

12. D1198 634-637 2043A
Deed Book Page Number Group Number

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

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

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

- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: <u>N/A</u> |
| <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 April 6, 2023

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

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

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

1. Date Received: 1/24/23 Fee Received: \$1,623.00 Receipt #: 876666
2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: S. Harper
7. Scheduled Public Hearing Date: 3/1/2023
8. Boone County Planning Commission Action: _____ Date of Action: 4/5/2023
 - _____ Approved
 - Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

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

EXHIBIT

“A”

STAFF REPORT

#2

Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

March 1, 2023

REQUEST

- A. The submitted request is to rezone an approximate 0.48 acre area located at 7309 Dixie Highway to allow the existing building to be used as a single-family home for rental.

SITE HISTORY

1938-
1949 Based on information contained in the Boone County GIS, the site was developed with the existing structure. The Boone County PVA website states that the structure was built in 1933.

1974-
1981 Based on information contained in the Boone County GIS, the parking lot between the site in question and the adjoining property to the south was built.

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 904.A of the Boone County Zoning Regulations states that the purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.
- C. Section 505.2 of the Boone County Zoning Regulations identifies single-family dwelling units as a principally permitted use in the SR-2 district.

SITE CHARACTERISTICS

- A. The approximate 0.48 acre area is located along the east side of Dixie Highway, approximately 260 feet north of Shenandoah Drive.
- B. The site is currently occupied by a two-story building with a detached garage.
- C. The site has approximately seventy-five (75) feet of frontage along Dixie Highway.
- D. Access to the site is from one curb cut onto Dixie Highway, which is shared with the lot to the south.
- E. A twenty-one (21) space parking lot exists between the structure on the site in question and the structure located to the south of the site in question.
- F. Topographically, the site is relatively flat.

ADJACENT LAND USES AND ZONES

- North: Saint Paul Church and School (PF)
- South: Offices (SR-2 and C-2)
- East: Parking areas for Saint Paul Church and School (PF)
- West: Vacant undeveloped land (C-2) and single-family residential dwellings (SR-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the front two-thirds of the site for "Commercial" uses and the remainder of the site for "Suburban Density Residential" uses.
 - 1. Commercial is described as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
 - 2. Suburban Density Residential is described as single family housing of up to four units per acre.
- B. Areas to the north and east of the site are identified for Public/Institutional uses and the area to the west of the site is identified for Suburban Density Residential uses.
- C. The Land Use Plan Element of Our Boone County – Plan 2040, states that the Future Land Use boundaries are intended to be approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies (page 99).
- D. 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. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 3. 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).
 4. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 5. 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).
 6. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs. The City of Florence acknowledges the need for affordable housing opportunities, but also desires an equal balance of housing options to maintain a diverse city Demographics Goal B, Objective 1).
 7. 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).
 8. 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).
- E. Dixie Highway is a state maintained arterial street providing for two way traffic within two driving lanes and a center left-turn lane. There are sidewalks along both sides of the roadway.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates that there will be no change to the exterior of the site.
- B. Based upon aerial photography, the site in question, as well as the site immediately to the south of the site in question, was formerly occupied by Morris and Bressler, PSC, Certified Public Accountants, since at least 2007.
- C. The Planning Commission and the City of Florence will need to determine whether it is appropriate for a single-family residential dwelling to be located between a church/school and an office use.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the City of Florence in terms of 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,



Michael D. Schwartz
Director, Zoning Services

MDS/ss

Attachments:

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

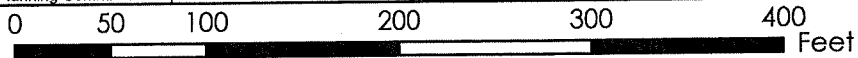
Vicinity Map

www.boonecountygis.com



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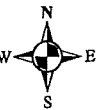
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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2021

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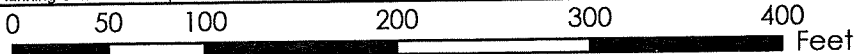
Aerial Map

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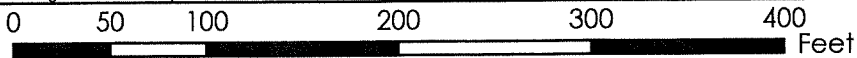
Topographical Map

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ArcMap Document: *.mxd

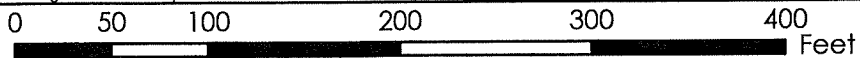
Zoning Map

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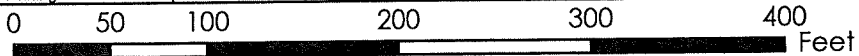
2040 Future Land Use Map

www.boonecountygis.com



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B

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(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Karen Schwary
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4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

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

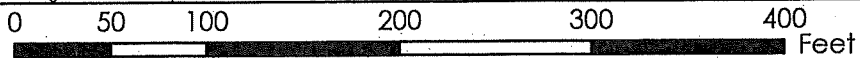
Boone County GIS Map

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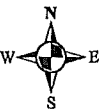
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Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2021

Map File: 12.mxd by: xx/xx/2021
ArcMap Document: *.mxd

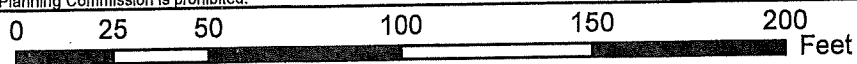
Boone County GIS Map

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1 inch = 50 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

ArcMap Document: *.mxd

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

DATE: April 5, 2023

RE: Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

REMARKS:

1. We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the above referenced Zoning Map Amendment based on the following findings of fact:

FINDINGS OF FACT:

1. The Committee concluded that the proposed SR-2 district, along with the submitted concept development plan, is generally consistent with the Future Land Use Map of the comprehensive plan which identifies a portion of the site for "Suburban Density Residential" uses which is described as single family housing of up to four units per acre.

The proposed SR-2 district permits detached single-family residential dwellings at a maximum intensity of 6.7 units per acre.

2. While a portion of the site is identified for Commercial uses, the Future Land Use Map is not intended to identify precise boundaries. Rather, the Future Land Use Map is intended to provide general descriptions that should be evaluated on a case-by-case basis.

The areas to the north and west of the site in question are identified for Public/Institutional uses, and the areas to the west and southeast of the site in question are identified for Suburban Density Residential uses. Given these factors, it is appropriate to view the entire site in question for Suburban Density Residential uses.

3. The proposed SR-2 district is compatible with the zoning of adjacent areas.

Areas to the north and east of the site in question are currently zoned PF. Areas to the south, southeast, and southwest of the site in question are currently zoned SR-2. Therefore, the proposed SR-2 district would be compatible with these adjoining areas.

4. The proposed SR-2 district, along with the submitted concept development plan, is

reasonable and appropriate.

Areas to the north and east of the site in question are currently occupied by a church, school, and its associated outdoor play areas. Areas to the south, southeast, and southwest of the site in question are currently occupied by residential dwellings. Additionally, the site in question shares a driveway and parking area with the lot to the south, which is currently zoned SR-2. Therefore, the proposed SR-2 district, along with the submitted concept development plan would allow the site to be used in a manner that is consistent with the land uses of adjoining areas.

5. The Committee concluded that the proposed SR-2 district, along with the submitted concept development plan, is generally consistent with several Goals and Objectives of the comprehensive plan.

The submitted plan indicates that the existing building will be used as a residential dwelling.

6. 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 condition is 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 condition:

CONDITION:

1. A garage door shall be installed on the existing detached garage building.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

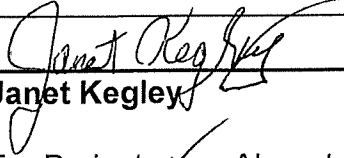
DATE: March 15, 2023

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.

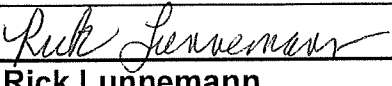
ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff

1. Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.



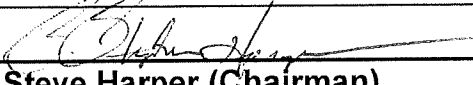
Janet Kegley
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Corrin Gulick
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



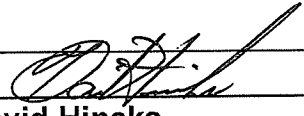
Rick Lunnemann
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

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



Steve Harper (Chairman)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

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



David Hincks
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
MARCH 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 March 1, 2023 Public Hearings.

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 D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the first item on the Agenda.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff

1. Request of **Terrace Townhomes, LLC, per Brad Trauth (applicant)** for **Terrace Development Co., LLC, per Phil Drees (owner)** for a Change of Concept Development Plan for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky, which is zoned Union Commercial/Planned Development

(UC/PD). The request is to allow the development of six (6) attached single-family residential units.

This Public Hearing is postponed and will be rescheduled.

Chairman Rolfsen introduced the second item on the Agenda.

ZONING MAP AMENDMENT, MICHAEL SCHWARTZ, STAFF

2. Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

Staff Member, Michael Schwarz, referred to his PowerPoint presentation (See Staff Report). The request is to use an existing office building as a residence. It is located on the east side of Dixie Highway next to St. Paul's Church and School. The site has a two-story building with a detached garage. It also shares a 21 space parking lot. Mr. Schwarz showed aerial photographs of the subject property and adjoining properties. The site is currently zoned C-2. It doesn't permit single family residential uses. He described the surround zoning. The 2040 Future Land Use Map designates the site as Commercial (C) and Suburban Density Residential (SD) Uses. References to the applicable regulations and the Comprehensive Plan are noted in the Staff Report. The prior use of the property was the former Morris & Bressler CPA business. Adjoining properties showed residential uses. There are no planned changes to the property other than it being a residential use. It will be a single-family rental property.

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

Ms. Karen Schwarz, applicant, stated that the description by Staff is accurate. A garage door will be added to the building. Chairman Rolfsen asked if the backyard would be fenced? Ms. Schwarz replied that if it is required, they would install a fence.

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

Ms. Joanne Nesmith, Principal at St. Paul's, expressed a concern about the safety of her students. Can a sex offender possibly rent the house? How does she monitor the restrictions of where sex offenders live?

Mr. Szurlinski responded that a sex offender must register himself or herself and be monitored by the State Probation and Parole Office. There are a lot of restrictions. The Boone County Sheriff's Office also monitors where sex offenders live. Cooperation with the land owner is always a good

thing. The Kentucky State Police website lists where sex offenders live. The State Probation and Parole Office has to approve the location before a sex offender moves into a residence.

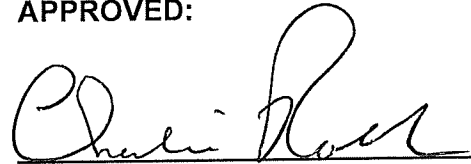
Mr. Costello noted that the rules apply to all residences in the area located close to the school.

Ms. Nesmith stated that she did not care whether the backyard was fenced or not. Her students won't play in that area.

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 March 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:40 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
MARCH 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 March 1, 2023 Public Hearings.

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 D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the first item on the Agenda.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff

1. Request of **Terrace Townhomes, LLC, per Brad Trauth (applicant)** for **Terrace Development Co., LLC, per Phil Drees (owner)** for a Change of Concept Development Plan for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky, which is zoned Union Commercial/Planned Development

(UC/PD). The request is to allow the development of six (6) attached single-family residential units.

This Public Hearing is postponed and will be rescheduled.

Chairman Rolfsen introduced the second item on the Agenda.

ZONING MAP AMENDMENT, MICHAEL SCHWARTZ, STAFF

2. Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

Staff Member, Michael Schwarz, referred to his PowerPoint presentation (See Staff Report). The request is to use an existing office building as a residence. It is located on the east side of Dixie Highway next to St. Paul's Church and School. The site has a two-story building with a detached garage. It also shares a 21 space parking lot. Mr. Schwarz showed aerial photographs of the subject property and adjoining properties. The site is currently zoned C-2. It doesn't permit single family residential uses. He described the surround zoning. The 2040 Future Land Use Map designates the site as Commercial (C) and Suburban Density Residential (SD) Uses. References to the applicable regulations and the Comprehensive Plan are noted in the Staff Report. The prior use of the property was the former Morris & Bressler CPA business. Adjoining properties showed residential uses. There are no planned changes to the property other than it being a residential use. It will be a single-family rental property.

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

Ms. Karen Schwarz, applicant, stated that the description by Staff is accurate. A garage door will be added to the building. Chairman Rolfsen asked if the backyard would be fenced? Ms. Schwarz replied that if it is required, they would install a fence.

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

Ms. Joanne Nesmith, Principal at St. Paul's, expressed a concern about the safety of her students. Can a sex offender possibly rent the house? How does she monitor the restrictions of where sex offenders live?

Mr. Szurlinski responded that a sex offender must register himself or herself and be monitored by the State Probation and Parole Office. There are a lot of restrictions. The Boone County Sheriff's Office also monitors where sex offenders live. Cooperation with the land owner is always a good

thing. The Kentucky State Police website lists where sex offenders live. The State Probation and Parole Office has to approve the location before a sex offender moves into a residence.

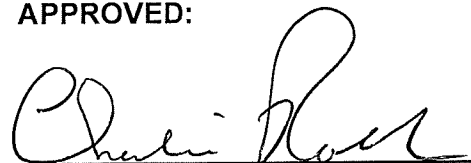
Mr. Costello noted that the rules apply to all residences in the area located close to the school.

Ms. Nesmith stated that she did not care whether the backyard was fenced or not. Her students won't play in that area.


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 March 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:40 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
APRIL 5, 2023
7:00 P.M.**

Secretary/Treasurer Jackie Steele opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's April 5, 2023 Business Meeting. Mrs. Steele then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Ms. Corrin Gulick, Vice Chairwoman
Mr. Charlie Rolfsen, Chairman
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Secretary/Treasurer Steele stated that the Commissioners received copies of the Minutes from the March 15, 2022 Business Meeting. She asked if there were any other comments or corrections?

Mr. Szurlinski moved to approve the Minutes as presented. 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 March 2, 2023 and April 5, 2023.

EXPENSES:

Accounting Fees	\$ 1,562.00
Attorney Fees	4,400.00
Auto Expense	201.10
Consultant/Professional Svcs Fees	19,691.25
Filing Fees (CLURS)	1,350.00
GIS Operations	9,985.00
Legal Ads/Recruitment	577.52
Miscellaneous Expense	196.00
Office & Board Meeting Supplies	712.49
Office / Equipment Maintenance	335.49
Office Equipment / Expense	3,260.65
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	758.00
Professional Development	130.00
Refunds	<u>300.00</u>

TOTAL: \$ 43,959.50

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,725.05
Health/Dental/Life/LTD	12,187.41
Retirement – BCPC Portion	28,142.91
Salaries – Staff Expenses	105,362.82
Salaries – BCPC & BOA	1,360.00
Unemployment Insurance	<u>298.41</u>

TOTAL: \$155,076.60

GRAND TOTAL: \$199,036.10

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

ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff

1. Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and one Condition. The vote was unanimous with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Mr. Hincks voting in favor of the request. The applicant has signed the condition letter.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Seeing no further comment, **Mr. Harper 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 one Condition. Mrs. Clark seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff

2. Request of **WCG Holdings, LLC, per Justin Cooper (applicant) for Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County, Kentucky, which is zoned Industrial One (I-1). The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Mr. Hincks voting in favor of the request. The applicant has signed the condition letter.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Steve Berling, project Engineer, stated that the owner is out of town and that he is available to answer any questions.

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.**

ZONING MAP AMENDMENT, Steve Harper, Chairman, Michael Schwartz, Staff

3. Request of **Erpenbeck Consulting Engineers Inc., per Kevin Boerger (applicant) for Robert J. Lightner (owner)** for a Zoning Map Amendment from Agricultural Estate/Union Town Overlay (A-2/UTO) and Rural Suburban

Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development/Union Town Overlay (PF/PD/UTO) for an approximate 26 acre area located at 9486 Old Union Road, Union and Boone County, Kentucky. The request is for a pre-school, K-12 school, baseball and softball fields, soccer field, tennis courts, and playground area.

Mr. Kevin P. Costello, AICP, explained that the Zone Change Committee previously met and voted 2-2 on the request. The Planning Commission's policy is to instruct Staff to draft Findings of Fact for Approval with Conditions and Findings of Fact for Disapproval (Denial). Both sets are read to the full Board with the Findings of Fact that reflect the Committee Chairman's vote first. Mr. Costello asked Mr. Schwartz to read both sets of Findings of Fact for Disapproval (Denial) read first based upon Mr. Harper's Committee vote. Mr. Schwartz read the Findings of Fact for Disapproval (Denial) and the Findings for Approval with Conditions and both sets of Findings were distributed to the full Planning Commission. Mr. Schwartz noted that it was a tie vote with Mr. Harper and Mr. Lunnemann voting against the request and Mrs. Kegley and Mr. Hincks voting in favor of the request. He also noted that the applicant/owner has not signed the condition letter since he is concerned about Condition #6.

Secretary/Treasurer Steele asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Wes Lightner, representing the owner, noted that he also has a concern about Condition #2. It feels redundant. It is already covered in Conditions #1 and #5. A left turn lane is not warranted according to the Traffic Study until 400 students and not 250 students. He prefers to use the 400 student amount in accordance with the Traffic Study. A left turn lane is not warranted in Phase 1 or with 250 students. The school will be built in phases. Today the school only has 56 students. We may never see 400 students. We just want to be prepared. Phase 3 is there for potentials. Condition #6 seems redundant as they have to abide by the materials noted in the Union Town Plan. They have a strong record on integrity and don't want to intrude on others. The school will be great to everyone that surrounds them. Mr. Lightner noted that Potter's Ranch is 35 years old and it is Kentucky's best secret. They are the only dyslexic school in the area. The subject property is perfect for the services they offer.

Mr. Mark Stefanski, Rainbow Terrace, noted the Comprehensive Plan states that private schools are needed but location matters. The 2040 Future Land Use Map designates this area for low density residential. Residential is appropriate and is the best for the property. The proposed school and gym is a massive 80,000 square foot structure. The parking lot will be wedged in between residences and a horse farm. The proposed project does not allow for a transition of land uses. Also, buffer waivers are being requested. There is no connectivity between the school playgrounds and the neighborhood. The school does not serve the neighborhood. It serves kids from Boone, Kenton and Campbell Counties. The school can be located anywhere and does not need to be at the proposed location. Schools in residential neighborhoods are planned from the beginning – Erpenbeck Elementary and Ballyshannon Middle School. These schools were planned from the beginning. Other schools are located near an interstate, public facility or commercial area. The applicant's Traffic Study noted only 148 cars would drop off kids with 3 drop off and pick up lines. A 6.6 second per car drop off time is unreasonable. Adding another 2 lanes does reduce the time but not by two-thirds. Kids crossing the lanes will slow the process down and result in stacking on Old Union Road. The State relied on the Promenade Traffic Study. No crash studies were used and traffic from other developments were used. Over 2,000 homes will be built in the immediate area. It will become a traffic nightmare from the proposed

the impact of the Promenade project and the Town Center project. The proposed project is not appropriate. He respectfully asked the Board to deny the request.

Mr. Costello explained that any Board Member can make a motion to either approve the request subject to conditions or deny the request.

At this time, Mr. Harper stated that the request is a very worthwhile project. It seems to be a very good school that would bring something to the County. He was impressed with all of the testimony at the Public Hearing and the applicant was willing to make some improvements to their original plan. Still the traffic issue will be a particular problem at this location. Also, the existing zoning on the property is the appropriate zone for the property. It is a large growing residential area. For that reason, **Mr. Harper moved to deny the request by Resolution to the City of Union and the Boone County Fiscal Court based upon the Findings of Fact for Disapproval as stated by Staff. Mr. Lunnemann seconded the motion** because of traffic concerns and traffic capacity in the area. He noted that the Committee worked very hard to resolve those issues and the applicant didn't think the traffic improvements were necessary now and he disagreed. He expressed a concern that he thought the applicant agreed with conditions at the Committee Meeting but changed their mind at the last minute.

Mr. Wilson asked if Mr. Harper and Mr. Lunnemann were relying on the Report recommending disapproval? Mr. Harper and Mr. Lunnemann replied yes.

Mrs. Kegley stated that she voted for approval of the project at the Committee level. She also voted on the Conditions that were read. She noted that she would only vote for approval as long as those conditions are signed. It is way too late to talk about redundancy. It is a small school now but asking for turn lanes right now is unreasonable. What was reasonable was to look at that condition when the school reached 250 students. It is a reasonable number. There are many things that can be done such as releasing certain grade levels at different times. There are 3 ways out of the site – straight through the Promenade, a right turn and a left turn. Traffic from the site will be at different times than traffic from the Promenade. It is difficult to get help that is needed for dyslexic students. The Comprehensive Plan is pretty strong in saying these types of schools should be encouraged. That is why she voted yes.

Mr. Schwenke inquired about the bridge and creek. What was decided about the bridge? Mr. Schwartz responded that one of the conditions refers to exhibits that were introduced at the Committee Meeting. The result was to add a companion bridge immediately south of the existing bridge. The existing bridge would be the entrance and the new bridge would be exit. The existing bridge was reviewed for weight purposes.

Mr. Costello reminded that there was a motion made to deny the request and the applicant has not agreed to the conditions. There is nothing in writing from the applicant agreeing to the conditions. The Staff was not aware that the applicant did not agree to more than one of the conditions. If any of the conditions are to be modified, the request should go back to the Committee.

Mr. Turner asked if the subject property was developed for residential use, what would the traffic be? Would it be significantly different? Mr. Schwartz responded that generally traffic from a detached single-family home is 10 trips a day (5 in and 5 out). The site might have 52 homes so it could be 500 trips a day.

Mr. Harper added that the trips would be spread out more throughout the day versus school traffic.

Mr. Costello reminded Board members that a yes vote on the motion would indicate a denial of the request.

Mrs. Steele asked what happens if the motion to deny is defeated? Mr. Costello replied that the Board would have to consider referring the matter back to the Committee to re-examine the conditions of approval or vote to send the request to the City of Union and the Boone County Fiscal Court with no recommendation assuming there is a time limit issue.

Mr. Wilson commented that if the motion to deny the request fails, it doesn't automatically approve the request. There would have to be another motion to take action to approve the request.

Secretary/Treasurer Steele asked for a vote on the original motion made by Mr. Harper and seconded by Mr. Lunnemann. The vote found Mrs. Clark, Mrs. Goetting, Mr. Harper, Mr. Lunnemann, Mr. Richardson, Mr. Schwenke and Mr. Szurlinski voting yes and Mr. Bessler, Mr. Hincks, Mrs. Kegley, Mrs. Steele and Mr. Turner voting no. The motion to deny/disapprove the request passed by a vote of 7-5. The recommendation will be forwarded to the City of Union and the Boone County Fiscal Court.

Mr. Lunnemann asked if one of the two legislative units votes differently, what happens? Mr. Costello responded the property would have two different zoning districts and must follow the requirements of each zoning district. There is no annexation request by the applicant at this time. The portion of the site in the unincorporated area is about 1 acre in size and is planned to have part of the athletic fields on it. Mr. Wilson confirmed that if any of it is overturned, only that area that is overturned is impacted.

NEW BUSINESS

ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Michael Schwartz, Staff

4. Request of **CT Realty, per Cole Moody (applicant)** for **Skas Properties LLC (owner)** for: (1) a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 0.83 acre area located at 5390 Limaburg Road, Boone County, Kentucky; and (2) a Conditional Use Permit to allow a truck stop on an approximate 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky. The request is for the development of a Clean Energy Truck Hub to provide fueling and parking for a compressed natural gas truck fleet on an overall 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky.

ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

5. Request of **The Point/Arc of Northern Kentucky (applicant)** for **G. Sharpco Inc. (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Office Two (O-2) to Suburban Residential Two (SR-2) for an approximate 2.37 acre area located at 6125 First Financial Drive, Boone County,

Kentucky. The request is for a zone change/change of concept development plan to allow the development of a detached single-family residential dwelling for a residential care facility for handicapped persons.

Mrs. Goetting moved to schedule the Public Hearing for Items #4 and #5 on May 3, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.

H. Executive Director's Report:

Mr. Costello mentioned that Alaina Hagenseker has resigned from the Planning Commission to accept a job at the Northern Kentucky Area Development District. Her last day with the Planning Commission is April 14, 2023. Mr. Costello, Mrs. Kegley and Secretary/Treasurer Steele thanked her for her service to the Planning Commission.

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:

- No Report

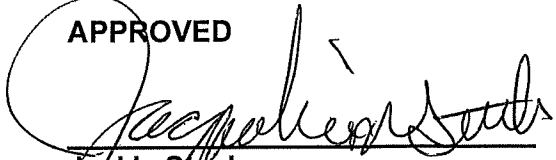
**K. OKI Report: (Randy Bessler)
No Report**

L. Other:

M. Adjournment:

There being no further business to come before the Planning Commission, **Mr. Schwenke** moved to adjourn the meeting. **Mrs. Kegley** seconded the motion and it passed unanimously. The meeting was adjourned at 7:50 P.M.

APPROVED



Jackie Steele
Secretary/Treasurer

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

EXHIBIT "A"

PIDN: 061.03-28-015.00
Group Number: 2043A
7309 Dixie Highway, Florence, KY 41042

Being part of Lot No. ONE (1) of the Renaker and Castleman land division near and opposite the Florence Fairground and described particularly thus:

BEGINNING at a point in the center of the Lexington Pike (U.S. #25) at a corner with Al Davison; thence with the center of the Pike N. 15 – 02 W 86 feet to a point witnessed by a stone on the east side of the highway, a corner with Lawrence Scott; thence with his lines passing thru the last mentioned stone N 74 – 11 E 698 feet to a point, corner with L. Scott in Wilhoit's line; thence with the Wilhoit line S 40 – 45 E 93 feet to a corner with Davidson; thence with his line S 73 – 45 W 740 feet to the beginning. Less exception.

Except the following:

Located in Boone County, Florence, Kentucky, lying on the east side of Dixie Highway, (U.S. Highway 25) approximately 0.18 mile south of U.S. Highway 42 and is more particularly described as follows:

Beginning at an iron pin (set) in the common line of James R. Morris (Deed Book 194, page 143) and the Most Rev. Richard H. Ackerman (Deed Book 161, page 382), said iron pin being N 73-43-28 E 269.86 feet from the common corner of James R. Morris and the Most Rev. Richard H. Ackerman at the existing easterly right-of-way line of Dixie Highway, 30 feet as measured perpendicular to the centerline, thence with said common line N 73-43-28 E 396.67 feet to an iron pin (set) in the common line of Morris and Shenandoah Valley Subdivision (Plat Book 7, page 8); thence with said common line S 40-53-50 E 93.00 feet to a post at the common corner of Morris and Scott Subdivision (Plat Book 7, page 4); thence with the common line of Morris and Scott Subdivision S 73-31-05 W 436.21 feet to an iron pin (set); thence with a new division of Morris' property N 15-45-00 W 86.12 feet to the point of beginning containing 0.8161 acres and being subject to all right-of-ways and easements of record.

This description was prepared from a new survey made by Timothy R. McNeely, L.S. 2030, September, 1995.

Subject to easement and restrictions of record and/or existence.

CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantor, U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust, and the Grantee, Banklick Real Estate Holdings, LLC, a Kentucky limited liability company, in a certain deed dated December 1st, 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.
Fair Cash Value - \$139,000.00

GRANTEE:
Banklick Real Estate Holdings, LLC

Karen Townes Schwarz
By: Karen Townes-Schwarz
Its: Sole-Member

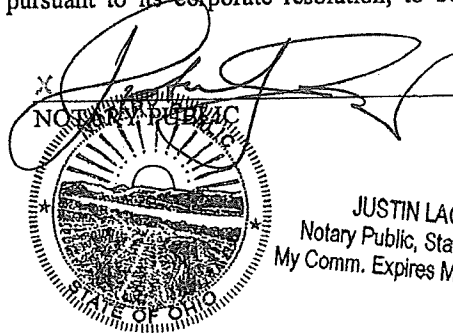
GRANTOR:

Jennifer G. Hacker, AVP
X BY: Jennifer G. Hacker, AVP
U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust
By: Jennifer G. Hacker
Its: Assistant Vice President

STATE OF X Ohio
COUNTY OF X Hamilton

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this X 1st day of December, 2022 by the Grantor, U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust, acting by and through Jennifer G. Hacker, its Assistant Vice President, duly authorized pursuant to its corporate resolution, to be its voluntary act and deed.

My commission expires: X 05/16/2024

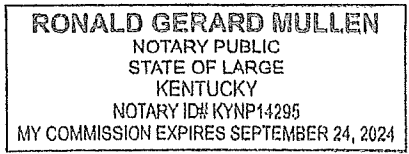


STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 2nd day of December, 2022 by the Grantee, Banklick Real Estate Holdings, LLC, a Kentucky limited liability company, acting by and through Karen Townes-Schwarz, its Sole-Member, duly authorized pursuant to its operating agreement, to be its voluntary act and deed.

My commission expires:
9-24-24

Ronald Gerard Mullen
NOTARY PUBLIC



IN WITNESS WHEREOF, the said Grantor, U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust, hereunto sets its hand, this 15th day of December, 2022.

GRANTOR:

X By: Jennifer G. Hacker, AVP
U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended,
and known as The James R. Morris Trust
By: Jennifer G. Hacker
Its: Assistant Vice President

STATE OF X Ohio
COUNTY OF X Hamilton

The foregoing instrument was acknowledged before me this 15th day of December, 2022, by the Grantor, U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust, acting by and through Jennifer G. Hacker, its Assistant Vice President, duly authorized pursuant to its corporate resolution, to be its voluntary act and deed.

X [Signature]
NOTARY PUBLIC

My commission expires: X 05/16/2024



JUSTIN LACEY
Notary Public, State of Ohio
My Comm. Expires May 16, 2024

THIS INSTRUMENT PREPARED BY:

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

DOCUMENT NO: 910369
RECORDED: December 05, 2022 03:13:00 PM
TOTAL FEES: \$50.00 TRANSFER TAX: \$139.00
COUNTY CLERK: JUSTIN CRIGLER
DEPUTY CLERK: MICHELLE EICKHOFF
COUNTY: BOONE COUNTY
BOOK: D1198 PAGES: 634 - 637
GROUP ID: 2043A

RETURN TO:

File: 81564/Banklick

Return To:

FIDUCIARY DEED

KENTUCKY LAND TITLE AGENCY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

KNOW ALL PERSONS BY THESE PRESENTS:

That U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust, for and in consideration of One Hundred Thirty Nine Thousand and 00/100 Dollars (\$139,000.00) paid by the Grantee, herein, the receipt of which is acknowledged, does bargain, sell and convey to Banklick Real Estate Holdings, LLC, a Kentucky limited liability company, its successors and assigns, the following described real estate, County of Boone and Commonwealth of Kentucky, to-wit:

Present Street Address: 7309 Dixie Highway, Florence, Kentucky 41042

Grantee Mailing Address: *9 Sassafras Lane Florence Ky 41042*

Tax Mailing Address: *9 Sassafras Lane Florence Ky 41042*

Grantor Mailing Address: *PO BOX 1118, CN-OH-WURE, CINCINNATI, OH 45201*

Group No: 2043A

PIDN: 061.03-28-015.00

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

Being the property conveyed to the Grantor herein by deed recorded in Deed Book 1147 page 262 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, Banklick Real Estate Holdings, LLC, a Kentucky limited liability company, its successors and assigns, forever, the Grantor, U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust, its successors and assigns hereby covenanting with the Grantee with covenants of special warranty.

This conveyance is made by U.S. Bank, N.A., Trustee under Agreement originally dated December 20, 1968, as amended, and known as The James R. Morris Trust, in its capacity as Trustee only and it shall not be liable in its individual capacity for any breach of any covenants contained herein further than to the extent of the assets of said Trust in its hands at the time of written notice to it of the breach of any of such covenants.



BOONE COUNTY PLANNING COMMISSION

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

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

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

March 16, 2023

Karen Schwarz
Banklick Real Estate Holding
9 Sassafrass Lane
Florence, Kentucky 41042

RE: Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

Dear Ms. Schwarz:

The following represents the recommended condition of approval for the above referenced application as discussed by the Planning Commission at their March 15, 2023 meeting. As you verbally agreed to this condition at the public hearing, 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 Friday, March 31, 2023.

CONDITION

1. A garage door shall be installed on the existing detached garage building.

Sincerely,


Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

I, the property owner/developer of the approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky, agree to the condition listed herein for the above referenced Zoning Map Amendment.

Karen Schwarz
Karen Schwarz, Banklick Real Estate Holding (owner)

March 16, 2023

Date

012

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-14-2023**

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM COMMERCIAL TWO (C-2) TO SUBURBAN RESIDENTIAL TWO (SR-2) FOR THE APPROXIMATE 0.48 ACRE SITE LOCATED AT 7309 DIXIE HIGHWAY, FLORENCE, KENTUCKY, TO ALLOW THE EXISTING BUILDING TO BE USED AS A SINGLE-FAMILY HOME FOR RENTAL. (BANKLICK REAL ESTATE HOLDINGS, LLC)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-23-012-A recommended approval for a zoning map amendment, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission’s Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the request of Banklick Real Estate Holdings, LLC, Per Karen Schwarz (Applicant/Owner) for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (Sr-2) for an approximate 0.48 acre site located at 7309 Dixie Highway, Florence, Kentucky, to allow the existing building to be used as a single-family home for rental, shall be and is hereby approved.

The real estate which is the subject of this request is more particularly described in Exhibit “A”, attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the zoning map amendment for this subject property.

SECTION II

The approval of this zoning map amendment is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit “B” and incorporated herein as if fully set out, this recommendation being in the form of

Resolution No. R-23-012-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-23-012-A, marked Exhibit "B", and attached hereto.

SECTION IV

In addition to those conditions set forth in the recommendation of the Boone County Planning Commission, this approval of the City of Florence, Kentucky, through its City Council, shall be and is hereby subject to those additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION V

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

SECTION VI

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 3rd DAY OF May, 2023.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 9th DAY OF May, 2023.

APPROVED:

Julie M. Aubuchon
Julie M. Aubuchon, Mayor

ATTEST:

Melissa Kramer
Melissa Kramer, City Clerk

**CITY OF FLORENCE, KENTUCKY
READING SUMMARY**

ORDINANCE O-14-2023

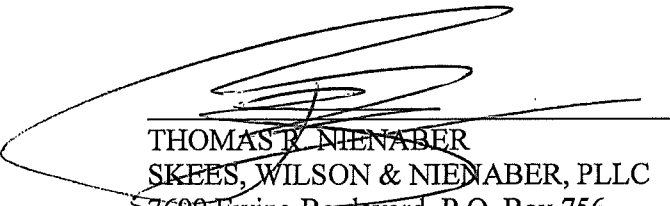
AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM COMMERCIAL TWO (C-2) TO SUBURBAN RESIDENTIAL TWO (SR-2) FOR THE APPROXIMATE 0.48 ACRE SITE LOCATED AT 7309 DIXIE HIGHWAY, FLORENCE, KENTUCKY, TO ALLOW THE EXISTING BUILDING TO BE USED AS A SINGLE-FAMILY HOME FOR RENTAL. (BANKLICK REAL ESTATE HOLDINGS, LLC)

The Ordinance adopts and approves a zoning map amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre site located at 7309 Dixie Highway, to allow an existing building to be used as a single-family home for rental.

The full text of Ordinance O-14-2023 including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance O-14-2023 and that it has been prepared by me on the 2nd day of May, 2023, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



THOMAS R. NIENABER
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Phone: (859) 371-7407
Fax: (859) 371-9872
Email: rswandd@fuse.net

Boone County GIS Map

www.boonecountygis.com

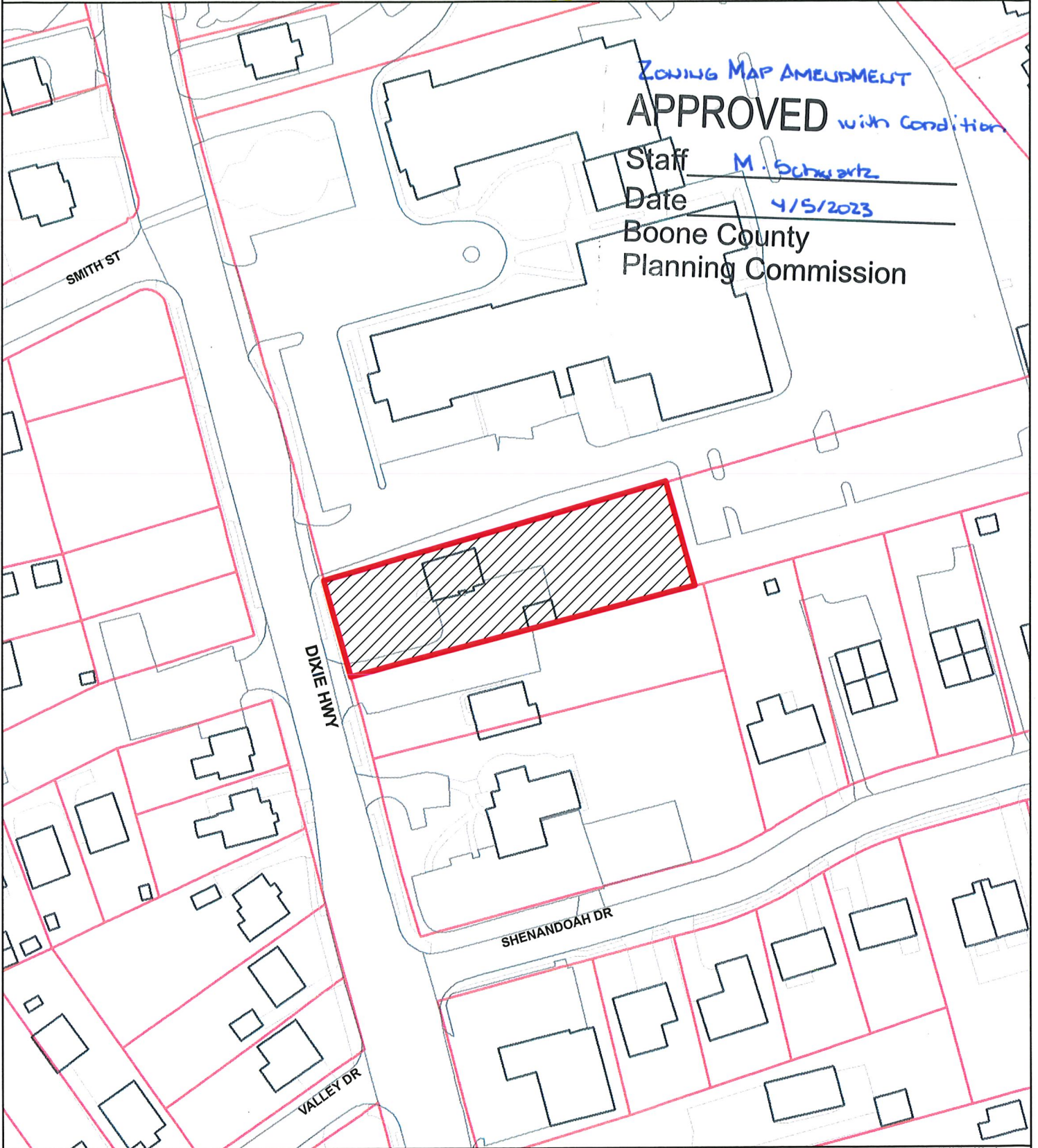
ZONING MAP AMENDMENT

APPROVED with Condition

Staff M. Schwartz

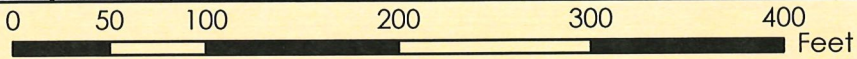
Date 4/5/2023

Boone County
Planning Commission



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1 inch = 100 feet



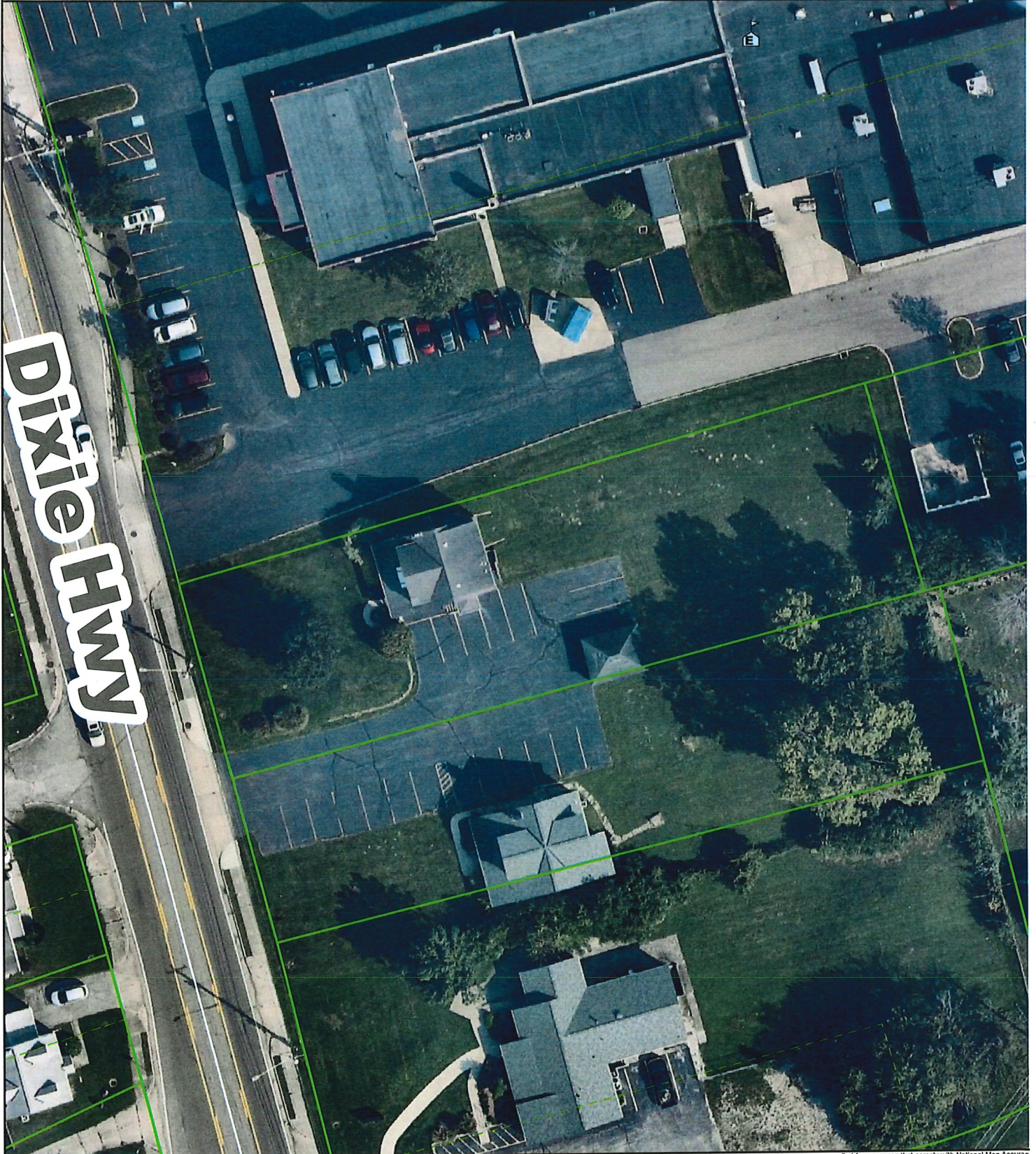
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2021

Boone County GIS
ArcMap Document: *.mxd

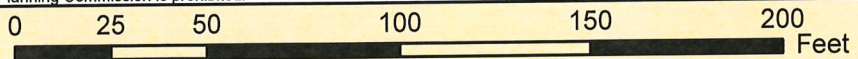
Boone County GIS Map

www.boonecountygis.com



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