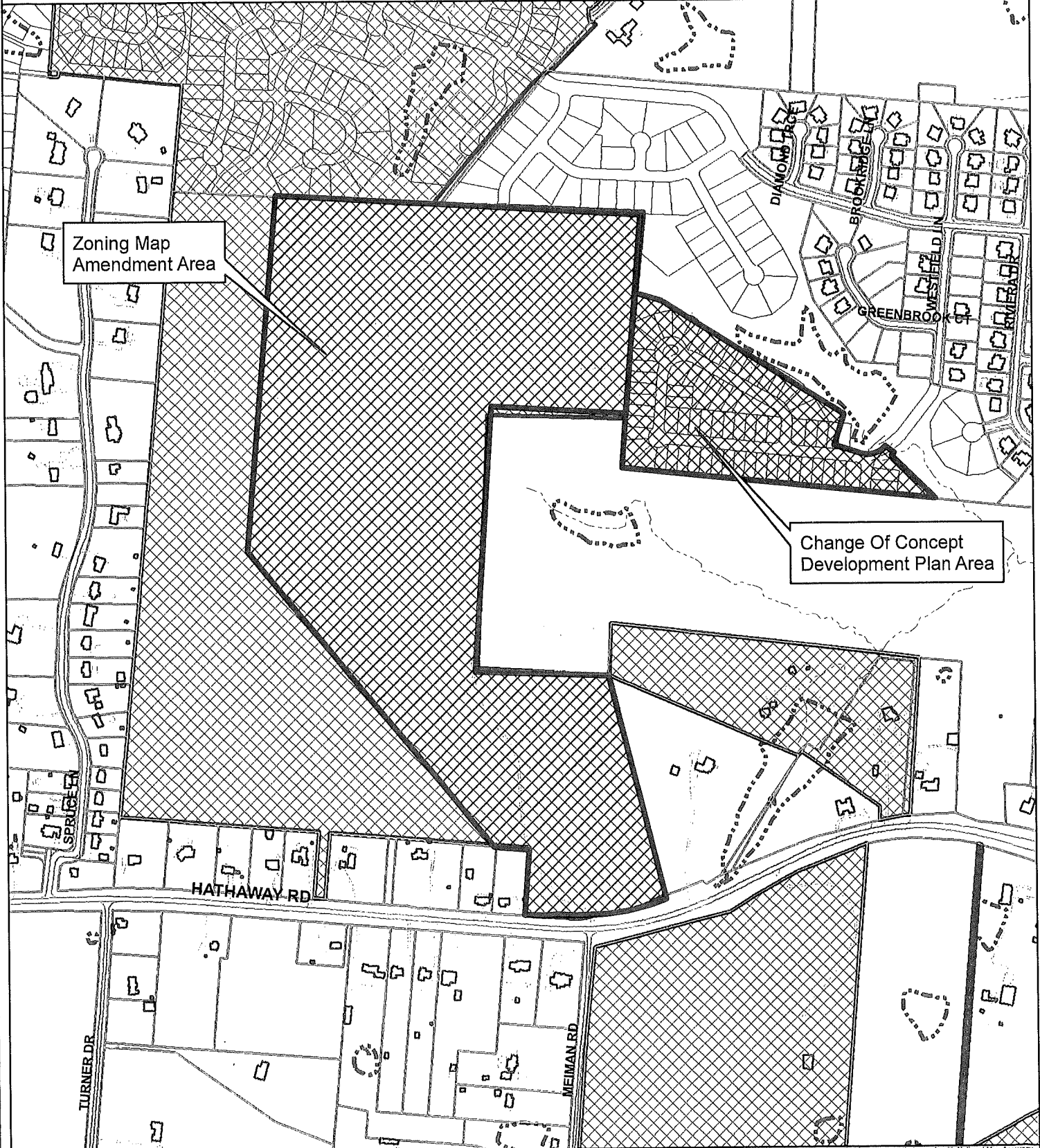
Boone County GIS - Putting Northern Kentucky on the Map

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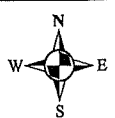
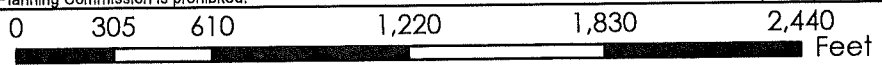
Agricultural District Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xxjxx2021

Map File: F:\GIS\Map\Agricultural District Map.mxd
ArcMap Document: *.mxd

For the latest information on the novel coronavirus in Kentucky, please visit kyacovid19.ky.gov
(<https://kyacovid19.ky.gov>)

Kentucky Energy and Environment Cabinet (/)

Agricultural Districts

The Division of Conservation administers the Agricultural District Program. This program was created by the Agricultural District and Conservation Act (KRS 262.850) (<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=12811>) that was passed by the Kentucky General Assembly in 1982.

Kentucky has been a national leader in the protection of its land resources and in promoting the economic importance of its agricultural industry. The Agricultural District Program plays a valuable role in protecting our agricultural land base and family farms across the state.

The goals of the Agricultural District Program are to protect our best agricultural land for food and fiber production and to prevent its conversion to nonagricultural usage.

Land enrolled in the Agricultural District Program cannot be annexed, cannot be condemned without mitigation, is taxed at the agricultural rate, is eligible for deferred assessment costs when water lines are extended and receives extra points when applying for state Cost Share or to the Purchase of Agricultural Conservation Easements (PAOE) Program.

A landowner or group of landowners with at least 250 contiguous acres in active agricultural production is eligible to form an agricultural district. Individual parcels must contain at least 10 acres or 11 acres with a homestead. The total acreage in the district may drop below 250 over time, but individual parcels must remain at 10 or 11. Participation is strictly voluntary, and a landowner may withdraw land at anytime without penalty or without jeopardizing the status of the existing agricultural district.

Currently, there are 598 certified agricultural districts consisting of approximately 465,715 acres in 81 of Kentucky's 120 counties. These numbers change often.

For additional information, contact your local conservation district office or e-mail Paulette Akers (<mailto:paulette.akers@ky.gov>) or Mark Davis (<mailto:Mark.J.Davis@ky.gov>).

Agriculture District Documents

Download

Establishing an Agricultural District.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Establishing an Agricultural District.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Establishing%20an%20Agricultural%20District.doc))

Tracking Form.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Tracking Form.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Tracking%20Form.doc))

Petition to Establish an Agricultural District.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Petition to Establish an Agricultural District.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Petition%20to%20Establish%20an%20Agricultural%20District.doc))

Recertifying an Agricultural District.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Recertifying an Agricultural District.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Recertifying%20an%20Agricultural%20District.doc))

Recertification Survey.doc ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Recertification Survey.doc](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Recertification%20Survey.doc))

Map of Current Districts.pdf ([https://eec.ky.gov/Natural-Resources/Conservation/Agriculture District Documents/Map of Current Districts.pdf](https://eec.ky.gov/Natural-Resources/Conservation/Agriculture%20District%20Documents/Map%20of%20Current%20Districts.pdf))

Commonwealth of Kentucky/Kentucky Energy and Environment Cabinet
Contact (<https://eec.ky.gov/Pages/contact.aspx>) Site Map (<https://eec.ky.gov/Pages/etemap.aspx>)

Policies (<http://kentucky.gov/policies/Pages/default.aspx>) Security (<http://kentucky.gov/policies/Pages/security.aspx>)
Disclaimer (<http://kentucky.gov/policies/Pages/disclaimer.aspx>) Accessibility (<http://kentucky.gov/policies/Pages/accessibility.aspx>)



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Kentucky.gov (<http://www.kentucky.gov>)

12. 1167 434 2046
Deed Book Page Number Group Number

13. Have you had a pre-application meeting with the BCPC staff: Yes No

14. Have you submitted a Concept Development Plan: Yes No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

16. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

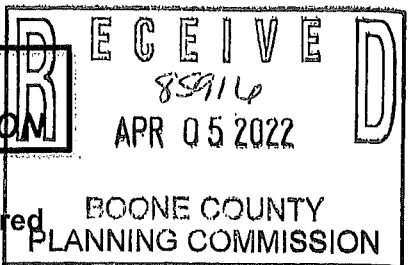
17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

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

ORIGINAL Property Owner's Signature: Carol Ray Paul Medina
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: ARUNGHAVS I, LLC BY: Phil Schroeder V.P.
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Type of review (check one):
 - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (as stated in the Union Town Plan)
 - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
 - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
 - Zoning Administrator Review (as stated in the Mall Road District Study)
 - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
2. Name of Project: WESTBROOK ESTATES
3. Location of Project: WESTFIELD LANE
4. Total Acreage of Project: 14.18 AC
5. Current Zoning of Property: A-2/UT6
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
June 2006, January 2013
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: Union Town
8. Proposed Use(s) (specify each use):
Single Family Detached
9. Proposed Building Intensities (specify for each building):
2.5 D.U.A
10. Have you submitted a Concept Development Plan: Yes No
11. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
12. Current Owner: Arlinghaus I, LLC
Address: 142 BAENWOOD DRIVE
EDGEWOOD Ky 41017
City State Zip Code
- Phone Number: 859-392-8900 Fax Number: _____
- Email: bob@schroder.net
13. Applicant: Arlinghaus I, LLC

Address: 1 1/2 BARMOOD
EDGEWOOD KY 41017
City State Zip Code

Phone Number: 859-392-8907 Fax Number: 344-7983

Email: bob@schroder.net RWAYNEE @ ECE - INC. NET

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

15. 779 178 2046
Deed Book Page Number Group Number

16. Have you had a pre-application meeting with the BCPC staff: Yes No

17. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

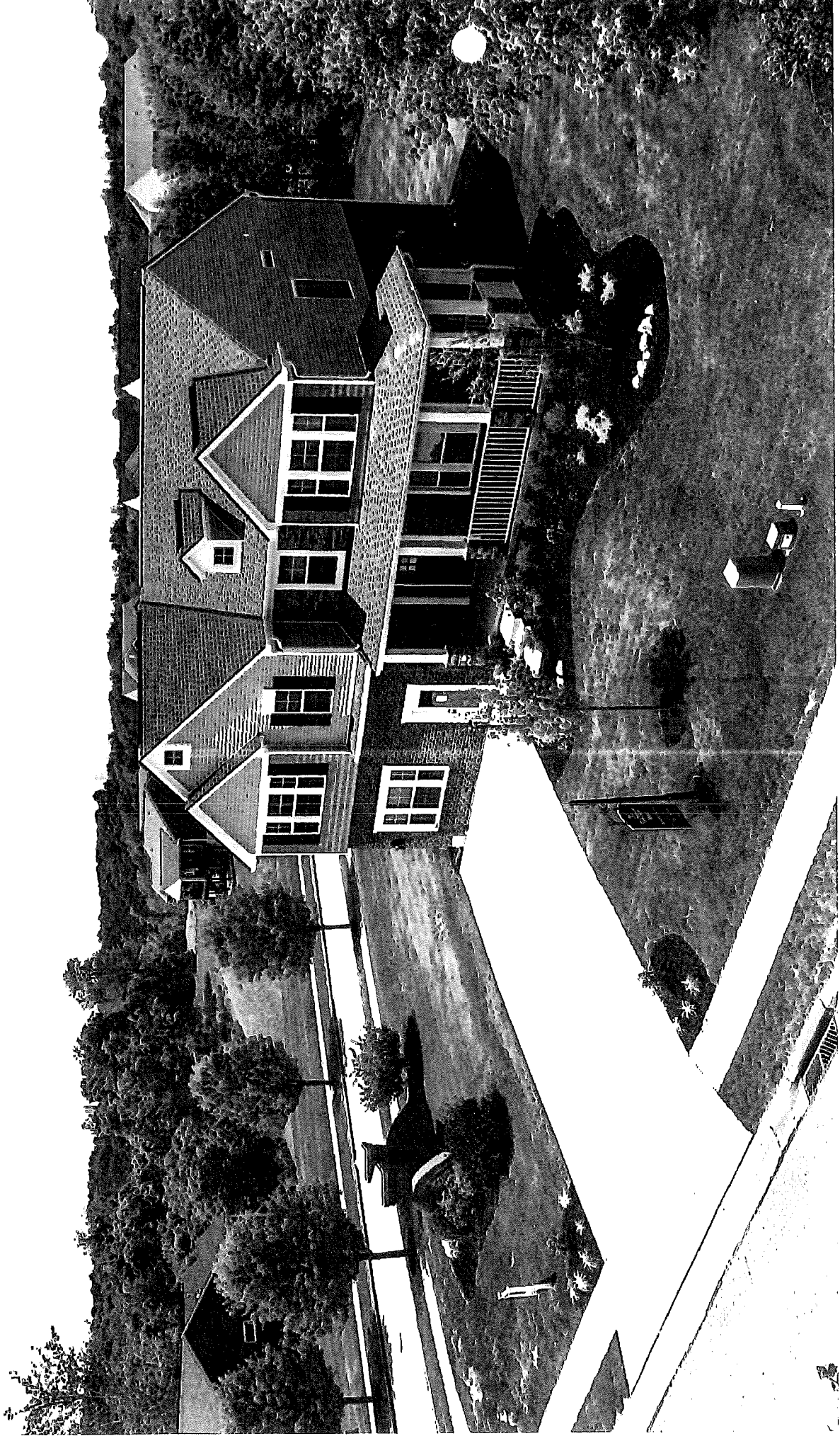
- Boone County Building Department
- Boone County Public Works Department
- Boone County Water District
- Cincinnati Bell
- Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport)
- Duke Energy
- Florence Public Services Department
- Kentucky Division of Water
- Kentucky Transportation Cabinet
- Local Fire District
- Local School District
- Northern Kentucky Health Department
- Owen Cooperative Electric, Inc.
- Sanitation District No. 1
- USDA NRCS/Boone County Conservation District
- Other: _____

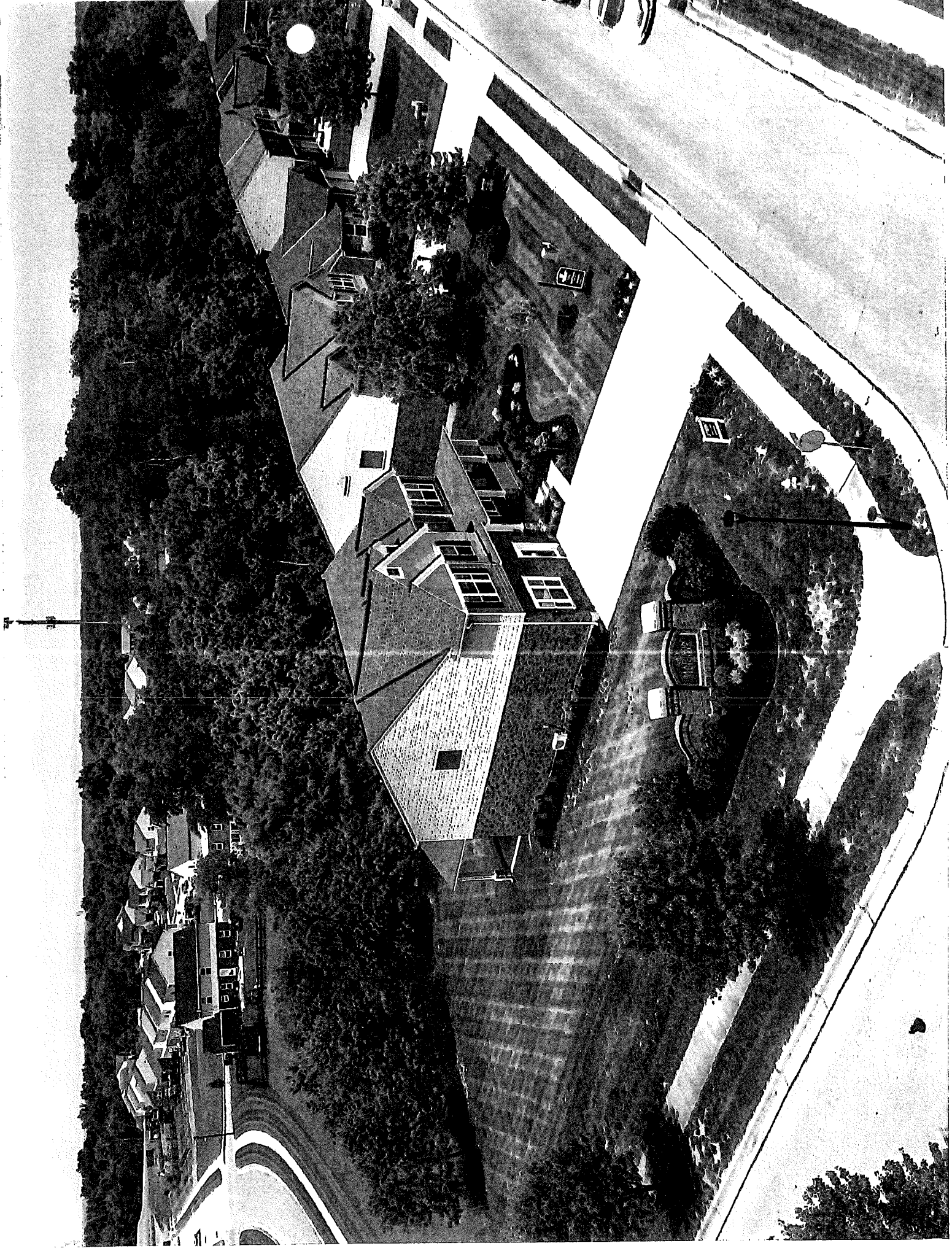
18. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____

ORIGINAL Property Owner's Signature: Andrew I LLC
By Robert Schroder VP
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Andrew I LLC
By Robert Schroder VP
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



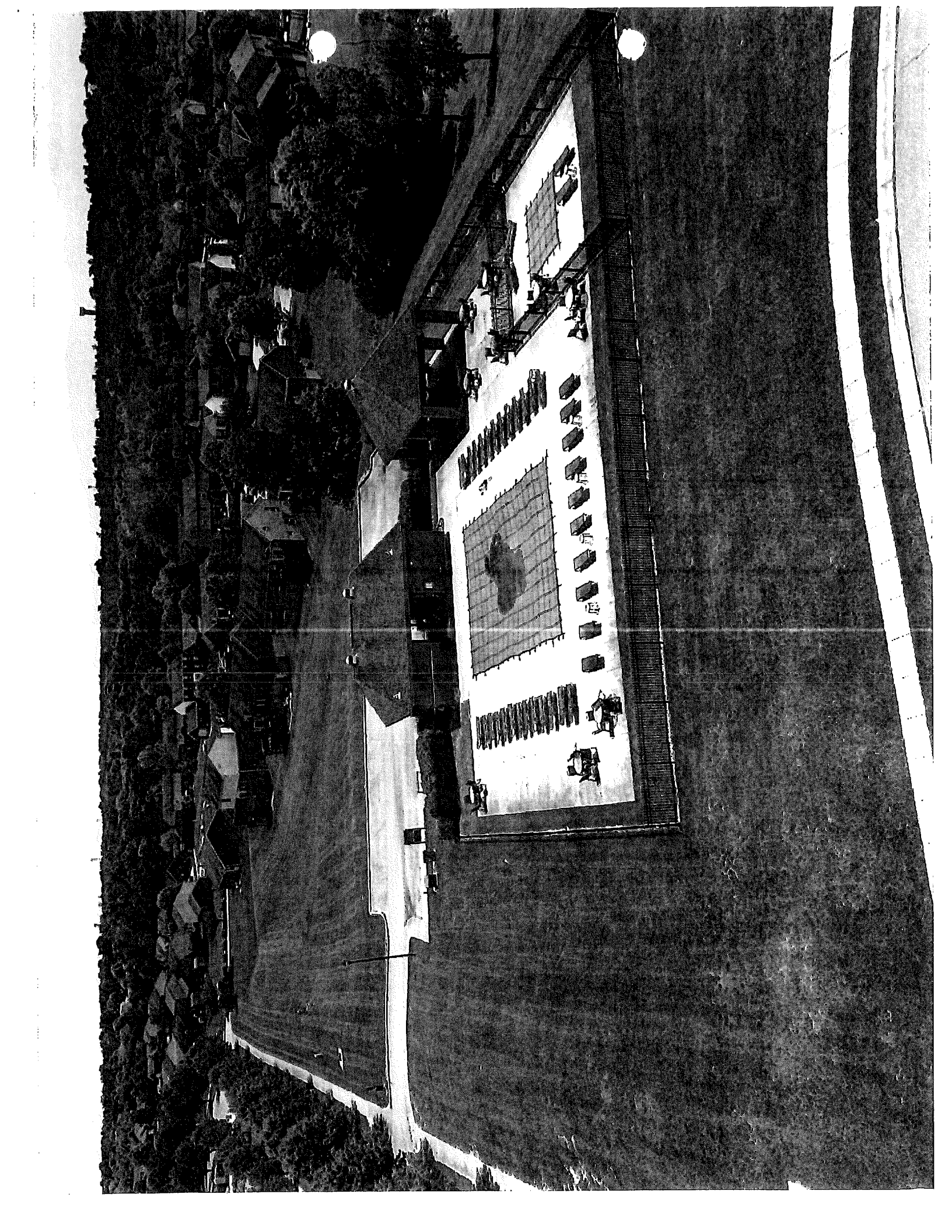






2079





EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

DATE: June 1, 2022

RE: Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

REMARKS:

1. 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 finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the above referenced zoning map amendment and change in an approved concept development plan based on the following findings of fact:

FINDINGS OF FACT:

1. The Committee has concluded that the proposed SR-1 district, along with the submitted concept development plan, is consistent with Our Boone County – Plan 2040, which designates the site for Suburban Density Residential uses which is described as single-family housing of up to four (4) units per acre.

The submitted Concept Development Plan indicates the development of a single-family residential subdivision at an intensity of 1.94 units per acre.

2. The Committee has concluded that the proposed Change in an Approved Concept Development Plan is consistent with: (1) Our Boone County – Plan 2040, (2) the 2000 Union Town Plan; and (3) the design and layout of the existing approved Concept Development Plan.

In making this finding, the Committee notes that the proposed Concept Development

Plan: (1) is less intense than the existing approved Concept Development Plan; (2) continues to provide for detached single-family residential dwellings; and (3) provides vehicular and pedestrian connections to adjacent properties.

3. The Committee has concluded that the proposed SR-1 district and the Change in an Approved Concept Plan, along with the proposed concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
 - a. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 - b. 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).
 - c. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - d. 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).
 - e. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
 - f. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 - g. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).
 - h. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).
 - i. Housing development shall be phased to coordinate with the provision of infrastructure, services, and education facilities (Demographics Goal B, Objective 9).
 - j. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into

development design (Environment Goal A, Objective 2).

- k. 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).
 - l. Specific areas, innovative land use planning concepts, and design incentives shall be identified to encourage the preservation of agricultural lands (Natural and Cultural Resources Goal B, Objective 1).
 - m. The impacts of proposed adjacent residential development on existing agricultural operations shall be examined and addressed (Natural and Cultural Resources Goal B, Objective 3).
 - n. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
 - o. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).
4. The Committee has concluded that the proposed development is consistent with several sections of Our Boone County – Plan 2040, as outlined on pages 5 through 7 of the staff report.
 5. In making these findings, the Committee notes that the proposed SR-1 district and the Change in an Approved Concept Plan, along with the submitted concept development plan, will:
 - a. Allow for the development of detached single-family residential dwellings.
 - b. Provide for a development which is consistent with the intensity of other areas within the vicinity of the site in question.
 - c. Provide for street connections to adjacent properties.
 - d. Provide for alternative access to the regions arterial street system.
 6. The Committee has concluded that the attached conditions are 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 these conditions.

CONDITIONS:

1. Development shall be consistent with the submitted Concept Development Plan, except as modified by these conditions.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Westbrook Estates Addition

June 1, 2022

Page 4

2. Development shall meet the minimum requirements of the zoning regulations and the subdivision regulations, except as modified by these conditions.
3. Cimmaron Trail, within the existing Westbrook Estates Subdivision shall be designed and constructed as a sub-collector street.
4. The extension of Cimmaron Trail within the site in question shall be designed and constructed as a sub-collector street.
5. The property owner/developer shall, at their expense, construct any off-site improvements required by the Kentucky Transportation Cabinet.
6. An HOA lot shall be provided along the north side of Hathaway Road, immediately east of the new entrance street.
7. A landscape easement, having a minimum width of ten (10) feet, shall be provided along the north side of Hathaway Road immediately east of the new entrance street.

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

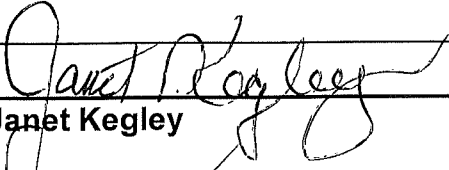
TO: Boone County Planning Commission
FROM: Corrin Gulick, Chairwoman
DATE: May 18, 2022

**ZONING MAP AMENDMENT/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN,
Corrin Gulick, Chairwoman, Michael Schwartz, Staff**

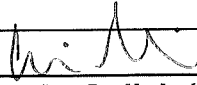
Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

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.




Janet Kegley
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Corrin Gulick (Chairwoman)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

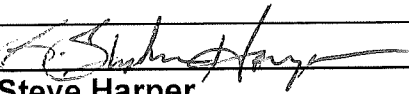
Rick Lunnemann
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Bessler (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

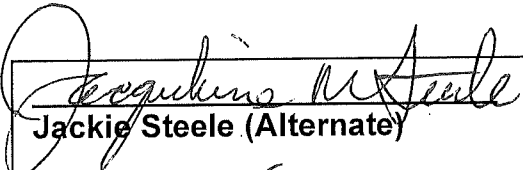


Kim Patton
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



Steve Harper
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Jackie Steele (Alternate)
For Project Absent _____
Against Project _____
Abstain _____

TOTAL: _____ DEFERRED 5 FOR PROJECT _____ ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MAY 4, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:31 p.m. and welcomed the audience to the Planning Commission's May 4, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Mr. David Hincks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN,
Michael Schwartz, Staff

1. Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The first part of the request is to amend the existing Concept Development Plan for Westbrook Estates subdivision. It is 14 acres in area at the end of Westfield Lane. The second part is a zone change request for an 81 acre area located on the north side of Hathaway Road directly across from Meiman Road. The zone change area has roughly 160 feet of road frontage along Hathaway Road. The Change in Concept Development Plan area is located entirely in the City of Union and the majority of the zone change area is located in unincorporated Boone County. Approximately 0.35 acres of the zone change area is located within the City of Union. There is a 150 foot wide overhead electric transmission line easement located on the southwest property line. Mr. Schwartz noted the existing zoning of the entire site as outlined in the Staff Report. The site has 2 district ridges. The 2040 Comprehensive Plan's Future Land Use Map designates this site as Suburban Density Residential (SD), which allows single family housing up to 4 dwelling units per acre. Pages 4-9 of the Staff Report refer to the Comprehensive Plan. The site is located within an approximate 520 acre Agricultural District. He showed photographs of the site.

The Change in Concept Development Plan includes a reduction of 71 lots to 33 lots. The density would drop from 5 dwelling units per acre to 2.33 dwelling units per acre. It also reduces the linear street length from 2,500 feet to 1,700 feet. There is street connectivity to the south and west portion of the site. The zone change area will have 158 single family residential lots with a density of 1.94 dwelling units per acre. Three stormwater detention lots are proposed and a 7.5 acre open space lot. The developer is providing street connectivity to the north and east. The developer submitted samples of the proposed houses. On Page 10 of the Staff Report, there are a list of Staff issues and concerns. The developer is showing the primary road that runs north and south to be a local and not a sub-collector street that would connect to other developments in the area.

The main street in Westbrook Estates subdivision is already a sub-collector street in advance of connecting to other properties in the area.

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

Mr. Bob Schroeder, applicant, explained that originally Arlinghaus Builders was going to build patio homes at a higher density in Westbrook Estates subdivision. But they later decided to continue with single family detached homes in order to make it more uniform. As a result, the overall density of Westbrook Estates will be reduced from 1.9 to 1.6 dwelling units per acre. It also increase the open space from 25 acres to 27.9 acres. The Union Town Plan required 6 or 7 acres of open space. The other request involves a zone change in which they won't exceed 2 dwelling units per acre. He offered to have it as a condition. There will be no attached homes or patio homes. All utilities will meet Boone County and SD1 requirements. They will meet all of the public street requirements and they may have the entire property annexed into the City of Union. They will have to review sub-collector options for the road. Sidewalks will be on both sides of the streets. It will be identical to what is done in Westbrook Estates. They are planning open space near the entrance of the subdivision and in the northwest corner of the property. There is about 7-8 acres of maple trees and the Ferguson family wants that area preserved because Bruce Ferguson tapped the maple trees for syrup. The area will be preserved by the HOA. He noted that they will be building trails in Westbrook Estates subdivision. There will be a future pool built in the subdivision. The zone change is appropriate because it is in agreement with the Comprehensive Plan. The Suburban Density Residential (SD) designation has been in place for years. Chairman Rolfsen asked what was the "build out" plan for the subdivision? Mr. Schroeder replied that they usually build about 15 homes a year.

Mr. Wayne Erpenbeck, project engineer, showed the original plan for Westbrook Estates subdivision, which included patio homes. He gave an update of construction work in the subdivision. They have access to two 12" water lines. There is only one access point planned off Hathaway Road. The two proposed lots will not have access off Hathaway Road. The two houses will face Hathaway Road. They will be required to perform a Traffic Impact Study at the time they submit their encroachment permit.

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

Mr. Bob Ramsey, 2050 Hathaway Road, asked if there were plans to improve Hathaway Road? Mr. Costello responded there is no funded project to widen Hathaway Road. Such a project would have to be included in the Boone County Transportation Plan, the State's 6 Year Plan and the State Budget. There is time to do that since all the development projects along Hathaway Road will be phased. In addition, the Kentucky Transportation Cabinet will require turning lanes. Mr. Ramsey asked if the proposed development is a continuation of Westbrook Estates subdivision or will it have a separate HOA? Mr. Schroeder replied it is a continuation of the existing subdivision

and it will have the same HOA. He expressed a concern about the effect of "Dark Skies" and the effect on the natural habitat. Can the two proposed lots only be for green space and not reserved for houses? The entrance to the subdivision on Hathaway Road could be the same as the entrance on Old Union Road.

Mr. Jim Goodrich, 9756 Spruce Lane, asked if there was any possibility of having a continuous green space along Hathaway Road? Can these areas be connected for wildlife travel?

Mr. Greg Burnett, 9501 Rainbow Terrace, stated that he thought the play areas and pool are limited for the size of the subdivision. He expressed a concern about more traffic going through the subdivision.

Ms. Chris Warren, 2326 Hathaway Road, expressed a concern about water runoff because she gets the water from the field right now. Chairman Rolfsen explained the stormwater requirements post development. Any additional runoff from the project has to be detained on-site. Ms. Warren asked if the existing tree line along the diagonal will be retained/maintained? Mr. Schroeder replied that it will remain because of the power line.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

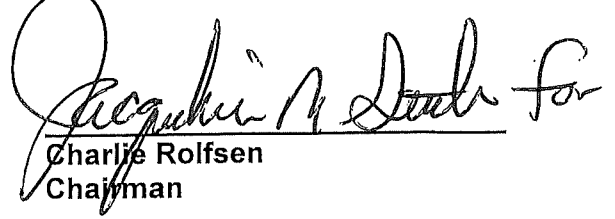
Mr. Patton asked if the applicant would address the sub-collector designation at the Committee meeting? Also, is there a possibility of a connection between the larger lake and the maple tree area? Mr. Schroeder responded there will be a sidewalk system that could connect the 2 areas. Again, he showed the proposed trail areas. The trails will be paved but the maple tree area trails will be natural. The provision to allow golf carts in the community is reserved for the HOA to decide.

Chairman Rolfsen asked whether the developer was adamant about putting 2 houses at the entrance of the subdivision off Hathaway Road? Mr. Schroeder replied that the density is low and there is already a lot of green space. Chairman Rolfsen suggested moving the 2 lots elsewhere in the subdivision – making a few lots bigger.

Mr. Harper asked if the developer was proposing to be annexed into Union? Mr. Schroeder responded yes at the conclusion of the zone change. It would make sense to have all of Westbrook Estates in Union. With the proposed addition, the future pool will serve the entire subdivision at build out – 350 lots/units is a very good number. There is a small percentage of people who have their own pool in the subdivision. The pool will be 1,600 square feet. It is a big pool. It won't have life guards. Mr. Schroeder stated that he will address lighting at the Committee meeting. Some people will put in their own lighting. The City of Union requires street lights.

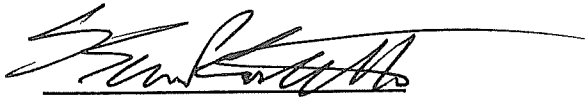
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 18, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 1, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:19 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MAY 4, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:31 p.m. and welcomed the audience to the Planning Commission's May 4, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Mr. David Hincks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN,
Michael Schwartz, Staff

1. Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

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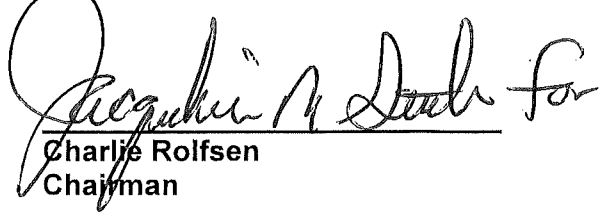
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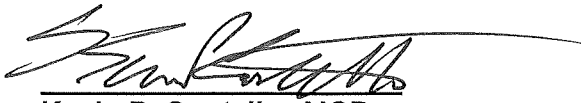
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APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
JUNE 1, 2022
7:00 P.M.**

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's June 1, 2022 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Harper
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mrs. Alaina Hagenseker, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the May 18, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes as presented. Mrs. Steele seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between May 5, 2022 and June 1, 2022.

EXPENSES:

Accounting Fees	\$ 736.82
Attorney Fees	4,700.00
Consultant/Professional Svcs Fees	3,260.00
Filing Fees (CLURS)	765.00
GIS Operations	273.73
Legal Ads/Recruitment	322.72
Miscellaneous Expense	91.95
Office & Board Meeting Supplies	250.22
Office / Equipment Maintenance	5,314.50
Office Equipment / Expense	1,089.10
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	52.00
Professional Development	<u>400.00</u>

TOTAL: \$ 17,756.04

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,263.52
Health/Dental/Life/LTD	14,132.49
Retirement – BCPC Portion	23,065.97
Salaries – Staff Expenses	85,978.70
Salaries – BCPC & BOA	<u>1,210.00</u>

TOTAL: \$130,650.68

GRAND TOTAL: \$148,406.72

Ms. Gulick moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Szurlinski seconded the motion and it carried unanimously.

RECOGNITION OF FORMER BOARD MEMBERS

Chairman Rolfsen introduced former Secretary-Treasurer of the Planning Commission, Mr. Kim Bunger. Mr. Costello reviewed Mr. Bunger's accomplishments as he was appointed by Mayor Diane Whalen and served between 2003-2021 – almost 20 years. Mr. Bunger served as Secretary-Treasurer for 12 years and was an active member of the Planning Commission's Zone Change, Long-Range Planning/Comp Plan and Executive Committees. Mr. Bunger thanked the Planning Commission, both the Board Members and Staff for their friendship and professionalism. He enjoyed serving as a Board Member in making Boone County a better place. It was an honor to serve as a member. He thanked the Staff for personally helping him learn about zoning and the good work that the Planning Commission performs. It is great to see everyone and thanked everyone for the evening.

ZONING MAP AMENDMENT/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

1. Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The developer and property owners have signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Bob Schroder, applicant, stated that he was available to answer any questions.

Chairman Rolfsen asked if there was a motion to proceed? **Ms. Gulick moved to approve the Request by Resolution to the Boone County Fiscal Court and the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Kegley seconded the motion.**

Chairman Rolfsen inquired on whether the applicant did anything with the proposed entrance off Hathaway Road? Mr. Schroder replied there were 2 conditions. The first condition required that everything to the left side of the road will be green space – about 2 acres. Second, there will be a small entrance monument on the right side. There will also be a 10 foot landscape easement

on the right side of the subdivision entrance road along Hathaway Road.

Seeing no further questions or comments, Chairman Rolfsen asked for a vote on the original motion made by Ms. Gulick and seconded by Mrs. Kegley. The motion passed unanimously.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Harper, Chairman
Alaina Hagenseker, Staff

2. Request of **Vision Engineering, LLC, per Jihad Hillany (applicant) on behalf of Turfway Gaming and Racing for RNS Properties, LLC (owner)** for a Zoning map Amendment for a Special Sign District for an approximate 2.4 acre site located at 4885 Houston Road, Florence, Kentucky. The request is for an amendment to the Turfway Park Special Sign District to allow an off-site free standing sign in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Jihad Hillany, applicant, stated that he was in agreement with the Committee recommendations and is available to answer any questions.

Chairman Rolfsen asked if there was a motion to proceed? **Mr. Patton moved to approve the Request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously.**

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Janet Kegley, Chairwoman,
Todd Morgan, Staff

3. Request of **Viox and Viox, Inc., per Michelle Bollman (applicant) for Shihasi KY, LLP (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district for an approximate 3.2 acre area located at 7484-7488 Turfway Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to redevelop a portion of the site with an 8,770 square foot commercial building.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Ms. Michelle Bollman, applicant, stated that the project was a good one and that she was available to answer any questions. Mr. Subhas Patel, Keystone Hotel Group, thanked Staff and noted that the site will have some good development.

Chairman Rolfsen asked if there was a motion to proceed? **Mrs. Kegley moved to approve the Request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Goetting seconded the motion and it passed unanimously.**

TECHNICAL/DESIGN REVIEW – Rick Lunnemann, Chairman, Todd Morgan, Staff

4. Turfway Park Backstretch Area – 7500 Turfway Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The proposed use, a dormitory, was approved previously by the Long-Range/Comp Plan Committee. The proposed dormitory is two stories in height and is 30,000 square feet in size and has 124 rooms. It is a "T" shaped building. The testing barn is 5,007 square feet in size. It has 6 veterinary stalls. He showed pictures of the site. Mr. Morgan showed building elevations of the proposed use or dormitory. Some of the existing structures on the site will be demolished to accommodate the proposed dormitory. He described the design and materials for the site. Windows were added to the building. Individual air conditioning units will be installed inside each room. A flat grate will be visible on the exterior below each window. The testing barn will include a metal roof and stone in the front. Mr. Morgan stated that the Technical/Design Committee met tonight and recommended approval with one condition in which the applicant and the Planning Commission will confirm that the dormitory will meet aircraft sound insulation guidelines of the FAA and the Kentucky Building Code for windows and doors. Mr. Hillany remarked that the doors and windows already meet the sound reduction requirements based upon a conversation with the project architect. Chairman Rolfsen asked if anything in the backstretch would be retained? Mr. Chip Bach, General Manager of Turfway Park, responded that they will demolish the "A & B" dorms. The newer dorms will be retained. Two of the old barns (#21 and #22) will be torn down. They are replacing roofs on some of the other existing barns.

Chairman Rolfsen asked if there was a motion to take action on the request? Mr. Lunnemann moved to approve the request as presented and based upon the Technical/Design Review Committee recommendation with one condition as presented. Mr. Vaught seconded the motion and it passed unanimously.

NEW BUSINESS:

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

- 5. Request of Arnold Consulting Engineering Services, Inc. (applicant) for Kuber Laxmi, LLC/Athena Hospitality Group (owners) for a Change in an Approved Concept Development Plan in an Office Two/Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 2.4 acre area located at 370 Meijer Drive, Florence,**

Kentucky. The request is for a Change in an Approved Concept Development Plan for a hotel.

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff

6. Request of **KZF Design, per Justin Jones (applicant)** for **Graeters Properties Limited (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 1.8 acre area located along the south and east sides of US 42, between Braxton Drive and Old Union Road, approximately 600 feet southeast of Braxton Drive, and being part of the property at 8905 US 42, Union, Kentucky. The request is for a Change in an Approved Concept Development Plan for an eating and drinking establishment.

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

7. Request of **Evans Engineering, for Plaza Street Partners (applicant)** for **Meijer Stores Limited Partnership (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 1 acre area located along the south and west sides of Meijer Drive, between Houston Road and Spiral Boulevard, approximately 300 feet southeast of Houston Road, and being part of the property at 4990 Houston Road, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan for an eating and drinking establishment.

Mrs. Steele moved to schedule the Public Hearings for Items #5, 6, & 7 on July 6, 2022 at 7:30p.m. in the Fiscal Courtroom. Mr. Lunnemann seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, presented the Planning Commission's FY 2022-2023 Budget. He referred to the budget packet that was previously sent to the Board Members. He noted his PowerPoint presentation. He stated that he presented the Planning Commission's Preliminary Budget to the 3 Mayors and the Judge-Executive in April, 2022 and to the City of Florence in May, 2022. The Staff serves 8 different Boards and over 50 Board Members. The proposed budget includes demographic information and a sneak peak of what lies ahead for the Board to consider. He also provided information about development trends in the past 5 years. Also included are the current and future work activities of the Planning Commission. There is also historical budget information and census population figures. The total number of reviews by legislative district is described in the budget packet. Almost 70% of the development that has occurred in the last five years has taken place in the unincorporated area and 18% in the City of Florence. Walton and Union are tied. The proposed annual budget is \$2,212,000 – a 4.6% increase from the current fiscal year. The legislative units provide 59% of the funding for the Planning Commission – or at \$1,310,000. In terms of revenues from review fees, we expect an increase of \$23,000 plus some changes to the fee schedule based upon the completion of the 2020 Zoning Update. Currently, the Planning Commission has collected approximately \$594,000 in review fees. Other fees include administrative fees collected for Boone County GIS.

In terms of expenditures, approximately 55% of them is devoted to Staff salaries and a Board stipend. The figures include a projected cost of living/merit increase. Professional fees include legal fees, accounting fees, engineering fees and surveying fees. In terms of fringe benefits, costs are going down in terms of health care but retirement costs are projected to increase slightly. Administrative expenditures include reimbursing the legislative units for inspection of public improvements. Finally, the other category includes GIS expenses like aerial photography, computer equipment and software as well as document imaging equipment/services.

Mr. Patton moved to adopt the Planning Commission's FY 2022-2023 Budget as presented by Mr. Costello. Mr. Schwenke seconded the motion and it passed unanimously.

COMMITTEE REPORTS:

AIRPORT: Mr. Bessler
No Report

ADMINISTRATIVE/PERSONNEL: Mr. Szurlinski
No Report

ENFORCEMENT: Mr. Szurlinski
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke
No Report

TECHNICAL/DESIGN REVIEW: Mr. Lunnemann
No Report

EXECUTIVE: Chairman Rolfsen
No Report

CHAIRMAN: Chairman Rolfsen

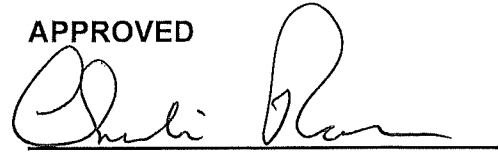
OKI:

Mr. Patton noted that the States of Ohio and Kentucky have filed their federal funding application to build a new companion bridge next to the Brent Spence Bridge. Construction could start as early as 2024. It is a design-build project. Both States are requesting \$2.6 billion. Mr. Costello noted that he wrote a letter supporting the grant application as requested by OKI. It has taken 30 years to obtain funding.

OTHER:

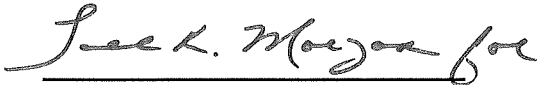
There being no further business to come before the Planning Commission, **Mrs. Steele moved to adjourn the meeting. Mr. Schwenke seconded the motion and it passed unanimously. The meeting was adjourned at 7:48 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

April 5, 2022

LEGAL DESCRIPTION
ZONE MAP AMENDMENT
RSE TO SR-1

Being in Boone County, Kentucky and located along the north side of Hathaway Road) and being more particularly described as follows:

Beginning at an existing iron pin in the north right of way line Hathaway Road, said point also being the common corner between Ray & Medin (D.B.1167, Pg. 434) and Hayden (D.B. 543, Pg. 99); Thence leaving the north right of way line Hathaway Road and with the common line with Ray & Medin (D.B. 1167, Pg 434) and Hayden (D.B.543, Pg. 99) N 15°03'54" W 1045.93' feet to an iron pin, said pint being the common corner between Ray & Medin (D.B.1167, Pg.434), Hayden (D.B. 543, Pg.99), Ferguson (D.B.865,Pg.461) and Union Acres, LLC (D.B. 983,Pg.257); thence with the common line between Ray & Medin (D.B. 1167, Pg. 434) and Union Acres, LLC (D.B. 983, Pg. 257) for three calls N 88°24'33" W 594.00' feet to a iron pin; thence N 3°05'27" E 1184.00' feet to an iron pin; thence S 87°54'34" E 606.05' feet to an iron pin and the common corner with Ray & Medin (D.B.1167, Pg.434), Union Acres, LLC (D.B. 983, Pg.257) and Arlinghaus I, LLC (D.B. 779, Pg.178); thence with line with Arlinghaus I, LLC (D.B. 779, Pg. 178) N 3°37'19" E 899.52' feet to an iron pin; thence with N 87°49'25" W 1642.24' feet to an iron pin, being the common corner between Ray & Medin (D.B. 1167, Pg. 434) and Cricket Holler, LLC (D.B.1167, Pg. 428) and in the line with Union Clarkston Development, LLC (D.B.1167, Pg. 539); thence with

line with Cricket Holler (D.B. 1167, Pg.428) for two calls S 4°04'47" W 1605.72' feet to an iron pin; thence S 40°37'35" E 1725.72' feet to an iron pin and the common corner between Ray & Medin (D.B. 1167, Pg. 434), Cricket Holler, LLC (D.B. 1167, Pg. 428), Pentecost (D.B. 1157, Pg. 292) and Hils (D.B. 1118, Pg. 2090; thence with the common line with Ray & Medin (D.B. 1167, Pg.434) and Hils (D.B. 1118, Pg. 209) for two calls S 86°03'54" E 150.00' feet to an iron pin; thence S 3°56'06" W 305' feet to an iron pin in the north right of way line Hathaway Road; thence with the north right of way line Hathaway Road for two calls N 84°07'33" E 110.75' feet to a P.C. of a curve; thence with the chord N 82°43'30" E 536.39' feet (R=1369.03', A=539.88') to the point of beginning; Containing 81.293 acres. Being the same property conveyed to Ray Carol and Medin Paul in D.B. 1167, Pg. 434 as recorded in the Boone County Clerks Office at Burlington, Kentucky.

April 5, 2022

**LEGAL DESCRIPTION
CHANGE IN CONCEPT
PLAN**

Being in Boone County, Kentucky and near the south end of Westfield Land and being more particularly described as follows:

Beginning at the common corner between Arlinghaus I, LLC (D.B. 779, Pg. 178) and Union Acres, LLC (D.B.983, Pg. 257); thence with the common line with Arlinghaus I, LLC (DB. 779, PG. 178) and Union Acres, LLC (D.B.983, PG.257) S 84°05'14" E 1409.64' feet to a point; thence leaving the line with Union Acres, LLC (D.B. 983, PG. 257) N 45°30'00" W 271.79' feet to a P.C. of a curve; thence with the chord of the curve N 41°10'0" E 17.44' feet (R=150.00', A=17.45') to a point; thence N 52°10'00" W 50.00' feet to a P.C. of a Curve; thence with the chord of the curve S 73°03'08" W 115.34' feet (R=100.00', A=122.94' feet) to a point; thence N 71°43'44" W 126.49' feet to a point; thence N 18°16'16" E 144.61' feet to a point; thence N 57°34'09" W 963.57' feet to a point; thence N 74°01'21" W 124.34' feet to a point in the line between Arlinghaus I, LLC (DB. 779, PG. 178) and Carol Ray and Paul Medin (D.B.1167, PG. 434); thence with the common line between Arlinghaus I, LLC (D.B. 779, PG. 178) and Ray and Medin (D.B. 1167, PG.434) S 04°32'58" W 785.89' feet to the point of beginning: Containing 14.18 acres

Being the same property conveyed to Arlinghaus I, LLC in D.B. 779, Pg. 178 as recorded in the Boone County Clerks Office at Burlington, Kentucky.



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

March 19, 2022

Carol Ray and Paul Medin
2142 Hathaway Road
Union, Kentucky 41091

Arlinghaus I, LLC
142 Barnwood Drive
Edgewood, Kentucky 41017

RE: Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

Dear Ms. Ray, Mr. Medin, and Mr. Schroeder:

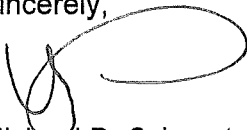
The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change/Concept Plan Committee at their May 18, 2022 meeting. If the property owners and developer agree to the conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, May 27, 2022.

CONDITIONS

1. Development shall be consistent with the submitted Concept Development Plan, except as modified by these conditions.
2. Development shall meet the minimum requirements of the zoning regulations and the subdivision regulations, except as modified by these conditions.
3. Cimmaron Trail, within the existing Westbrook Estates Subdivision shall be designed and constructed as a sub-collector street.

4. The extension of Cimmaron Trail within the site in question shall be designed and constructed as a sub-collector street.
5. The property owner/developer shall, at their expense, construct any off-site improvements required by the Kentucky Transportation Cabinet.
6. An HOA lot shall be provided along the north side of Hathaway Road, immediately east of the new entrance street.
7. A landscape easement, having a minimum width of ten (10) feet, shall be provided along the north side of Hathaway Road immediately east of the new entrance street.

Sincerely,



Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

We, the property owners and developer of the approximate: (1) 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane; and (2) 14 acre area located at the terminus of Westfield Lane, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment/Change of Concept Development Plan.

Carol Ray (Owner)

Date

Paul Medin (Owner)

Date

 *VP.*

Arlinghaus I, LLC (Developer)

5-23-22

Date



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
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Phone (859) 334-2196; Fax (859) 334-2264
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March 19, 2022

Carol Ray and Paul Medin
2142 Hathaway Road
Union, Kentucky 41091

Arlinghaus I, LLC
142 Barnwood Drive
Edgewood, Kentucky 41017

RE: Request of **Arlinghaus I, LLC, per Bob Schroder (applicant)** for **Carol Ray and Paul Medin (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request of **Arlinghaus I, LLC, per Bob Schroder (applicant and owner)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The request is for a zone change to allow a single-family residential subdivision and to amend the design and layout of a previously approved portion of a single-family residential subdivision.

Dear Ms. Ray, Mr. Medin, and Mr. Schroeder:

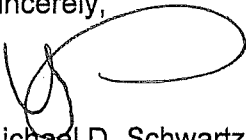
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CONDITIONS

1. Development shall be consistent with the submitted Concept Development Plan, except as modified by these conditions.
2. Development shall meet the minimum requirements of the zoning regulations and the subdivision regulations, except as modified by these conditions.
3. Cimmaron Trail, within the existing Westbrook Estates Subdivision shall be designed and constructed as a sub-collector street.

4. The extension of Cimmaron Trail within the site in question shall be designed and constructed as a sub-collector street.
5. The property owner/developer shall, at their expense, construct any off-site improvements required by the Kentucky Transportation Cabinet.
6. An HOA lot shall be provided along the north side of Hathaway Road, immediately east of the new entrance street.
7. A landscape easement, having a minimum width of ten (10) feet, shall be provided along the north side of Hathaway Road immediately east of the new entrance street.

Sincerely,

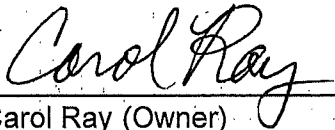


Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

We, the property owners and developer of the approximate: (1) 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane; and (2) 14 acre area located at the terminus of Westfield Lane, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment/Change of Concept Development Plan.



Carol Ray (Owner)

5-23-2022

Date



Paul Medin (Owner)

5.23.2022

Date



Arlinghaus I, LLC (Developer)

5-23-22

Date

014

ORDINANCE 2022-16

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF ARLINGHAUS I, LLC, PER BOB SCHRODER (APPLICANT) FOR CAROL RAY AND PAUL MEDIN (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) DISTRICT TO SUBURBAN RESIDENTIAL ONE (SR-1) DISTRICT FOR AN APPROXIMATE 81 ACRE AREA LOCATED ALONG THE NORTH SIDE OF HATHAWAY ROAD, BETWEEN OLD UNION ROAD AND SPRUCE LANE, APPROXIMATELY 2,400 FEET EAST OF SPRUCE LANE, BEING DIRECTLY ACROSS FROM MEIMAN ROAD AND HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 052.00-00-028.03, BOONE COUNTY AND UNION, KENTUCKY AND A REQUEST OF ARLINGHAUS I, LLC, PER BOB SCHRODER (APPLICANT AND OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN AGRICULTURAL ESTATE/UNION TOWN OVERLAY (A-2/UTO) DISTRICT FOR AN APPROXIMATE 14 ACRE AREA LOCATED AT THE TERMINUS OF WESTFIELD LANE, UNION, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and have a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request for a change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, 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 and the City of Union, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the for the Zoning Map Amendment and a Change in an Approved Concept Development Plan.

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

Section One

That the request for a Zoning Map Amendment and Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment from Rural Suburban Estates (RSE) district to Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and have a Parcel Identification Number (PIDN) of 052.00-00-028.03, Boone County and Union, Kentucky and a request for a Change in an Approved Concept Development Plan in an Agricultural Estate/Union Town Overlay (A-2/UTO) district for an approximate 14 acre area located at the terminus of Westfield Lane, Union, Kentucky. The real estate which is subject to all requests are described in DEED BOOKS/PAGE NOS. 1167/434 and 779/178 respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for this approval for a Zoning Map Amendment and Change in an Approved Concept Development Plans request are the findings of fact, and conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

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

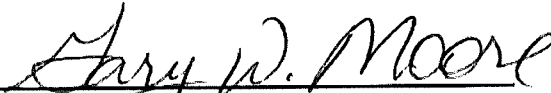
Section Three

This Ordinance shall be in effect and in full force from and after its passage, publication and adoptions, according to law.

First Reading the 28th day of June, 2022

Second Reading the 12th day of July, 2022

Adopted this 12th day of July, 2022 Yes 4 No 0



Gary W. Moore, Judge/Executive
Boone County Fiscal Court

ATTEST:



Shona Schuilkers,
Fiscal Court Clerk

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2022-15**

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF ARLINGHAUS I, LLC PER BOB SCHRODER (APPLICANT) FOR CAROL RAY AND PAUL MEDIN (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) DISTRICT TO SUBURBAN RESIDENTIAL ONE (SR-1) DISTRICT FOR AN APPROXIMATE .35 ACRE AREA LOCATED ALONG THE NORTH SIDE OF HATHAWAY ROAD BETWEEN OLD UNION ROAD AND SPRUCE LANE, UNION, KENTUCKY AND A REQUEST OF ARLINGHAUS I, LLC PER BOB SCHRODER (APPLICANT AND OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN AGRICULTURAL ESTATE/UNION TOWN OVERLAY(A-2UTO) DISTRICT FOR AN APPROXIMATE 14 ACRE AREA LOCATED AT THE TERMINUS OF WESTFIELD LANE, UNION, KENTUCKY.

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

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a Request Of Arlinghaus I, LLC Per Bob Schroder (Applicant And Owner) For A Change In An Approved Concept Development Plan In An Agricultural Estate/Union Town Overlay (A-2/UTO) District For An Approximate 14 Acre Area Located At The Terminus Of Westfield Lane, Union, Kentucky and a change from Rural Suburban Estates (RSE) District to Suburban Residential One (SR-1) District for an approximate .35 acre area located along the north side of Hathaway Road between Old Union Road and Spruce Lane, Union, Kentucky.

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-22-014-A

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

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

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

SECTION I

That the request for a change in the Zoning Map Amendment being a Request Of Arlinghaus 1, LLC Per Bob Schroder (Applicant And Owner) For A Change In An Approved Concept Development Plan In An Agricultural Estate/Union Town Overlay (A-2/UTO) District For An Approximate 14 Acre Area Located At The Terminus Of Westfield Lane, Union, Kentucky .

The Request For A Zoning Map Amendment shall be and is hereby approved, with conditions, as set forth in the Boone County Planning Commission's Resolution R-22-014-A, which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance and is attached hereto and marked Exhibit "A" and incorporated herein by reference.

SECTION II

That the request for a change in the Zoning Map Amendment being a Request Of Arlinghaus 1, LLC Per Bob Schroder (Applicant) for a change from Rural Suburban Estates (RSE) District to Suburban Residential One (SR-1) District for An Approximate .35 Acre Area Located Along The North Side Of Hathaway Road Between Old Union Road And Spruce Lane, Union, Kentucky .

The Request For A Zoning Map Amendment from Rural Suburban Estates (RSE) District

to Suburban Residential One (SR-1) District shall be and is hereby approved, with conditions, as set forth in the Boone County Planning Commission's Resolution R-22-014-A, which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance and is attached hereto and marked Exhibit "A" and incorporated herein by reference.

SECTION III

If approval for Zoning Map Amendment shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

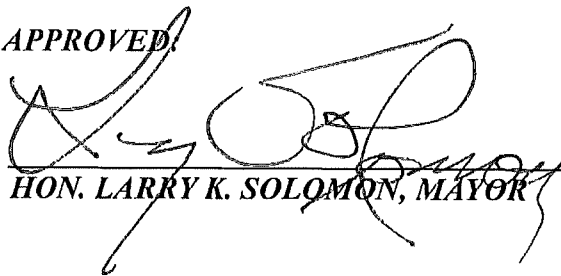
SECTION IV

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

FIRST READING this the 6th DAY OF JULY, 2022

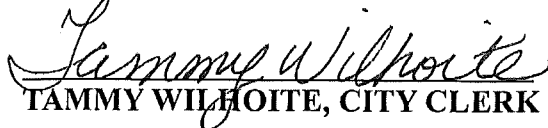
SECOND READING this the 1st DAY OF AUGUST, 2022

APPROVED:



HON. LARRY K. SOLOMON, MAYOR

ATTEST:



TAMMY WILHOITE, CITY CLERK

