

12. 1148 326 2020
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 checked="" 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 checked="" 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 _____ (As Determined by BCPC) Sept. 23, 2022

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

EXHIBIT

“A”

STAFF REPORT

#2

Request of Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer) for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

August 3, 2022

REQUEST

The request is to rezone an approximate 2.9-acre area located at 3620 Limaburg Road from RS to A-2 to allow the retail sale of farm and garden supplies and agriculture related equipment to occupy the property.

CONCEPT PLAN

The Concept Plan shows the following:

- A. A 4,000 square foot existing barn repurposed for agriculture related irrigation materials storage and personnel space.
- B. A 450 square foot existing chicken coop for continued keeping of chickens.
- C. A 17-stall concrete parking lot for customers and employees. An overflow parking area is also shown if needed in the future.
- D. Widening the first 260' of the access drive (from Limaburg Road to the one-way out driveway) from 12' to 20' and improving the drive with concrete.
- E. A plan to replace the temporary gravel area with concrete.
- F. A garden/ agricultural area.
- G. An irrigation demonstration/ test area is shown in the front yard.
- H. An enclosed dumpster area.

SITE HISTORY

- A. The site has been zoned RS since the adoption of the 1980 zoning ordinance.

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
 - 1. The existing zoning classification is inappropriate, and that the proposed zoning classification is appropriate; or
 - 2. 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 620 (Agricultural Estate) of the Boone County Zoning Regulations states that “The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”
- C. Section 621 of the Boone County Zoning Regulations identifies “Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment excluding vehicles (Site Plan Review required) as a principally permitted use in the A-2 district.”
- D. Section 3151 of the Boone County Zoning Regulations states that “All commercial, office, and employment uses that provide trash and/or garbage collection areas shall be completely enclosed within a structure to minimize their visual impact from public streets, internal circulation areas, and adjoining properties. Provisions for adequate vehicular access to and from trash collection areas shall be required as determined by the Zoning Administrator. Such enclosure structure shall be constructed of brick or masonry walls and/or wooden fences which are a minimum of five (5) feet tall or one foot higher than the trash container to be screened. Chain link fences with slats are not acceptable enclosure materials. The gates or doors of the garbage collection area or dumpster enclosure shall be kept completely closed except at times when the area or dumpster is being serviced.
- E. Section 3314 of the Boone County Zoning Regulations identifies “All parking and loading spaces set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface. Interlocking, concrete pavers that permit grass to grow through openings are an acceptable substitute for asphalt concrete or portland cement concrete for parking spaces and driveways that serve 50 or less parking spaces provided that at least 50 percent of the paver surface is exposed as the driving surface.”
- F. Section 3323 of the Boone County Zoning Regulations states that “Interior vehicular circulation by way of access roads shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic, the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet. Internal driveways must be clearly divided from parking areas with directional signs or markings in each aisle or driveway.
- G. Section 3620 of the Boone County Zoning Regulations addresses when a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by 50 percent if the buffer yard width is increased from 10 feet to 20 feet and can be eliminated if the buffer yard area is increased to 30 feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.”
- H. Section 3411 of the Boone County Zoning Regulations permits the site to have one

freestanding sign that does not exceed eight (8) feet in height and thirty two (32) square feet in area, or one building mounted sign that does not exceed thirty two (32) square feet, is permitted when customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, societies, or permitted businesses. The permitted sign shall be placed on the premises of such institution or business.

SITE CHARACTERISTICS

- A. The site contains 3.10 acres and is located along an access easement, approximately 500 feet east of Limaburg Road.
- B. The site has approximately 600 feet of frontage along the private drive.
- I. There is a 4,000 square foot existing barn.
- J. There is a 450 square foot existing chicken coop.
- C. There is an existing stand of mature trees, having a depth of approximately 400 feet at the densest portion, along the north and east property lines of the site.
- D. There is an existing .25 acre pond on the northeastern portion of the site.

ADJACENT LAND USES AND ZONING

- North: Vacant land (RS)
- South: Vacant land (RS/A-2)
- East: Vacant land (RS)
- West: Vacant land (RS)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Transportation which is “Airports, major four lane roads, interstates, interchanges, ferries, and rest areas.”
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
 - 1. 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).
 - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 3. 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).
 - 4. Industries shall be promoted in suitable locations to make the county a vital part of a

strong regional economy (Economy Goal A, Objective 2).

5. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
 6. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 7. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned. (Economy Goal B, Objective 5).
 8. Future industrial districts should be identified in advance of residential development so that potential impacts are known and can be addressed. (Economy Goal B, Objective 6).
 9. 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).
 10. The needs of agricultural operations shall be considered in public infrastructure improvements and services (Natural and Cultural Resources Goal B, Objective 4).
- C. This site is located in the Airport Future Land Use Geographical Area. This geographical area contains the following passages which relates to the proposal:
1. Planned commercial and industrial development may be supplemented by other land uses along the north side of KY 18. However, all development must be interconnected, and connections must be provided to Aero Parkway as opposed to utilizing Old Limaburg Creek Road for primary access. (p. 114).
- D. The following Future Land Use Development Guidelines from Our Boone County Plan 2040 relate to the application:
1. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography p. 95).
 2. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded

areas and stream valleys should remain as open space within developments and between developments. Buffer areas should use and supplement existing site features where possible (Buffering, p. 95).

3. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways (Landscaping p. 96).
4. 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 (Access Management p. 96).

STAFF COMMENTS

A. Staff has the following comments and concerns regarding the request:

1. Other than the front property line, no perimeter landscaping is required because the property would be rezoned to A-2 and would adjoin RS or A-2 zoning. The Planning Commission and Fiscal Court could consider additional landscaping as a condition.
2. Street frontage landscaping is required. Requirements for frontage landscaping could be waived if the Planning Commission and Zoning Administrator are in agreement.
3. Staff would like the applicant to explain the ownership of the security access gate and questions how vehicles might be able to turn around if the gate is closed/locked. Staff would like to know what time the gate is closed and locked.
4. Staff would like the applicant to explain the two-way flow around the building when the ingress/egress drives are shown as one way.
5. The concept plan shows the current egress drive to be 12'. Per section 3323, "For one-way traffic, the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet."

6. Staff would like to know if there will be any outside storage other than the demonstration/test area in the front yard. Staff would also like the applicant to provide pictures of the irrigation equipment that will be stored in this area.

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The 2040 Future Land Use Map would need to be amended if the request is approved.

Respectfully submitted,



Alaina Hagenseker
Planner

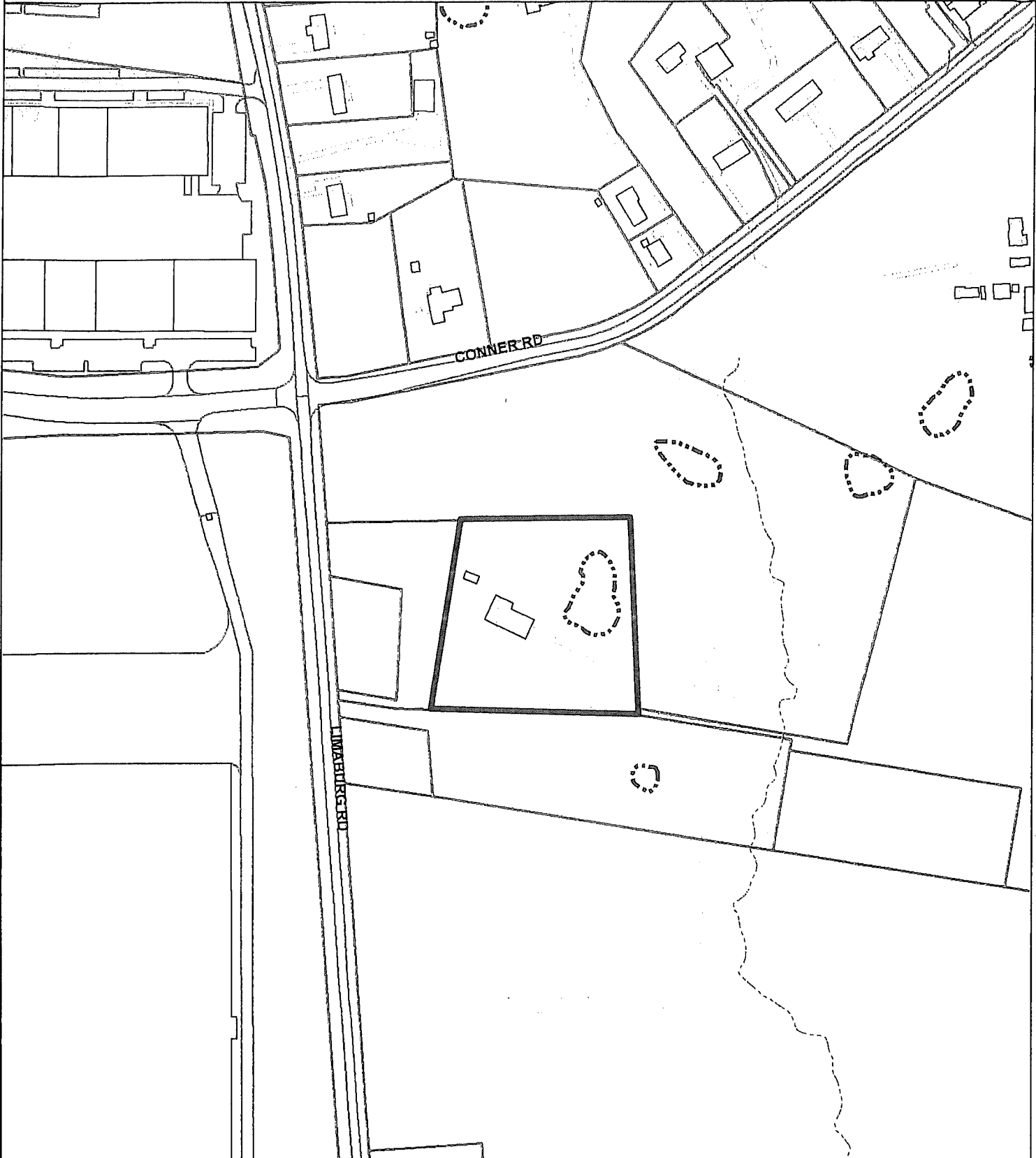
ACH/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan
- *Access and Maintenance Easement Agreement

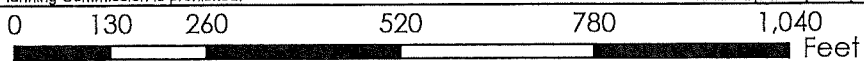
Site Vicinity Map

www.boonecountygis.com



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1 Inch = 257 feet



Map Created: xx/xx/2022

Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

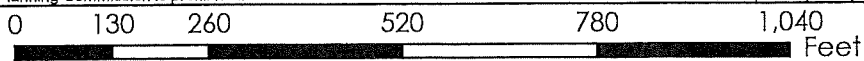
Zoning Map

www.boonecountygis.com



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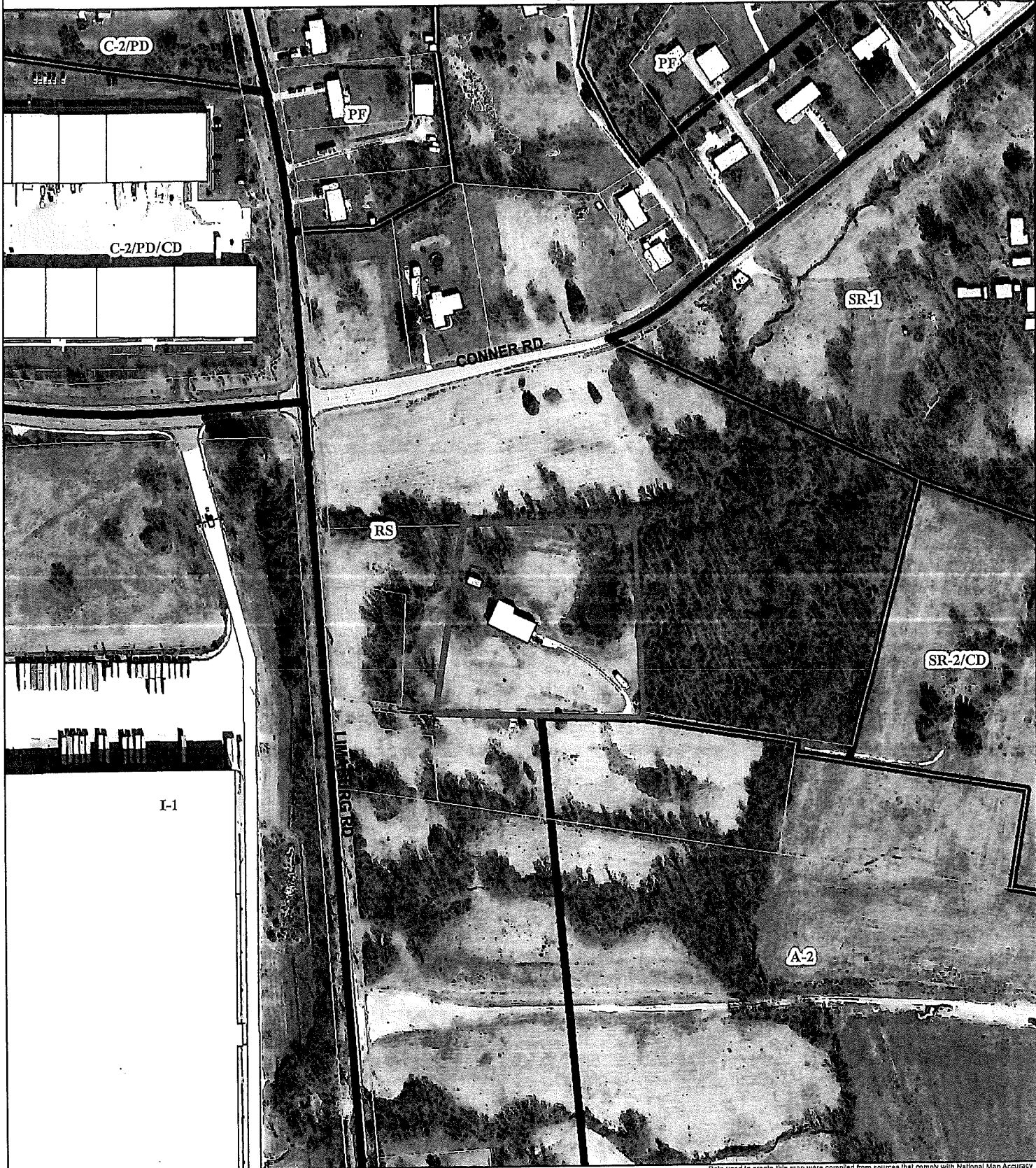


Boone County GIS



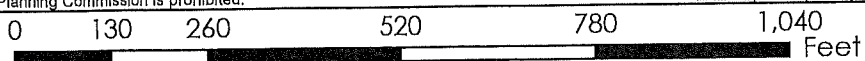
Aerial Map

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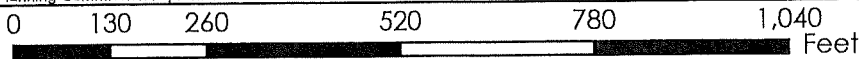
Topography Map

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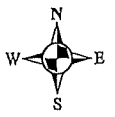
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Boone County GIS - Putting Northern Kentucky on the Map

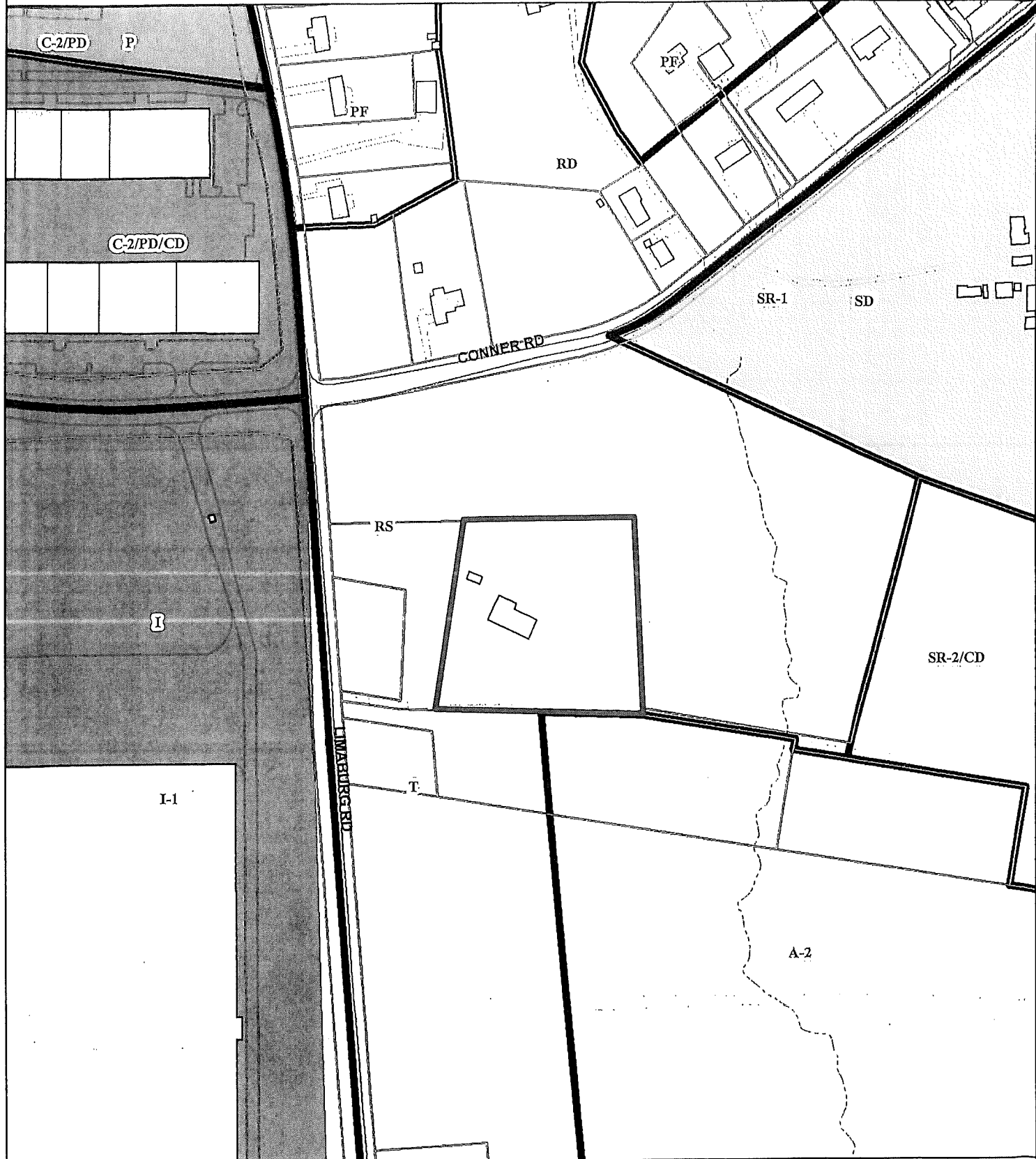


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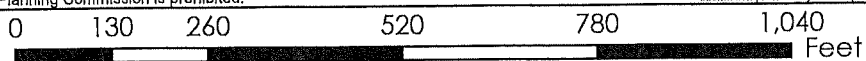
Future Land Use Map

www.boonecountygis.com



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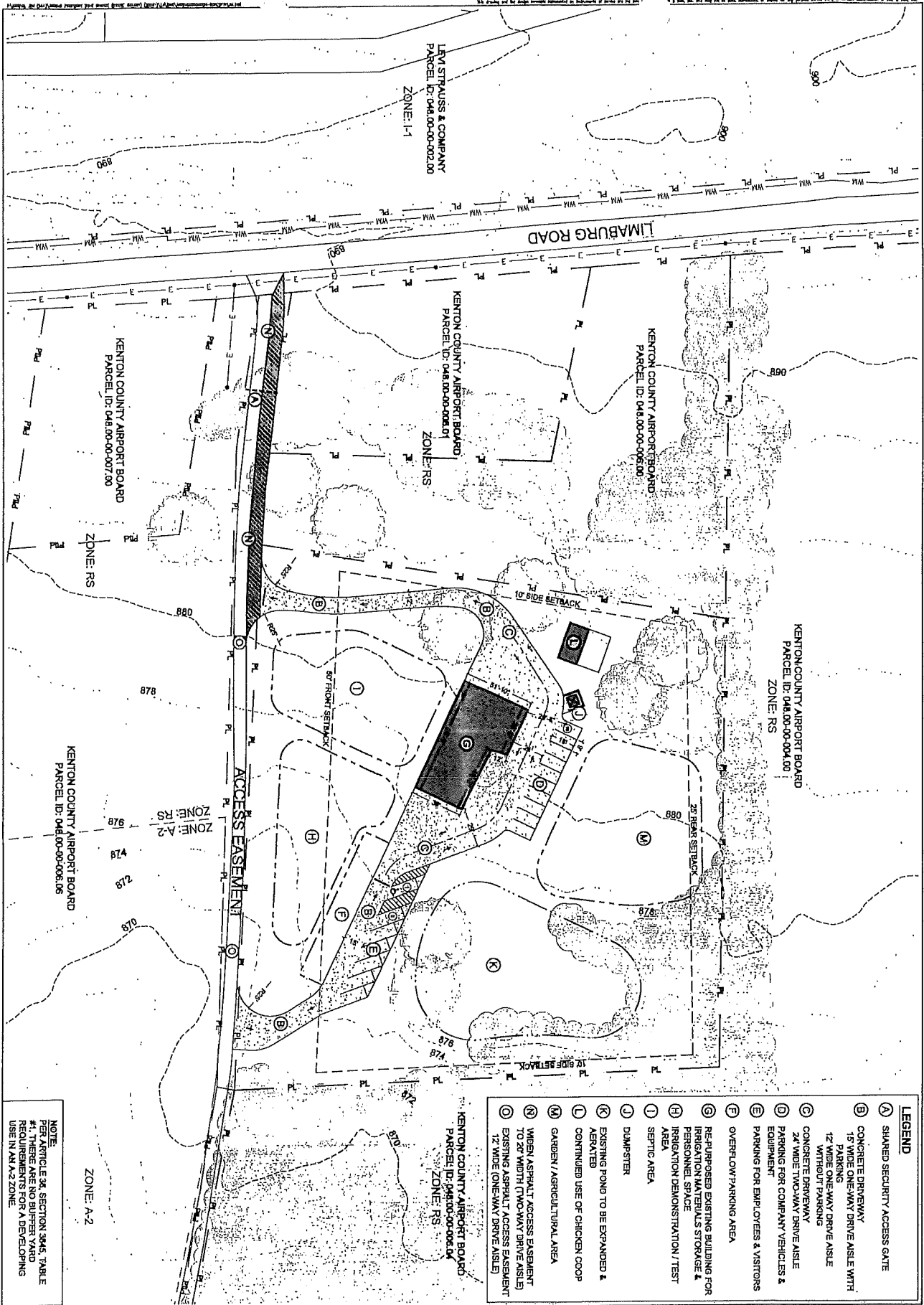


Boone County GIS

Map Created: xx/xx/2022



Missouri State Map 1:50,000
ArcMap Document: *.mxd



NOTE:
 PER ARTICLE 34, SECTION 304.5, TABLE #1, THERE ARE NO BUFFER YARD REQUIREMENTS FOR A DEVELOPING USE IN AN A-2 ZONE.

- LEGEND**
- A SHARED SECURITY ACCESS GATE
 - B CONCRETE DRIVEWAY
 - C 15' PARKING
 - D 12' WIDE ONE-WAY DRIVE AISLE WITH WITHOUT PARKING
 - E CONCRETE DRIVEWAY
 - F 24' WIDE TWO-WAY DRIVE AISLE
 - G PARKING FOR COMPANY VEHICLES & EQUIPMENT
 - H PARKING FOR EMPLOYEES & VISITORS
 - I OVERFLOW PARKING AREA
 - J RE-PURPOSED EXISTING BUILDING FOR IRRIGATION MATERIALS STORAGE & PERSONNEL SPACE
 - K IRRIGATION DEMONSTRATION / TEST AREA
 - L SEPTIC AREA
 - M DUMPSTER
 - N EXISTING POND TO BE EXPANDED & AERATED
 - O CONTINUED USE OF CHICKEN COOP
 - P GARDEN / AGRICULTURAL AREA
 - Q WHEN ASPHALT ACCESS EASEMENT TO 30' WIDE (TWO-WAY DRIVE AISLE) EXISTING ASPHALT ACCESS EASEMENT 12' WIDE (ONE-WAY DRIVE AISLE)

ARTENO ADVANCED IRRIGATION CONCEPT PLAN
 HEBRON, BOONE COUNTY, KENTUCKY
 LAYOUT PLAN

VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 404 Erlanger Road • Erlanger, Kentucky 41018
 422 Lile Avenue • Lakeland, Ohio 45150
 P.O. Box 1000 • Erlanger, KY 41018 • Tel: (513) 831-1111 • Fax: (513) 831-1100
 www.vioxinc.com

LEGEND

Symbol	Description
(A)	Shared Security Access Gate
(B)	Concrete Driveway
(C)	15' Parking
(D)	12' Wide One-Way Drive Aisle with/without Parking
(E)	Concrete Driveway
(F)	24' Wide Two-Way Drive Aisle
(G)	Parking for Company Vehicles & Equipment
(H)	Parking for Employees & Visitors
(I)	Overflow Parking Area
(J)	Re-purposed Existing Building for Irrigation Materials Storage & Personnel Space
(K)	Irrigation Demonstration / Test Area
(L)	Septic Area
(M)	Dumpster
(N)	Existing Pond to be Expanded & Aerated
(O)	Continued Use of Chicken Coop
(P)	Garden / Agricultural Area
(Q)	When Asphalt Access Easement to 30' Wide (Two-Way Drive Aisle) Existing Asphalt Access Easement 12' Wide (One-Way Drive Aisle)

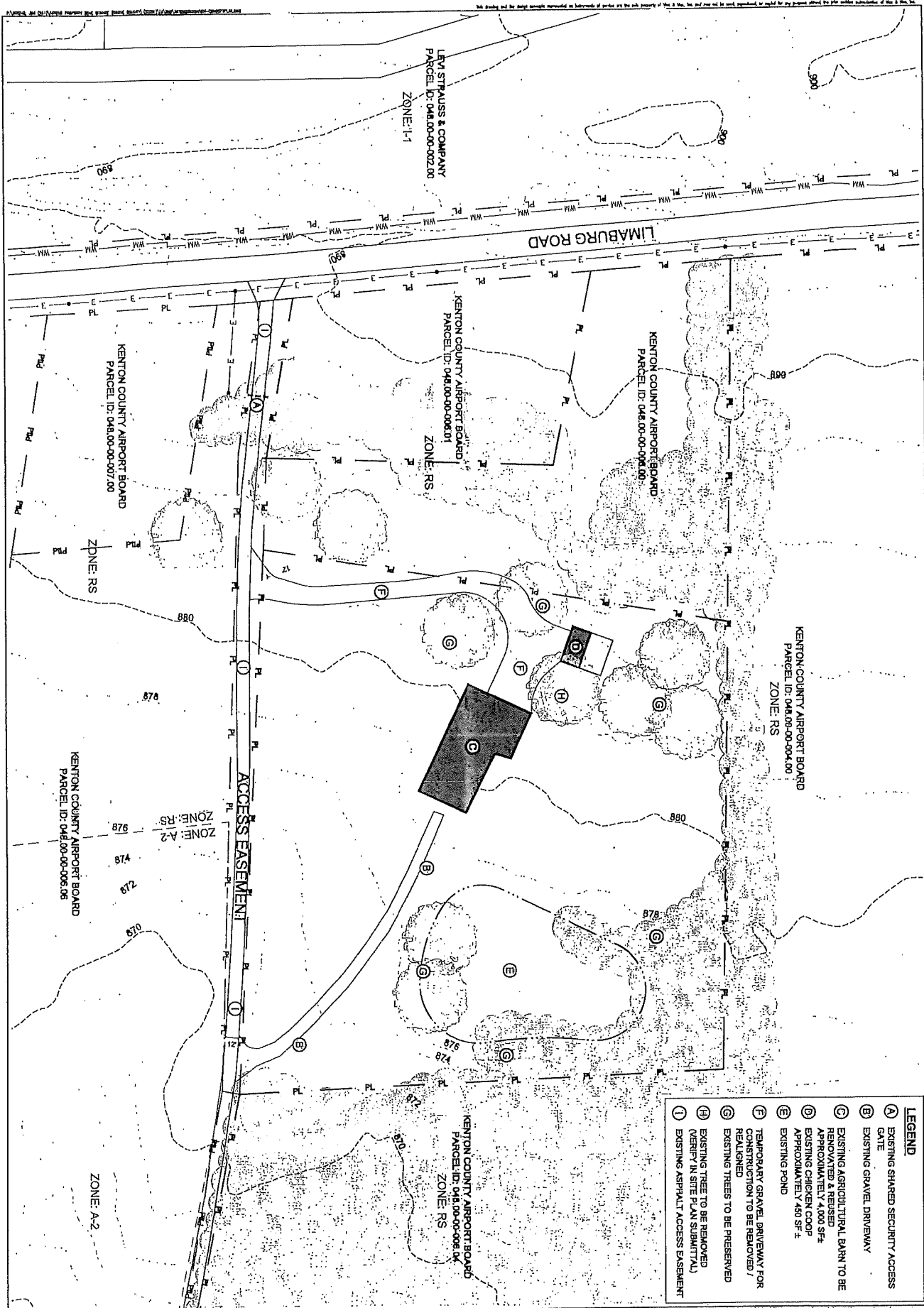
SCALE
 1" = 20'

DATE
 08/15/2024

BY
 [Signature]

CHECKED
 [Signature]

DATE
 08/15/2024



- LEGEND**
- A) EXISTING SHARED SECURITY ACCESS
 - B) EXISTING GRAVEL DRIVEWAY
 - C) EXISTING AGRICULTURAL BARN TO BE RENOVATED & REUSED APPROXIMATELY 4,000 SF±
 - D) EXISTING CHICKEN COOP APPROXIMATELY 450 SF±
 - E) EXISTING POND
 - F) TEMPORARY GRAVEL DRIVEWAY FOR CONSTRUCTION TO BE REMOVED / REALIGNED
 - G) EXISTING TREES TO BE PRESERVED
 - H) EXISTING TREE TO BE REMOVED (VERIFY IN SITE PLAN SUBMITTAL)
 - I) EXISTING ASPHALT ACCESS EASEMENT

ARTENO ADVANCED IRRIGATION CONCEPT PLAN

HEBRON, BOONE COUNTY, KENTUCKY

EXISTING CONDITIONS

C1.0

VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 446 E. Market Street • Lexington, Kentucky 40501
 422 Lila Avenue • Mt. Vernon, Ohio 45890
 Ph: 606/277-3283 • Fax: 606/277-1000
 www.vioxinc.com

NO.	REVISION	DATE	BY	CHKD.

Scale: 1" = 40'

North Arrow

12. 1148 326 2020
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 checked="" 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 checked="" 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 _____ (As Determined by BCPC) Sept. 23, 2022

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

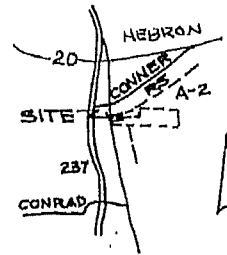
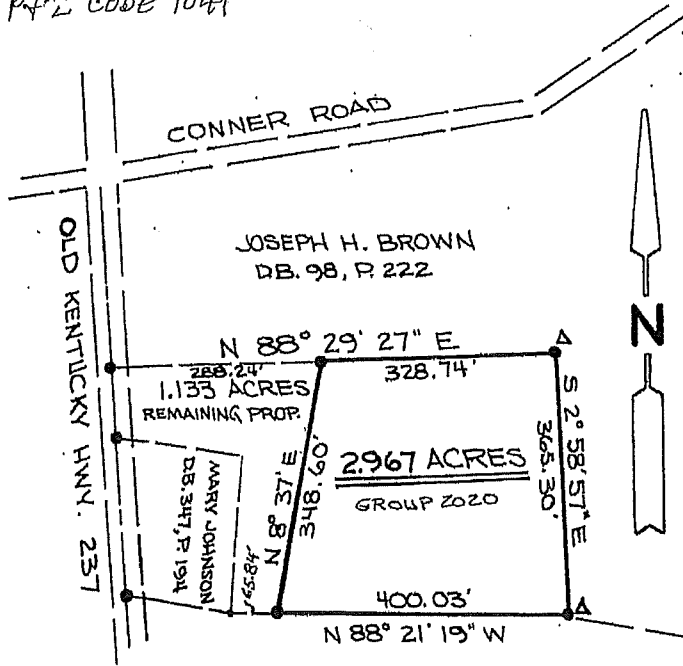
SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 7-22 Fee Received: 1660.50 ^{H6} Receipt #: 86524
2. Number of Copies Received: 6
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: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
- _____ 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@boonecountky.org
www.boonecountky.org

PLAT CODE 1044

VICINITY MAP
SCALE 1"=10,000'



NOTE:
 ● 1/2" REBAR 1/2 CAP "LS 2030"
 ▲ STONE MARKER FOUND

This parcel, in and of itself, does not meet the existing zoning regulations for use as a residential building site.

Date 5-6-88 Current Zoning RS PRM/MS

APPROVAL CERTIFICATE

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION THIS 18TH DAY OF MAY 1988.

Lang Barrett
 CHAIRMAN'S SIGNATURE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT HAS BEEN PREPARED BY ME IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS. THE UNADJUSTED ERROR OF CLOSURE RATIO WAS AT LEAST 1:5000 AND BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE.

I CERTIFY THAT THIS PLAT OF LAND IS BEING TRANSFERRED FOR NON-BUILDING PURPOSES.

Timothy R. McNeely
 KY. R.L.S. NO. 2030 DATE 5-2-88

PLAT OF 2.967 ACRES TO BE CONVEYED BY
 MARK JOHNSON
 BOONE COUNTY KENTUCKY



EAST SIDE OLD KENTUCKY HWY. 237
 0.7 MI. SOUTH KY. HWY. 20

REF. D.B. 347, P. 200
 APRIL 30, 1988

SCALE - 1" = 200'

TIMOTHY R. McNEELY
 REG. LAND SURVEYOR
 6256 MAIN ST.
 BURLINGTON, KY.



PROPERTY LOCATED:
COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE
COMMUNITY OF HEBRON

CURRENT OWNER:
ARTINO'S ADVANCED IRRIGATION
PO BOX 624
HEBRON, KY 41048

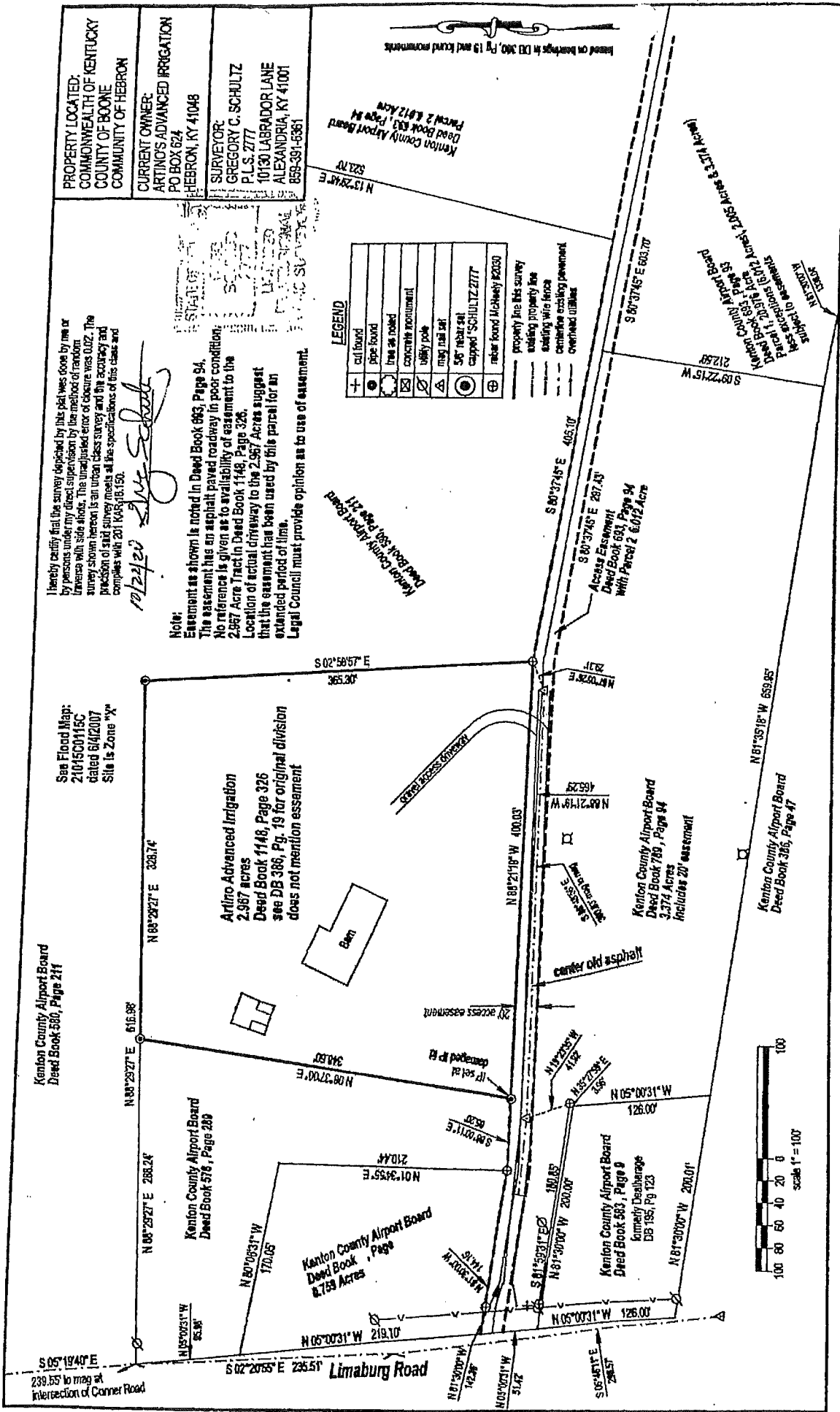
SURVEYOR:
GREGORY C. SCHULTZ
P.L.S. 2777
10130 LABRADOR LANE
ALEXANDRIA, KY 41001
859-391-6361

I hereby certify that the survey depicted by this plat was done by me or by persons under my direct supervision by the method of random traverses with side shots. The unadjusted error of closure was 0.02. The survey shown hereon is an urban class survey and the accuracy and precision of said survey meets all the specifications of this class and complies with 201 KAR 18.150.

10/24/20 [Signature]

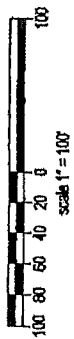
Note:
Easement as shown is noted in Deed Book 693, Page 94. The easement has an asphalt paved roadway in poor condition. No reference is given as to availability of easement to the 2.967 Acre Tract in Deed Book 1148, Page 326. Location of actual driveway to the 2.967 Acres suggest that the easement has been used by this parcel for an extended period of time. Legal Council must provide opinion as to use of easement.

See Flood Map:
21045C0115C
dated 6/4/2007
Site is Zone "X"



LEGEND

⊕	oil found
⊙	pipe found
⊗	tree on noted
⊠	concrete monument
⊡	utility pole
⊢	mag. nail set
⊣	5/8" rebar set
⊤	cupped 'SCHULTZ 2777'
⊥	rebar found McHenry #2030
—	property line this survey
- - -	existing property line
- - -	existing wire fence
- - -	centerline existing pavement
- - -	overhead utilities



based on bearings in DD 200, Pg 19 and found monuments

Kenton County Airport Board
Deed Book 693, Page 94
Parcel 2 8.812 Acres

N 13° 29' 45" E
623.70'

S 80° 37' 45" E 693.70'

S 80° 37' 45" E 693.70'

212.69'

S 09° 22' 15" W

Kenton County Airport Board
Deed Book 693, Page 94
Parcel 1 20.915 Acres
Parcel 2 8.812 Acres
Parcel 3 1.274 Acres
Parcel 4 1.274 Acres
Parcel 5 1.274 Acres
Parcel 6 1.274 Acres
Parcel 7 1.274 Acres
Parcel 8 1.274 Acres
Parcel 9 1.274 Acres
Parcel 10 1.274 Acres
Parcel 11 1.274 Acres
Parcel 12 1.274 Acres
Parcel 13 1.274 Acres
Parcel 14 1.274 Acres
Parcel 15 1.274 Acres
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Parcel 97 1.274 Acres
Parcel 98 1.274 Acres
Parcel 99 1.274 Acres
Parcel 100 1.274 Acres

Easement Documentation

BOOK 34 PAGE 85

GROUP NUMBER: 2020
(2.005 Acres)

RECEIVED
MAY 22 2 P 17
15:50 A. HUNT
COUNTY CLERK

ACCESS AND MAINTENANCE EASEMENT AGREEMENT

Adams Brook

Whereas, RONALD J. BRAUNWART, JR. and CATHERINE ANN BRAUNWART, Husband and Wife, (hereinafter referred to as "BRAUNWART") are the owners of those certain 2.005 acres more particularly described in Exhibit "A", attached hereto and incorporated by reference herein; and

Whereas, RICHARD A. HARNIS and MARY E. HARNIS, Husband and Wife, (hereinafter referred to as "RICHARD") are the owners of that property indicated as "remaining property" on the plat attached hereto as Exhibit "B", attached hereto and incorporated by reference herein; and

Whereas, STEVEN A. HARNIS and TONIA R. HARNIS, Husband and Wife, (hereinafter referred to as "STEVEN") are the owners of those certain 6.012 acres more particularly described in Exhibit "C", attached hereto and incorporated by reference herein; and

Whereas, it is to the mutual benefit of BRAUNWART, RICHARD and STEVEN to grant each other certain easements and rights-of-entry on and to their respective properties.

Now, therefore, in consideration of the mutual covenants herein contained, BRAUNWART, RICHARD and STEVEN agree as follows:

EASEMENTS -

(1) BRAUNWART and RICHARD do hereby grant to STEVEN a nonexclusive, perpetual easement and right-of-way for ingress and

15.54.

egress over the fifteen foot (15') wide private road more particularly described in Exhibit "B", attached hereto and incorporated by reference herein. Said easement extends from old Kentucky 237 in an Easterly direction as described in Deed Book 419, Page 158 of the Boone County Clerk's records at Burlington, Kentucky.

(2) Upon the completion of any repair, maintenance, construction or reconstruction, the premises shall be returned to the same condition as existing immediately preceding the entry.

COST OF REPAIR -

(1) The cost of repair, maintenance, construction or reconstruction, including the cost of returning the premises to their prior condition, with respect to the access easement, shall be allocated as follows: From the beginning point on old Kentucky 237 to Point "D" on Exhibit "B", BRAUNWART, as owner of the 2.005 acres, shall pay thirty-three and one-third percent (33-1/3%) of the cost of same; STEVEN, as owner of the 6.012 acres, shall pay thirty-three and one-third percent (33-1/3%) of the cost of same; and RICHARD, as owner of the "remaining property", shall pay thirty-three and one-third percent (33-1/3%) of the cost of same. From said Point "D" to the terminus of the private road, BRAUNWART, as owner of the 2.005 acres and STEVEN as owner of the 6.012 acres, shall each pay fifty percent (50%) of the cost of repair, maintenance, construction or reconstruction, including the cost of returning the premises to the prior condition, with respect to said access easement.

(2) Prior to any repair, maintenance, construction or reconstruction, for which the parties will be in part responsible, an estimate shall be obtained for such repair, maintenance, construction or reconstruction and submitted to the parties for review. If either/any party is dissatisfied with such estimate, then no work shall be commenced for thirty (30) days following delivery of the initial estimate, during which period the dissatisfied party/parties shall have the right to obtain other estimates from reputable contractors. At the end of the thirty (30) day period, the parties shall execute a Contract based on the lowest estimate obtained. In the event of an emergency, as hereinafter defined, either/any party may contract for the work to be performed without notice to the other party/parties and such Contract shall be binding upon both parties, the same as if executed by or contracted by both parties. An emergency for purposes of this Agreement shall be defined as a situation in which essential services will be denied to either/any party if repairs are not made immediately.

FAILURE TO PAY - If any party to this Agreement fails to pay any amount which they are obligated to pay under this Agreement for repair, maintenance, construction or reconstruction or returning the premises to its original condition following repair, maintenance, construction or reconstruction, then in such event, the paying party may pay, but is not obligated to do so, the amount owed by the nonpaying party and the paying party shall, in addition to any rights and remedies at law, be subrogated to the lien rights

granted to third party contractors by statute or, in addition thereto, shall have a lien by virtue of this Agreement against the property of the nonpaying party to the extent of payments made on behalf of the nonpaying party, with interest thereon at fifteen percent (15%), per annum, on the unpaid balance and may institute foreclosure proceedings to enforce said lien rights.

SUCCESSORS AND ASSIGNS - This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, lessees, successors and assigns.

ENTIRE UNDERSTANDING OF THE PARTIES - This Agreement represents the entire understanding of the parties with respect to the matters contained herein and shall not be amended, altered or changed except by instrument in writing executed by the parties hereto.

RECORDING - Because of the property rights conveyed herein, this Agreement shall be recorded with the Boone County Clerk's office.

IN WITNESS WHEREOF, the undersigned hereby set their hands this 27th day of October, 1993.

Ronald J. Braunwart, Jr.
RONALD J. BRAUNWART, JR.

Catherine Ann Harms-Braunwart
CATHERINE ANN HARMS-BRAUNWART

BOOK 34 PAGE 89

Richard A. Harns
RICHARD A. HARNs

Mary E. Harns
MARY E. HARNs

Steven B. Harns
STEVEN B. HARNs

Tonia R. Harns
TONIA R. HARNs

COMMONWEALTH OF KENTUCKY
COUNTY OF Boone

The foregoing instrument was acknowledged before me, a Notary Public, by RONALD J. BRAUNWART, JR. and CATHERINE ANN HARNs-BRAUNWART, Husband and Wife, this 27th day of October, 1993.

William W. Williams
NOTARY PUBLIC
COMM. EXPIRES: 8-11-97

COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE

The foregoing instrument was acknowledged before me, a Notary Public, by RICHARD A. HARNs and MARY E. HARNs, Husband and Wife, this 27th day of OCT., 1993.

Thomas C. Stegman
NOTARY PUBLIC
COMM. EXPIRES: 8/13/97

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

The foregoing instrument was acknowledged before me, a Notary Public, by STEVEN C. HARMB and TONIA R. HARMB, Husband and Wife, this 27 day of OCT., 1993.

Thomas C Steigman
NOTARY PUBLIC
COMM. EXPIRES: 8/13/97

THIS INSTRUMENT PREPARED BY:

Michael N. Sketch
MICHAEL N. SKETCH
Attorney-at-Law
8100 Burlington Pike
Suite 400
P.O. Box 576
Florence, Kentucky 41042

(DC22VMAIN-AD7.FRM)

EXHIBIT "D"

BOOK 34 PAGE 91

EXHIBIT "A"

GROUP NUMBER: 2020

Located in Boone County, Kentucky, lying on the Easterly side of old Kentucky 237 approximately 0.7 miles South of Kentucky Highway 20 and is described as follows:

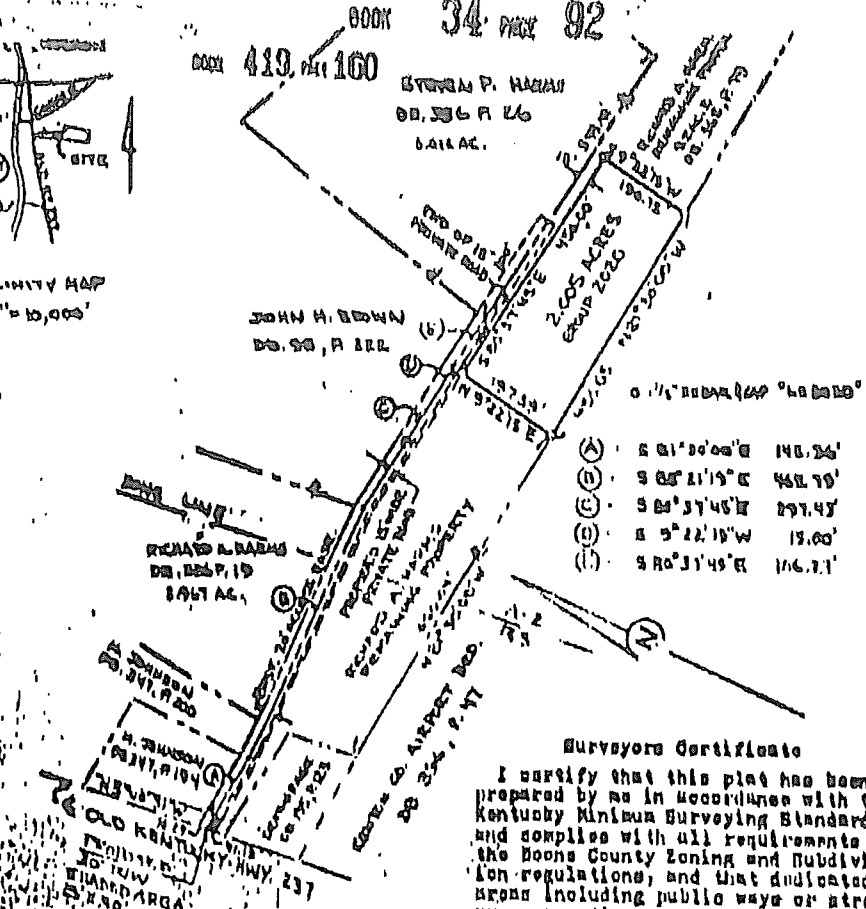
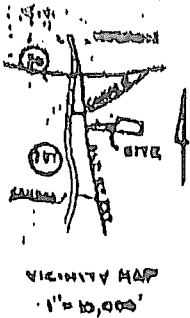
Beginning at a point in the centerline of old Kentucky Highway 237 at the Southwesterly corner of Steven Harms 6.012 acre tract (Deed Book 386, Page 26); thence with the Southerly line of Steven Harms S. 81°-30'-00" E., 142.36 feet, S. 88°-21'-19" E., 465.79 feet, S. 80°-37'-45" E., 297.43 feet, S. 9°-22'-15" W., 15.00 feet to an iron pin, the real point of beginning; thence with a new division of Richard A. Harms property S. 80°-37'-45" E., running 15 feet South of and parallel to Steven Harms South line, a total distance of 450.00 feet to an iron pin; thence S. 9°-22'-15" W., 190.75 feet to an iron pin in the Southerly line of Richard A. Harms property; thence with said line N. 81°-30'-00" W., 450.05 feet to an iron pin; thence N. 9°-22'-15" E., 197.59 feet to the point of beginning containing 2.005 acres.

Together with the right of use of a 15 foot wide private access road lying 7.50 feet on each side of the following described line:

Beginning at a point in the centerline of old Kentucky Highway 237, said point being S. 5°-00'-31" E., 7.71 feet from the Southwesterly corner of Steven Harms 6.012 acre tract; thence S. 81°-30'-00" E., 142.36 feet, S. 88°-30'-00" E., 142.36 feet, S. 88°-21'-19" E., 465.79 feet, S. 80°-37'-45" E., 447.43 feet to the terminus of said access road.

EXHIBIT "D"

BOOK 34 PAGE 92



- (A) S 01° 00' 00" E 148.26'
- (B) S 05° 21' 19" E 468.75'
- (C) S 04° 57' 45" E 297.45'
- (D) S 5° 22' 19" W 13.00'
- (E) S 80° 31' 49" E 146.71'

Surveyors Certificate

I certify that this plat has been prepared by me in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision regulations, and that dedicated areas including public ways or streets are currently owned by the property owner. The unadjusted error of closure ratio was at least 1:10,000.

I certify that I have examined the papers of the Boone County Clerk and find that this is the second conveyance made under present ownership on the parent tract since 1966 or from the adoption of KRS 100.

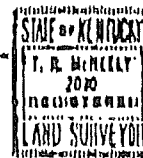
Timothy R. McNelly 8-18-89
Ky. Reg. No. 2030 Date

APPROVAL
Approved for recording the transfer of property only by the Boone County Planning Commission this 20 day of August 1989
Charles H. ...
Chairman

PLAT OF 2.005 ACRES TO BE CONVEYED BY
RICHARD A. MARKS

Zone A-2
Area 9-15-89

BOONE COUNTY KENTUCKY
East side of Old Kentucky Hwy. 237
0.7 mile south of Kentucky Hwy. 20
Aug. 18, 1989 1"=200'
Ref: DB. 365, P. 79 PD 10-11
Timothy R. McNelly
Reg. Land Surveyor
6236 Main Street
Durlington, Ky. 41005



Proposed private road will be considered according to the Boone County Subdivision Regulations, Section 305-4.

DEDICATION
I hereby certify that the proposed street right-of-way along Old Ky. Hwy. 237 will be offered to the Ky. Dept. of Transportation for public dedication
Richard ... 9/15/89
Date

P & E Code No. 1371

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

DATE: September 7, 2022

RE: Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

REMARKS:

We, the Committee Members were present at the Committee Meeting and recommend approval of the above referenced zoning map amendment request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

1. The Committee concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
 - a. The 2040 Future Land Use Map designates the site for Airport uses. This future land use classification is defined as planned commercial and industrial development may be supplemented by other land uses along the north side of KY 18. However, all development must be interconnected, and connections must be provided to Aero Parkway as opposed to utilizing Old Limaburg Creek Road for primary access. (p. 114).
2. The Committee has concluded that frontage landscaping will not be required along the access drive.
3. The Committee has concluded that the proposed A-2 district, along with the proposed concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
 - a. 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).
 - b. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - c. 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).

- d. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 - e. Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).
 - f. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 - g. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned. (Economy Goal B, Objective 5).
 - h. Future industrial districts should be identified in advance of residential development so that potential impacts are known and can be addressed. (Economy Goal B, Objective 6).
 - i. 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).
 - j. The needs of agricultural operations shall be considered in public infrastructure improvements and services (Natural and Cultural Resources Goal B, Objective 4).
4. The Committee concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the conditions:

CONDITIONS:

- 1. The approval shall be based on the submitted concept development plans except as modified by the conditions below. The Zoning Administrator can permit minor changes to these plans.
- 2. The driveway width must be no less than 14 feet.

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: Steve Harper

DATE: August 17, 2022

ZONING MAP AMENDMENT, Steve Harper, Chairman, Alaina Hagenseker, Staff


1. Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

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.

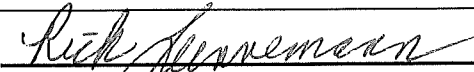
Janet Kegley

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___



Corrin Gulick

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___



Rick Lunnemann

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

Randy Bessler (Alternate)

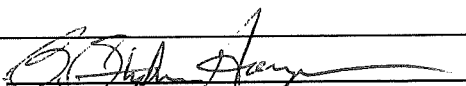
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Kim Patton

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

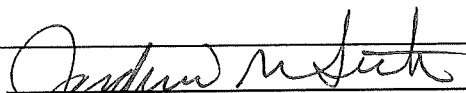
Steve Turner (Alternate)

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___



Steve Harper (Chairman)

For Project Absent ___
Against Project ___
Abstain ___ Deferred ___



Jackie Steele (Alternate)

For Project Absent ___
Against Project ___
Abstain ___

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
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:

Mrs. Janet Kegley

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 second item on the Agenda at 10:46 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

2. Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 2.93 acres and located off an access easement approximately 250 feet east of Limaburg Road between Conner Road and Youell Road. The site has approximately 600 feet of frontage along the access easement. It is zoned Rural Suburban (RS) and the request is to rezone the site to Agricultural Estate (A-2). The request is to allow the retail sale of hay, grain and other farm and garden supplies and agriculture related equipment, excluding vehicles. The site is surrounded by Airport property. The Comprehensive Plan's Future Land Use Map designates the site for Transportation (T). Pages 3-5 of the Staff Report refers to the text of the Comprehensive Plan. The existing barn would be used to store agricultural irrigation related materials. The site also has a chicken coop. A 17 stall parking lot is proposed for customers and employees plus an overflow lot if needed in the future. The access drive will also be widened and paved the first 260 feet from Limaburg Road. It will be widened from 12 feet to 20 feet. There is a gravel area that will be replaced with concrete and the applicant will install an irrigation test area in the front yard.

Staff Comments are noted on pages 5 and 6 of the Staff Report. No perimeter landscaping is being proposed since it is not required due to the proposed agricultural zoning. The Planning Commission or Fiscal Court could require it. However, street frontage landscaping is required. Staff would like the applicant to address the ownership of the access security gate. How would vehicles turn around if the gate is locked? How does the two way traffic flow occur around the existing building since it is shown one-way? Will there be any outside storage? Mrs. Hagenseker showed photographs of the site.

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

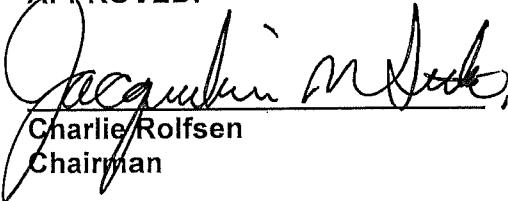
Mr. Brock MacKay, Viox & Viox, Inc., stated that the owner wants to renovate an existing barn in order to operate his irrigation business. He is agreeable to installing any landscaping that is required. The gate is shared with CVG Airport. It is their desire to have a one way driveway to a certain point. They have no problem widening the driveway to 15 feet.

Mr. John Arteno, owner, stated that he has been doing this type of business for about 17 years. His company provides irrigation to agricultural, commercial and residential clients. They have done rooftops within cities. It is a good site for a small business. People always turn around on his property. CVG Airport rarely opens the gate – maybe twice a year. The test area will show customers how the systems work. The gate is open from 7:30 a.m. to 5:00 p.m. each work day.

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 17, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 11:01 p.m.

APPROVED:

 For
Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
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:

Mrs. Janet Kegley

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 second item on the Agenda at 10:46 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

2. Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 2.93 acres and located off an access easement approximately 250 feet east of Limaburg Road between Conner Road and Youell Road. The site has approximately 600 feet of frontage along the access easement. It is zoned Rural Suburban (RS) and the request is to rezone the site to Agricultural Estate (A-2). The request is to allow the retail sale of hay, grain and other farm and garden supplies and agriculture related equipment, excluding vehicles. The site is surrounded by Airport property. The Comprehensive Plan's Future Land Use Map designates the site for Transportation (T). Pages 3-5 of the Staff Report refers to the text of the Comprehensive Plan. The existing barn would be used to store agricultural irrigation related materials. The site also has a chicken coop. A 17 stall parking lot is proposed for customers and employees plus an overflow lot if needed in the future. The access drive will also be widened and paved the first 260 feet from Limaburg Road. It will be widened from 12 feet to 20 feet. There is a gravel area that will be replaced with concrete and the applicant will install an irrigation test area in the front yard.

Staff Comments are noted on pages 5 and 6 of the Staff Report. No perimeter landscaping is being proposed since it is not required due to the proposed agricultural zoning. The Planning Commission or Fiscal Court could require it. However, street frontage landscaping is required. Staff would like the applicant to address the ownership of the access security gate. How would vehicles turn around if the gate is locked? How does the two way traffic flow occur around the existing building since it is shown one-way? Will there be any outside storage? Mrs. Hagenseker showed photographs of the site.

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

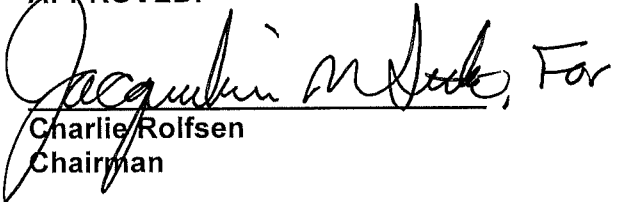
Mr. Brock MacKay, Viox & Viox, Inc., stated that the owner wants to renovate an existing barn in order to operate his irrigation business. He is agreeable to installing any landscaping that is required. The gate is shared with CVG Airport. It is their desire to have a one way driveway to a certain point. They have no problem widening the driveway to 15 feet.

Mr. John Artero, owner, stated that he has been doing this type of business for about 17 years. His company provides irrigation to agricultural, commercial and residential clients. They have done rooftops within cities. It is a good site for a small business. People always turn around on his property. CVG Airport rarely opens the gate – maybe twice a year. The test area will show customers how the systems work. The gate is open from 7:30 a.m. to 5:00 p.m. each work day.

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 17, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 11:01 p.m.

APPROVED:

 For
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
SEPTEMBER 7, 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 September 7, 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. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Jackie Steele, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the August 17, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes as presented. Mr. Harper 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 August 4, 2022 and September 7, 2022.

EXPENSES:

Accounting Fees	\$ 9,716.64
Attorney Fees	6,400.00
Auto Expense	81.87
Consultant/Professional Svcs Fees	2,580.00
Filing Fees (CLURS)	850.00
GIS Operations	24,870.00
Legal Ads/Recruitment	280.04
Miscellaneous Expense	1,664.79
Office & Board Meeting Supplies	793.90
Office Equipment / Expense	304.06
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	438.48
Professional Development	<u>1,280.00</u>

TOTAL: \$ 50,264.78

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 8,319.98
Health/Dental/Life/LTD	14,086.63
Retirement – BCPC Portion	24,309.35
Salaries – Staff Expenses	113,723.82
Salaries – BCPC & BOA	<u>1,910.00</u>

TOTAL: \$162,349.68

GRAND TOTAL: \$212,614.46

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. Mrs. Kegley seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Todd Morgan, Staff

1. Request of **NorthPoint Development, per Mark Gloyeske (developer)** for **Greenfield Farm Inc., per James Dressman (owner)** a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 209 acre area located on the west side of Dixie Highway, south of the property at 11765 Dixie Highway and north of the properties at 12097 and 12119 Dixie Highway, and on the north side of Chambers Road at the northeast quadrant of the Chambers Road/I-75 overpass, and to the north, northeast, and west of the property at 262 Chambers Road, and south of the property at 60 Logistics Boulevard, Boone County, Kentucky. The request is for a zone change to allow a subdivision for warehousing, distribution, manufacturing, light industrial, and office/warehouse uses.

Chairman Rolfsen announced that this request has been withdrawn by the applicant. No further action or comment will occur.

ZONING MAP AMENDMENT, Steve Harper, Chairman, Alaina Hagenseker, Staff

2. Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee also waived the frontage landscaping requirement since there is very little frontage on a public road. The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

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

Mr. Jon Arteno stated that he appreciated the Committee's work to wrap up the details. The driveway will be a minimum of 15 feet. The conditions are fine.

Mr. Harper moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Schwenke seconded the motion and it passed unanimously.

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Janet Kegley, Chairwoman
Michael Schwartz, Staff**

3. 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.

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 with Mrs. Kegley, Mr. Harper and Mrs. Steele voting in favor of the request. The condition letter has been signed by the property owner and the applicant.

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. Jonathan Evans, Evans Engineering, stated that they were agreeable to the conditions and he was available to answer any questions.

Seeing no one else, 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. Clark seconded the motion.**

Chairman Rolfsen asked about the proposed business. Mr. Evans replied that it is Freddie's Frozen Custard and Steakburgers. The owner is DJ Steakburgers. The business is based out of Wichita, Kansas and they already have a presence in Cincinnati.

Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mrs. Clark. The motion passed unanimously.

**ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, AND
CONCEPT DEVELOPMENT PLAN, Janet Kegley, Chairwoman, Michael Schwartz, Staff**

4. Request of **BRG Realty Group LLC, per Robert Crowell (applicant)** for **Hebron Fire Protection District, per Frank Tepe (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Public Facility (PF) district to Commercial Two/Planned Development (C-2/PD) district for an approximate 0.63 acre area located in the southwest portion of the property at 3120 North Bend Road, Boone County, Kentucky and a request of **BRG Realty Group LLC, per Robert Crowell (applicant)** for **Mary Ann Wolfe Trust (owner)** for a Concept Development Plan for an approximate 16 acre area located at the northeast corner of the intersection of North Bend Road with Cougar Path, Boone County, Kentucky. The request is for a zone change/change of concept plan and

concept plan to allow 264 apartment units within 11 buildings, commercial outlots, and a new public street between North Bend Road and Limaburg Road.

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 with Mrs. Kegley, Mr. Harper and Mrs. Steele voting in favor of the request. The condition letter has been signed by the property owners and the developer.

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. Jim Parsons, representing BRG Realty Group, LLC, stated that they have signed off on all the conditions and he is available to answer any questions. In addition, he met with the adjoining property owner after the Public Hearing to address his concerns and they have been resolved.

Seeing no one else, Chairman Rolfsen asked if there was a motion to proceed? **Mrs. Kegley moved to approve the Request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion.**

Chairman Rolfsen asked about the height of the buildings? Mr. Schwartz responded that all but one of the buildings will be 3 stories high. The building closest to Mr. Crane's property, or Building #1, will be 2 stories high. Mr. Schwartz showed the location of the new public street.

Ms. Gulick asked if the site was in the Airport Noise Contour? Mr. Schwartz replied only a small portion on the southern side of the property.

Mr. Szurlinski expressed a concern about having a proper access for the fire department. Mr. Schwartz replied that the Hebron Fire Department noted that the proposed public road will provide greater access – additional lanes at the KY 237 access and a new access to Limaburg Road. That is why there is a condition for a Traffic Study to include additional turn lanes to allow for emergency vehicles to navigate the intersection.

Mr. Anthony Scheben, Hebron Fire Chief, expressed a huge concern to get in and out. There will be additional traffic advisories located along the route. They have traffic control devices that control the traffic signal. The current access is not owned by the Fire Department. They hope to build an emergency through lane. Also, the connection to Limaburg Road will provide better access to the school complex.

Mrs. Clark asked about the status of the Traffic Study? Mr. Parsons replied that it has been completed and has been submitted to the State and County. The State will require a northbound right turning lane on KY 237. Mrs. Clark asked about the school impact? Mr. Parsons replied that he presented evidence at the Public Hearing and at the Committee meeting that the number of children is small compared to a single-family subdivision. There are no 3 bedroom apartments. It will put a very limited demand on the school system. The project will have a very minimal impact on the school system.

Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Harper. The motion passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT, Michael Schwartz, Staff

5. Request of **Corporex Parks of Kentucky, Inc., per Nicole Chimento and Thomas Banta (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Residential Three/Planned Development (UR-3/PD) district for an approximate 8.3 acre area located at 3337, 3339, 3341, 3343, 3347, and 3351 Mineola Pike, 3340 Booneland Trail, and part of 3336 Booneland Trail, Boone County, Kentucky. The request is for a zone change to allow a multi-family residential development (this issue was deferred from August 17, 2022).

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

6. Request of **Tanenbaums LLC, per Damian Tanenbaum (applicant/owner)** for a Zoning Map Amendment from Commercial One (C-1) to Industrial One (I-1) for an approximate 0.4 acre area located at 11568 Dixie Highway, Boone County, Kentucky. The submitted Concept Development Plan includes the property located at 11564 Dixie Highway, which is currently zoned Industrial One (I-1). The request is for a zone change to allow a fitness club, warehouse space, and retail space.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

7. Request of **Christopher J. Kiely and Laura VanRijswijck Kiely (applicants/owners)** for a Zoning Map Amendment from Graves Road-Residential (GR-R) to Suburban Residential One (SR-1) for an approximate 1.4 acre area located at 2250 Williams Road, Boone County, Kentucky. The request is for a zone change to revert the property back to the SR-1 district with no other improvements.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Todd Morgan, Staff

8. Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant) for Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road/1 Van Melle Lane, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

ZONING MAP AMENDMENT, Todd Morgan, Staff

9. Request of **Viox and Viox, per Megan de Sola (applicant) for Our Lady of Good Counsel Church and Home Sweet Home Trust (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF)

for an approximate 9.1 acre area located at 404 Beaver Road, 430 Beaver Road, 438 Beaver Road, 11972 Skyway Drive, 11982 Skyway Drive, 11990 Skyway Drive, 11991 Skyway Drive, 11977 Skyway Drive, the property with the following Property Identification Number (PIDN): 077.00-03-007.01, and the right-of-way of Skyway Drive, Boone County, Kentucky and a Request of **Viox and Viox per Megan de Sola (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Change of Concept Development Plan in a Public Facilities (PF) district for an approximate 13.8 acre area located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change and change of concept development plan to allow the construction of a school building, field house, and a storage barn, use of the existing church, use of existing single-family residential dwellings for church related purposes, and the redesign of parking areas and access drives.

Mr. Vaught moved to schedule the Public Hearings for Items #5, #6, #7, #8 and #9 on October 5, 2022 at 7:30p.m. in the Fiscal Courtroom. Mr. Goetting seconded the motion and it passed unanimously.

H. **Executive Director's Report:** Kevin P. Costello
No Report

I. **Committee Reports:**

- Airport (Randy Bessler)
No Report
- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report
- Executive (Charlie Rolfsen)
No Report

J. **Chairman's Report:** Charlie Rolfsen
No Report

K. **OKI Report:** Kim Patton
No Report

L. **Other:**

M. **Adjournment:**

There being no further business to come before the Planning Commission, **Mrs. Gulick** moved to adjourn the meeting. **Mr. Patton** seconded the motion and it passed unanimously. The meeting was adjourned at 7:28 P.M.

APPROVED

Charlie Rolfsen
Chairman

Attest:

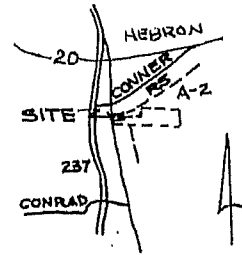
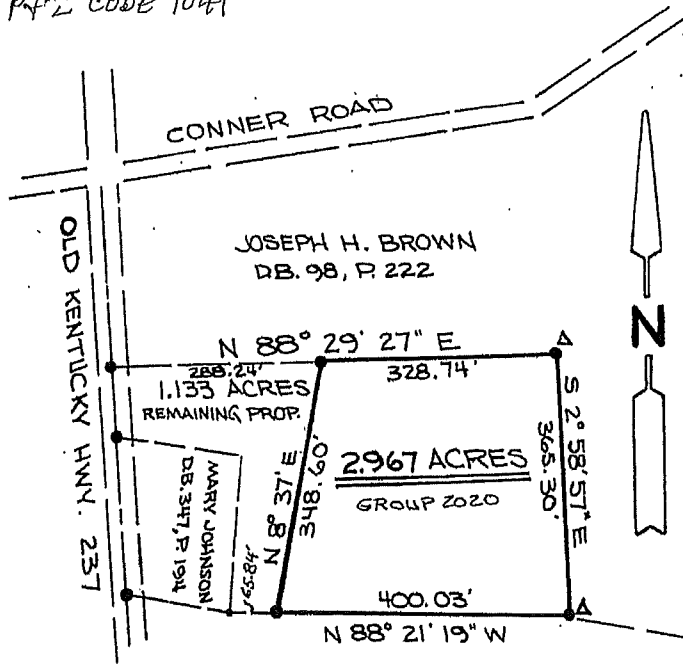


Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

PLAT CODE 1041

VICINITY MAP
SCALE 1" = 10,000'



NOTE:
 ● 1/2" REBAR 1/4 CAP "LS 2030"
 ▲ STONE MARKER FOUND

This parcel, in and of itself, does not meet the existing zoning regulations for use as a residential building site.
 Date 5-6-88 Current Zoning RS PRM/MS

APPROVAL CERTIFICATE

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION THIS 18TH DAY OF MAY 1988.

Lang Bamber
 Vice CHAIRMAN'S SIGNATURE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT HAS BEEN PREPARED BY ME IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS. THE UNADJUSTED ERROR OF CLOSURE RATIO WAS AT LEAST 1:5000 AND BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE.
 I CERTIFY THAT THIS PLAT OF LAND IS BEING TRANSFERRED FOR NON-BUILDING PURPOSES.

Timothy R. McNeely
 KY. R.L.S. NO. 2030
 DATE 5-2-88

PLAT OF 2.967 ACRES TO BE CONVEYED BY
 MARK JOHNSON
 BOONE COUNTY KENTUCKY



EAST SIDE OLD KENTUCKY HWY. 237
 0.7 MI. SOUTH KY. HWY. 20

REF. D.B. 347, P. 200
 APRIL 30, 1988

SCALE - 1" = 200'

TIMOTHY R. McNEELY
 REG. LAND SURVEYOR
 6256 MAIN ST.
 BURLINGTON, KY.



PROPERTY LOCATED:
COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE
COMMUNITY OF HEBRON

CURRENT OWNER:
ARTINO'S ADVANCED IRRIGATION
PO BOX 624
HEBRON, KY 41048

SURVEYOR:
GREGORY C. SCHULTZ
P.L.S. 2777
10100 LABRADOR LANE
ALEXANDRIA, KY 41001
859-391-6361

I hereby certify that the survey depicted by this plat was done by me or by persons under my direct supervision by the method of random traverse with side shots. The unadjusted error or closure was 0.02'. The survey shown herein is an urban class survey and the accuracy and precision of said survey meets all the specifications of this class and complies with 201 KAR 18.150.

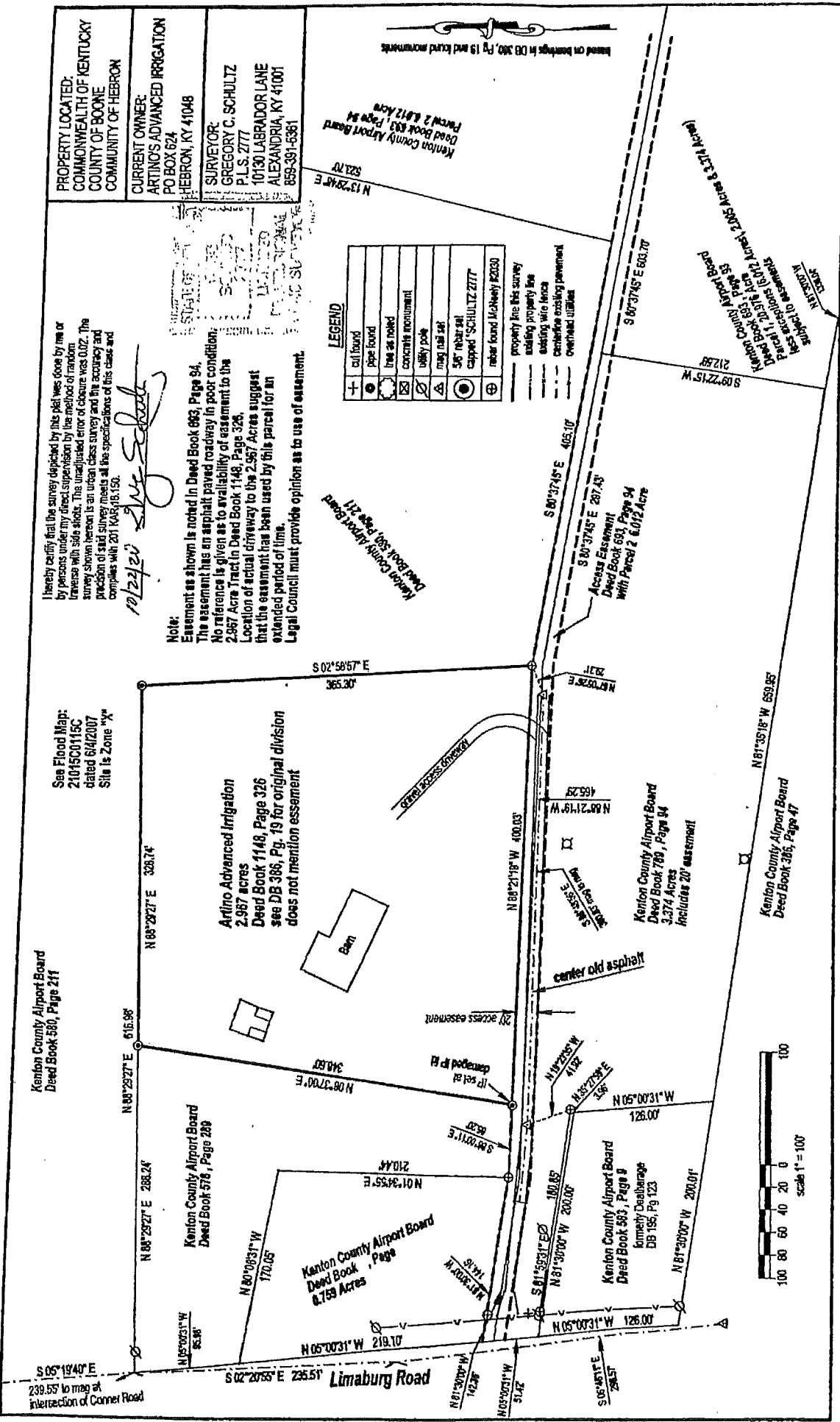
Gregory C. Schultz
Surveyor

Note:
Easement as shown is noted in Deed Book 693, Page 34.
The easement is an asphalt paved roadway in poor condition.
No reference is given as to availability of easement to the
2.987 Acre Tract in Deed Book 1148, Page 326.
Location of actual driveway to the 2.987 Acres suggest
that the easement has been used by this parcel for an
extended period of time.
Legal Council must provide opinion as to use of easement.

LEGEND

+	cut found
○	pipe found
⊗	tree as noted
⊠	concrete monument
⊙	utility pole
△	map nail set
⊕	36" rebar set capped "SCHULTZ 2777"
⊕	rebar found Monthey #2030

property line this survey
existing property line
existing wire fence
centerline existing pavement
overhead utility



See Flood Map:
2101500115C
dated 6/4/2007
Site is Zone "X"

Artino Advanced Irrigation
2.987 acres
Deed Book 1148, Page 326
see DB 386, Pg. 19 for original division
does not mention easement

Kenton County Airport Board
Deed Book 580, Page 211

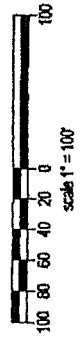
Kenton County Airport Board
Deed Book 578, Page 289

Kenton County Airport Board
Deed Book 687, Page 9
0.758 Acres

Kenton County Airport Board
Deed Book 667, Page 9
Kinnealy Dealbarange
DB 195, Pg 123

Kenton County Airport Board
Deed Book 789, Page 54
3.374 Acres
Includes 20' easement

Kenton County Airport Board
Deed Book 386, Page 47



5.05' 19.41' in
239.55' to mag st
intersection of Corner Road

Limburg Road

based on bearings in DB 389, Pg 19 and kind monuments

Kenton County Airport Board
Parcel 2 6.812 Acres
522.74'
N 13° 24' 4" E

Kenton County Airport Board
Parcel 3 3.374 Acres
212.88'
S 09° 22' 15" W

Kenton County Airport Board
Parcel 4 6.072 Acres
S 80° 37' 45" E 405.10'
S 80° 37' 45" E 287.73'
Access Easement
Deed Book 693, Page 34
With Parcel 2 6.072 Acres

N 81° 35' 18" W 659.85'
N 81° 35' 18" W 659.85'

N 81° 35' 18" W 200.00'
N 81° 35' 18" W 200.00'
N 81° 35' 18" W 200.00'

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N 81° 35' 18" W 200.00'
N 81° 35' 18" W 200.00'

N 81° 35' 18" W 200.00'

Easement Documentation

BOOK 34 PAGE 85

GROUP NUMBER: 2020
(2.005 Acres)

RECEIVED
15:50
COUNTY CLERK

ACCESS AND MAINTENANCE EASEMENT AGREEMENT

Adams Brook

Whereas, RONALD J. BRAUNWART, JR. and CATHERINE ANN BRAUNWART, Husband and Wife, (hereinafter referred to as "BRAUNWART") are the owners of those certain 2.005 acres more particularly described in Exhibit "A", attached hereto and incorporated by reference herein; and

Whereas, RICHARD A. HARNIS and MARY E. HARNIS, Husband and Wife, (hereinafter referred to as "RICHARD") are the owners of that property indicated as "remaining property" on the plat attached hereto as Exhibit "B", attached hereto and incorporated by reference herein; and

Whereas, STEVEN R. HARNIS and TONIA R. HARNIS, Husband and Wife, (hereinafter referred to as "STEVEN") are the owners of those certain 6.012 acres more particularly described in Exhibit "C", attached hereto and incorporated by reference herein; and

Whereas, it is to the mutual benefit of BRAUNWART, RICHARD and STEVEN to grant each other certain easements and rights-of-entry on and to their respective properties.

Now, therefore, in consideration of the mutual covenants herein contained, BRAUNWART, RICHARD and STEVEN agree as follows:

EASEMENTS -

(1) BRAUNWART and RICHARD do hereby grant to STEVEN a nonexclusive, perpetual easement and right-of-way for ingress and

15. Sep.

egress over the fifteen foot (15') wide private road more particularly described in Exhibit "B", attached hereto and incorporated by reference herein. Said easement extends from old Kentucky 237 in an Easterly direction as described in Deed Book 419, Page 158 of the Boone County Clerk's records at Burlington, Kentucky.

(2) Upon the completion of any repair, maintenance, construction or reconstruction, the premises shall be returned to the same condition as existing immediately preceding the entry.

COST OF REPAIR -

(1) The cost of repair, maintenance, construction or reconstruction, including the cost of returning the premises to their prior condition, with respect to the access easement, shall be allocated as follows: From the beginning point on old Kentucky 237 to Point "D" on Exhibit "B", BRAUNWART, as owner of the 2.005 acres, shall pay thirty-three and one-third percent (33-1/3%) of the cost of same; STEVEN, as owner of the 6.012 acres, shall pay thirty-three and one-third percent (33-1/3%) of the cost of same; and RICHARD, as owner of the "remaining property", shall pay thirty-three and one-third percent (33-1/3%) of the cost of same. From said Point "D" to the terminus of the private road, BRAUNWART, as owner of the 2.005 acres and STEVEN as owner of the 6.012 acres, shall each pay fifty percent (50%) of the cost of repair, maintenance, construction or reconstruction, including the cost of returning the premises to the prior condition, with respect to said access easement.

(2) Prior to any repair, maintenance, construction or reconstruction, for which the parties will be in part responsible, an estimate shall be obtained for such repair, maintenance, construction or reconstruction and submitted to the parties for review. If either/any party is dissatisfied with such estimate, then no work shall be commenced for thirty (30) days following delivery of the initial estimate, during which period the dissatisfied party/parties shall have the right to obtain other estimates from reputable contractors. At the end of the thirty (30) day period, the parties shall execute a Contract based on the lowest estimate obtained. In the event of an emergency, as hereinafter defined, either/any party may contract for the work to be performed without notice to the other party/parties and such Contract shall be binding upon both parties, the same as if executed by or contracted by both parties. An emergency for purposes of this Agreement shall be defined as a situation in which essential services will be denied to either/any party if repairs are not made immediately.

FAILURE TO PAY - If any party to this Agreement fails to pay any amount which they are obligated to pay under this Agreement for repair, maintenance, construction or reconstruction or returning the premises to its original condition following repair, maintenance, construction or reconstruction, then in such event, the paying party may pay, but is not obligated to do so, the amount owed by the nonpaying party and the paying party shall, in addition to any rights and remedies at law, be subrogated to the lien rights

granted to third party contractors by statute or, in addition thereto, shall have a lien by virtue of this Agreement against the property of the nonpaying party to the extent of payments made on behalf of the nonpaying party, with interest thereon at fifteen percent (15%), per annum, on the unpaid balance and may institute foreclosure proceedings to enforce said lien rights.

SUCCESSORS AND ASSIGNS - This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, lessees, successors and assigns.

ENTIRE UNDERSTANDING OF THE PARTIES - This Agreement represents the entire understanding of the parties with respect to the matters contained herein and shall not be amended, altered or changed except by instrument in writing executed by the parties hereto.

RECORDING - Because of the property rights conveyed herein, this Agreement shall be recorded with the Boone County Clerk's office.

IN WITNESS WHEREOF, the undersigned hereby set their hands this 27th day of October, 1993.

Ronald J. Braumhart, JR
RONALD J. BRAUNHART, JR.

Catherine Ann Harns-Braumhart
CATHERINE ANN HARNs-BRAUNHART

Richard A. Harns
RICHARD A. HARNB

Mary E. Harns
MARY E. HARNB

Steven M. Harns
STEVEN M. HARNB

Tonia R. Harns
TONIA R. HARNB

COMMONWEALTH OF KENTUCKY
COUNTY OF Boone

The foregoing instrument was acknowledged before me, a Notary Public, by RONALD J. BRAUNWART, JR. and CATHERINE ANN HARNB-BRAUNWART, Husband and Wife, this 27th day of October, 1993.

Richard A. Harns
NOTARY PUBLIC
COMM. EXPIRES: 8-11-97

COMMONWEALTH OF KENTUCKY
COUNTY OF BOONE

The foregoing instrument was acknowledged before me, a Notary Public, by RICHARD A. HARNB and MARY E. HARNB, Husband and Wife, this 27th day of OCT., 1993.

Thomas C. Stegman
NOTARY PUBLIC
COMM. EXPIRES: 8/13/97

BOOK 34 PAGE 90

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

The foregoing instrument was acknowledged before me, a Notary Public, by STEVEN C. HARMS and TONIA R. HARMS, Husband and Wife, this 27 day of OCT., 1993.

Thomas C Stegman
NOTARY PUBLIC
COMM. EXPIRES: 6/13/97

THIS INSTRUMENT PREPARED BY:

Michael M. Sketch

MICHAEL M. SKETCH
Attorney-at-Law
8100 Burlington Pike
Suite 400
P.O. Box 576
Florence, Kentucky 41042

(DDCHWAIN-ADT.FRM)

EXHIBIT "A"

GROUP NUMBER: 2020

Located in Boone County, Kentucky, lying on the Easterly side of old Kentucky 237 approximately 0.7 miles South of Kentucky Highway 20 and is described as follows:

Beginning at a point in the centerline of old Kentucky Highway 237 at the Southwesterly corner of Steven Harms 6.012 acre tract (Deed Book 386, Page 26); thence with the Southerly line of Steven Harms S. 81°-30'-00" E., 142.36 feet, S. 88°-21'-19" E., 465.79 feet, S. 80°-37'-45" E., 297.43 feet, S. 9°-22'-15" W., 15.00 feet to an iron pin, the real point of beginning; thence with a new division of Richard A. Harms property S. 80°-37'-45" E., running 15 feet South of and parallel to Steven Harms South line, a total distance of 450.00 feet to an iron pin; thence S. 9°-22'-15" W., 190.75 feet to an iron pin in the Southerly line of Richard A. Harms property; thence with said line N. 81°-30'-00" W., 450.05 feet to an iron pin; thence N. 9°-22'-15" E., 197.59 feet to the point of beginning containing 2.005 acres.

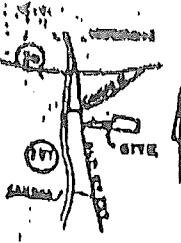
Together with the right of use of a 15 foot wide private access road lying 7.50 feet on each side of the following described line:

Beginning at a point in the centerline of old Kentucky Highway 237, said point being S. 5°-00'-31" E., 7.71 feet from the Southwesterly corner of Steven Harms 6.012 acre tract; thence S. 81°-30'-00" E., 142.36 feet, S. 88°-30'-00" E., 142.36 feet, S. 88°-21'-19" E., 465.79 feet, S. 80°-37'-45" E., 447.43 feet to the terminus of said access road.

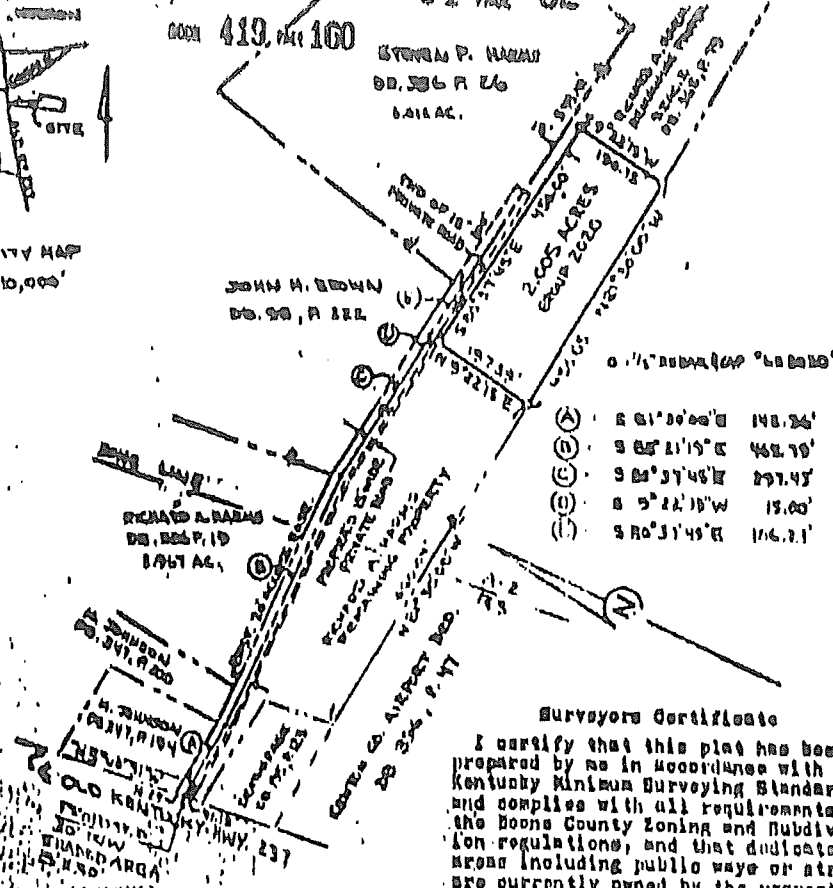
EXHIBIT "D"

BOOK 34 PAGE 92

BOOK 413 PAGE 160



VICINITY MAP
1" = 10,000'



(A)	S 61° 30' 00" E	148.26'
(B)	S 62° 21' 15" E	462.79'
(C)	S 62° 37' 45" E	297.47'
(D)	S 5° 22' 11" W	15.00'
(E)	S 80° 31' 45" E	116.21'

Surveyors Certificate

I certify that this plat has been prepared by me in accordance with the Kentucky Minimum Surveying Standards and complies with all requirements of the Boone County Zoning and Subdivision regulations, and that dedicated areas including public ways or streets are currently owned by the property owner. The unadjusted error of closure ratio was at least 1:10,000.

I certify that I have examined the records of the Boone County Clerk and find that this is the second conveyance made under present ownership in the parent tract since 1966 or from the adoption of KRS 100.

Timothy R. McHenry
KY. REG. NO. 2030 Date 8-18-87

APPROVAL
Approved for recording the transfer of property only by the Boone County Planning Commission this 30 day of August 1987.

Charles H. Hartman
Chairman

PLAT OF 2.005 ACRES TO BE CONVEYED BY

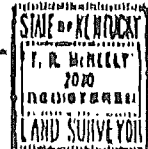
RICHARD A. HARMS

BOONE COUNTY KENTUCKY

East side of Old Kentucky Hwy. 237
0.7 mile south of Kentucky Hwy. 20

Aug. 18, 1987 1" = 200'
Ref: DB. 305, P. 79 PD: 10-11

Timothy R. McHenry
Reg. Land Surveyor
6256 Main Street
Burlington, Ky. 41005



Zone A-2
Rev 9-5-87

Proposed private road will be considered according to the Boone County Subdivision Regulations, Section 305-4.

DEDICATION

I hereby certify that the proposed street right-of-way along Old Ky. Hwy. 237 will be offered to the Ky. Dept. of Transportation for public dedication.

Richard A. Harms 9/15/87
Owner Date

P & Z Code No. 1371

22-029

ORDINANCE 2022-24

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF ARTENO'S ADVANCED IRRIGATION, LLC PER JON ARTENO (OWNER/DEVELOPER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) DISTRICT TO AGRICULTURAL ESTATE (A-2) DISTRICT FOR AN APPROXIMATE 2.9 ACRE AREA LOCATED APPROXIMATELY 250 FEET EAST OF LIMABURG ROAD, BETWEEN CONNER ROAD AND YOUELL ROAD, APPROXIMATELY 350 FEET SOUTH OF CONNER ROAD AND HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 048.00-00-006.03, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from a Rural Suburban (RS) district to Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road and having a Parcel Identification Number (PIDN) of 048.00-00-006.03, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval, with Conditions, for the Zoning Map Amendment.

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 for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban (RS) district to Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road and having a Parcel Identification Number (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban (RS) zone is more particularly described in DEED BOOK: 1148, PAGE NO: 326 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the recommendation of approval, with Conditions, for a Zoning Map Amendment 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 Resolution 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 adoption, according to law.

First Reading the 27th day of September, 2022

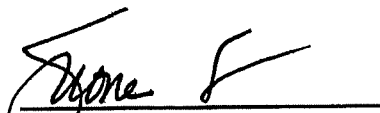
Second Reading the 11th day of October, 2022

Adopted this 11th day of October, 2022 Yes 4 No 0



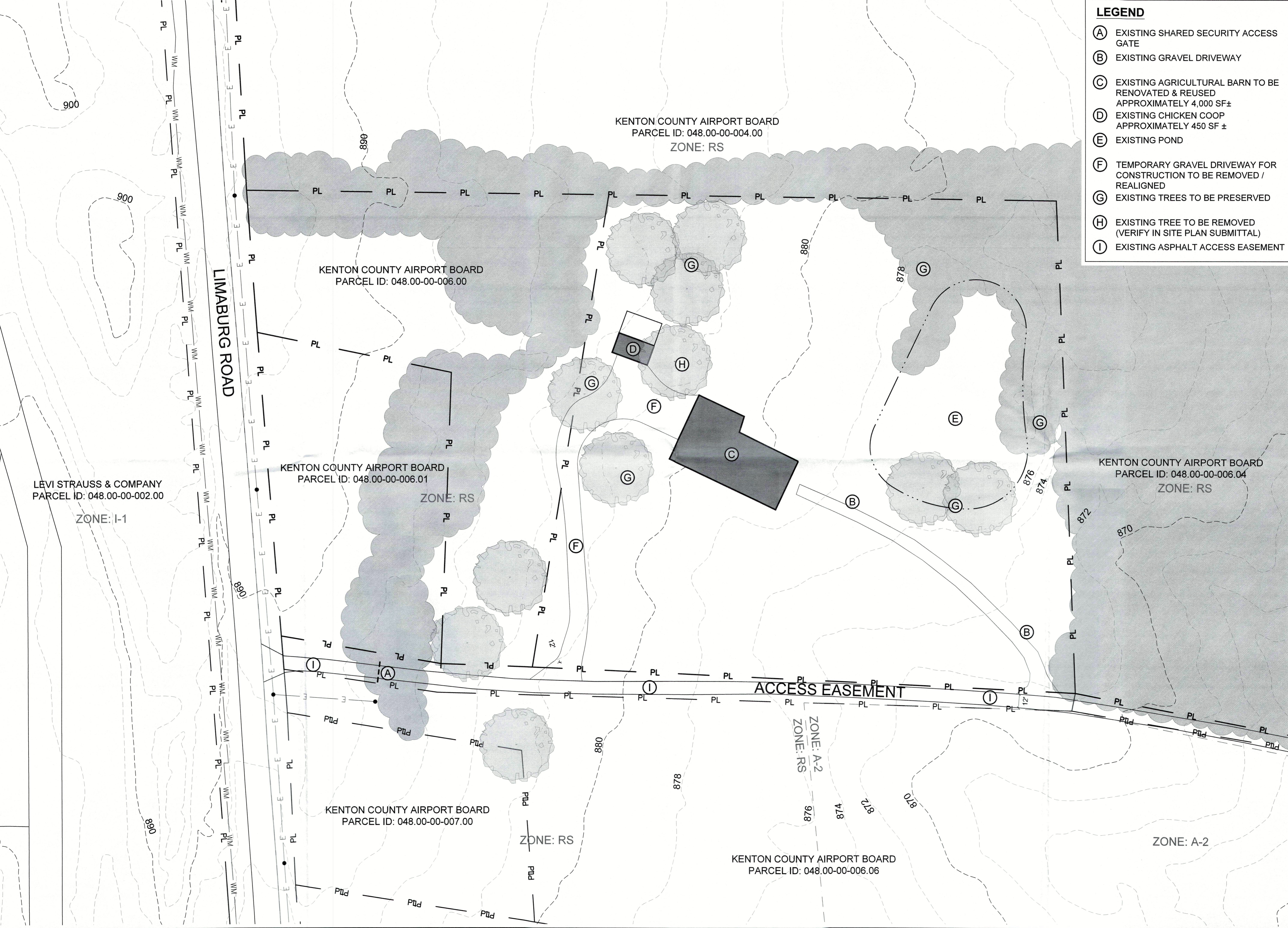
Gary W. Moore, Judge/Executive
Boone County Fiscal Court

ATTEST:

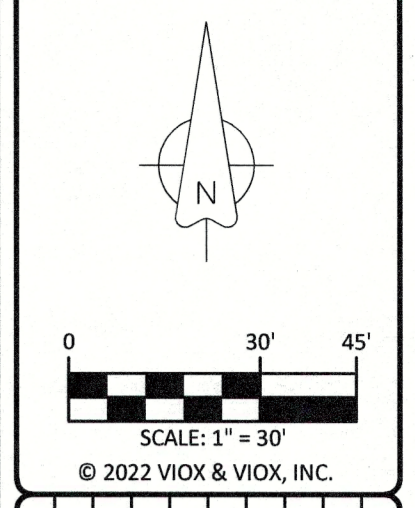


Shona Schulkers,
Fiscal Court Clerk

P:\WORKING\0517\ARTENO PROPERTY_ZONE CHANGE (BOONE COUNTY) (2021)\LAND\WATER\IRRIGATION-CONCEPT PLAN.dwg
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- LEGEND**
- (A) EXISTING SHARED SECURITY ACCESS GATE
 - (B) EXISTING GRAVEL DRIVEWAY
 - (C) EXISTING AGRICULTURAL BARN TO BE RENOVATED & REUSED APPROXIMATELY 4,000 SF±
 - (D) EXISTING CHICKEN COOP APPROXIMATELY 450 SF ±
 - (E) EXISTING POND
 - (F) TEMPORARY GRAVEL DRIVEWAY FOR CONSTRUCTION TO BE REMOVED / REALIGNED
 - (G) EXISTING TREES TO BE PRESERVED
 - (H) EXISTING TREE TO BE REMOVED (VERIFY IN SITE PLAN SUBMITTAL)
 - (I) EXISTING ASPHALT ACCESS EASEMENT



Item	By	Date	Revision

VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 466 Erlanger Road • Erlanger, Kentucky 41018
 402 Lila Avenue • Milford, Ohio 46150
 Ph: Erlanger (859)727-3293 • Ph: Milford (513)576-1000
 www.vioxinc.com

**ARTENO ADVANCED IRRIGATION
 CONCEPT PLAN**
 HEBRON, BOONE COUNTY, KENTUCKY
 EXISTING CONDITIONS

Project No: 155122001	Checked: BMM
Date: 6/30/2022	Ref: TMZ
Sheet: C1.0	

