

12. 1153 636 2066A
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 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 3/15/2023

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

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

EXHIBIT

“A”

STAFF REPORT

#1

Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2-acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

February 1, 2023

REQUEST

- A. The request is to rezone a residential parcel to recreation to allow a campground.

CONCEPT PLAN

- A. Provision for a camper and a shed to be on the property.

SITE HISTORY

- A. The site has been zoned RSE since the adoption of the 1980 zoning ordinance.
- B. A violation was issued in June of 2021 for the unapproved fence in the front yard and for the RV/Camper on the property without a principal structure on the site.

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 700 (Recreation) of the Boone County Zoning Regulations states that "The purpose of the Recreation district is to identify, protect, and provide for the use of lands and structures for recreation activities. The purpose is further to ensure compatibility between the scale, extent, character, and location of these uses, surrounding development, local needs for recreation facilities, environmental suitabilities, and the limits of supporting infrastructure."
- C. Section 505.1 of the Boone County Zoning Regulations identifies "campgrounds for recreational vehicles" as a principally permitted use in the R 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.
- G. Section 3645 of the Boone County Zoning Regulations requires a buffer yard C, having a minimum width of 60 feet between development to be provided along the perimeter of the site adjoining a residential district.
- H. Section 4000 of the Boone County Zoning Regulations defines Recreational Vehicles as "A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles pursuant to this definition include motor homes, camper trailers, boats, as well as dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicle may also be considered to be a trailer pursuant to the definition in this article."

SITE CHARACTERISTICS

- A. There is an existing camper on the property.
- B. There is an existing shed on the property.
- C. The site contains 1.19 acres and is located along the west side of Ryle Road, approximately .85 miles southwest of Beaver Road.
- D. The site has approximately 110 feet of frontage along Ryle Road.
- E. Access to the site is from an existing driveway off Ryle Road.

ADJACENT LAND USES AND ZONING

- North: Single family dwellings (RSE)
South: Single family dwellings (RSE)
East: Single family dwellings (RSE)
West: Single family dwellings (A-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Rural Density Residential which is “low density residential uses of up to one dwelling unit per acre.”
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. 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).
 5. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
 6. 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. This site is located in the Big Bone Future Land Use Geographical Area. This geographical area contains the following passages which relates to the proposal:
1. The area of KY 338, from Riddles Run Road to Big Bone Church Road, may see the development of some seasonal homes as well as seasonal camping at Big Bone Lick Historic Site and Boone’s Landing. Land between Ryle Road and Boat Dock Road should not be developed due to steep slopes and poor soil conditions. Big Bone Historic Site should continue to expand in size and quality. (p. 136).
 2. Ryle Road is subject to frequent slippage along the steep river banks. The resulting poor condition of the road limits future residential growth. The existing residential uses along Ryle Road limit potential public access to the river in this area. An effort should be made to connect Big Bone Historic Site with Big Bone Boat Dock. (p. 136).

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. The site currently has a gravel driveway, which is not permitted in the Zoning Regulations. The driveway would need to be changed to a paved surface, or the applicant can apply for a waiver. Staff would like to note that this type of waiver is typically approved only when there are tracked vehicles that break up pavement.
 - a. Buffer Yard C would be required around the perimeter of the site if the property is rezoned to R unless the applicant were to request a Waiver of Requirements, which may be granted by the Zoning Administrator.
2. Staff received a comment from the public which is attached to the staff report.

B. The following issues should be addressed and clarified by the applicant:

1. Will the existing shed be removed?
2. What are the days/hours of operation?
3. What is the maximum number of campers/sites the property will have?
4. The existing fence is not permitted and must be corrected by either removing it, lowering it, or applying for a variance to increase its maximum allowed height.

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.

Respectfully submitted,



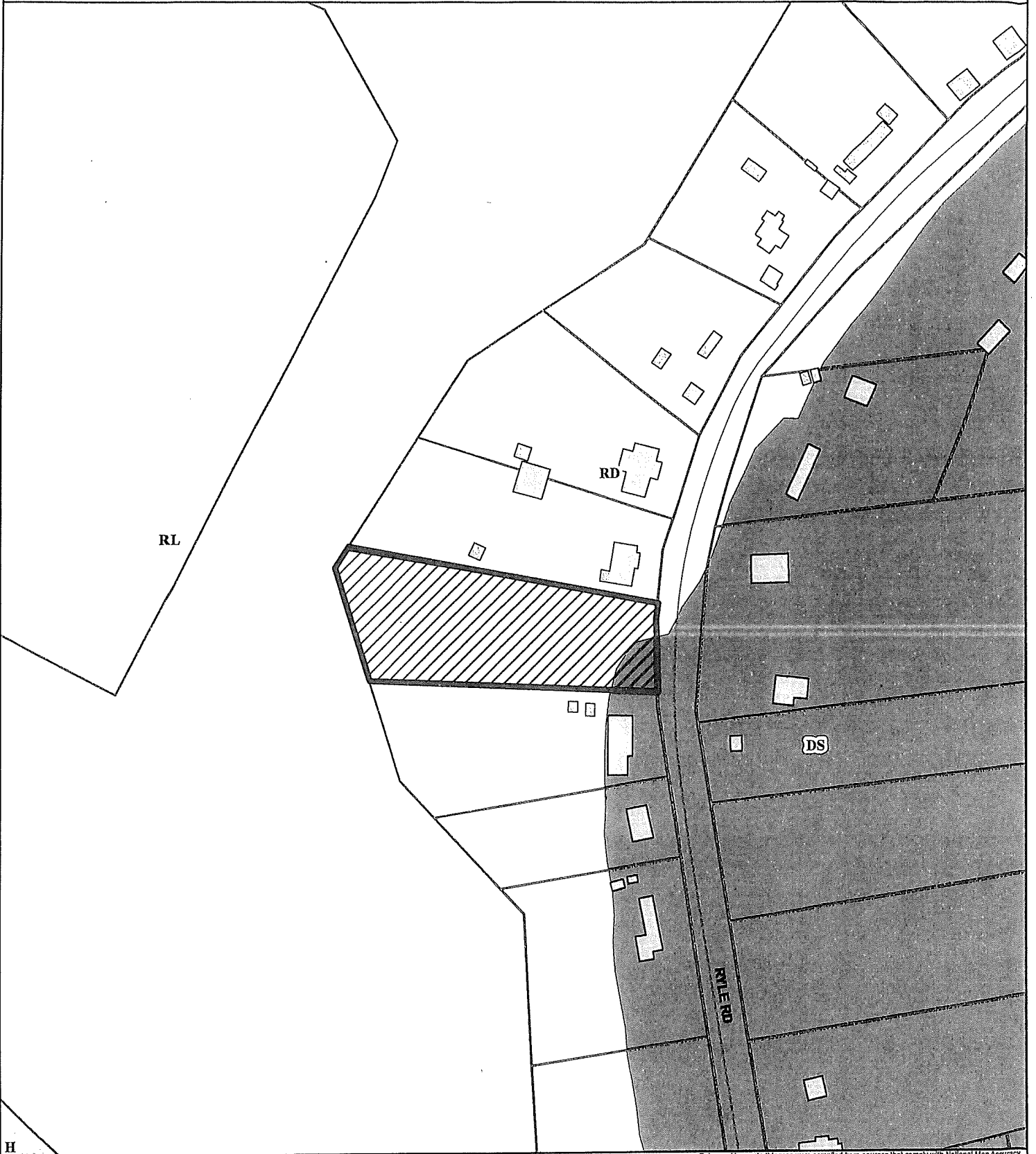
Alaina Hagenseker
Planner
ACH/ss

Attachments:

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

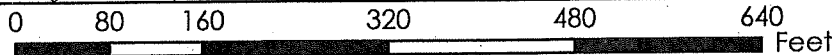
2010 Future Land Use Map

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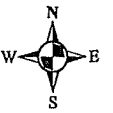
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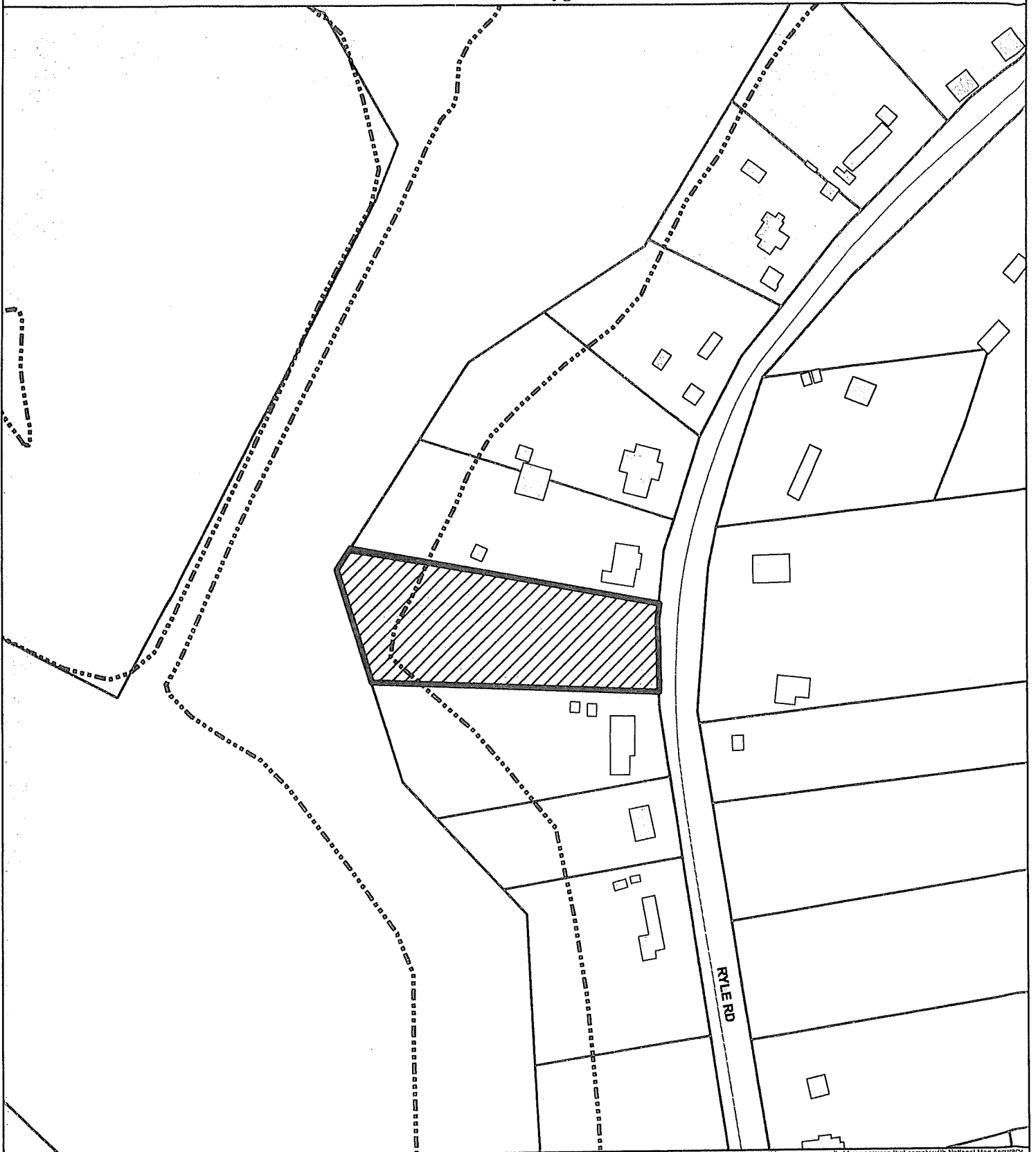


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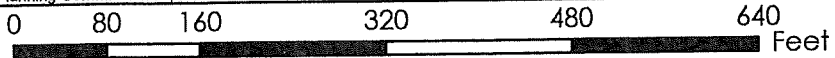
Site Vicinity Map

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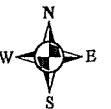
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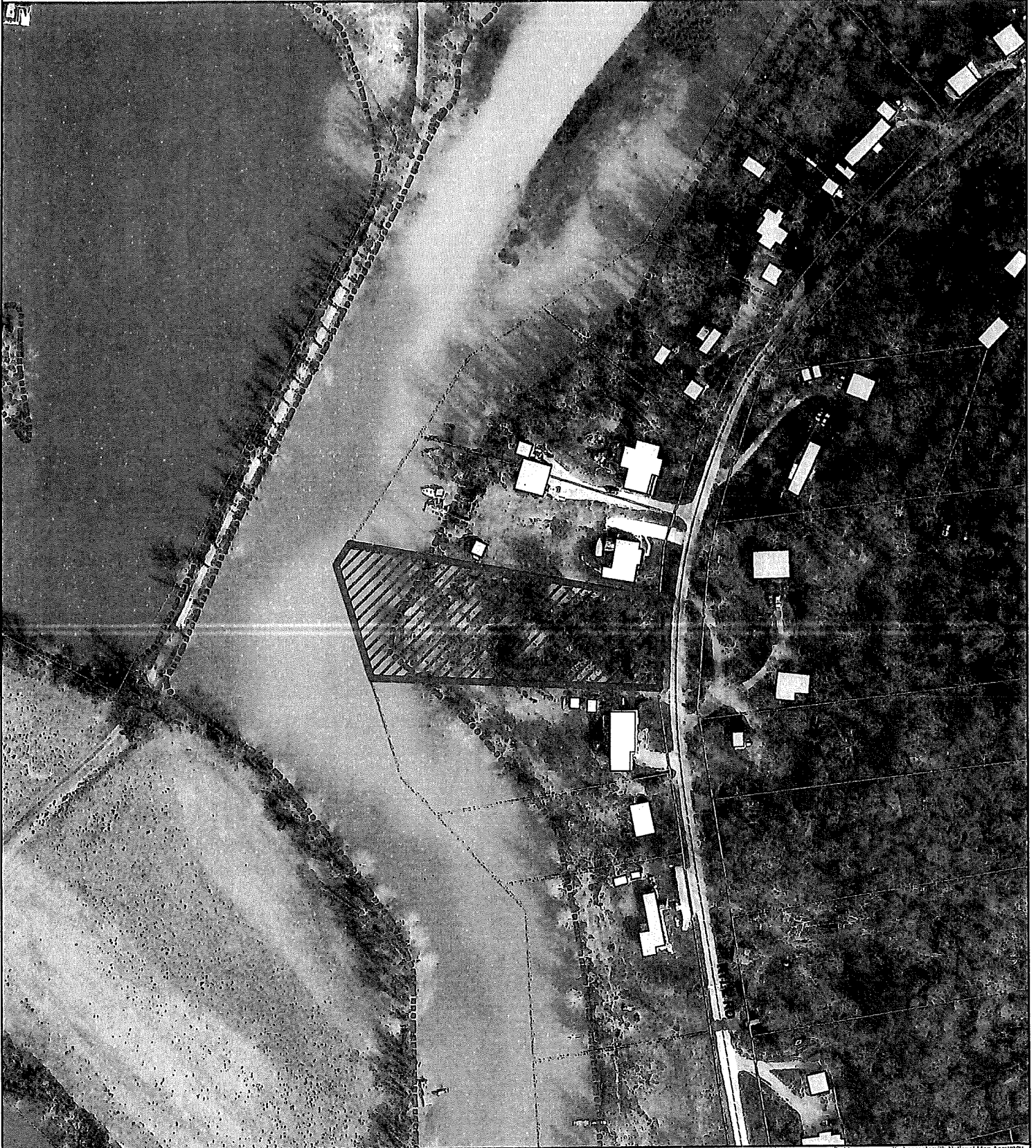


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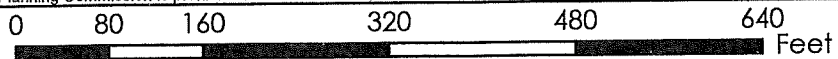
Aerial Map

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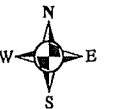
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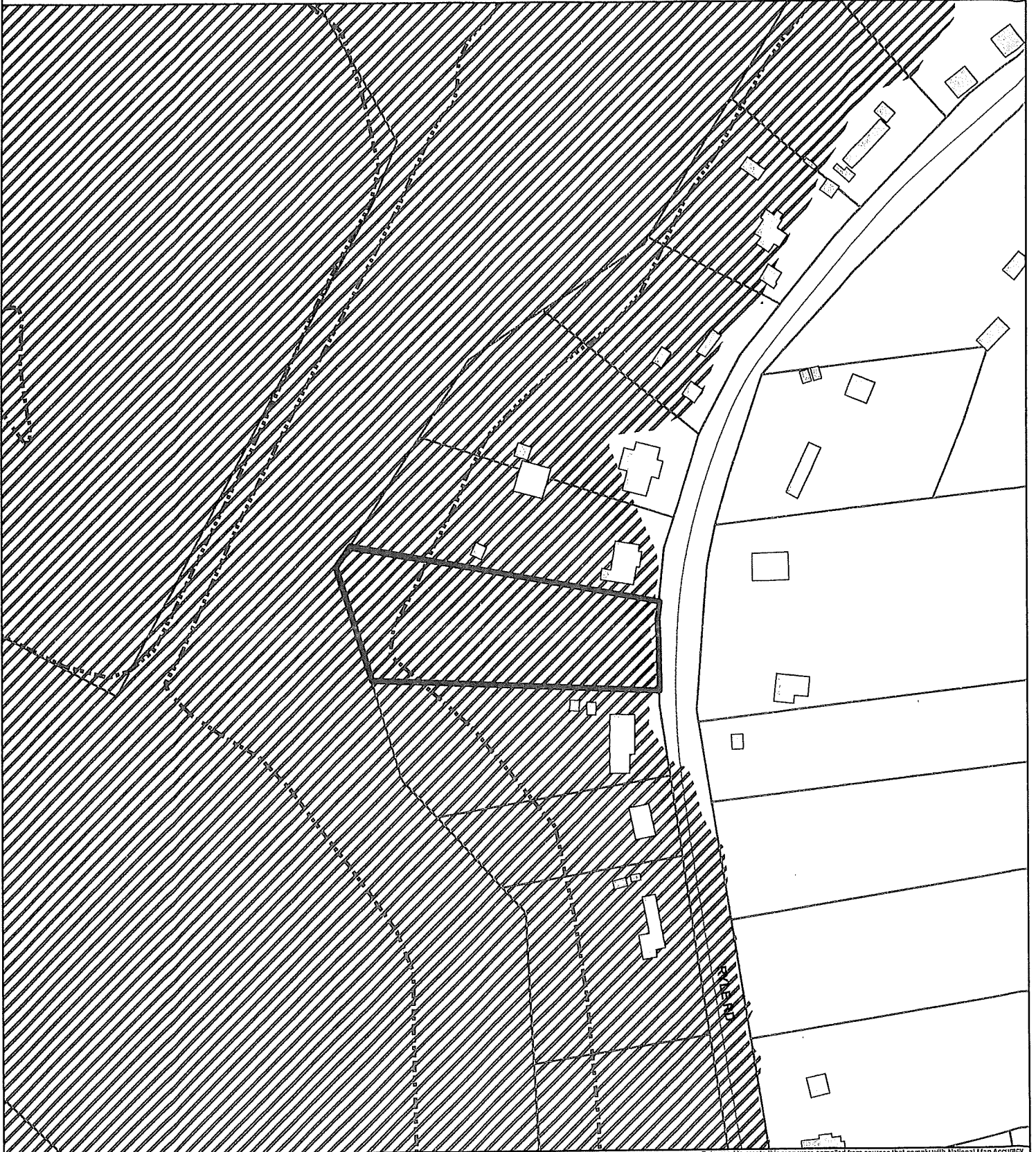


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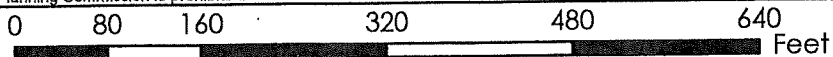
Floodplains Map

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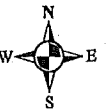
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Topography Map

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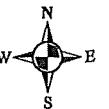
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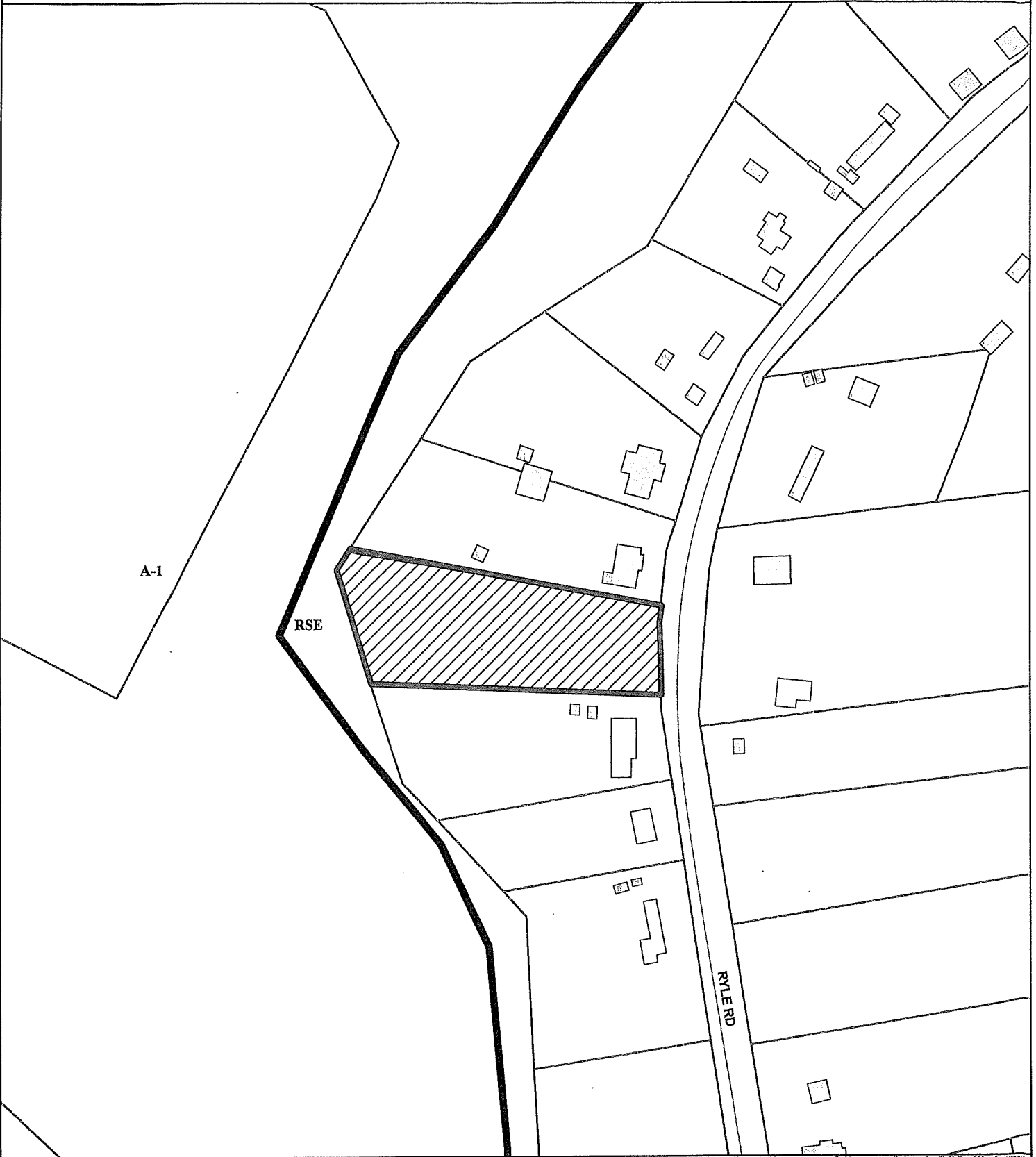


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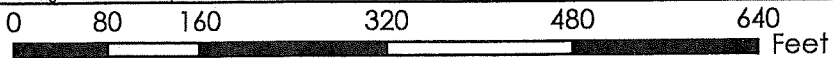
Zoning Map

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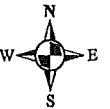


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EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: David Hincks, Chairman

DATE: March 1, 2023

RE: Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2-acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Rural Density Residential which is “low density residential uses of up to one dwelling unit per acre.”
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
 1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. 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).
 5. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
 6. 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).

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Jack Wells

March 1, 2023

Page 2

C. 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. There shall be no more than a maximum of two campers on the property at one time.
2. The existing fence must be removed or lowered; or a variance must be granted by the Board of Adjustment to increase its maximum height.

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: David Hincks, Chairman

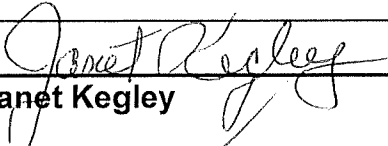
DATE: February 15, 2023

REMARKS:

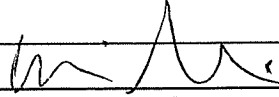
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONING MAP AMENDMENT, David Hincks, Chairman, Alaina Hagenseker, Staff

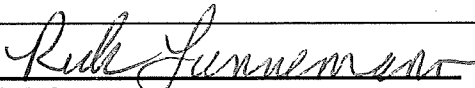
1. Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.



Janet Kegley
For Project Absent
Against Project
Abstain Deferred

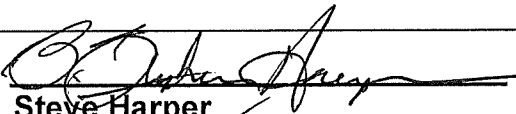


Corrin Gulick
For Project Absent
Against Project
Abstain Deferred



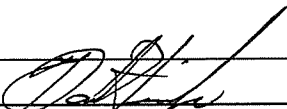
Rick Lunnemann
For Project Absent
Against Project
Abstain Deferred

Kathy Clark (Alternate)
For Project Absent
Against Project
Abstain Deferred



Steve Harper
For Project Absent
Against Project
Abstain Deferred

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



David Hincks (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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
FEBRUARY 1, 2023
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's February 1, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

1. Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is located off Ryle Road. There is an existing camper on the property as well as a shed. The site contains 1.98 acres and is located on the west side of Ryle Road. The site has approximately 110 feet of road frontage. She showed photographs of the site. There was a home on the property. The site is in the flood plain and is surrounded by single family dwelling units. The request is to rezone the site from RSE to Recreation (R) to allow a campground camper. The site is designated for Rural Density Residential (RD) land uses. Pages 2 and 3 of the Staff Report include references to the Comprehensive Plan. A gravel driveway serves the camper. The request is the result of a zoning violation in which the applicant installed a fence and a camper without a principally permitted use or structure. Page 5 of the Staff Report outlines Staff concerns/issues. The first issue is the allowance of a gravel driveway. The applicant can pave it or apply for a waiver. Buffer Yard C would also be required around the perimeter of the site unless a waiver is requested and granted. A comment was received from the public of which is attached to the Staff Report. Staff had a few questions about the proposal. First, would the existing shed be removed? Would the property be turned into a campground for others? What are days and hours of operation? What is the maximum number of campers on the site? Finally, the existing fence must meet the code requirements. It needs to be removed, lowered and a variance needs to be pursued.

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

Mr. Jack Wells, applicant, stated that he heard the concerns and wanted to inform the Board that the property deed allows him to have a house trailer or two campers. The gravel driveway is existing. He just added more gravel. He removed a cabin from the property. He cleaned up the property. The only intent for the property is to have one camper on the property. It is not a campground.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Mr. Michael Lemox, 12491 Ryle Road, stated that what Mr. Wells is doing doesn't bother him. He doesn't want neighbors as he moved out of the city. He likes quiet. He likes the proposed zoning because it will be quiet – no one living there and it will be quiet. It really isn't a campsite. Mr. Wells causes no harm and keeps the property up.

Mr. Jon Soper, 12640 Ryle Road, stated that he and his wife own 11 lots along Ryle Road including the nasty house next to the property in question. He is in favor of the request. It is a

recreational area. He has lived in the area for 25 years. He had a camper too until he built his house. Properties in the area have been used for personal retreats away from the busy area of the County. Every Sunday morning, you hear guns go off and people don't complain. We are used to fireworks going off. It is a recreational thing. The site had so much trash – tires and barrels. Mr. Wells has done a good job cleaning it up.

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

Mr. Schwenke asked what happens years from now? Can we put limitations on the use for the future? Mr. Wells responded that he was okay with a condition limiting the number of campers to 1-2.

Mr. David Smith, 12920 Ryle Road, stated that he has one of the bigger homes along Ryle Road and he expressed a concern that the area would turn into a campground. If you let one, then you have to let another one in along the same road.

Chairman Rolfsen replied that each application is treated on an individual basis and knowing the impacts. Just because one is approved doesn't mean that more have to be approved.

Ms. Gulick asked if there was a history of allowing campers in this area? Is there a way to give the applicant an exception without a rezoning request?

Mrs. Hagenseker replied that one of the neighbors complained about the property to the Zoning Enforcement Officer. Campers are accessory in an RSE zoning district. Since there is no principally permitted use on the site, a camper is not permitted. By rezoning the property to Recreation (R), it would allow a camper to be a principally permitted structure or use. The property is located in a flood plain so a permanent structure would be difficult to build.

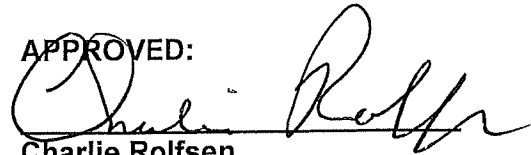
Mr. Hincks inquired about the property deed? Mr. Wells responded that the deed says he can have a house trailer or 2 campers with permission from the Planning Commission.

Mr. Wilson responded that the deed restriction does not take precedent over zoning. Deed restrictions are not public laws or regulations enacted upon by the Planning Commission and an elected body. The new property owner has to comply with both the deed restrictions and zoning.

Ms. Charlotte Curtis, 10776 Sewell Road, asked what defines a campsite? Is it a moveable camper or trailer? Mrs. Hagenseker read the definition of a recreation vehicle from the current zoning code. Mr. Schwartz explained that existing camper cannot be on a lot by itself. He described a campground. The applicant is only requesting 1-2 campers. It is being designated as a campground because it is a principally permitted use. If the applicant wanted to add more campers and amenities, he would have to go through the Public Hearing process again.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:53 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
FEBRUARY 1, 2023
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's February 1, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

1. Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is located off Ryle Road. There is an existing camper on the property as well as a shed. The site contains 1.98 acres and is located on the west side of Ryle Road. The site has approximately 110 feet of road frontage. She showed photographs of the site. There was a home on the property. The site is in the flood plain and is surrounded by single family dwelling units. The request is to rezone the site from RSE to Recreation (R) to allow a campground camper. The site is designated for Rural Density Residential (RD) land uses. Pages 2 and 3 of the Staff Report include references to the Comprehensive Plan. A gravel driveway serves the camper. The request is the result of a zoning violation in which the applicant installed a fence and a camper without a principally permitted use or structure. Page 5 of the Staff Report outlines Staff concerns/issues. The first issue is the allowance of a gravel driveway. The applicant can pave it or apply for a waiver. Buffer Yard C would also be required around the perimeter of the site unless a waiver is requested and granted. A comment was received from the public of which is attached to the Staff Report. Staff had a few questions about the proposal. First, would the existing shed be removed? Would the property be turned into a campground for others? What are days and hours of operation? What is the maximum number of campers on the site? Finally, the existing fence must meet the code requirements. It needs to be removed, lowered and a variance needs to be pursued.

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

Mr. Jack Wells, applicant, stated that he heard the concerns and wanted to inform the Board that the property deed allows him to have a house trailer or two campers. The gravel driveway is existing. He just added more gravel. He removed a cabin from the property. He cleaned up the property. The only intent for the property is to have one camper on the property. It is not a campground.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Mr. Michael Lemox, 12491 Ryle Road, stated that what Mr. Wells is doing doesn't bother him. He doesn't want neighbors as he moved out of the city. He likes quiet. He likes the proposed zoning because it will be quiet – no one living there and it will be quiet. It really isn't a campsite. Mr. Wells causes no harm and keeps the property up.

Mr. Jon Soper, 12640 Ryle Road, stated that he and his wife own 11 lots along Ryle Road including the nasty house next to the property in question. He is in favor of the request. It is a

recreational area. He has lived in the area for 25 years. He had a camper too until he built his house. Properties in the area have been used for personal retreats away from the busy area of the County. Every Sunday morning, you hear guns go off and people don't complain. We are used to fireworks going off. It is a recreational thing. The site had so much trash – tires and barrels. Mr. Wells has done a good job cleaning it up.

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

Mr. Schwenke asked what happens years from now? Can we put limitations on the use for the future? Mr. Wells responded that he was okay with a condition limiting the number of campers to 1-2.

Mr. David Smith, 12920 Ryle Road, stated that he has one of the bigger homes along Ryle Road and he expressed a concern that the area would turn into a campground. If you let one, then you have to let another one in along the same road.

Chairman Rolfsen replied that each application is treated on an individual basis and knowing the impacts. Just because one is approved doesn't mean that more have to be approved.

Ms. Gulick asked if there was a history of allowing campers in this area? Is there a way to give the applicant an exception without a rezoning request?

Mrs. Hagenseker replied that one of the neighbors complained about the property to the Zoning Enforcement Officer. Campers are accessory in an RSE zoning district. Since there is no principally permitted use on the site, a camper is not permitted. By rezoning the property to Recreation (R), it would allow a camper to be a principally permitted structure or use. The property is located in a flood plain so a permanent structure would be difficult to build.

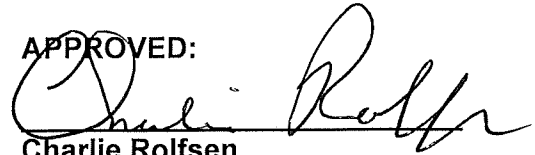
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Mr. Wilson responded that the deed restriction does not take precedent over zoning. Deed restrictions are not public laws or regulations enacted upon by the Planning Commission and an elected body. The new property owner has to comply with both the deed restrictions and zoning.

Ms. Charlotte Curtis, 10776 Sewell Road, asked what defines a campsite? Is it a moveable camper or trailer? Mrs. Hagenseker read the definition of a recreation vehicle from the current zoning code. Mr. Schwartz explained that existing camper cannot be on a lot by itself. He described a campground. The applicant is only requesting 1-2 campers. It is being designated as a campground because it is a principally permitted use. If the applicant wanted to add more campers and amenities, he would have to go through the Public Hearing process again.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:53 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
MARCH 1, 2023
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 March 1, 2023 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mr. David Hincks
Mr. Bob Schwenke
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

None

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 February 15, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? Mr. Costello noted a correction on Page 7 of the February 15, 2023 Public Hearing Minutes, the second complete paragraph. A sentence should be added after the first sentence. It should read, "Mr. Morgan replied that he would follow up with the Airport."

Mrs. Kegley moved to approve the Minutes subject to the change stated by Mr. Costello. Mrs. Goetting 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 February 2, 2023 and March 1, 2023.

EXPENSES:

Accounting Fees	\$	978.40
Attorney Fees		5,400.00
Auto Expense		80.77
Consultant/Professional Svcs Fees		3,131.25
Filing Fees (CLURS)		900.00
Legal Ads/Recruitment		340.44
Miscellaneous Expense		232.54
Office & Board Meeting Supplies		856.80
Office Equipment / Expense		318.78
Postage Expense		500.00
Printing/Pub/Dues/Subscriptions		689.00
Professional Development		<u>653.88</u>

TOTAL: \$ 14,081.86

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$	6,337.98
Health/Dental/Life/LTD		12,832.06
Retirement – BCPC Portion		22,514.32
Salaries – Staff Expenses		86,497.38
Salaries – BCPC & BOA		<u>1,615.00</u>

TOTAL: \$129,796.74

GRAND TOTAL: \$143,878.60

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. Goetting seconded the motion and it carried unanimously.

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

1. 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.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. 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. Jim Bertrum, Engineer, stated that he was available to answer any questions.

Seeing no further comment, **Ms. Gulick 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. Szurlinski seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, David Hincks, Chairman, Alaina Hagenseker, Staff

2. Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. 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?

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. Mr. Harper seconded the motion and it passed unanimously.**

CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Rick Lunnemann, Chairman, Michael Schwartz, Staff

3. Request of **7841 Mall Road LLC, per Jerry Atkins (applicant/owner)** for a Concept Development Plan and Zoning Map Amendment for a Special Sign District for an approximate 0.99 acre area located at 7841 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for the redevelopment of the site, utilizing a portion of the right-of-way of Mall Road, and a Special Sign District to modify the requirements of building mounted and free standing signage.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. There is a signed Committee sheet. 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?

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

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

4. Floor & Décor – Houston Road

Staff Member, Alaina Hagenseker, referred to a PowerPoint presentation. The Committee met prior to the Business Meeting to review the building materials and colors to make sure they comply with the regulations. Staff met with the applicant several times and revised their plans. The Committee recommended approval based on meeting the requirements of the Houston-Donaldson Study. The site is located on Houston Road next to Lowe's. The site was part of an overall plan for Turfway Square.

Mr. Tilton McCoy, Floor & Décor, stated that Phase I of the development will include their store and Phase 2 will include the outlots bordering Houston Road. They hope to start grading the site later this month.

Mr. Costello asked if the proposed project met all the original conditions for the site? Mrs. Hagenseker replied yes. Will they meet the buffer line requirement. The idea was not to be able to see the building from I-75. What about the existing free-standing sign? Will they use it?

Mr. Aaron Douglas, Floor & Décor, responded that the pylon sign on the highway is pretty full but they will look at doing something. It is not critical for them to open and operate their store.

Mr. Lunnemann moved to approve the request as presented by Mrs. Hagenseker. Mr. Szurlinski seconded the motion and it passed unanimously.

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

5. Bosch – 15 Spiral Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The proposed addition is on the back of the building. It will sit back approximately 520 feet from Aero Parkway. The original building was built in the early 1990s and the materials used then do not meet the current Houston-Donaldson Study requirements. The proposed addition will match the same materials and colors used when the building was first built. The 3,200 square foot addition will be used for additional storage.

Mr. Lunnemann moved to approve the request as presented by Mr. Schwartz. Mr. Richardson seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

6. Request of **Terrace Townhomes, LLC, per Brad Trauth (applicant)** for **Terrace Development Co., LLC, per Phil Drees (owner)** for a Zoning Map Amendment from Union Commercial/Planned Development (UC/PD) to Urban Residential One/Planned Development (UR-1/PD) for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky. The request is to allow the development of six (6) attached single-family residential units (this is an amended application that was deferred from March 1, 2023).

ZONING MAP AMENDMENT, Michael Schwartz, Staff

7. Request of **Dinsmore Homestead Foundation Inc, per Barbara Bardes (applicant)** for **Dinsmore Homestead Foundation Inc, per Barbara Bardes and County of Boone, per Jeff Earlywine, County Administrator (owners)** for a Zoning Map Amendment from Conservation (CONS) to Conservation/Planned Development (CONS/PD) for an approximate 9.2 acre area located along the northwest side of Burlington Pike, between Middle Creek Road and Belleview Road, approximately 650 feet southwest of Middle Creek Road, and being part of the properties located at 5656 Burlington Pike and 5700 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow the development of a heritage center building and an off-street parking area.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

8. Request of **Black and Veatch, per Breanne Mocaby, on behalf of Electrify America (applicant)** for **Meijer Stores Limited Partnership, per Matt Levit (owner)** for a Change of 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 0.28 acre portion of the 26.32 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change of Concept Development Plan to allow an electric vehicle charging station.

Ms. Gulick moved to schedule the Public Hearing for Items #6, #7 and #8 on April 5, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.

H. Executive Director's Report:

Mr. Kevin Costello, AICP, referred to his February 22, 2023 memo regarding the Addendum to the Professional Services Contract with enCode Plus. He explained that Staff is gearing up for the 5 year update of the Comprehensive Plan. The Memo explains the services and products offered by enCode Plus. It is the same firm that the Planning Commission used in 2019 to create new format for the 2020 Zoning Update. That format is also being used for the 2023 update of the Subdivision Regulations. The Addendum covers developing a new format for the preparation

and adoption of the Comprehensive Plan update. It also includes creating a new project website.

As a result, Mr. Turner moved to authorize the Executive director to sign the Addendum to the original software license agreement with enCode Plus at a total cost of \$16,750. Mr. Richardson seconded the motion and it passed unanimously.

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
No Report

J. Chairman's Report:

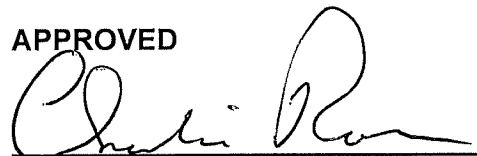
**K. OKI Report: (Randy Bessler)
No Report**

L. Other:

M. Adjournment:

There being no further business to come before the Planning Commission, **Ms. Gulick moved to adjourn the meeting. Mrs. Steele seconded the motion and it passed unanimously. The meeting was adjourned at 7:29 P.M.**

APPROVED



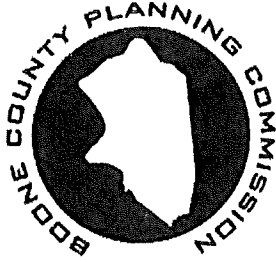
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

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

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

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

February 17, 2023

Jack Wells
1240 Neff Avenue
Cincinnati, Ohio 45204

RE: Request of **Jack Wells (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Recreation (R) for an approximate 1.2-acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00. The request is for a zone change to allow a campground.

Dear Mr. Wells:

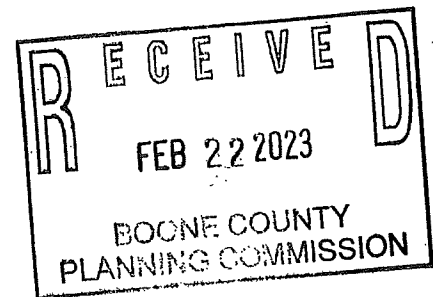
The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change/Concept Plan Committee at their February 15th, 2023 meeting. If the property owner/developer agrees to the conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Monday, February 27th, 2023.

CONDITIONS

1. There shall be no more than a maximum of two campers on the property at one time.
2. The existing fence must be removed or lowered; or a variance must be granted by the Board of Adjustment to increase its maximum height.

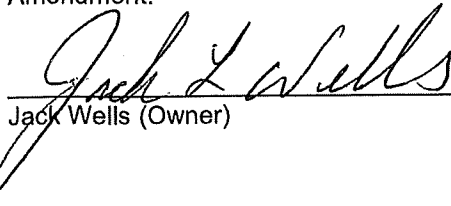
Alaina Hagenseker
Planner, Zoning Services

ACH/ss

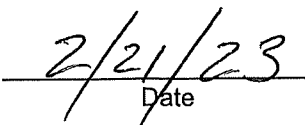


AGREEMENT

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



Jack Wells (Owner)



Date

008

ORDINANCE 2023-06

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST, WITH CONDITIONS OF JACK WELLS (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO RECREATION (R) FOR AN APPROXIMATE 1.2 ACRE AREA LOCATED ALONG THE WEST SIDE OF RYLE ROAD, APPROXIMATELY 0.9 MILES SOUTHWEST OF BEAVER ROAD, HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 031.00-05-010.00, 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 Rural Suburban Estates (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00, 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 Estates (RSE) to Recreation (R) for an approximate 1.2 acre area located along the west side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-05-010.00, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOK: 1153, PAGE NO: 636 (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 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 21st day of March, 2023

Second Reading the 4th day of April, 2023

Adopted this 4th day of April, 2023 Yes 3 No 0


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

ATTEST:


Shona Schulkers,
Fiscal Court Clerk

Zoning map Amendment
with conditions

APPROVED

Staff Alaina Hagensen

Date 3-1-23

Boone County

Planning Commission



Camp in Question