

12. 1187 Deed Book 39 Page Number 2073 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

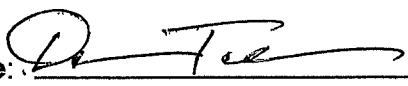
15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):


- | | |
|---|---|
| <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 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 checked="" 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 NOV 4, 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: 8/29/22 Fee Received: \$ 2325.80 Receipt #: 86889

2. Number of Copies Received: 7

3. Has the following been submitted (check all that apply):

- Completed Application
- Concept Development Plan
- Legal Description
- Names and Mailing Addresses of Adjacent Property Owners

4. Date the application is Administratively Complete (as defined in KRS 100.211): _____

5. Staff Reviewer: Alaina

6. Committee Chairperson: Rick Lunnemann

7. Scheduled Public Hearing Date: 10.5.22

8. Boone County Planning Commission Action: _____ Date of Action: 11.2.22

_____ Approved

✓ _____ Approved with Conditions see attached conditions

_____ Denial

_____ Other

9. Resolution Number: _____

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

EXHIBIT

“A”

STAFF REPORT

#4

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.

October 5, 2022

REQUEST

The request is to rezone an approximate 0.4-acre area located at 11568 Dixie Highway from C-1 to I-1 to allow a fitness club, warehouse space, and retail space to occupy the property.

SITE HISTORY

1990 – On January 24, 1990, The Boone County Planning Commission approved a zoning map amendment from A-2 to C-1 to allow a sporting goods store. (R-05-90)

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 1130 (Industrial One District) of the Boone County Zoning Regulations states that "The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact multi-level office

development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area”

- C. Section 1131 of the Boone County Zoning Regulations identifies “recreation centers, gymnasiums and other related recreational facilities” as principally permitted uses in the I-1 District.
- D. 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.”
- E. 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.
- F. 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.”

SITE CHARACTERISTICS

- A. The zoning map amendment has approximately 218 feet of frontage along Dixie Highway, and the entire site has 400 feet of frontage along Dixie Highway.
- B. There is an existing 12,172-fitness club/warehouse space on the site.
- C. There is an existing mobile home and a gravel parking area.
- D. There is an existing stand of mature trees, just past the east property line of the site.

ADJACENT LAND USES AND ZONING

- North: Trucking Compliance Services (I-1)
- South: Enhance Auto (C-1)

East: Norfolk Southern Rail Line (I-1)

West: Industrial Uses (I-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial which is defined as “Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
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. 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).
 6. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking. (Economy Goal B, Objective 3).
 7. 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).
- C. 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).

CONCEPT PLAN

The Concept Plan shows the following:

- A. Provision for 39 parking spaces.
- B. A 6272 Square Foot fitness club.
- C. A 5000 Square Foot warehouse club.
- D. A 900 Square Foot future retail space.
- E. A 2' wide gravel shoulder.
- F. Provision for stormwater/detention .

STAFF COMMENTS

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

1. The east and south property lines meet the required buffer area but no landscaping is shown. A waiver can be requested at the site plan level to waive the landscape requirements in this area.
2. There is no required buffer at the north property line.
3. The applicant is showing a 2' gravel shoulder requested by KYTC and is improving the northwest portion of the site from the existing gravel to seed/sod.
4. Staff would like to know if there will be any outside storage of workout/gym equipment. Outside storage is an accessory use of the I-1 zoning.
5. Any construction or improvements done in the right of way will require an encroachment permit from the Boone County Public Works Department.

CONCLUSION

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

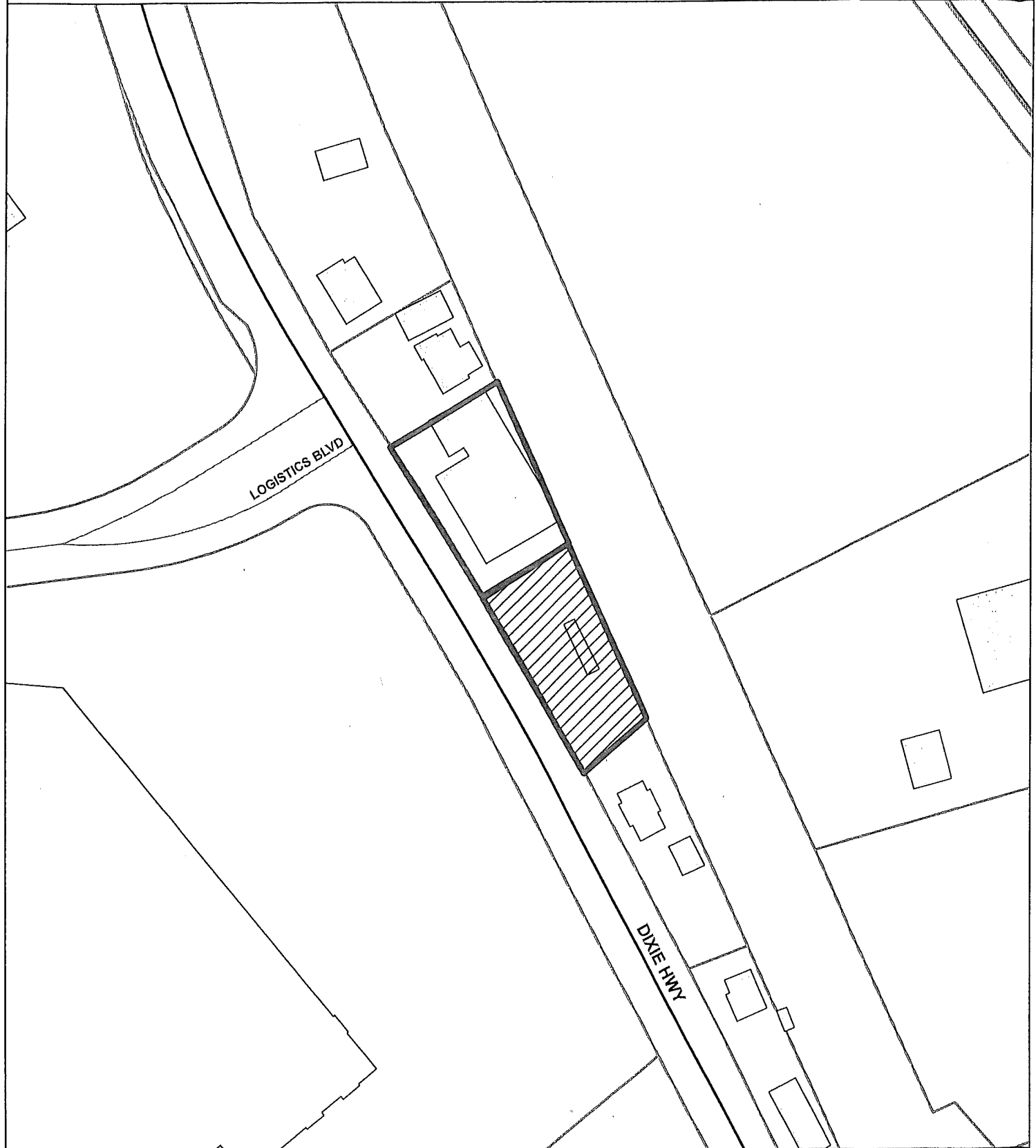
ACH/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan

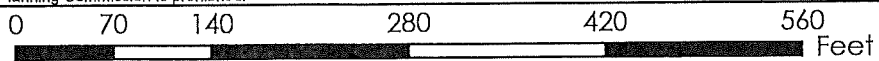
Site Vicinity Map

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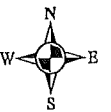
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1 inch = 137 feet



Boone County GIS - Putting Northern Kentucky on the Map

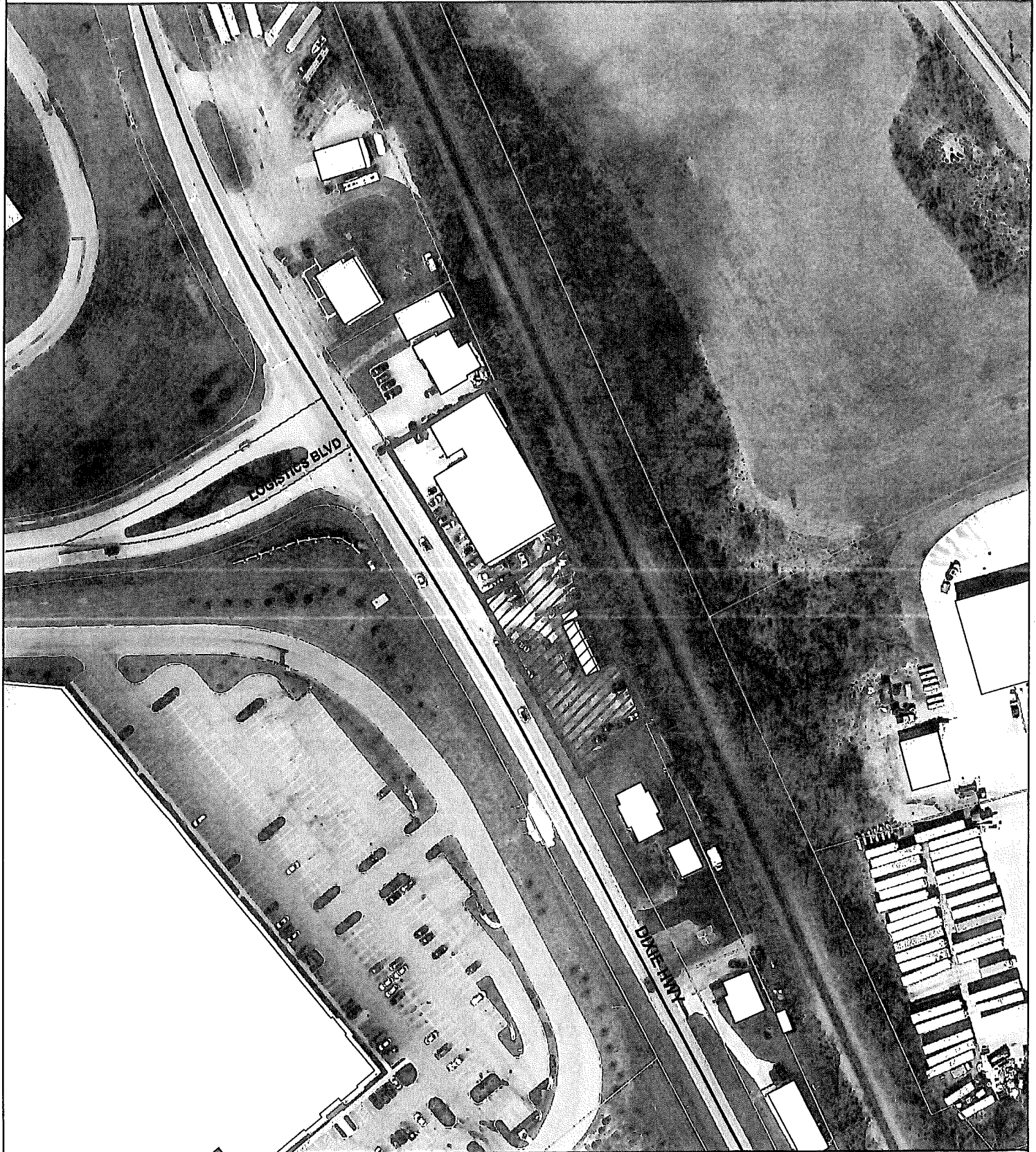


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Aerial Map

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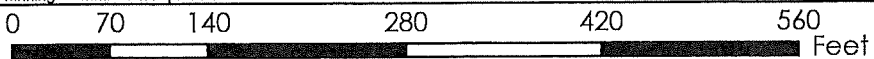
Topography Map

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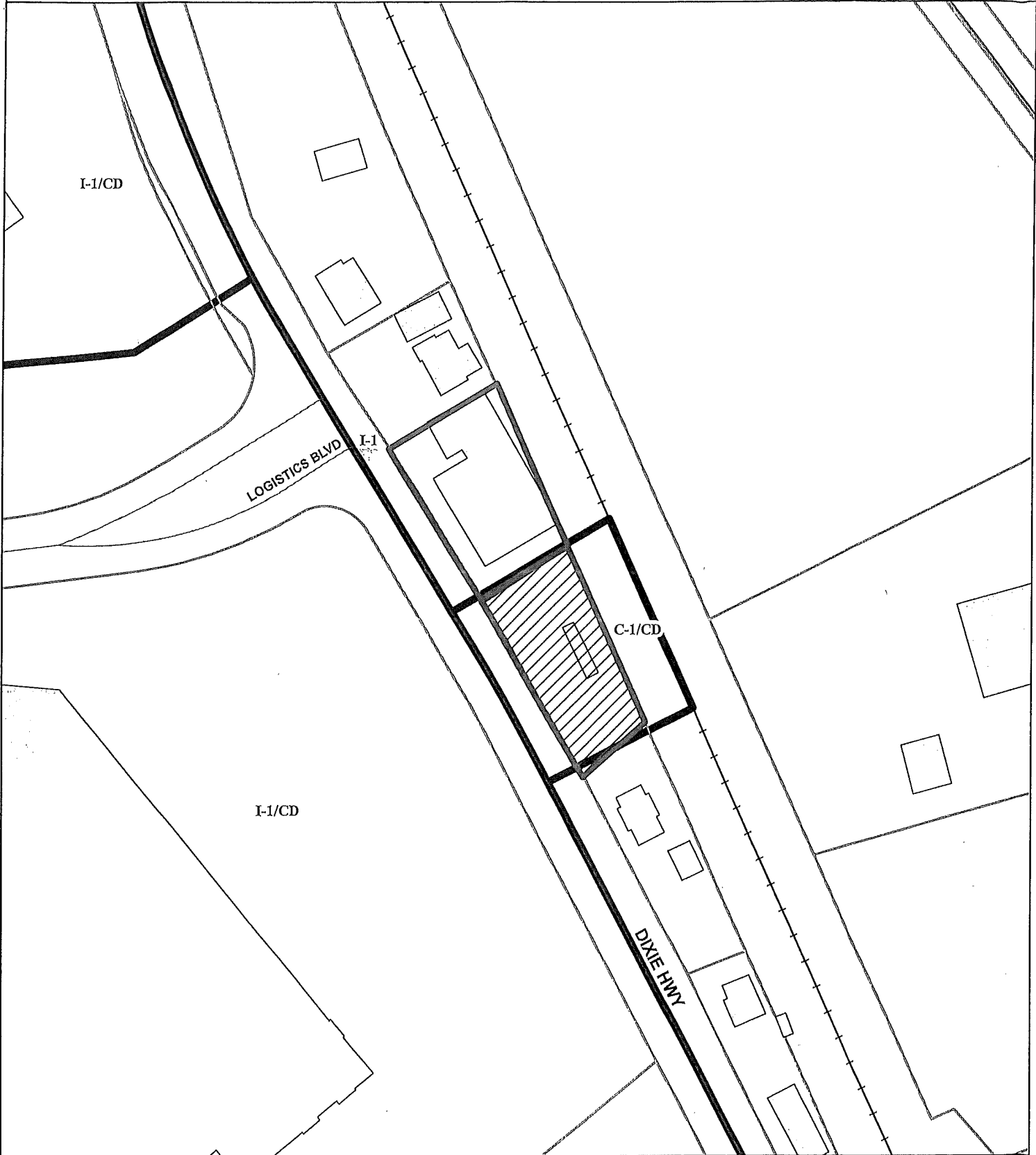


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Zoning Map

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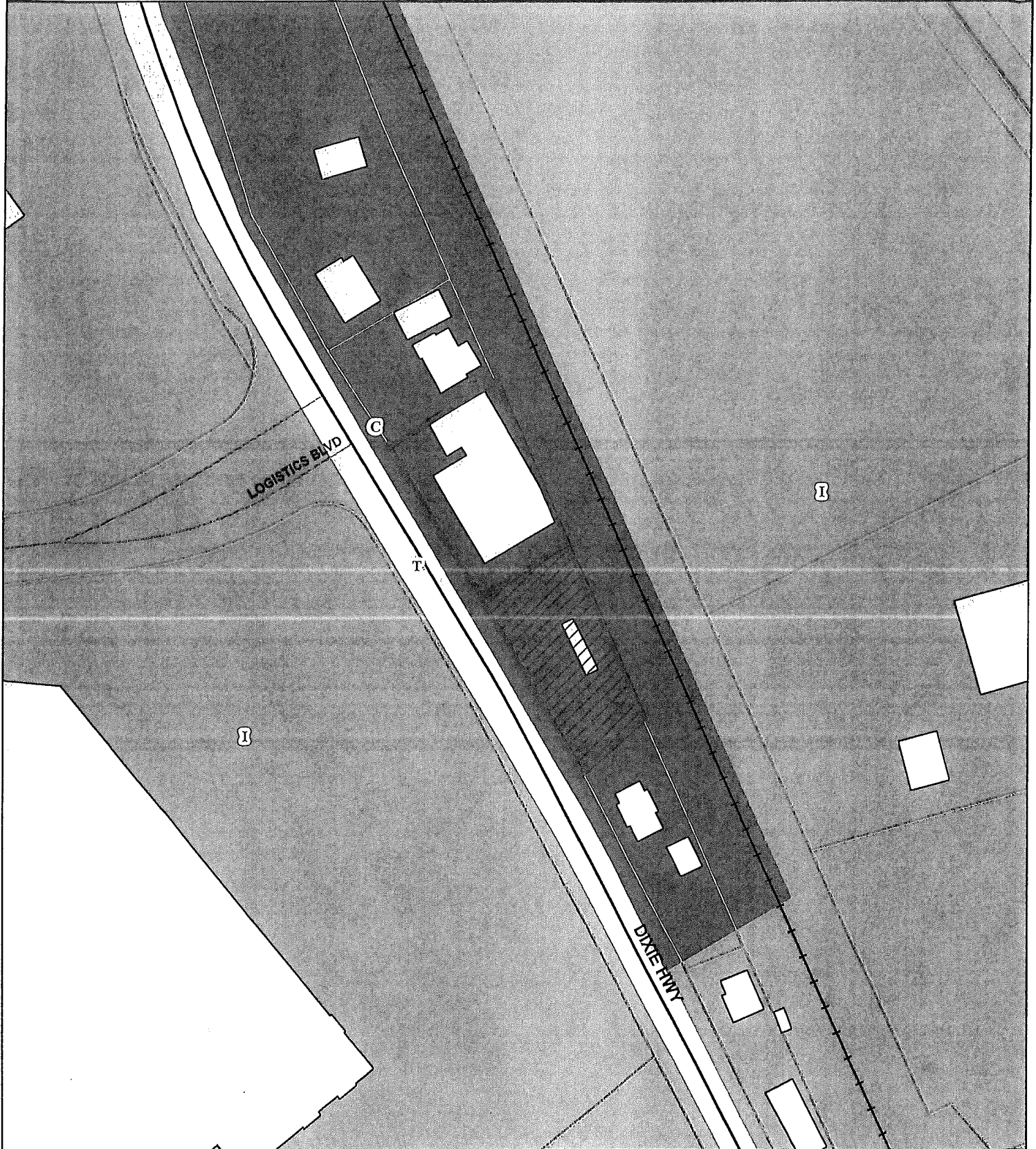
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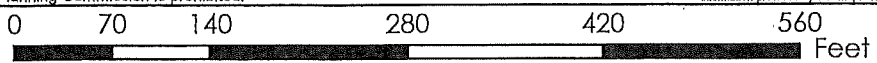
Future Land Use Map

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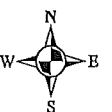
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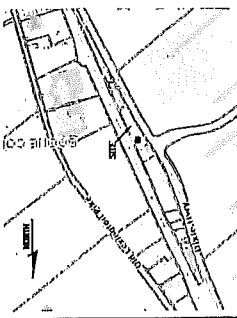


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FITNESS CENTER PARKING IMPROVEMENTS

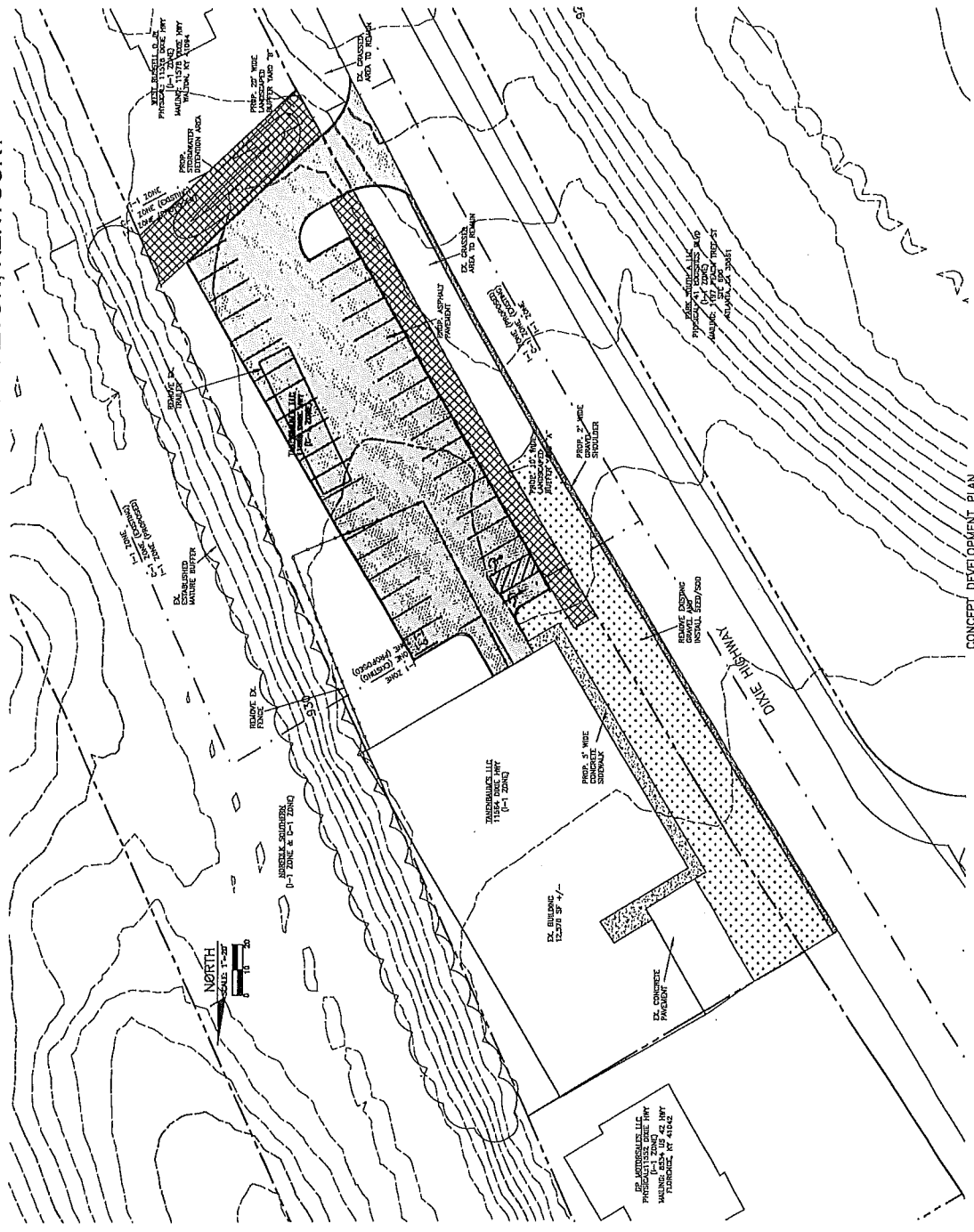
11564-11568 DIXIE HWY WALTON, KENTUCKY



VICINITY MAP
1" = 600'

SITE NOTES

- 1) ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE SPECIFICATIONS.
- 2) THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL OF THE EXISTING UTILITIES (GAS, WATER, SANITARY, ETC.) PRIOR TO CONSTRUCTION.
- 3) ALL UTILITIES SHALL BE PROTECTED AND DEEPENED AS NECESSARY.
- 4) THE EXISTING TRENCH SHOWN ON THE PLAN SHALL BE RECONSTRUCTED.
- 5) THE EXISTING ZONING OF THE SITE IS INDUSTRIAL, ONE (I-1) ZONING, AND (B-1) COMMERCIAL, ONE (B-1) ZONING.
- 6) THE EXISTING ZONING SHALL BE MAINTAINED.
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	<p>MASON CARR Civil Engineering, PLLC 11503 BR BONE RD UNION, KY 41081 (606) 526-2222 FAX (606) 526-2244</p>	<p>TANENBAUMS, LLC 11303 BR BONE RD UNION, KY 41081</p>	<p>CONCEPT DEVELOPMENT PLAN FITNESS CENTER PARKING IMPROVEMENTS 11564-11568 DIXIE HWY WALTON, KENTUCKY</p>	<p>AUG. 2022 202214 1 OF 1</p>
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EXHIBIT

“B”

COMMISSION MEMBERS PRESENT:

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:

Mr. Randy Bessler
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the fourth item on the Agenda at 9:41 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

4. 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.

Staff Member, Alaina Hagenseker, referred to her presentation. The site is approximately 200 feet south of Logistics Boulevard and 0.91 miles south of Richwood Road. It has 218 feet of road frontage along Dixie Highway for this proposed development. In 1990, there was an approved Zoning Map Amendment request that only allowed a sporting goods store. The request is to rezone an approximate 0.4 acre area at 11568 Dixie Highway from C-1 to I-1 to allow a fitness club, warehouse space and retail space. Mrs. Hagenseker described the surrounding zoning and land uses. The Future Land Use Map designates the site for Commercial (C) and not Industrial (I). Pages 3-4 of the Staff Report includes references to the Comprehensive Plan. The submitted Concept Development Plan provides for 39 parking spaces, a 6,272 square foot fitness club, a 5,000 square foot warehouse club, a 900 square foot future retail space, a 2 foot wide gravel shoulder and provisions for stormwater detention.

In addition, Staff had some additional comments about the project. First, the east and south property lines meet the required buffer area but no landscaping is shown. A waiver can be requested at the site plan level to waive the landscape requirements in this area. Second, there is no required buffer at the north property line. Third, the applicant is showing a 2' gravel shoulder requested by KYTC and is improving the northwest portion of the site from the existing gravel to seed/sod. Fourth, Staff would like to know if there will be any outside storage of workout/gym equipment? Outside storage is an accessory use of the I-1 zoning. Fifth, any construction or improvements done in the right of way will require an encroachment permit from the Boone County Public Works Department.

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

Mr. Benjamin Mason, Mason-Carr Civil Engineers, stated that he was representing the applicant and addressed the concerns. They can apply for a waiver of the buffer area if necessary. They are improving a parking area with pavement. There will be no outside storage.

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

Mr. Russell West, 11578 Dixie Highway, stated that he bought his property in 2006. He expressed a concern about 39 parking spaces located about 40 feet from a bedroom window as well as noise (music and car alarms) and traffic. He also noted a concern about security with people coming and going. It could have 156 people in a 4.4 acre parking area. He just received the August 19th letter that was sent to him. He just found out about the extent of the project today. What will it do to his property value? He doesn't want the proposed use.

Mr. Costello asked what is the zoning of the property? Mrs. Hagenseker replied that the whole site is zoned I-1 and C-1. The neighboring property is zoned I-1. Mr. Costello asked if the neighboring property had a pre-existing, non-conforming status for a residential use? He asked Staff to investigate the matter. The fitness center will be located in the existing building. It is a principally permitted use in an I-1 zoning district.

Ms. Randi Winterhalt, 1925 Whispering Trails, stated that the last class in the gym will be at 8:00 p.m. so there won't be any late in the evening activity like noise, music, etc. There is a 5:00 – 6:00 a.m. class but they only have 7 people in each class.


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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 19, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:59 p.m.

APPROVED: 

Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

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:

Mr. Randy Bessler
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the fourth item on the Agenda at 9:41 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

4. 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.

Staff Member, Alaina Hagenseker, referred to her presentation. The site is approximately 200 feet south of Logistics Boulevard and 0.91 miles south of Richwood Road. It has 218 feet of road frontage along Dixie Highway for this proposed development. In 1990, there was an approved Zoning Map Amendment request that only allowed a sporting goods store. The request is to rezone an approximate 0.4 acre area at 11568 Dixie Highway from C-1 to I-1 to allow a fitness club, warehouse space and retail space. Mrs. Hagenseker described the surrounding zoning and land uses. The Future Land Use Map designates the site for Commercial (C) and not Industrial (I). Pages 3-4 of the Staff Report includes references to the Comprehensive Plan. The submitted Concept Development Plan provides for 39 parking spaces, a 6,272 square foot fitness club, a 5,000 square foot warehouse club, a 900 square foot future retail space, a 2 foot wide gravel shoulder and provisions for stormwater detention.

In addition, Staff had some additional comments about the project. First, the east and south property lines meet the required buffer area but no landscaping is shown. A waiver can be requested at the site plan level to waive the landscape requirements in this area. Second, there is no required buffer at the north property line. Third, the applicant is showing a 2' gravel shoulder requested by KYTC and is improving the northwest portion of the site from the existing gravel to seed/sod. Fourth, Staff would like to know if there will be any outside storage of workout/gym equipment? Outside storage is an accessory use of the I-1 zoning. Fifth, any construction or improvements done in the right of way will require an encroachment permit from the Boone County Public Works Department.

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

Mr. Benjamin Mason, Mason-Carr Civil Engineers, stated that he was representing the applicant and addressed the concerns. They can apply for a waiver of the buffer area if necessary. They are improving a parking area with pavement. There will be no outside storage.

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

Mr. Russell West, 11578 Dixie Highway, stated that he bought his property in 2006. He expressed a concern about 39 parking spaces located about 40 feet from a bedroom window as well as noise (music and car alarms) and traffic. He also noted a concern about security with people coming and going. It could have 156 people in a 4.4 acre parking area. He just received the August 19th letter that was sent to him. He just found out about the extent of the project today. What will it do to his property value? He doesn't want the proposed use.

Mr. Costello asked what is the zoning of the property? Mrs. Hagenseker replied that the whole site is zoned I-1 and C-1. The neighboring property is zoned I-1. Mr. Costello asked if the neighboring property had a pre-existing, non-conforming status for a residential use? He asked Staff to investigate the matter. The fitness center will be located in the existing building. It is a principally permitted use in an I-1 zoning district.

Ms. Randi Winterhalt, 1925 Whispering Trails, stated that the last class in the gym will be at 8:00 p.m. so there won't be any late in the evening activity like noise, music, etc. There is a 5:00 – 6:00 a.m. class but they only have 7 people in each class.

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 19, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:59 p.m.

APPROVED: 

Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
NOVEMBER 2, 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 November 2, 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
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the October 19, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes as presented. Mr. Szurlinski 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 October 6, 2022 and November 2, 2022.

EXPENSES:

Attorney Fees	\$ 4,400.00
Consultant/Professional Svcs Fees	2,855.00
Filing Fees (CLURS)	1,050.00
Legal Ads/Recruitment	311.56
Miscellaneous Expense	131.50
Office & Board Meeting Supplies	564.57
Office Equipment / Expense	318.93
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	1,647.50
Professional Development	500.04
Refunds	<u>250.00</u>

TOTAL: \$ 13,034.10

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 4,995.45
Health/Dental/Life/LTD	13,283.93
Retirement – BCPC Portion	24,294.25
Salaries – Staff Expenses	87,228.98
Salaries – BCPC & BOA	<u>1,445.00</u>

TOTAL: \$131,256.61

GRAND TOTAL: \$144,290.71

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

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

1. 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.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request with Ms. Gulick and Mr. Harper voting in favor of 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. Justin Verst, Viox & Viox, Inc., stated that he had nothing more to add. All the conditions made sense and they are in agreement with them.

Seeing no further comment, **Ms. Gulick moved to approve the request by Resolution to the Boone County Fiscal Court and the City of Walton based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Michael Schwartz, Staff

2. 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).

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

Ms. Nicole Chimento, Corporex Parks of Kentucky, Inc., stated that she was present to answer any questions. They agree with the proposed conditions. She showed the revised Concept Development Plan based on the comments made at the Public Hearing. A pool is planned for the courtyard area. The building will be 4 stories in height. Ms. Chimento stated that the Airport was okay with the maximum building height of 65 feet.

Seeing no further comment, **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. Hincks seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

3. 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.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter. She explained that she had the PowerPoint slides available to look at if a Board member wanted to see it at this time.

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

Mr. Damian Tanenbaum, applicant, stated that he owns Triple Crown Athletics. His plan is to move the gym from its current location to the proposed facility. They need the additional space for parking purposes.

Seeing no further comment, **Mr. Lunnemann 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. Mrs. Goetting seconded the motion and it passed unanimously.**

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

4. 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, 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.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). He also referred to some revised drawings on the projector screen. The overall monument sign will be 11' 4" with a 100 square foot sign area. The banners will be 98 square feet in size (14' x7'). Each one will have a custom aluminum frame and the banner over the factory entrance has been reduced to 200 square feet (10' x 20').

The Committee Members present at the Committee Meeting voted unanimously to approve the request with Ms. Gulick and Mr. Harper voting in favor. The applicant has signed the condition letter.

Chairman Rolfsen asked if the custom aluminum frame on the banners was something new? Mr. Costello replied that the applicant mentioned it at the Public Hearing.

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

Mr. Tanner Nichols, applicant, stated that he agreed with the Committee Report.

Seeing no further comment, **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. Patton seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff

5. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Mr. Patton moved to defer the request until the December 7, 2022 Business Meeting. Mrs. Steele seconded the motion and it passed unanimously. The Committee Meeting will be held on November 30, 2022 at 5:00 p.m.

2020 ZONING REGULATIONS UPDATE, Bob Schwenke, Chairman, Michael Schwartz, Staff

6. Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider a series of text and map amendments to the **Boone County Zoning Regulations** and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement **Our Boone County Plan – Plan 2040**. This includes a waiver of the 60-day action requirement per KRS 100.211 (2)(c)(2).

Staff member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and subject to some zoning text and map changes as a result of comments made at the September 21, 2022 Public Hearing (see Committee Report). The Committee Members present at the Committee meeting voted unanimously to approve the request. He mentioned that both the text and map changes implement the Boone County Comprehensive Plan and are consistent with KRS Chapter 100. Mr. Schwartz referred to the proposed changes outlined in the attachments from the Committee Report. Attachment A would allow short term rentals in the City of Walton. Attachment B would add regulations for data centers and would prohibit cryptocurrency mining from being allowed. Attachment C would add or keep active recreation as a permitted use in a C-4 district. Attachment D would allow schools as a conditional use in an I-1 zoning district. Again, a comment was made at the Public Hearing to allow schools. Attachment D also adds colleges and universities as a principally permitted use in an I-1 zoning district. It also would prohibit schools in an I-3 zoning district. Attachment E would allow schools as a principally permitted use in a PF zoning district. Attachment F would modify the accessory dwelling unit regulations to differentiate between accessory units within a principal structure versus one that is separate from a principal structure. There would be no additional lot size requirement if the accessory dwelling unit was located inside the principal structure. The one and a half minimum lot size requirement would only apply to an accessory dwelling unit that is freestanding or outside the principal structure. Also, as part of Attachment A is to modify the parking requirements for short term rentals. If all of the residence is being used for a short term rental, then the two additional parking spaces for the owner are not required.

In regard to the mapping issues, Mr. Schwartz referred to a PowerPoint presentation. Based upon the testimony made at the Public Hearing, the Committee recommended the changes to the following requests (see Committee Report). Map ID 120 was recommended for approval because it would bring all of the buildings on the site into the same zoning area district. Map ID 75 & 101 were recommended to be denied as the property owner (The Boone Conservancy) was not interested at this time. Map ID 105 was recommended to be denied on the basis that the proposed RSE or RS was not consistent with the Future Land Use Map. The existing zoning of A-2 is appropriate at this time. Map ID 106 was recommended to be denied because it was not consistent with the Comprehensive Plan. Agricultural activities can be conducted within the I-1 uses under the KRS 100 Statutes. Map ID 109 was recommended to be denied since the proposed I-1 district is not consistent with the Comprehensive Plan, which designates the site as Urban Density Residential (RD) uses. Map ID 113 was recommended for denial based upon the recommendations of the Comprehensive Plan. Map ID 116 was recommended for denial since the Airport (A) district would not be consistent with the proposed Business Park (BP) uses as well as the proposed A zoning district on the north side of I-275. The A zoning is currently on the south side of I-275. Map ID 119 was recommended to be denied because the proposed I-1 is not consistent with the Comprehensive Plan which recommends residential uses. Map ID 10 was recommended to be rezoned to RSE from C-2 so that the entire 2 lots are zoned RSE. It is more in line with the Future Land Use Map of the RD land use.

Mr. Schwenke moved to approve the request (2020 Zoning Update) by Resolution to the Boone County Fiscal Court and the Cities of Florence, Union and Walton based upon the Committee Report including its Attachments and Findings of Fact. It includes all text and map changes as presented. Mrs. Kegley seconded the motion.

Mr. Schwenke expressed thanks to Mr. Schwartz and the Staff on completing the work. It was a huge endeavor. Chairman Rolfsen agreed that it was a tremendous amount of work. He complimented the Staff.

Mr. Wilson reminded everyone that the motion is in the form of a Resolution that goes to the Fiscal Court and the legislative units for their zoning function. They take final action.

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

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

7. Gateway Rehabilitation Center – 5940 Merchants Street

Mr. Patton moved to defer the request until the December 7, 2022 Business Meeting. Mrs. Steele seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

8. Ashley Home Store – 8040 Burlington Pike

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The request is to modify the colors and the signage on the Ashley Home Store. The request is to have blue, gray and charcoal colors for 6 building mounted signs on the front of the building. Another sign would be placed in the loading dock. This sign replaces one that is already there. The signage totals 779 square feet. Mr. Costello referred to the rendering and pointed out that the rendering actually depicts a darker blue color. That will be the actual color. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Schwartz. Mrs. Clark seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

9. Cougar Point Townhomes – 3215 Cougar Path

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. As part of the original submitted and approved plan by the Planning Commission and Fiscal Court, there was a condition that the applicant was required to submit architectural drawings to the Technical/Design Review Committee for review and approval. Seventeen dwelling units are proposed along with an office building. No access from the current curb cut serving the church will be allowed. A separate curb cut off Cougar Path will be constructed. The buildings will be all brick. He showed renderings of the residential and office buildings. Brick and stone materials are proposed along with a pitched roof. Mr. Schwartz noted that a Major Site Plan for the project was submitted for review. He will check on the type of units and number of bedrooms as requested by Chairman Rolfsen. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Schwartz. Mrs. Goetting seconded the motion and it passed unanimously.

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

10. Turfway Gaming – 7500 Turfway Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The first part of the request deals with the existing jockey building and a new barn. The jockey building will have new brown EIFS and the new barn will be brown metal. The new barn is 30'9" x 61' 3". The second part of the request will be tabled until December 7, 2022. It involves the screening of the RTUs on the roof. Originally, the units were reviewed in May, 2022 but they are much more visible today. Mr. Morgan showed pictures of them. The Committee recommendation is only to approve the first part. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve Part 1 (the design and color of the Paddock area only) of the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Morgan and to defer Part 2 (screening of the rooftop units) until December 7, 2022. Mr. Szurlinski seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT, Michael Schwartz, Staff

11. Request of **Jake's Farm Real Estate Development Company, LLC (applicant)** for **Jake's Farm Real Estate Development Company, LLC and Henry L. Fedders Jr. (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 36.74 acre area located at the southeast corner of the intersection of Richwood Road with Schmidt Lane, including the properties at 731, 733, and 735 Richwood Road, 11704 Schmidt Lane, and the properties having Parcel Identification Numbers (PIDN) of 065.01-02-001.00 and 065.01-02-007.00. The request is for a zone change to allow 160 multi-family residential units within three (3) buildings, 55 attached single-family residential units within nine (9) buildings, 5 detached single-family residential dwellings, and community amenity areas (Deferred from November 2, 2022).

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

12. Request of **Gregory P. Tilsley (applicant)** for **Graeters Properties Limited (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 5.7 acre area located at 8905 US 42, Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two additional eating and drinking establishments, a central plaza area, and interconnected parking facilities.

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

13. Request of **Viox and Viox, Inc., per Michelle Bollman (applicant)** for **Domaschko Properties, LLC (owner)** for a Change in an Approved Concept

Development Plan in an Industrial One (I-1) district for an approximate 6.7 acre area located at 11061 Dixie Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow the construction of a 5,000 square foot building with outdoor truck/trailer parking and an expansion of the off-street parking lot.

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

14. Request of **Vision Engineering, LLC, per Jihad Hillany (applicant) for City of Florence (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 196.5 acre area located at 7500 Turfway Road, Florence, Kentucky. The request is for an amendment to an existing Special Sign District in a Recreation/Planned Development/Houston-Donaldson Study Corridor Overlay (R/PD/GDO) district to allow for an electronic message board/screen.

Mr. Patton moved to schedule the Public Hearing for Items #12, #13 and #14 on December 7, 2022 at 7:30p.m. in the Fiscal Courtroom and Item #11 on December 21, 2022 at 7:00 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.

H. Executive Director's Report: Kevin P. Costello

Mr. Costello referred to his October 26, 2022 Memos. The first involves extending the contract of our current engineer, Jon Brown. He is still pursuing candidates to replace Mr. Brown. **Mr. Patton moved to authorize the Executive Director to extend the contract of Mr. Brown for one month from November 1, 2022 to December 1, 2022 with the same terms. Mrs. Clark seconded the motion and it passed unanimously.** The second item is related to extending the contract with NearMap aerial photography services to the Boone County Planning Commission for one year. **Mr. Patton moved to authorize the Executive Director to extend the contract with Near Map for one year at an amount not to exceed \$20,000 based upon the terms outlined in the memo. Mr. Schwenke seconded the motion and it passed unanimously.**

I. Committee Reports:

- Airport

Mr. Bessler reported that the Committee has a Zoom meeting with the Airport tomorrow at noon.

- 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

Chairman Rolfsen announced that the Board will honor Don McMillian for his 40 years of service to the Planning Commission on November 16, 2022 at 5:30 p.m. in the Planning Commission office. More information will be sent out regarding the event.

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. Steele moved to adjourn the meeting. Mr. Vaught seconded the motion and it passed unanimously. The meeting was adjourned at 7:50 P.M.**

APPROVED



Charlie Rolfsen
Charlie Rolfsen
Chairman

Attest:



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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

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

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

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

October 20, 2022

Damian Tanenbaum
11303 Big Bone Road
Union, Kentucky 41091

RE: 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.

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change/Concept Plan Committee at their October 19, 2022, meeting. If the property owner/developer agrees to the conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office no later than Wednesday, October 26th, 2022.

CONDITIONS

1. The approval shall be based on the submitted Concept Development Plan except as modified by the conditions below. The Zoning Administrator can permit minor changes to the plan.
2. Outside storage will not be permitted.

Sincerely,

Alaina Hagenseker
Planner, Zoning Services

ACH/ss

AGREEMENT

I, Damien Tanenbaum, hereby agree to the conditions listed herein for the above referenced Zoning Map Amendment.

Damien Tanenbaum

10/18/22

Date

AAR

BOONE COUNTY
D1187 PG39

DOCUMENT NO: 870985
RECORDED: May 13, 2022 08:46:00 AM
TOTAL FEES: \$50.00 TRANSFER TAX: \$521.00
COUNTY CLERK: JUSTIN CRIGLER
DEPUTY CLERK: BRADII KRACZEK
COUNTY: BOONE COUNTY
BOOK: D1187 PAGES: 39 - 42
GROUP ID: 2073

File: 80389/Tanenbaums LLC

Return To:

RETURN TO:
DEED
KENTUCKY LAND TITLE AGENCY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

KNOW ALL PERSONS BY THESE PRESENTS:

That CR Real Estate Investment, LLC, a Kentucky limited liability company, for and in consideration of Five Hundred Twenty One Thousand and 00/100 Dollars (\$521,000.00) paid by the Grantee, herein, the receipt of which is acknowledged, does bargain, sell and convey to Tanenbaums LLC, a Kentucky limited liability company, its successors and assigns, the following described real estate, County of Boone and Commonwealth of Kentucky, to-wit:

Property Address: 11564 and 11568 Dixie Highway, Walton, Kentucky 41094
Grantee Mailing Address: 11305 BIG BONE RD, UNION KY 41091
Tax Mailing Address: SAME
Grantor Mailing Address: 12574 Andrews Rd, Walton, Ky 41094

PIDN: 076.00-00-017.00

Group: 2073

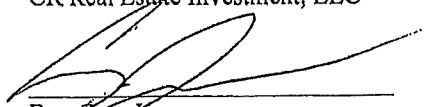
See attached Exhibit "A" for legal description which is incorporated by reference herein.

Being the same property conveyed to the Grantor herein by deed recorded in Deed Book 1153, page 380 of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Grantee, Tanenbaums LLC, a Kentucky limited liability company, its successors and assigns, forever, the Grantor, CR Real Estate Investment, LLC, a Kentucky limited liability company, its successors and assigns hereby covenanting with the Grantee that the title so conveyed is clear, free and unencumbered and that it will warrant and defend the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantor, CR Real Estate Investment, LLC, a Kentucky limited liability company, hereunto sets its hand, this 11th day of May, 2022.

GRANTOR:
CR Real Estate Investment, LLC


By: Cory Jones
Its: Member/Manager

BOONE COUNTY
D1187 PG40

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 11th day of May, 2022, by the Grantor, CR Real Estate Investment, LLC, a Kentucky limited liability company, acting by and through Cory Jones, its Member/Manager, duly authorized pursuant to its resolution, to be its voluntary act and deed.

My commission expires: 1/9/2026

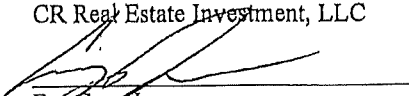
Charla A. Meyer
NOTARY PUBLIC



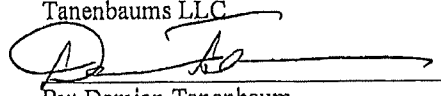
CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantor, CR Real Estate Investment, LLC, a Kentucky limited liability company, and the Grantee, Tanenbaums LLC, a Kentucky limited liability company, in a certain deed dated May 11th, 2022, to which this Certificate is attached, or the authorized representatives thereof, do hereby certify, pursuant to K.R.S. Chapter 382, that the consideration reflected in this Deed is either the full consideration paid or the estimated value of the property interest conveyed therein for said property.

GRANTOR:
CR Real Estate Investment, LLC


By: Cory Jones
Its: Member/Manager

GRANTEE:
Tanenbaums LLC


By: Damian Tanenbaum
Its: Member

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 11th day of May, 2022 by the Grantor, CR Real Estate Investment, LLC, a Kentucky limited liability company, acting by and through Cory Jones, its Member/Manager, duly authorized pursuant to its resolution, to be its voluntary act and deed.


My commission expires: 1/9/2026


NOTARY PUBLIC

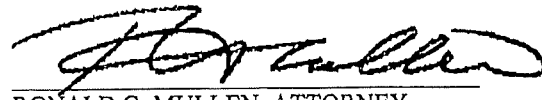
STATE OF KENTUCKY
COUNTY OF KENTON

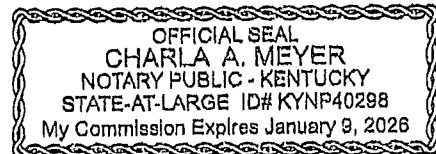
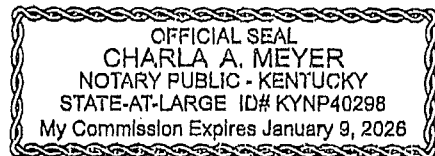
The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 11th day of May, 2022 by the Grantee, Tanenbaums LLC, a Kentucky limited liability company, acting by and through Damian Tanenbaum, its Member, duly authorized pursuant to its operating agreement, to be its voluntary act and deed.

My commission expires: 1/9/2026


NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:


RONALD G. MULLEN, ATTORNEY
KENTUCKY LAND TITLE AGENCY, INC.
2362 Grandview Drive
Ft. Mitchell, KY 41027
(859) 344-1919



BOONE COUNTY
D1187 PG42

EXHIBIT "A"

PIDN: 076.00-00-017.00
Group: 2073

11564 and 11568 Dixie Highway
Walton, KY 41094

Tract One

A certain tract of land lying and being on the East side of U.S. Route #25, on the West side of Norfolk Southern Railroad in Boone County, Kentucky and more particularly described as follows to-wit:

Unless stated otherwise, any monument referred to herein as an "iron pin set" is a 18" long by ½" diameter rebar with a yellow cap stamped "LS 2709". All bearings herein are referred to the west line of Deed Book 158, Page 420.

Beginning at a railroad spike found in the east right of way of U.S. Route #25, a corner to Charles A. Mason, Jr. (Deed Book 530, Page 312); thence with said right of way, S 33°23'17" E – 113.60 feet to an iron pin set, said point being the real point of beginning for this description; thence partitioning the grantors' property with a new made line N 59°39'36" E – 128.50 feet to an iron pin set in the west right of way of Norfolk Southern Railroad; thence with said right of way, S 27°44'42" E – 52.97 feet to an iron pin set, a corner to Eugene and Evelyn Sizemore (Deed Book 158, Page 420); thence with the line of Sizemore, S 59°20'13" W – 123.25 feet to an iron pin found with no cap in the east right of way of U.S. Route #25; thence with the line of said right of way N 33°23'17" W – 53.69 feet to the real point of beginning, containing 0.1539 acres more or less exclusive of all right of ways and easements of record, according to a survey made by Cahill Surveyors, Inc. on May 18, 2001 and being a part of the property conveyed to Eugene and Evelyn Sizemore by Charles and Madeline Steers by deed dated July 8, 1983 and recorded in Deed Book 305, page 271 of the Boone County Court Clerk's Records at Burlington, Kentucky.

Tract Two

A certain tract of land lying and being on the East side of U.S. Route #25, on the West side of Norfolk Southern Railroad in Boone County, Kentucky and more particularly described as follows to-wit:

Unless stated otherwise, any monument referred to herein as an "iron pin set" is a 18" long by ½" diameter rebar with a yellow cap stamped "LS 2709". All bearings herein are referred to the West line of Deed Book 158, page 420.

Beginning at an iron pin found in the east right of way of U.S. Route #25, a corner to Jeanette Ferguson (Deed Book 512, Page 233); thence with said right of way, N 29°40'00" W - 167.25 feet to an iron pin found with no cap; thence N 31°13'41" W – 173.53 feet to an iron pin found with no cap, a corner to Eugene and Evelyn Sizemore (Deed Book 305, page 271); thence with the line of Sizemore, N 59°20'13" E – 123.25 feet to an iron pin set in the west right of way of Norfolk Southern Railroad; thence with said right of way, S 24°35'06" E – 323.30 feet to an iron pin set, a corner to Jeanette Ferguson (Deed Book 512, page 233); thence with the line of Ferguson, S 41°17'00" W – 92.25 feet to the point of beginning, containing 0.7983 acres more or less exclusive of all right of ways and easements of record, according to a survey made by Cahill Surveyors, Inc. on May 18, 2001 and being all of the property conveyed to Eugene and Evelyn Sizemore by Eugene and Zolla Fitzgerald by deed recorded in Deed Book 158, page 420 of the Boone County Court Clerk's Records at Burlington, Kentucky.

Subject to easements and restrictions of record and/or in existence.

2022-30

ORDINANCE 2022-30

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A 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.

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 Commercial One (C-1) to Industrial One (I-1) for an approximate 0.4 acre area located at 11568 Dixie Highway, 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 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 real estate which is the subject of this request for a Zoning Map Amendment in a Commercial One (C-1) zone is more particularly described in DEED BOOK: 1187, PAGE NO: 39 (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 Ordinance and marked as "Exhibit A."

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

Section Three

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


First Reading the 29th day of November, 2022

Second Reading the 6th day of December, 2022

Adopted this 6th day of December, 2022

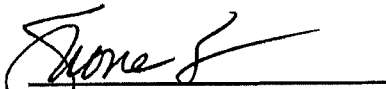
Yes 3

No 0



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

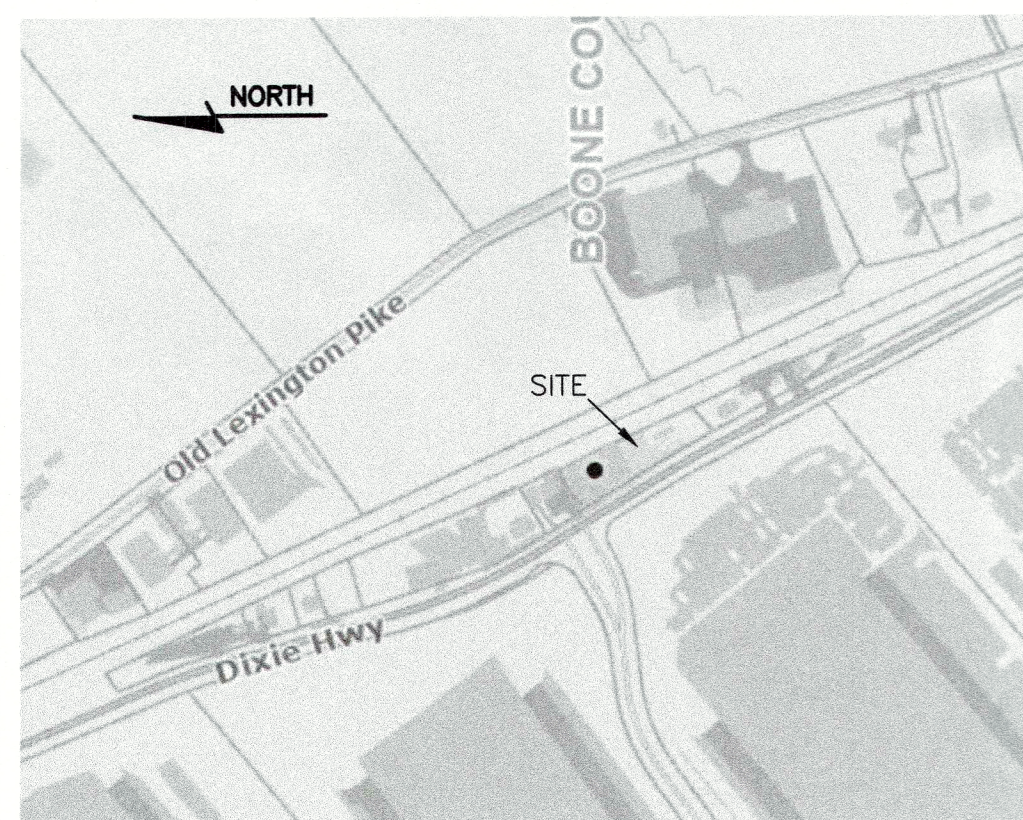
ATTEST:



Shona Schulkers,
Fiscal Court Clerk

FITNESS CENTER PARKING IMPROVEMENTS

11564-11568 DIXIE HWY WALTON, KENTUCKY



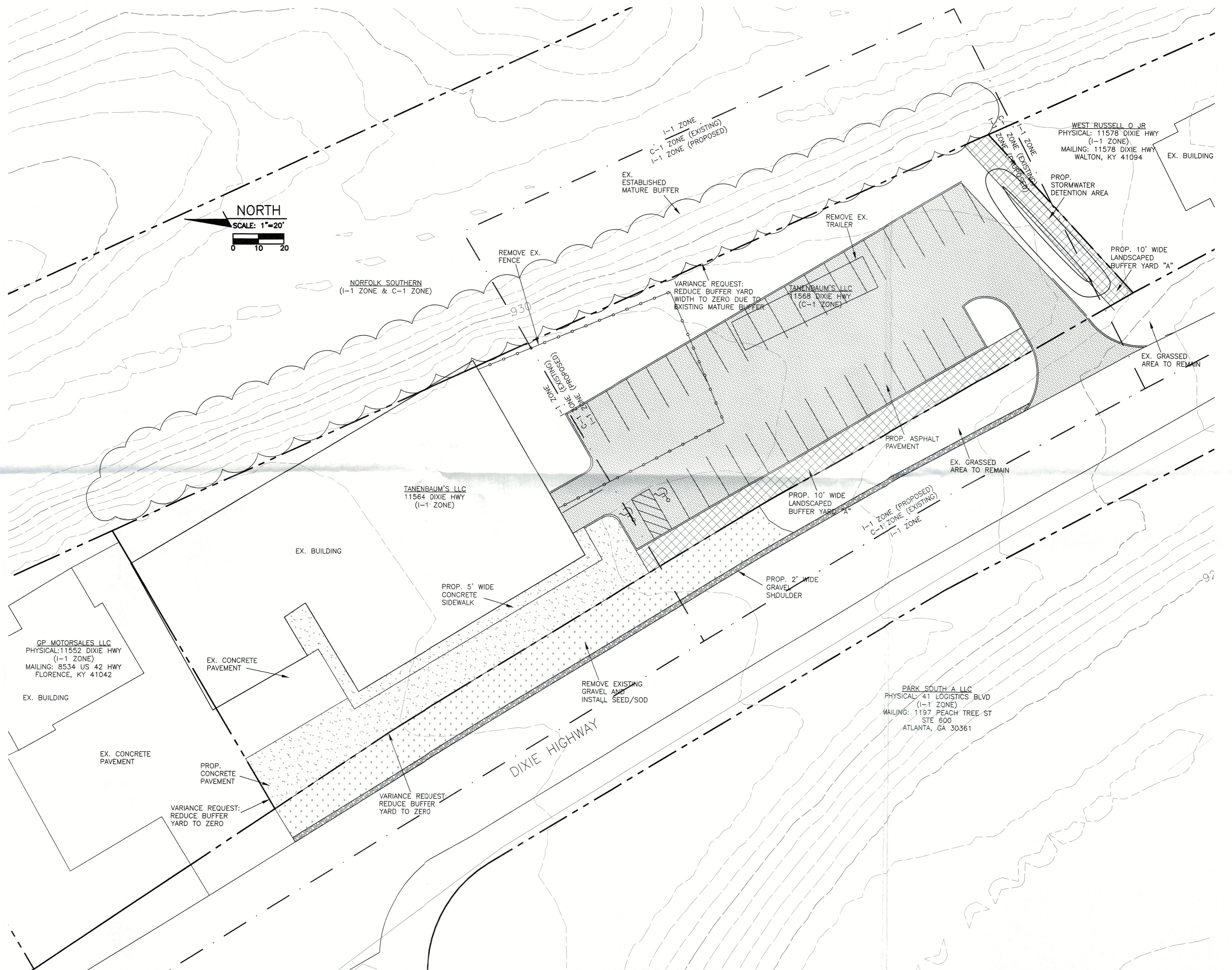
VICINITY MAP
1" = 600'

SITE NOTES

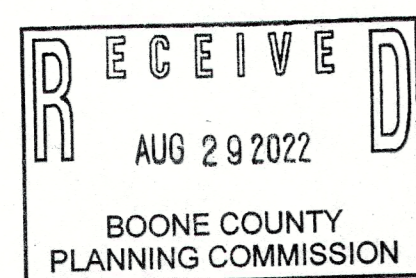
- 1) ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE SECTIONS OF THE BOONE COUNTY ZONING ORDINANCE.
- 2) THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL OF THE EXISTING UTILITIES (ABOVE AND BELOW GROUND) PRIOR TO CONSTRUCTION.
- 3) THE PROPOSED STORM SEWER FACILITIES SHOWN ON THIS PLAN WILL BE CONSTRUCTED AT TIME OF GRADING. HOPE PIPE SHALL BE ADS N-12 OR APPROVED EQUAL.
- 4) THE EXISTING TREES SHOWN ON THE PLAN SHALL BE PROTECTED.
- 5) THE EXISTING ZONING OF THE SITE IS INDUSTRIAL ONE (I-1) AND COMMERCIAL ONE (C-1). THE PROPOSED ZONING IS INDUSTRIAL ONE (I-1).
- 6) WATER SERVICE IS PROVIDED BY THE EXISTING WATER MAIN ON DIXIE HWY. SANITARY SEWAGE SERVICE IS PROVIDED BY PRIVATE SEPTIC SYSTEM.
- 7) PRIOR TO INSTALLING LANDSCAPING WITHIN UTILITY EASEMENTS, A WRITTEN AGREEMENT IS REQUIRED FROM THE GRANTEE OF THE EASEMENT.
- 8) PARKING SUMMARY:
AS PER BOONE COUNTY ZONING CODE, PARKING HAS BEEN PROVIDED AS FOLLOWS:

FITNESS CLUB (6,272 SQ.FT.)---	ONE (1) SPACE PER 200 SQ.FT.
	32 SPACES (REQUIRED)
	33 SPACES (PROVIDED)
WAREHOUSE SPACE (5,000 SQ.FT.)---	ONE SPACE PER EMPLOYEE
	2 SPACES (REQUIRED)
	2 SPACES (PROVIDED)
FUTURE RETAIL SPACE (900 SQ.FT.)---	ONE (1) SPACE PER 250 SQ.FT.
	4 SPACES (REQUIRED)
	4 SPACES (PROVIDED)
- 9) ANY SIGNAGE WILL BE BY SEPARATE PERMIT.
- 10) THE BOUNDARY AND TOPOGRAPHY SHOWN IS AS PER BOONE COUNTY GIS INFORMATION.
- 11) THE PROPOSED IMPROVEMENTS WILL BEGIN IN SPRING 2023, UPON APPROVALS AND PERMITS.
- 12) THESE PLANS ARE CONCEPTUAL IN NATURE AND SHALL NOT BE USED FOR CONSTRUCTION.

*Zoning Map Amendment
With Conditions
APPROVED
Staff Alaina
Date 11.2.22
Boone County
Planning Commission*



CONCEPT DEVELOPMENT PLAN
SCALE: 1"=20'



NO.	REVISION	DATE:	BY:	CHK.



MASON CARR
Civil Engineering, PLLC
P.O. BOX 661 ALEXANDRIA, KY 41001
(513) 260-2982 FAX (859) 635-6841

TANENBAUMS LLC
11303 BR BONE RD
UNION, KY 41091

CONCEPT DEVELOPMENT PLAN
FITNESS CENTER PARKING IMPROVEMENTS
11564-11568 DIXIE HWY
WALTON, KENTUCKY

DATE:	AUG, 2022
JOB NO.:	202214
SCALE:	AS SHOWN
SHEET	1 OF 1