ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

RECEIVED
APR 04 2023
BOONE COUNTY
PLANNING COMMISSION

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Name of Project: The Point/Arc of NKY - Owen Hauck Home of Fame
2. Location of Project: 6125 First Financial Drive, Burlington, KY
3. Total Acreage of Project: 2.37 acres
4. Current Zoning of Property: O-2
5. Proposed Zoning of Property (classification being requested): SR-2
6. Proposed Use(s) (specify each use):
   Residential Care Facility for Handicapped Persons
7. Proposed Building Intensities (specify for each building):
   ~~6,040 sq ft one-story building (including attached garage)~~
8. Are you applying for any of the following (check all that apply):
   ☐ Conditional Use Permit ☐ Variance
9. Current Owner: G. Sharpco, Inc.
   Address: 1488 Cox Avenue
   Erlanger (City) KY (State) 41018 (Zip Code)
   Phone Number: 859.393.4032 Fax Number: _____
   Email: sharpoil@aol.com
10. Applicant: The Point/Arc of Northern Kentucky
    Address: 104 W. Pike Street
    Covington (City) KY (State) 41011 (Zip Code)
    Phone Number: 859.491.9191 (ext. 131) Fax Number: _____
    Email: tangel@thepointarc.org
11. Are there any existing buildings on the site: ☐ Yes ☑ No
    If yes, indicate how many: _____

12. 990 (Deed Book) 594 (Page Number) 2030 (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):

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

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 June 22, 2023

Property Owner's Signature: _____, President

Applicant's Signature: _____

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

1. Date Received: 4/4/2023 Fee Received: $1426.55 Receipt #: 88095

2. Number of Copies Received: _____

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: Todd Morgan

6. Committee Chairperson: Rick Lunnemann

7. Scheduled Public Hearing Date: 5/3/23

8. Boone County Planning Commission Action: Date of Action: 6/7/23

_____ 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 **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.

May 3, 2023

REQUEST

The applicant is requesting a Zoning Map Amendment from Office Two (O-2) to Suburban Residential Two (SR-2) so a detached single-family residential dwelling can be constructed on the 2.34-acre property. The house would be used as a residential care facility for handicapped persons (see applicable regulations below).

The submitted Concept Development Plans show a one-story single-family residential dwelling. The 6,162 square foot structure would be located approximately 54' from First Financial Drive, 69' from the rear property line, 88' from the eastern property line, and 117' from the western property line. Access to First Financial Drive is shown from a 30' wide (maximum) driveway that is located in the western part of the site. The floor plans and renderings show the following:

A. Six (6) bedrooms ranging between 207 and 237 square feet.
B. A 156 square foot guest room.
C. Three and a half (3.5) bathrooms.
D. Living room (549 square feet), dining room (324 square feet), kitchen (277) square feet, den (156 square feet), office (156 square feet), and laundry (130 square feet).
E. IT/mechanical/storage areas.
F. Attached two car garage.
G. Front and rear porches.
H. Brick, stone, and asphalt shingle construction.

PERTINENT SITE HISTORY

In 2007, the subject property was involved in a Zoning Map Amendment/Change in Approved Concept Development application request. The Zoning Map Amendment rezoned a half-acre area, to the north of First Financial Drive, from O-2 to C-2 because the alignment of First Financial Drive had changed. The 3.48-acre area south of First Financial Drive remained zoned O-2 and was approved with a 15,000 square foot, one-story, office building. Nine (9) Conditions were imposed on the approval.

In 2022, a record (final) plat was approved for Sharpco Subdivion. The approved plat shows that lot 2 was being subdivided into a 0.747 acre and 2.340 acre lots. The 0.747-acre lot was used to construct a parking lot addition at 6159 First Financial Drive. The 2.340-acre lot is the subject lot.

APPLICABLE REGULATIONS

A. KRS 100.982 Definitions for KRS 100.982 to 100.984. - As used in KRS 100.982 to 100.984, unless the context otherwise requires:

(1) "Person with a disability" means a person with a physical, emotional, or mental disability, including, but not limited to, an intellectual disability, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a disability" does not include persons with current, illegal use of alcohol or any controlled substance as regulated under KRS Chapter 218A.

(2) "Residential care facility" means a residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

(3) "Services" means, but is not limited to, supervision, shelter, protection, rehabilitation, personal development, and attendant care.

B. KRS 100.984 Residential care facility for persons with disabilities.

Any sponsoring private or governmental agency shall be permitted to operate a residential care facility in any residential district, zone, or subdivision subject only to compliance with the same limitations upon area, height, yard, screening, parking, number of dwelling units, and number of occupants per dwelling unit as apply to other residences in the district, zone, or subdivision. For purposes of determining the number of occupants in aresidential care facility, or in any of the dwelling units which comprise the facility, employees of the sponsoring agency providing services to persons with disabilities shall be counted only if their permanent residence is maintained at the facility. No conditional use permit not otherwise required for other residences within a zone or land use category shall be required for the operation of a residential care facility.

C. Section 4000 of the Boone County Zoning Regulations defines a family as follows:

1. Any number of persons all of whom are related by blood, legal adoption, or marriage, occupying a common premises and living as one housekeeping unit using one kitchen; or

2. Five or fewer persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, lodging house, fraternity or sorority, club, hotel or a residence for social rehabilitation, or that admission to residency in or occupancy of the premises is not limited to or intended for persons in the custody of the criminal justice system or the juvenile justice system and persons engaged in the care, custody, nurturance, or supervision of such persons; or

3. More than five persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, home for the infirmed and aged, nursing home, lodging house, fraternity or sorority house, club, hotel, or other exceptional residential use, or a residence for social rehabilitation.

   Housekeeping unit arrangements under any of the three tiers of "family" as defined above shall not be temporary or seasonal in nature and must have a minimum duration of at least thirty (30) consecutive days.

D. 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.

SITE CHARACTERISTICS

A. The 2.34-acre site has 627.42 feet of frontage on the south side of First Financial Drive. Public sidewalks exist on both sides of First Financial Drive.

B. The majority of the site has been cleared of vegetation. Mature deciduous vegetation still remains along the southern and eastern property lines.

C. Boone County G.I.S. shows the topography of the site falls from 866' above sea level at the northeast property corner to 844' above sea level along the southern property line.

D. The Improvement Plan that was approved for the property shows a storm sewer pipe and easement exists in the northwestern part of the site. This pipe outlets and drains towards the 844' contour along the southern property line. Another storm water pipe catches the water near the rear property line.

E. A water main exists along the First Financial Drive frontage. A sanitary sewer gravity line exists near the northwest property corner.

ADJACENT LAND USES AND ZONING

North: First Financial Drive, Gold Star Chili (C-2), Undeveloped Lot (C-2), Forcht Bank (C-2)

South: Single-Family Residential Dwellings Fronting on Kingsgate Drive (SR-2)

East: Single-Family Residential Dwellings Fronting on Camsey Drive (SR-2)

West: Multi-Tenant Office Building (PF)

RELATIONSHIP TO COMPREHENSIVE PLAN

A. Our Boone County – Plan 2040 "2040 Future Land Use Plan" designates the site for Commercial uses which is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc".

It should be noted 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" (Description and Purpose of Land Use Maps, page 99.),

B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

Mixing of residential and other land uses shall be encouraged where appropriate (Overall, Objective 2).

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Objective 4).

The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics Goal A, Objective 2).

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).

A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).

Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).

Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

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).

Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation Goal B, Objective 6).

C. The following are excerpts from Our Boone County, Plan 2040 relate to the request:

1. Boone County's steady and strong population growth is anticipated to continue through the year 2040. During this time, it is imperative that the most recent population trends, estimates, and demographic makeup of Boone County's residents are gathered and analyzed in order to properly identify their needs and meet them through orderly growth. By understanding the demographic components of the population, adequate housing opportunities can be properly planned for and provided. (Demographics, Conclusions and Recommendations, page 19)

2. Constant monitoring and analyzing the demographics of a population will give understanding as to the needs of the residents of Boone County. By doing this, the possibility of inadvertently discriminating against or not meeting the needs of any segment of the population is avoided as it becomes more diverse racially and ethnically. It is clear that Boone County's population will continue to grow older. Therefore, appropriate housing must be provided for the growing elderly population near transit, commercial areas, and public facilities and be consistent with the desires of that segment of the population. This can be addressed by providing multi-family dwellings such as apartments, condominiums, assisted living complexes, and even smaller 1-story single family homes or "granny flat" accessory units to single family homes (Demographics, Conclusions and Recommendations, Identifying the Needs of the Population, page 19).

3. New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban (and suburban) areas of Boone County would encourage mixing of different income levels. Most new construction of typical single-family housing should be encouraged to occur within undeveloped areas within the established suburban portion of the county in order to take advantage of existing infrastructure and services already in place and avoid placing strain on the more rural transportation network in the undeveloped portions of the county. Consideration must be given to existing conditions that may affect new

development in established areas such as adjoining land uses and proximity to the Cincinnati-Northern Kentucky International Airport where commerce and airplane noise may be an issue. (Demographics, Conclusions and Recommendations, Housing Types and Locations, page 19).

4. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. The density of typical residential developments in Boone County over the past couple of decades has been consistent with the suburban residential densities reflected on the 2035 Future Land Use Map (up to 4 units per acre). However, there is a large segment of the population that desires to live in more rural areas while still having convenient access to centers of commercial, services, and employment activity. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized. If significant large lot residential subdivision development does occur in some of these rural areas, roads and other components of infrastructure will have to be improved. (Demographics, Conclusions and Recommendations, Housing Types and Locations, page 20)

5. Different residential development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists (or is planned) to support the development. Fluctuations in the economy and housing market should be considered when evaluating uses and design of developments. (Land Use, Future Land Use Development Guidelines, Development Layout, Lot Size, and Setbacks, page 95).

6. 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).

7. The south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion compatible with Camp Ernst Middle School. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban Density Residential, Urban Density Residential uses, and some local commercial uses should be provided. Extra care must be taken when commercial property develops along KY 18 to ensure that the impacts on

residential behind it are minimal, especially the former nursery and landscape supply property behind O'Reilly's Auto Parts on Kingsgate Drive as the impacts of the prior use were minimal on the homes in Kingsgate Subdivision that adjoin it. (Land Use, Description and Purpose of Land Use Maps, 11 Burlington, page 120).

STAFF COMMENTS

A. Staff would like the applicant to address the following:

1. The plans show each bedroom will contain one bed. Could more than six people live at the house at any given time?

2. How many employees care for the residents? How many employees work on the largest shift?

3. Are any company vehicles kept on site?

4. Do any residents drive?

5. How are residents referred to the facility? Who certifies they have a disability?

6. Would any accessory structures or amenities be located in the rear yard?

7. Please confirm the proposed building materials.

8. The zone change criteria.

B. Street trees will be required along the First Financial Drive frontage if the zone change is approved and the house is constructed. Code requires one street tree per 50' of road frontage. Any other required landscaping would need to be addressed through zone change conditions.

D. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, Boone County Water District, Burlington Fire Protection District. and SD1. Burlington Fire Protection District responded they didn't have any issue with the proposed rezoning request.

CONCLUSION

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

Todd K. Morgan
Senior Planner, Zoning Services

TKM/ss

Attachments:

*Site Vicinity Map
*Letter From Applicant about Point/Arc of NKY and the Proposed Projct
*Submitted Concept Development Plans
*Zoning Map
*Topographical Map
*2023 Aerial Map
*2040 Future Land Use Map
*2007 Approved Concept Development Plan and Conditions
*4/17/21 Email from Chief Barlow, Burlington Fire Protection District
*Application

SITE VICINITY MAP

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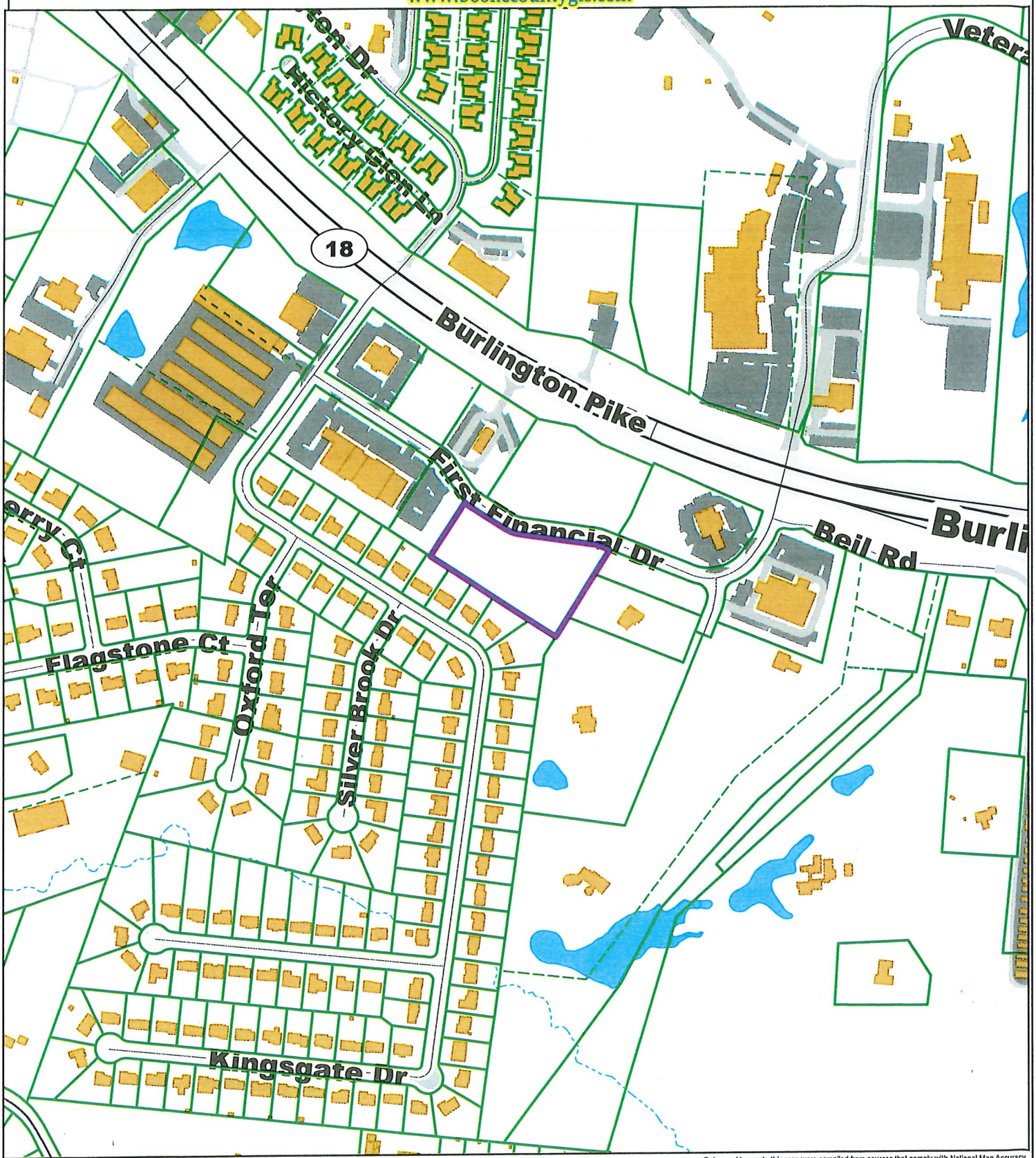

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The Point/Arc of NKY – Owen Hauk Home of Fame Project
Description of Organization and Project

ABOUT THE POINT/ARC OF NKY

In 1982, The Point/Arc opened its first social enterprise, The Point Restaurant, to provide vocational training to individuals with I/DD (Intellectual and Developmental Disabilities). In 1985, we added The Point Commercial Cleaning Company and Employment Program to provide job training, placement, and lifelong follow-up. The Point Commercial Laundry was established in 1996. In 2012, The Point/Arc opened the doors to The Point Apparel (formerly The Point Logo and Design Company). Our newest social enterprise, Point Perk coffee shop, opened in 2015 as a way for the community to come in for a "feel good" cup of coffee, and to see our mission in action.

The Point/Arc established its first residential care facility for handicapped persons in 1995. The Point currently owns and operates 13 well-maintained homes in beautiful neighborhoods that house nearly 60 residents. We pride ourselves in building Point families. The residential care facilities for handicapped persons are located in Campbell, Kenton and Boone Counties.

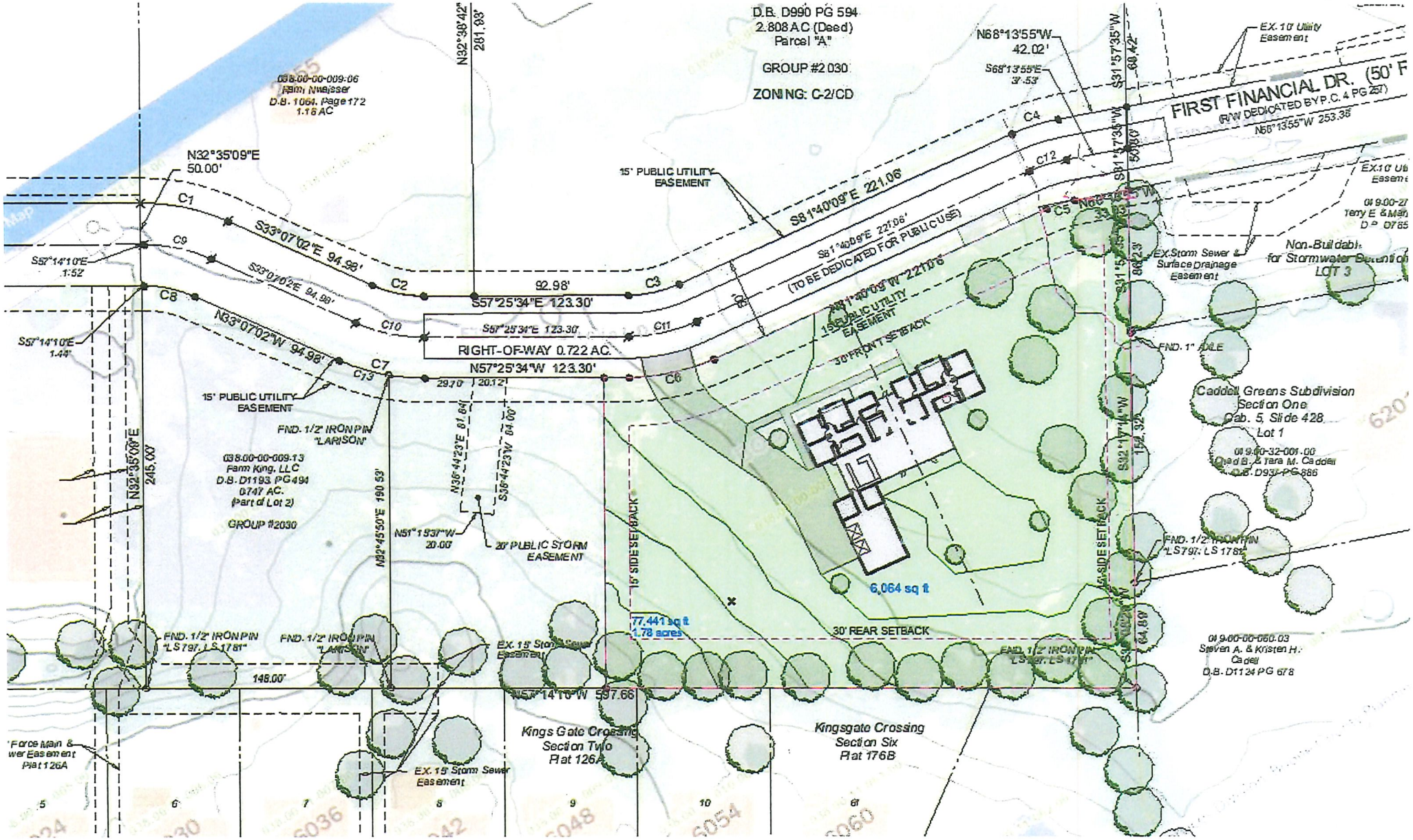
In 1999, to fill a social void in the lives of those The Point/Arc serves, we began The Point Activities Program. The Point/Arc hosts weekly social events, seasonal sports, monthly dances, and vacations. In 2004, to provide community awareness and education for individuals with I/DD, The Point Outreach and Educational programs were established.

Today, The Point/Arc has educational programs which include social communication, transition programs, and career development. In 2013, The Point/Arc added case management as a way to assist individuals and families with finding resources and services through person centered planning that will support them in achieving their dreams and aspirations.

The Point/Arc now serves more than 1,400 people annually through its programs and services. The Point/Arc is always looking for new ways to fill in the service gaps and to integrate individuals with I/DD in the community to reach their fullest potential.

ABOUT THE PROJECT

The Owen Hauck Home of Fame will be a residential care facility for handicapped persons to house adults with I/DD, enabling those with greater physical needs to live in a smaller community setting. The Home of Fame would not be a Medicare-licensed facility but similar to the other residential care facilities for handicapped persons run by The Point/Arc referenced above and meeting the statutory definition contained in KRS 100.984 as it will comply with all of the requirements and limitations that apply to residences in the SR-2 zoning district. The Home of Fame would be built to have wider hallways and doorways, ceiling-mounted lift systems, bathroom accommodations and other unique specifications catering to those with I/DD.



POINT ARC HOME BURLINGTON

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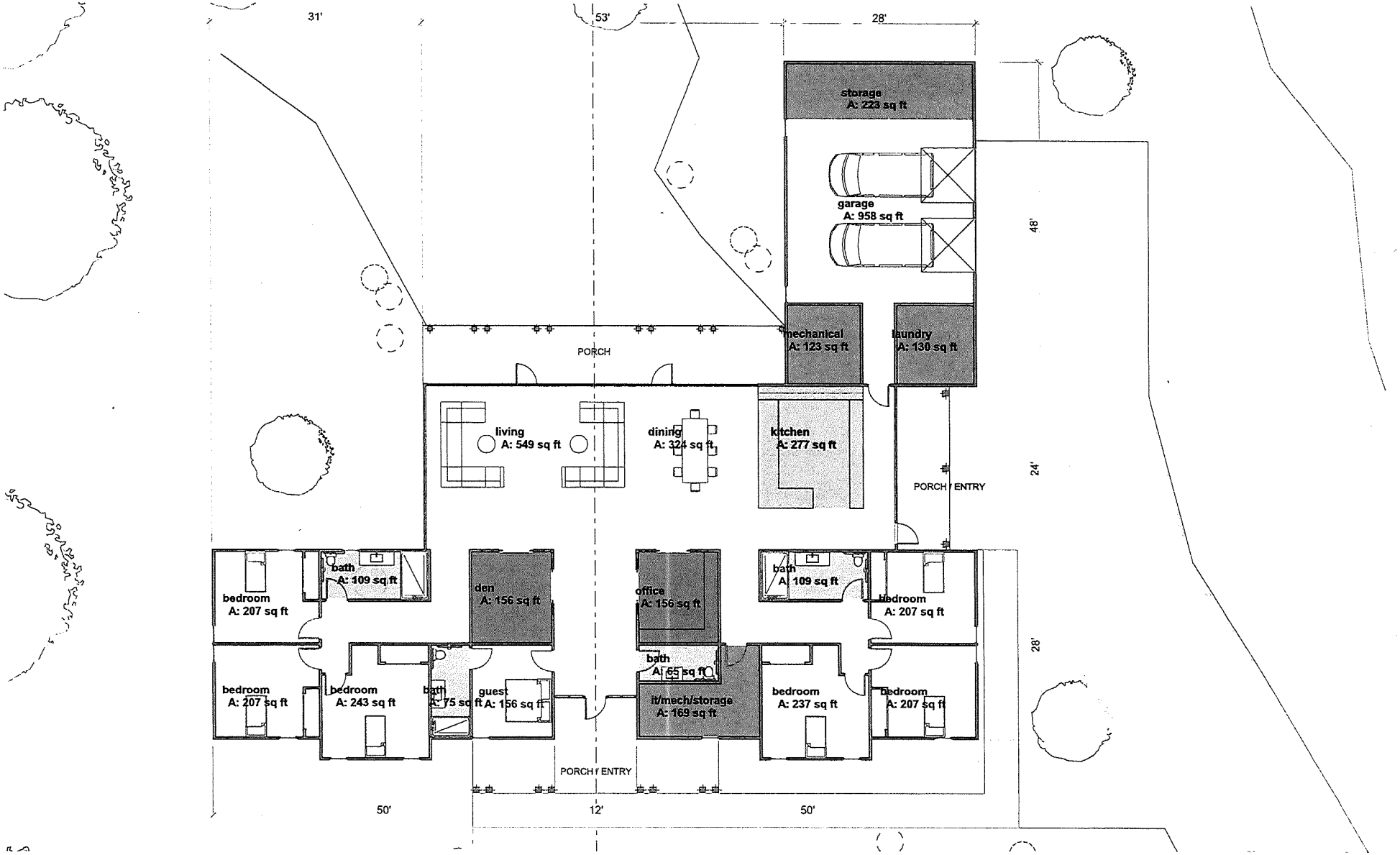

POINT ARC HOME BURLINGTON

vbn a

view from street

POINT ARC HOME BURLINGTON

vbn a

view at side entry

POINT ARC HOME BURLINGTON

vbn a

view from kitchen entry

POINT ARC HOME BURLINGTON

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view from back yard

POINT ARC HOME BURLINGTON

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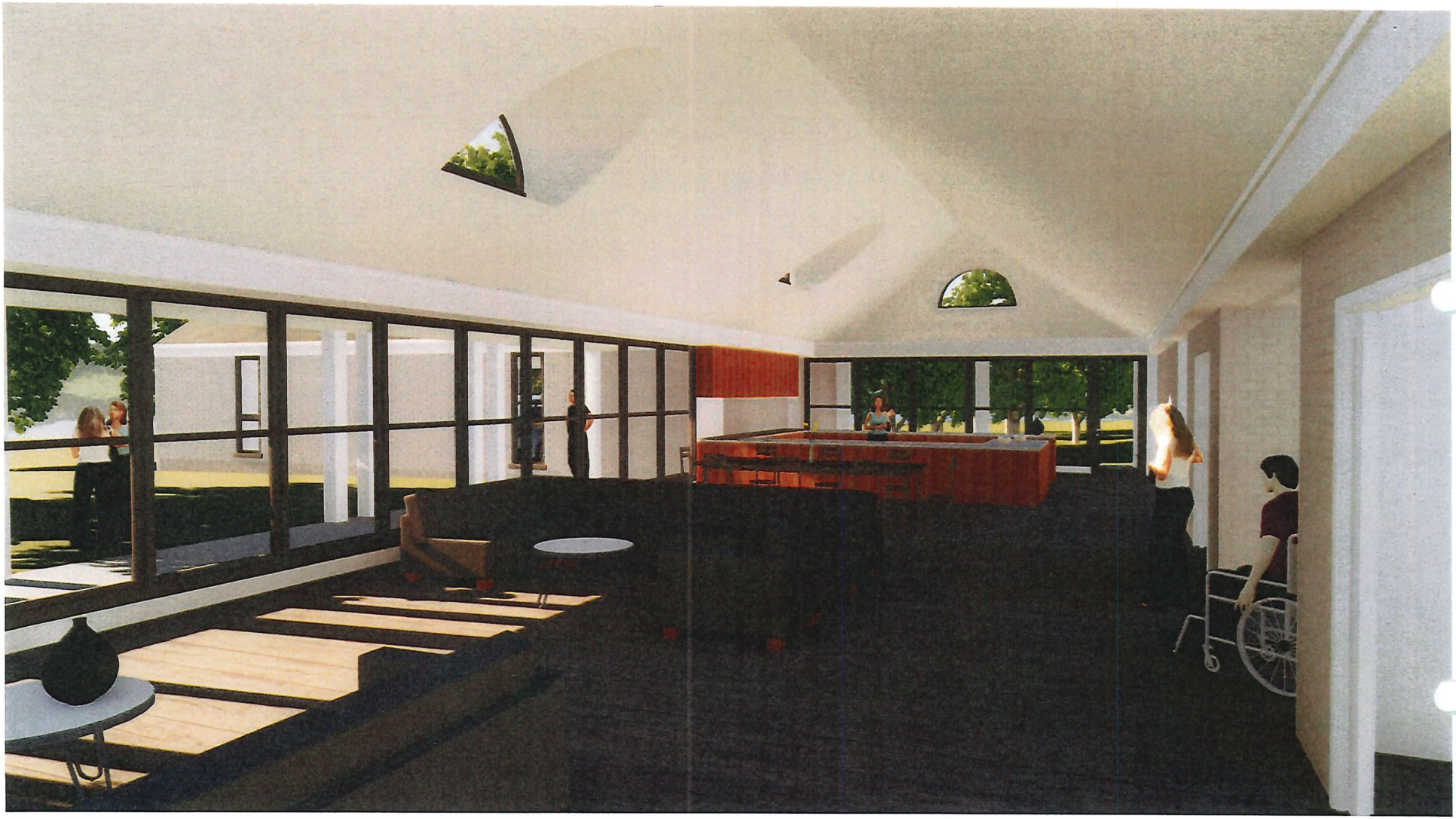

view from living room

POINT ARC HOME BURLINGTON

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ZONING MAP

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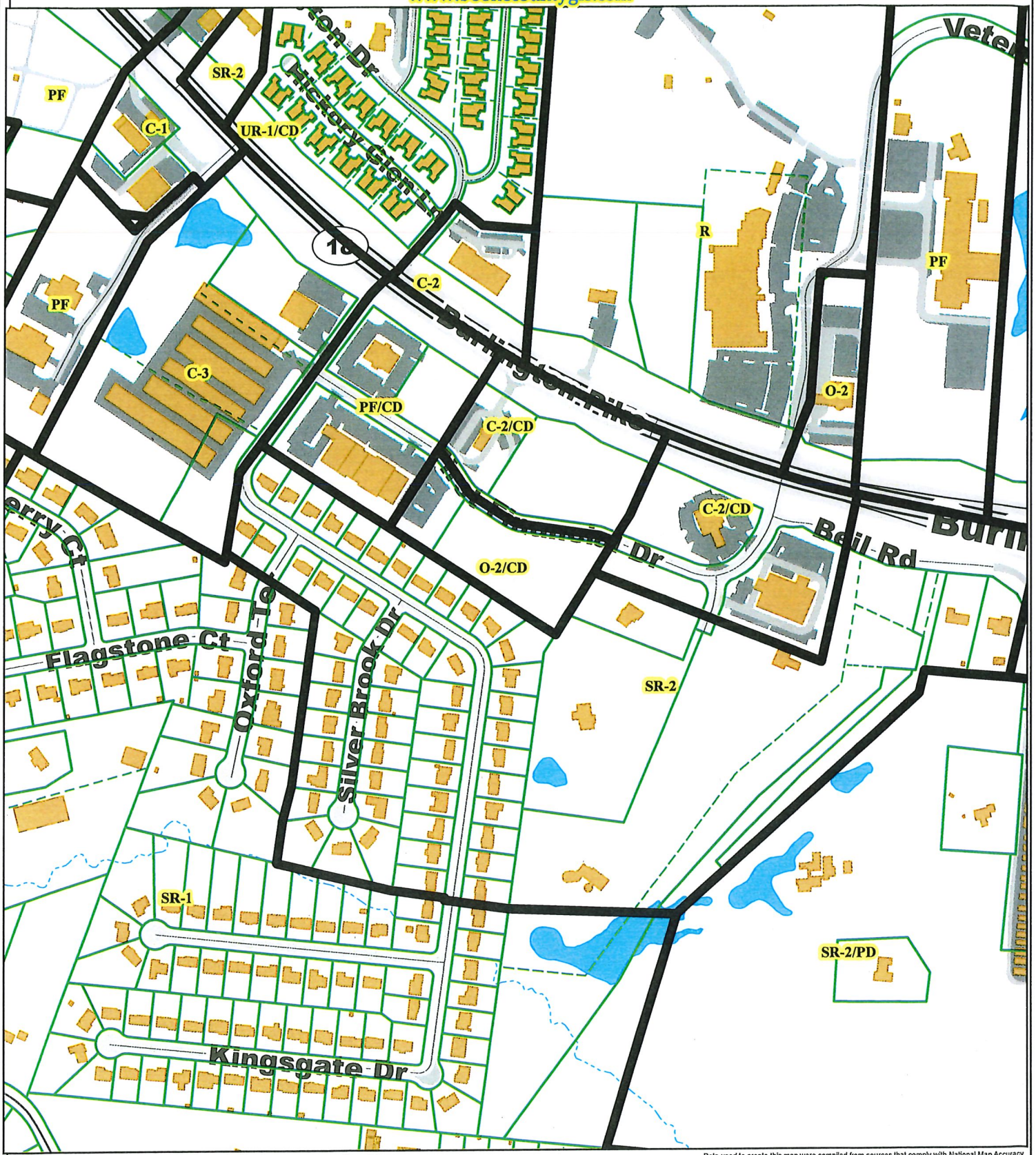

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TOPOGRAPHICAL MAP

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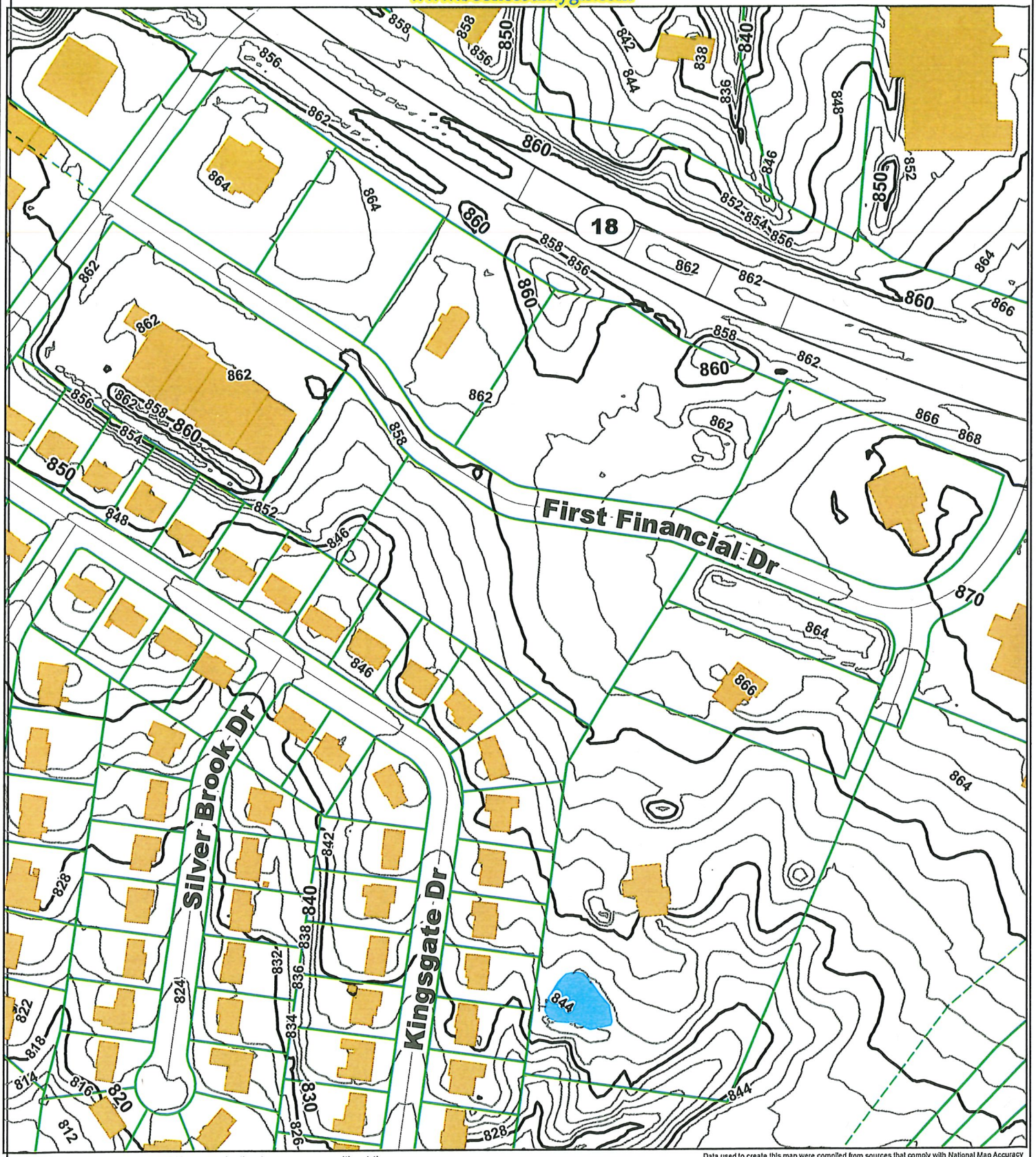

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2023 AERIAL MAP

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2040 FUTURE LAND USE MAP

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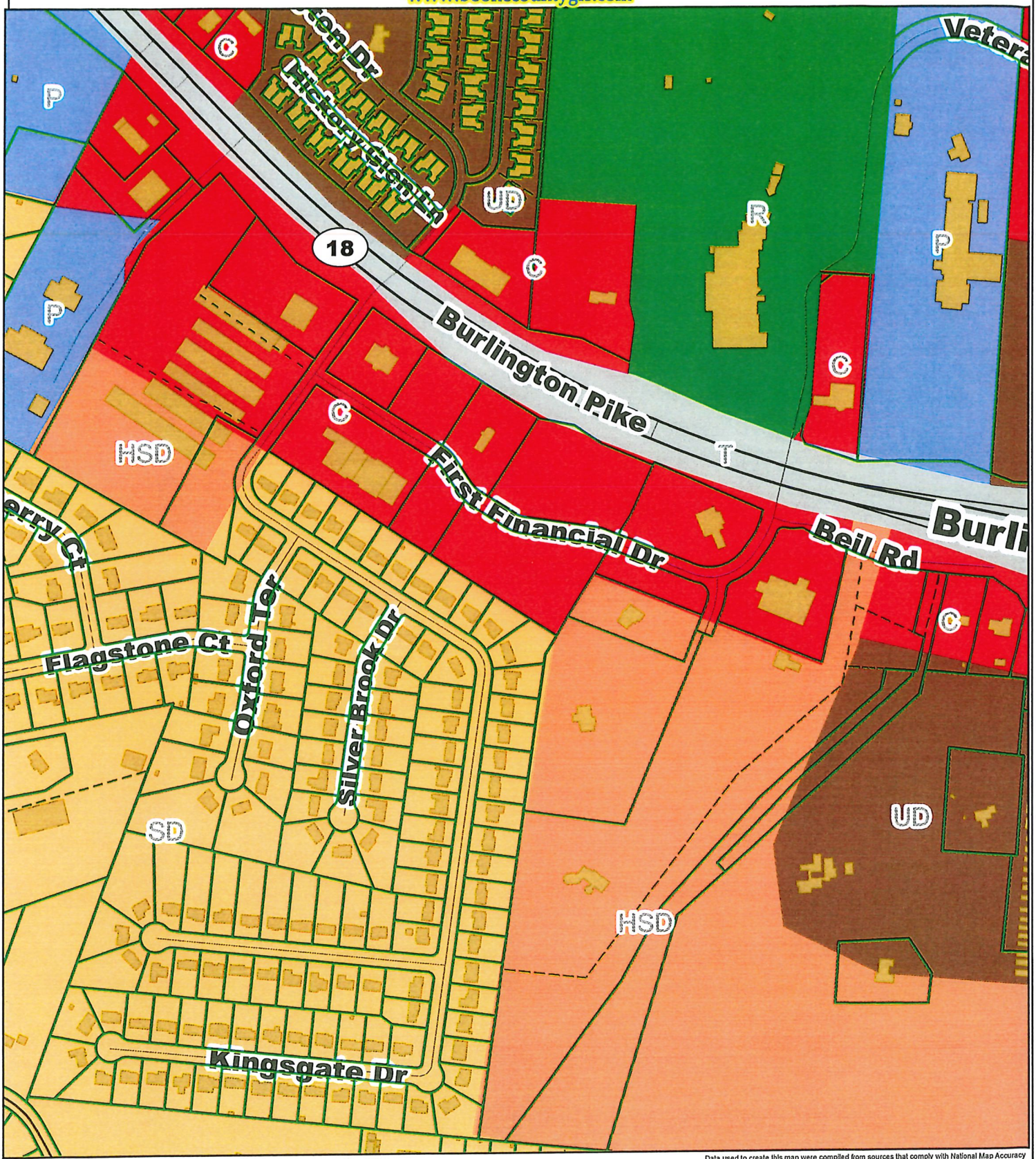

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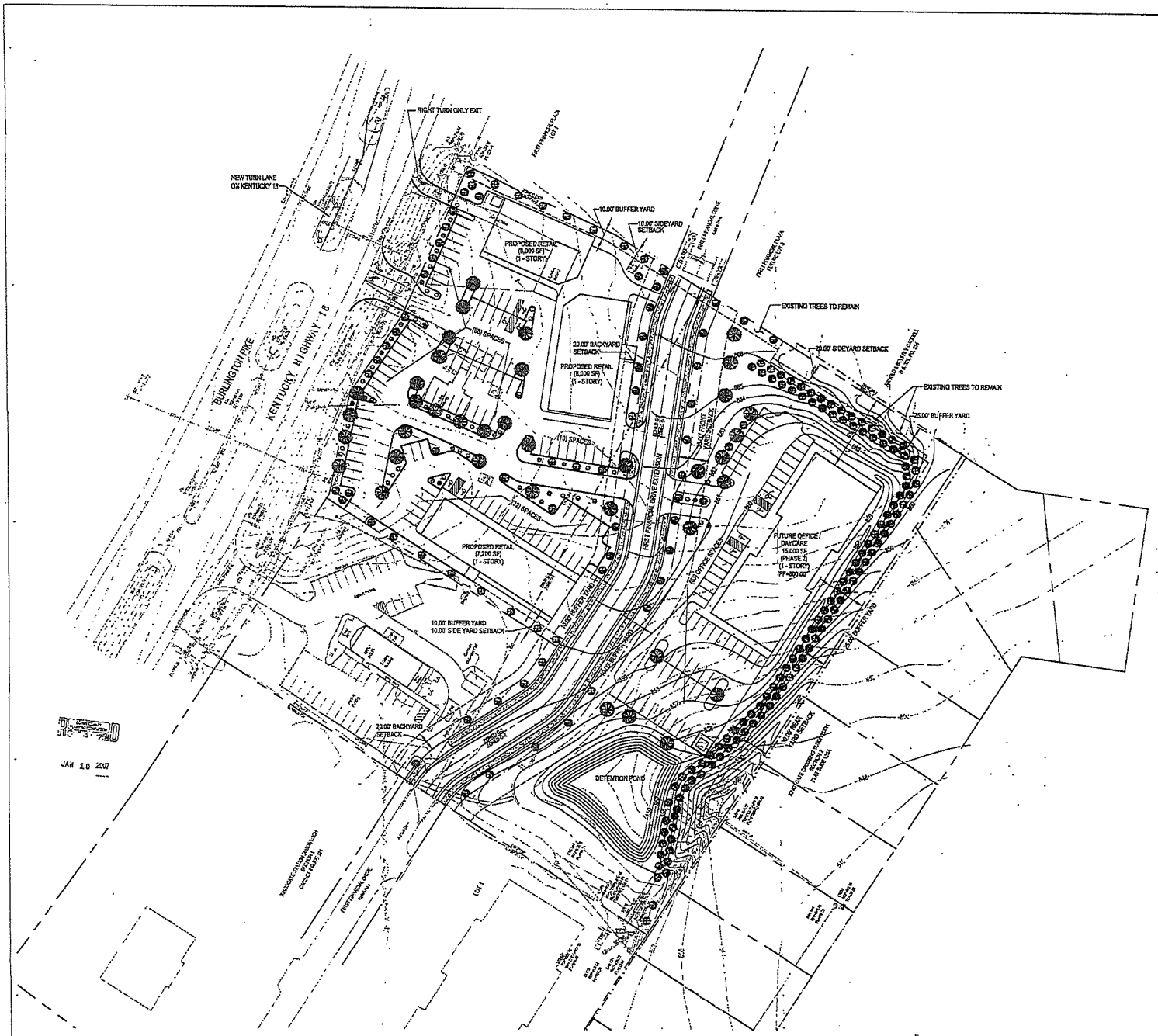


SITE DATA

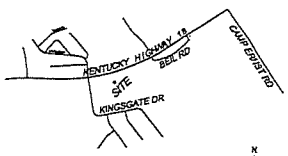
ACREAGE
C-2 CLASSIFICATION
UNDER 4 ACRES - 12,000 SF / ACRE MAX
OVER 4 ACRES - 15,000 SF / ACRE MAX
O-2 CLASSIFICATION
MAXIMUM 30,000 SF / ACRE
MINIMUM LOT SIZE - 3 ACRES
ACTUAL ACREAGE
C-2 = 2.80 ACRES
O-2 = 3.48 ACRES

GROSS FLOOR AREA PROPOSED
RETAIL GFA = 21,200 SF
OFFICE GFA = 15,000 SF

PARKING
REQUIRED
C-2 CLASSIFICATION
RETAIL - 4 SPACES / 1000 GFA = 85 SPACES
O-2 CLASSIFICATION
OFFICE - 1 SPACE / 250 GFA = 60 SPACES
TOTAL REQUIRED = 145
PROPOSED
RETAIL AND RESTAURANT = 110 SPACES
OFFICE = 63 SPACES
TOTAL = 173 SPACES

APPROVED
Staff
Date 1/17/07
Boone County
Planning Commission
Kelly Edwards

CONCEPT DEVELOPMENT PLAN SCHEME D
1" = 40.00'



VICINITY MAP
NOT TO SCALE

CONCEPT DEVELOPMENT PLAN SCHEME D
KINGSGATE SQUARE
THE ZIEGLER GROUP
BURLINGTON KENTUCKY

THE ZIEGLER GROUP

HIXSON
ARCHITECTURE | ENGINEERING | INTERIORS
859 Van Meter Drive
Cincinnati, Ohio 45202-1184
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DRAWN BY: ZIEGLER/SCOLLOW
CHECKED: ELD
QC REVIEW: WWW
DRAWING DATE:
JOB NO: 0625.10
PLOT DATE:

C0.0d

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

RECEIVED
BOONE COUNTY PLANNING COMMISSION

January 16, 2007

Mr. Michael Ziegler
The Ziegler Group
1720 Wildcat Boulevard
Suite 200
Burlington, KY 41005

JAN 16 2007

FAX: 586-8834

RE: Recommended Conditions of Approval for Change in Concept Development Plan and Zone Change from O-2 to C-2 for 6.28 Acre Area at 2279 and 2325 Burlington Pike, Boone County, Kentucky

Dear Mr. Ziegler

The following represents the conditions of approval for the above referenced application as agreed by the Planning Commission's Zone Change Committee at their 1/3/07 meeting, and as we have further discussed the detailed language. If you, as the property owner, agree to these 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 9:00 AM, Wednesday, January 17, 2007.

CONDITIONS

1. The development shall follow the revised Concept Development Plan that was presented at the January 3, 2007 Zone Change Committee meeting (attached).

2. The attached text from Articles 10 and 11 of the Boone County Zoning Regulations lists uses that will be permitted in the development. Prohibited uses have been stricken out. Bars shall not be permitted under the "eating and drinking establishments including alcoholic beverages" category in the C-2 portion of the site (C-1 principally permitted use #2 and C-2 principally permitted use #3); restaurants which have a license to sell liquor "by the drink" are permitted under this category. One coffee shop or comparable establishment (such as a tea room, sandwich shop, or a pastry shop) with a single drive-through lane is also permitted under this category (one drive-through lane is permitted for the entire development as indicated on the Concept Development Plan).

3. Any future text amendments to the uses permitted in the applicable zones (C-1, C-2, O-1, and O-2) shall not apply to the proposed development.

4. Buffer areas adjoining the residential uses and zones to the east and south shall be provided per the revised Concept Development Plan. A minimum 10 foot wide "no disturb" area where the healthy, existing vegetation will be retained shall be established along these adjacencies. Berming, which is approximately 6 feet high along the east property line and approximately 3 feet high along the south property line, shall be provided. The berming may be tapered down to the existing grade where necessary to retain existing large diameter trees. Two staggered rows of evergreen trees, which have an installation size of at least 8 feet, shall be provided in these buffer areas at a rate of at least one tree per 15 feet on center in each row. Hedge plantings (large shrubs per Plant List C in Article 37 of the zoning regulations) shall be used to fill "gaps" between the evergreen trees and where the berming was tapered to the existing grade to retain existing large diameter trees.

5. A full pitched roof form or multiple pitched forms shall be provided over the entirety of each structure. The exterior walls of each structure shall be actual brick which uses natural tones; other materials may be used for incidental accents and details. The overall designs of these structures shall be complimentary to the buildings in the developments to the east and west, and the residential structures to the south. Storefronts on the C-2 area buildings may have varied designs such as by providing three dimensional jogs in the building footprint, varying window and door configurations, awnings, varying brick colors of complimentary tones, or alternate types of masonry. A formal Design Review application shall be submitted for review and approval through the full Planning Commission upon the recommendation of the Technical/Design Review Committee.

6. The attached fixture examples shall be used for exterior lighting. The photometric plan submitted with each site plan application in the development shall demonstrate that there will be no measurable light (0.0 footcandle) at each property boundary. The mast height for the freestanding fixtures shall be comparable to the neighboring developments.

7. The permitted architectural freestanding sign or monument sign for the C-2 portion of the site shall be limited to 20 feet in height. The materials and design of this sign shall mimic those used for the buildings; this sign shall be subject to the same Design Review process as outlined in condition 5 for the buildings. Building mounted signs shall be internally illuminated, individual channel letters, which may include secondary sign copy on incidental box cabinets.

8. The Boone County Historic Preservation Review Board shall be granted the opportunity to document and salvage any usable historic building materials from the circa 1880 structure at 2325 Burlington Pike prior to its demolition. The documentation and salvage of materials shall occur within thirty (30) days of being contacted by the developer.

9. The pavement section and vehicular circulation in all areas of the development shall be designed to adequately accommodate the Burlington Fire Protection District's largest apparatus.

Sincerely,

Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Enclosures

AGREEMENT

I, the property owner of the real estate located at 2279 and 2325 Burlington Pike, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan and Zoning Map Amendment application.

Michael Ziegler, Property Owner — Date 1/16/07
Kingsgate Square, LLC
Managing Member

ZIEGLER USES

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000

Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages; MUST BE RESTAURANT DRINK LIQUOR ONLY EXCEPT NO FAST FOOD. COFFEE SHOP WITH DRIVE SINGLE LANE DRIVE-THRU
3. ~~Grocery stores and supermarkets;~~
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;

~~6. Convenience stores;~~ Not Allowed

7. ~~Liquor, beverage,~~ drug and proprietary stores;

8. Banking services, savings and loan associations, credit unions and other credit services; (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.

9. Insurance carriers and agents;

10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;

11. Accounting, auditing and bookkeeping services;

12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;

13. Physician, dental, optical goods and services;

14. Veterinary services and pet grooming services but not including the boarding of animals;

15. Beauty and barber services and tanning salons;

16. Nursery and day care centers;

17. Laundering, dry cleaning and dyeing services including self-service;

18. Alteration and garment repair and custom tailoring;

19. Shoe repair, shoe shining and hat cleaning services;

20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;

21. Jewelry stores;

22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;

23. Art, craft and hobby supplies and products, gifts and novelties;

24. Antiques and used merchandise;

25. Books, stationery, newspapers and magazines;

26. Florists excluding greenhouses;

27. Sporting goods including bicycles;

28. Draperies, curtains, upholstery and floor coverings;

29. Paint, glass and wallpaper stores;

30. Photo finishing services;

~~31. Recreation centers, gymnasiums, clubs and similar athletic uses;~~ NOT ALLOWED

~~32. Video stores;~~

33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:

   a. Temporary exhibit spaces;

   b. Aquariums, botanical gardens and other natural exhibitions;

   c. Stages and similar assembly areas;

   d. Indoor target ranges and similar athletic uses;

~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~

~~a. Private garage and parking;~~ NOT ALLOWED

~~b. Structures such as fences and walls;~~

~~c. Buildings such as storage sheds;~~

~~d. The keeping and use of appropriate household pets;~~

3. Signage (See Article 34);

4. Parking (See Article 33);

5. Temporary buildings incidental to construction;

NOT ALLOWED

~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~

~~7. Retail sale of motor fuels;~~ NOT ALLOWED

8. Drive-up photo finishing services and automatic teller services;

NA

~~9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~ Not Allowed

10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

~~1. Gasoline filling stations and automotive repair facilities;~~ Not Allowed

2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014
Intensity
The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015
Minimum Size
There is no minimum size or extent required of a Commercial One district.

SECTION 1016
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020
COMMERCIAL TWO (C-2)
The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021
Principally Permitted Uses
The following uses are permitted:

1. ~~All~~ principally permitted uses of a Commercial One (C-1) district; AS NOTED
2. ~~All~~ the principally permitted uses in an Office One (O-1) district; AS NOTED MUST BE RESTAURANT DRINK LICENSE ONLY.
3. Eating and drinking establishments including alcoholic beverages; EXCEPT NO FAST FOOD. COFFEE SHOP WITH SINGLE LANE DRIVE-THRU
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social

and fraternal organizations;

25. Art and craft galleries and similar exhibit space;

26. Aquariums, botanical gardens and other natural exhibitions;

27. ~~Arcades and other amusement centers;~~

28. ~~Motion picture theaters (indoor);~~ NOT ALLOWED

29. ~~Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;~~ NOT ALLOWED

30. ~~Recreation centers, gymnasiums, clubs and similar athletic uses;~~

31. ~~Motorcycles sales or bike shops excluding outside storage;~~ NOT ALLOWED

32. Churches, synagogues, temples and other places or religious assembly for worship;

33. ~~Hotels and motels including convention facilities;~~ NOT ALLOWED

34. ~~Pawn shops (Not Applicable within the City of Florence);~~ NOT ALLOWED

35. ~~Auto parts and accessories stores;~~

36. ~~Gasoline filling station;~~ NOT ALLOWED

SECTION 1022
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:

   a. Stages and similar assembly areas;

   b. Auditoriums, exhibition halls and other public assembly spaces;

   c. Billiards;

   d. Play lots and tot lots;

   e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

2. ~~A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~

NA

a. ~~Private garage and parking;~~

b. ~~Structures such as fences and walls;~~ NOT ALLOWED

c. ~~Buildings such as storage sheds;~~

d. ~~The keeping and use of appropriate household pets;~~

3. Signage (See Article 34);

4. Parking (See Article 33);

5. Temporary buildings incidental to construction ;

6. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~ NOT ALLOWED

7. Drive-up photo finishing services and automatic teller services;

8. Indoor target ranges and similar athletic uses;

9. ~~Recycling collection points (See Article 34);~~ NOT ALLOWED

10. Garment and Furniture centers (See Article 31);

11. ~~The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);~~ NOT ALLOWED

12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1023
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;

2. ~~Automotive repair facility and wash services for vehicles;~~ NOT ALLOWED

3. ~~Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);~~ NOT ALLOWED

4. Sale of satellite dishes;

5. ~~Small scale sales or leasing of new and used recreational vehicles requiring the storage of no~~ NOT ALLOWED

~~more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);~~

~~6. Mini-warehouses or storage facilities (Does not apply in the City of Florence);~~ NOT Allowed

SECTION 1024
Intensity
The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025
Minimum Size
The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030
COMMERCIAL SERVICES (C-3)
The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031
Principally Permitted Uses
The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;

2. All the principally permitted uses in an Office One (O-1) district;

3. Commercial parking facilities and commercial recreational vehicle parking facilities;

4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

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ZIEGLER USES

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110
OFFICE ONE (0-1)
The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111
Principally Permitted Uses
The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. ~~Eating and drinking establishments including alcoholic beverages;~~ NOT ALLOWED
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;

12. Research, development and testing services of an office nature;

13. Business and management consulting services and associations;

14. Motion picture, audio-visual and similar media production and distribution services;

15. Physician and dental services including medical, dental laboratories and clinics;

16. Legal, engineering, architectural, education and scientific research services;

17. Accounting, auditing and bookkeeping services;

18. Charitable and social services administration offices;

19. Professional membership organizations and labor organizations and civic associations;

20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;

22. Veterinary services not including the boarding of animals;

23. Business colleges or schools;

24. Recreation centers, gymnasiums and other related recreational facilities;

25. The retail sale of office supplies and equipment;

26. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1112
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:

   a. Temporary exhibit spaces;

   b. Aquariums, botanical gardens and other natural exhibitions;

   c. Stages and similar assembly areas;

2. Accessory uses for an office facility:

a. Garages and parking;

b. Structures such as fences and walls;

c. Buildings such as storage sheds;

3. Signage (See Article 34);

4. Parking (See Article 33);

5. Automatic teller machines;

~~6. Single-family dwelling unit;~~ NOT ALLOWED

7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1113
Conditional Uses
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers;

~~2. Convenient stores;~~ NOT ALLOWED

3. Beauty and barber services and tanning salons;

4. Laundering, dry cleaning and dyeing services, including self-service;

5. Shoe repair, shoe shining and hat cleaning services;

6. Florists, excluding greenhouses.

SECTION 1114
Intensity
The maximum total intensity of all uses in an Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1115
Minimum Size
The minimum size or extent required of an Office One District is one acre.

SECTION 1116
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See

MK

Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.
No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120
OFFICE TWO (O-2)
The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

SECTION 1121
Principally Permitted Uses
The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-thru teller services.
4. ~~Convenient stores;~~ NOT ALLOWED
5. Beauty and barber services and tanning salons;
6. Laundering, dry cleaning and dyeing services, including self-service;
7. Shoe repair, shoe shining and hat cleaning services;
8. Florists, excluding greenhouses.

SECTION 1122
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
   a. Museum, art and craft galleries, conservatories and other cultural exhibits;
   b. Aquariums, botanical gardens and arboretums, nature preserves; wildlife sanctuaries and other natural exhibitions;
   c. Historic sites, structures, monuments and other exhibits available for public viewing;
   d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other

JMT

entertainment assemblies;

e. Auditoriums, exhibition halls and other public or miscellaneous assembly;

f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;

g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;

h. Swimming beaches and swimming pools;

I. Picnicking, hiking areas, exercise trails and other recreational uses;

j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;

2. Public transit stations and terminals;

3. Postal travel and transportation ticket or forwarding services;

4. Detective, protective and other police services;

5. Signage (See Article 34);

6. Parking (See Article 33);

7. Automatic teller machines;

8. Retail defined as:

a. Books and stationery;

b. Florists excluding greenhouse or outdoor storage or growing areas;

c. Cigars and cigarettes;

d. Beauty and barber services;

9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1123

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district:

~~1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;~~ NOT ALLOWED

2. The writing, publishing of newspapers, periodicals and books provided any printing operation

is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;

3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;

4. ~~Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;~~ NOT ALLOWED

5. Blueprinting and photocopying services;

6. Window cleaning, disinfecting and exterminating, dwelling and building services;

7. ~~Automobile leasing or rental agencies (maximum storage of 50 vehicles);~~ NOT ALLOWED

8. Adult and child care centers.

SECTION 1124
Intensity
The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

SECTION 1125
Minimum Size
The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

SECTION 1130
INDUSTRIAL ONE (I-1)
The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres

MA

Todd Morgan

From: Jeff Barlow <jbarlow@burlingtonkyfire.org>
Sent: Monday, April 17, 2023 11:40 AM
To: Todd Morgan
Subject: RE: Zoning Map Amendment Application for 6125 First Financial Drive, Boone County, KY

EXTERNAL MESSAGE

Todd,
The fire department does not have any issue with re-zoning the parcel for this project.

Mission Ready,
Chief Barlow

Jeff Barlow, EFO
Fire Chief
Burlington Fire Protection District
PO Box 479
6050 Firehouse Drive
Burlington, KY 41005
859-586-6161
859-586-6178 fax
www.burlingtonkyfire.org

Confidentiality Notice: The information contained in the email, and in any accompanying documents, constitutes confidential information, which belongs to the Burlington Fire Protection District. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient of this information you are hereby notified that any disclosure, copying, distribution, or taking of any action in reliance to this information is strictly prohibited. If you have received this email in error, please notify us by calling the number listed above.

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Thursday, April 6, 2023 2:11 PM
To: Robert Franxman <rfranxman@boonecountyky.org>; Paul Stephenson <Pstephenson@boonecountyky.org>; Jeff Barlow <jbarlow@burlingtonkyfire.org>; Andy Aman <aaman@sd1.org>; Mike Rouse <miker@boonewater.com>
Cc: Jeff Earlywine <jearlywine@boonecountyky.org>; Matthew Webster <mwebster@boonecountyky.org>
Subject: Zoning Map Amendment Application for 6125 First Financial Drive, Boone County, KY

All,

A Zoning Map Amendment application has been submitted to rezone the property at 6125 First Financial Drive from Office Two (O-2) to Suburban Residential Two (SR-2). The property is 2.4 acres in area and is located immediately to the southeast of 6159 First Financial Drive. The proposal would allow a 6,162 square foot single-family residential dwelling to be constructed and be used as a residential care facility for handicapped persons. I have attached a copy of the cover letter and plans that were submitted with the application. The public hearing has been scheduled for May 3, 2023, at 7:30 P.M. Please let me know if you have any comments by April 21, 2023.

Please feel free to call or email me if you have any questions.

Thanks for your help.

RECEIVED
8805
APR 04 2023
BOONE COUNTY PLANNING COMMISSION

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Name of Project: The Point/Arc of NKY - Owen Hauck Home of Fame
2. Location of Project: 6125 First Financial Drive, Burlington, KY
3. Total Acreage of Project: 2.37 acres
4. Current Zoning of Property: O-2
5. Proposed Zoning of Property (classification being requested): SR-2
6. Proposed Use(s) (specify each use):
   Residential Care Facility for Handicapped Persons
7. Proposed Building Intensities (specify for each building):
   ~~6,040 sq ft one-story building (including attached garage)~~
8. Are you applying for any of the following (check all that apply):
   ☐ Conditional Use Permit ☐ Variance
9. Current Owner: G. Sharpco, Inc.
   Address: 1488 Cox Avenue
   Erlanger (City) KY (State) 41018 (Zip Code)
   Phone Number: 859.393.4032 Fax Number:
   Email: sharpoil@aol.com
10. Applicant: The Point/Arc of Northern Kentucky
    Address: 104 W. Pike Street
    Covington (City) KY (State) 41011 (Zip Code)
    Phone Number: 859.491.9191 (ext. 131) Fax Number:
    Email: tangel@thepointarc.org
11. Are there any existing buildings on the site: ☐ Yes ☑ No
    If yes, indicate how many:

12. 990 Deed Book | 594 Page Number | 2030 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):

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

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 June 22, 2023

Property Owner's Signature: _____, President

Applicant's Signature: _____

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT **#1**

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: June 7, 2023

RE: 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.

FINDINGS OF FACT:

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

1. While the "2040 Future Land Use Plan" designates the site for Commercial uses, it is important to note "the Future Land Use boundaries are intended to be approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies" (Description and Purpose of Land Use Maps, page 99.).

2. The proposal meets the following Goals and Objectives:

   A. Mixing of residential and other land uses shall be encouraged where appropriate (Overall, Objective 2).

   B. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall, Objective 3).

   C. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Objective 4).

   D. The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics Goal A, Objective 2).

   E. 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).

F. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).

G. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).

H. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).

I. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

J. 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).

3. The proposal is in agreement with the following passages from the Demographics Element:

A. Boone County's steady and strong population growth is anticipated to continue through the year 2040. During this time, it is imperative that the most recent population trends, estimates, and demographic makeup of Boone County's residents are gathered and analyzed in order to properly identify their needs and meet them through orderly growth. By understanding the demographic components of the population, adequate housing opportunities can be properly planned for and provided. (Demographics, Conclusions and Recommendations, page 19)

B. Constant monitoring and analyzing the demographics of a population will give understanding as to the needs of the residents of Boone County. By doing this, the possibility of inadvertently discriminating against or not meeting the needs of any segment of the population is avoided as it becomes more diverse racially and ethnically. It is clear that Boone County's population will continue to grow older. Therefore, appropriate housing must be provided for the growing elderly population near transit, commercial areas, and public facilities and be consistent with the desires of that segment of the population. This can be addressed by providing multi-family dwellings such as apartments, condominiums, assisted living complexes, and even smaller 1-story single family homes or "granny flat" accessory units to single family homes (Demographics, Conclusions and

Recommendations, Identifying the Needs of the Population, page 19).

C. New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban (and suburban) areas of Boone County would encourage mixing of different income levels. Most new construction of typical single-family housing should be encouraged to occur within undeveloped areas within the established suburban portion of the county in order to take advantage of existing infrastructure and services already in place and avoid placing strain on the more rural transportation network in the undeveloped portions of the county. Consideration must be given to existing conditions that may affect new development in established areas such as adjoining land uses and proximity to the Cincinnati-Northern Kentucky International Airport where commerce and airplane noise may be an issue. (Demographics, Conclusions and Recommendations, Housing Types and Locations, page 19).

The Committee analyzed the following facts when making these findings:

1. The subject property adjoins seven (7) single-family residential dwellings and is in an appropriate location. The proposed building materials are brick, stone, and asphalt shingle roofing.

2. The proposed residential care facility will provide housing and care for six (6) people with disabilities.

3. The rear of the property contains existing mature vegetation.

4. The proposed use will be a low traffic generator.

5. The neighbors that spoke at the 5/3/23 Public Hearing were all in support of the project.

CONDITIONS:

1. The approval is based on the submitted Concept Development Plans. Minor changes can be approved by the Zoning Administrator.

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: Rick Lunnemann, Chairman

DATE: May 17, 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/CHANGE OF CONCEPT DEVELOPMENT PLAN, David Hincks, Chairman, Todd Morgan, Staff

2. 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.

Janet Kegley

For Project ✓ Absent____
Against Project ____
Abstain ____ Deferred ____

Corrin Gulick

For Project X Absent____
Against Project ____
Abstain ____ Deferred ____

Rick Lunnemann (Chairman)

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** 4 **FOR PROJECT** ____ **ABSENT**
____ **AGAINST PROJECT** ____ **ABSTAIN**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Jackie Steele, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:49 p.m.

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

2. 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.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report). The site is located at 6125 First Financial Drive and is 2.34 acres in size. The request is to rezone the site from Office Two (O-2) to Suburban Residential Two (SR-2) to allow a detached single-family residential care facility for handicapped persons. The Concept Development Plan shows a 6,064 square foot house with 6 bedrooms, as well as a guest room, 3.5 bathrooms, dining room, living room, den, office, kitchen, laundry and a two car garage. All bedrooms will have one bed. Mr. Morgan showed an elevation of the proposed home. It will include brick and stone construction. It would also have two porches. In 2007, a Change in Concept Plan was approved for a 15,000 square foot office building and a day care facility. The site drops back towards the rear lot line. Mr. Morgan showed photographs of the site. The Future Land Use Map designates the site for Commercial (C) use. It was based on the 2007 Concept Development Plan approval. The definition of a Residential Care Facility is defined on Page 2 of the Staff Report. This use is allowed by right if the property is already zoned residential. That is why the applicant is requesting a residential zoning district. On Pages 4 and 5 of the Staff Report, there are additional references to the Comprehensive Plan. In terms of Staff Comments, Mr. Morgan asked the applicant to address the following: Will the bedrooms only contain one bed? Second, how many employees care for the residents? How many employees work on the largest shift? Are there any company vehicles kept on site? Do any of the residents drive? Who certifies the residents have a disability? Would any accessory structures or amenities be located in the rear yard? What will the building materials be? Will street trees by installed along First Financial Drive? What is the basis for the zone change? If the zone change is approved, street trees are normally required but no additional landscaping. The Burlington Fire Department submitted a letter regarding the request and responded with not having any issues with the proposed project.

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

Mr. Brian Dunham, attorney, stated that the property owner is willing to donate the property to The Point/Arc of NKY. He addressed the questions mentioned in the Staff Report. The maximum number of residents will be 6. There could occasionally be another overnight family visitor. There will be 8-10 employees at the proposed facility. There will be 2-3 people on a typical staff shift. It could drop down to one staff person for the overnight shift. There will be one agency vehicle on the property, a passenger van. None of the residents drive. Residents are referred by other case agencies. Residents have to be medically stable. The agency is Medicaid certified by the Commonwealth of Kentucky. All residents have to be qualified under the Kentucky Support for Community Living Waiver. It requires clients to be intellectually disabled – a cognitive impairment of an IQ below 70 and requires support for their functioning. They have no affiliation with addiction recovery or criminal court. None of their clients are recovering addicts. A residential care facility is a lot different than a transitional care facility. There are no plans currently for accessory structures or amenities. Building materials will include brick, stone, fiber cement and asphalt shingles.

Ms. Judy Gerding, President of the Point, stated that they have 18 group homes – 3 in Campbell County, 6 in Boone County and 9 in Kenton County. Their mission is to help individuals with developmental disabilities reach their highest potential educationally, residentially, socially and vocationally. Their group homes are located in subdivisions – on Meadowview, Richmond Drive, Oakbrook, Collier Drive and Preservation Drive. All the homes have 3-6 people. The proposed building will be their 19th home. The home will cost $1.5 million and it will serve some of their aging clients. They currently have 60 residents in their 18 homes. Ms. Gerding distributed a picture of their homes.

Mr. Dunham pointed out the existing buildings in area. It includes office buildings and residences. The Cadell family and Hemmer folks are fully supportive of the request. He is proposing to move the existing SR-2 zoning line to their property. The proposal is more of a natural buffer from the office and retail uses. The building is a single story building similar in size to the Hemmer building. The proposed building is not their typical group home. It will accommodate their older clients. It wouldn't really fit in a traditional subdivision. He understood the Future Land Use Map designates the site as Commercial but it is understood that the boundaries are approximate and subject to refinement. Holistically, it is in agreement with the Comprehensive Plan. It allows for the mixture of land uses of residential and commercial. It provides appropriate housing opportunities and addresses the needs of disabled adults and the aging population. On page 120 of the Comprehensive Plan, it identifies the need to protect the residences in Kingsgate Subdivision and the proposed use does that because it is a residential use. It is less impactful to the subdivision. It is in agreement with the Comprehensive Plan. There has been a change since the adoption of the Comprehensive Plan. Covid has resulted in less of a need for suburban office spaces as people are working from home. The current office zoning is inappropriate and the proposed residential zoning is more appropriate to the adjoining neighborhoods.

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

Ms. Ann Lightner, 2865 Anson Lane, Petersburg, stated she likes the fact that The Point are local people. She was hoping that they could fit more people in their bedrooms because people like roommates. It is a wonderful thing that the land is to be donated. It is a good project for the community.

Ms. Mary Beth Scott, 6036 Kingsgate Drive, stated that she is in favor of the project. It is good people helping good people. She was a former Special Education teacher and it is good for the community. People can live on their own with minimal help.

Ms. Deborah Collins, 6042 Kingsgate Drive, stated that she was for it. Ms. Scott then spoke to Ms. Collins. Her son is autistic and is living with her. It is a positive move so when she and her husband cannot take care of their son, perhaps there is an option to move to this type of facility around the corner from their house. He is presently on a list to move into a facility for the past 17 years.

Ms. Gerding replied there are many rules that limit the number of people in each room. They also assist families in securing funding for relocating clients to their facilities.

Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant. He asked about accepting autistic clients? Ms. Gerding replied that there are other funding programs that fund autistic clients to stay in their homes. They have all levels of care in their group homes. Their homes are ranch style to avoid steps and are handicapped accessible.

Chairman Rolfsen asked if the facility has at least 1 staff person present all day? Ms. Terri Angel responded that the plan is to have an RN and a LPN dedicated to the proposed home. It is licensed for 6 people. It will require 24 hour staffing. They have to care for the needs of their clients. They have alarms to prevent people from leaving the building although the building is staffed every day.

Seeing no further questions or comments, Chairman Rolfsen announced that Committee Meeting for this item will be on May 17, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 7, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:31 p.m.

APPROVED:

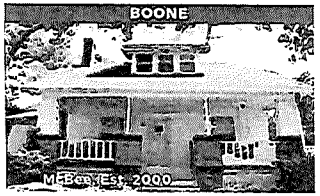
Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

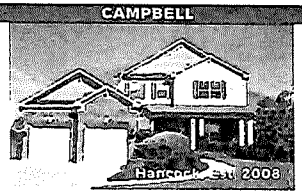
Exhibit C – Photo of The Point homes

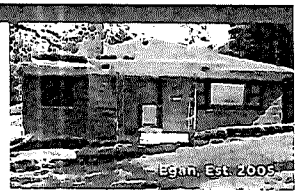
BOONE



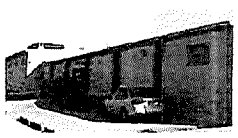
BILL & BETSY SCHEBEN CENTER
Deeded to The Point
2016

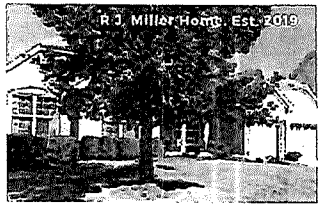
CAMPBELL



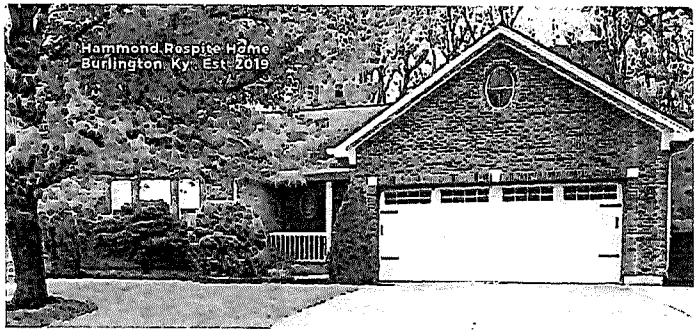


POINT COMMERCIAL LAUNDRY
Est. 1996

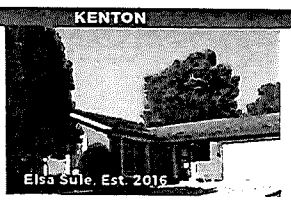


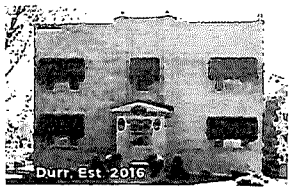


Will Ziegler presided over the dedication of the Durr Apartments on Oct. 16th, 2016

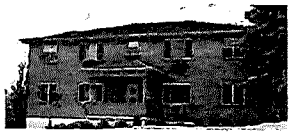


KENTON



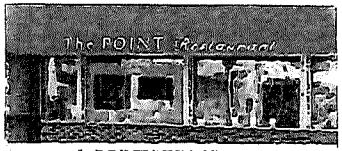


POINT COMMERCIAL CLEANING CO.
Est. 1985



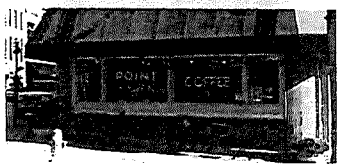
Katherine Durr Apartments (Previously known as our Thompson Apt.) 2017

1999 ACTIVITIES PROGRAM introduced



1982 POINT RESTAURANT opens
45 West Pike Street
Covington, KY 41011

POINT PERK, Est. 2015

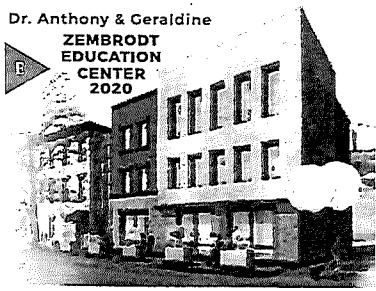


Advertise your business through employee apparel!

POINT APPAREL Co.

POINT SILKSCREEN & EMBROIDERY
Est. 2012

Dr. Anthony & Geraldine ZEMBRODT EDUCATION CENTER 2020



E ADVOCACY SINCE 1972

E "EVERYBODY COUNTS" 198

SUPPORTED EMPLOYMENT 19

E HIGH SCHOOL TRANSITION 1985

E SOCIAL COMMUNICATION 2013

E PEERS 2019
(PROGRAM EDUCATION/
ENRICHMENT RELATIONAL SKILLS

EXHIBIT C

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mrs. Jackie Steele, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:49 p.m.

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

2. 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.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report). The site is located at 6125 First Financial Drive and is 2.34 acres in size. The request is to rezone the site from Office Two (O-2) to Suburban Residential Two (SR-2) to allow a detached single-family residential care facility for handicapped persons. The Concept Development Plan shows a 6,064 square foot house with 6 bedrooms, as well as a guest room, 3.5 bathrooms, dining room, living room, den, office, kitchen, laundry and a two car garage. All bedrooms will have one bed. Mr. Morgan showed an elevation of the proposed home. It will include brick and stone construction. It would also have two porches. In 2007, a Change in Concept Plan was approved for a 15,000 square foot office building and a day care facility. The site drops back towards the rear lot line. Mr. Morgan showed photographs of the site. The Future Land Use Map designates the site for Commercial (C) use. It was based on the 2007 Concept Development Plan approval. The definition of a Residential Care Facility is defined on Page 2 of the Staff Report. This use is allowed by right if the property is already zoned residential. That is why the applicant is requesting a residential zoning district. On Pages 4 and 5 of the Staff Report, there are additional references to the Comprehensive Plan. In terms of Staff Comments, Mr. Morgan asked the applicant to address the following: Will the bedrooms only contain one bed? Second, how many employees care for the residents? How many employees work on the largest shift? Are there any company vehicles kept on site? Do any of the residents drive? Who certifies the residents have a disability? Would any accessory structures or amenities be located in the rear yard? What will the building materials be? Will street trees by installed along First Financial Drive? What is the basis for the zone change? If the zone change is approved, street trees are normally required but no additional landscaping. The Burlington Fire Department submitted a letter regarding the request and responded with not having any issues with the proposed project.

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

Mr. Brian Dunham, attorney, stated that the property owner is willing to donate the property to The Point/Arc of NKY. He addressed the questions mentioned in the Staff Report. The maximum number of residents will be 6. There could occasionally be another overnight family visitor. There will be 8-10 employees at the proposed facility. There will be 2-3 people on a typical staff shift. It could drop down to one staff person for the overnight shift. There will be one agency vehicle on the property, a passenger van. None of the residents drive. Residents are referred by other case agencies. Residents have to be medically stable. The agency is Medicaid certified by the Commonwealth of Kentucky. All residents have to be qualified under the Kentucky Support for Community Living Waiver. It requires clients to be intellectually disabled – a cognitive impairment of an IQ below 70 and requires support for their functioning. They have no affiliation with addiction recovery or criminal court. None of their clients are recovering addicts. A residential care facility is a lot different than a transitional care facility. There are no plans currently for accessory structures or amenities. Building materials will include brick, stone, fiber cement and asphalt shingles.

Ms. Judy Gerding, President of the Point, stated that they have 18 group homes – 3 in Campbell County, 6 in Boone County and 9 in Kenton County. Their mission is to help individuals with developmental disabilities reach their highest potential educationally, residentially, socially and vocationally. Their group homes are located in subdivisions – on Meadowview, Richmond Drive, Oakbrook, Collier Drive and Preservation Drive. All the homes have 3-6 people. The proposed building will be their 19th home. The home will cost $1.5 million and it will serve some of their aging clients. They currently have 60 residents in their 18 homes. Ms. Gerding distributed a picture of their homes.

Mr. Dunham pointed out the existing buildings in area. It includes office buildings and residences. The Cadell family and Hemmer folks are fully supportive of the request. He is proposing to move the existing SR-2 zoning line to their property. The proposal is more of a natural buffer from the office and retail uses. The building is a single story building similar in size to the Hemmer building. The proposed building is not their typical group home. It will accommodate their older clients. It wouldn't really fit in a traditional subdivision. He understood the Future Land Use Map designates the site as Commercial but it is understood that the boundaries are approximate and subject to refinement. Holistically, it is in agreement with the Comprehensive Plan. It allows for the mixture of land uses of residential and commercial. It provides appropriate housing opportunities and addresses the needs of disabled adults and the aging population. On page 120 of the Comprehensive Plan, it identifies the need to protect the residences in Kingsgate Subdivision and the proposed use does that because it is a residential use. It is less impactful to the subdivision. It is in agreement with the Comprehensive Plan. There has been a change since the adoption of the Comprehensive Plan. Covid has resulted in less of a need for suburban office spaces as people are working from home. The current office zoning is inappropriate and the proposed residential zoning is more appropriate to the adjoining neighborhoods.

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

Ms. Ann Lightner, 2865 Anson Lane, Petersburg, stated she likes the fact that The Point are local people. She was hoping that they could fit more people in their bedrooms because people like roommates. It is a wonderful thing that the land is to be donated. It is a good project for the community.

Ms. Mary Beth Scott, 6036 Kingsgate Drive, stated that she is in favor of the project. It is good people helping good people. She was a former Special Education teacher and it is good for the community. People can live on their own with minimal help.

Ms. Deborah Collins, 6042 Kingsgate Drive, stated that she was for it. Ms. Scott then spoke to Ms. Collins. Her son is autistic and is living with her. It is a positive move so when she and her husband cannot take care of their son, perhaps there is an option to move to this type of facility around the corner from their house. He is presently on a list to move into a facility for the past 17 years.

Ms. Gerding replied there are many rules that limit the number of people in each room. They also assist families in securing funding for relocating clients to their facilities.

Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant. He asked about accepting autistic clients? Ms. Gerding replied that there are other funding programs that fund autistic clients to stay in their homes. They have all levels of care in their group homes. Their homes are ranch style to avoid steps and are handicapped accessible.

Chairman Rolfsen asked if the facility has at least 1 staff person present all day? Ms. Terri Angel responded that the plan is to have an RN and a LPN dedicated to the proposed home. It is licensed for 6 people. It will require 24 hour staffing. They have to care for the needs of their clients. They have alarms to prevent people from leaving the building although the building is staffed every day.

Seeing no further questions or comments, Chairman Rolfsen announced that Committee Meeting for this item will be on May 17, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 7, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:31 p.m.

APPROVED:

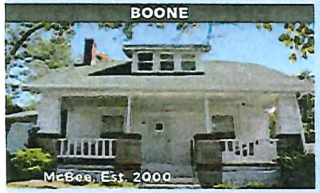
Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit C – Photo of The Point homes

BOONE


McBee, Est. 2000

Ruschman, Est. 1998

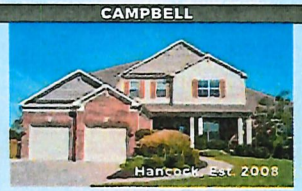
VonLehman, Est 1991

BILL & BETSY SCHEBEN CENTER
Deeded to The Point 2016

Justin Yeager Home, Est. 2019

CAMPBELL

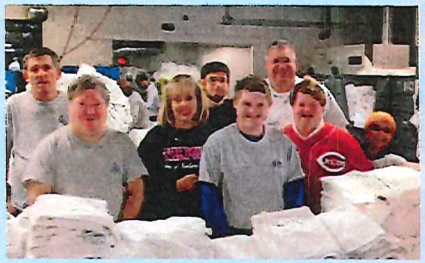
Fischer, Est. 2009

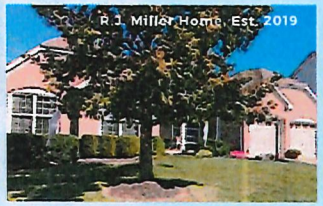

Hancock, Est. 2008

Egan, Est. 2005

POINT COMMERCIAL LAUNDRY
Est. 1996

2003 POINT LAUNDRY CO. expansion
216 LINDSEY STREET
DAYTON, KY 41074



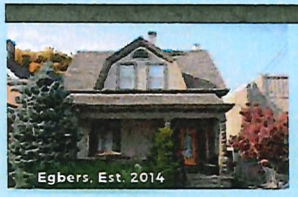

R.J. Miller Home, Est. 2019

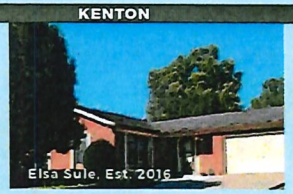
Will Ziegler presided over the dedication of the Durr Apartments on Oct. 16th, 2016

Matthew Remke Home, Est. 2019

Hammond Respite Home
Burlington, Ky., Est. 2019

KENTON


Egbers, Est. 2014


Elsa Sule, Est. 2016

Sendelbach, Est. 2021

Hamm, Est. 2001

Zalla, Est. 2002

Corken, Est. 2021

Durr, Est. 2016

HOME OFFICE, Est. 1979

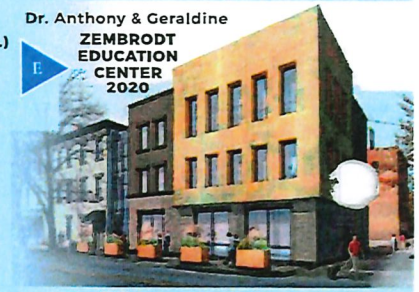
POINT COMMERCIAL CLEANING CO. Est. 1985

CASE MANAGEMENT 2014

Katherine Durr Apartments (Previously known as our Thompson Apt.) 2017

1999 ACTIVITIES PROGRAM introduced

Dr. Anthony & Geraldine
ZEMBRODT EDUCATION CENTER 2020



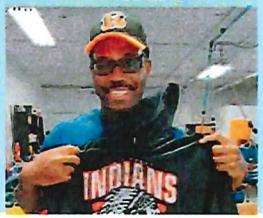
1982 POINT RESTAURANT opens
45 West Pike Street
Covington, KY 41011

POINT PERK, Est. 2015

Advertise your business through employee apparel!

POINT APPAREL Co.

POINT SILKSCREEN & EMBROIDERY Est. 2012



- ADVOCACY SINCE 1972
- "EVERYBODY COUNTS" 198
- SUPPORTED EMPLOYMENT 19
- HIGH SCHOOL TRANSITION 1985
- SOCIAL COMMUNICATION 2013
- PEERS 2019 (PROGRAM EDUCATION/ ENRICHMENT RELATIONAL SKILL

BCPC PH#2 5/3/23
EXHIBIT C

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
JUNE 7, 2023
7:00 P.M.

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's June 7, 2023 Business Meeting. Mr. Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley

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
Mr. Steve Lilly, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the May 17, 2023 Business Meeting. He asked if there were any comments or corrections?

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

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid,** which included a list of **Expenses** and **Salaries and Benefits** for a time period between May 4, 2023 and June 7, 2023.

EXPENSES:		
Accounting Fees		$ 775.00
Attorney Fees		4,400.00
Auto Expense		168.20
Consultant/Professional Svcs Fees		2,198.75
Filing Fees (CLURS)		1,350.00
Legal Ads/Recruitment		464.12
Miscellaneous Expense		293.93
Office & Board Meeting Supplies		1,442.86
Office/Equipment Maintenance		5,587.50
Office Equipment / Expense		303.74
Postage Expense		500.00
Printing/Pub/Dues/Subscriptions		215.00
	TOTAL:	**$ 17,699.10**
SALARIES AND BENEFITS:		
FICA-BCPC Portion		$ 7,722.16
Health/Dental/Life/LTD		10,820.79
Retirement – BCPC Portion		21,911.01
Salaries – Staff Expenses		82,328.40
Salaries – BCPC & BOA		1,540.00
	TOTAL:	**$147,593.09**
	GRAND TOTAL:	**$165,292.19**

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

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

1. 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.

Staff Member, Todd Morgan, 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 Ms. Gulick voting in favor of the request. The applicant has signed the condition letter.

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

Mr. Brian Dunham, Attorney, stated that he was supportive of the Committee Report and thankful for it. He is available to answer any questions. The proposed project fits in with the area and is consistent with the Comprehensive Plan.

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

Ms. Judi Gerding, representing Point/Arc thanked Todd Morgan for his assistance and promised to be good citizens as they already have six group homes in Boone County.

NEW BUSINESS

ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **CPRE TP Boone Limaburg LLC/Chavez Properties, per Martin Chavez (applicant)** for **CPRE TP Boone Limaburg LLC, per Martin Chavez (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 1.0 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky. The request is to place an overall approximate 27.4 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky, in one zoning district so that it can be developed in accord with the I-1 district.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

3. Request of **SL 1020 Petersburg Road LLC, per Holden Sabato (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to

Industrial One (I-1) and a Change of Concept Development Plan within an existing Industrial One (I-1) district for an approximate 6.46 acre area located at 1020 Petersburg Road, Boone County, Kentucky. The request is to demolish the existing building and construct an approximate 98,000 square foot industrial/warehouse building.

ZONING MAP AMENDMENT/VARIANCES, Todd Morgan, Staff

4. Request of **Listen to Amy LLC, per Wayne Smith (applicant/owner)** for: (1) a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 3.58 acre area located along the northeast side of Dolwick Drive at the Boone/Kenton County line, between Mineola Pike and Interstate Drive, approximately two hundred fifty (250) feet northwest of Interstate Drive, and having a Parcel Identification Number (PIDN) of 070.00-00-039.06, Boone County, Kentucky; and (2) Variances to: (a) reduce the minimum required front yard setback from fifty (50) feet to approximately five (5) feet; (b) reduce the minimum required landscape Buffer Yard A width along Dolwick Drive from ten (10) feet to approximately five (5) feet; and (c) reduce the minimum required landscape Buffer Yard D width along the northwest property line from eighty (80) feet to approximately twenty (20) feet for an approximate 3.58 acre area located along the northeast side of Dolwick Drive at the Boone/Kenton County line, between Mineola Pike and Interstate Drive, approximately two hundred fifty (250) feet northwest of Interstate Drive, and having a Parcel Identification Number (PIDN) of 070.00-00-039.06, Boone County, Kentucky. The request is for the development of two (2) buildings for office, truck repair, and truck storage use.

Mr. Turner moved to schedule the Public Hearings for Items #2, #3 and #4 on July 5, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Steele seconded the motion and it passed unanimously.

H. Executive Director's Report:

Mr. Kevin P. Costello, AICP introduce the Planning Commission's newest Staff Member, Steve Lilly. He began to work for the Board about three weeks ago. Steve is a Planner, who works in the Zoning Services Division with Michael Schwartz and Todd Morgan. Second, the Staff is still undertaking interviews for the Preservation Planner position in the Community Development Services Division. This position has been retooled from when Matt Becher served as the Planning Commission's Rural/Open Space Planner. Mr. Costello expects to present a potential candidate to the full Board either at the June 21, 2023 Business Meeting or the July 5, 2023 Business Meeting. Mr. Costello also noted that the Planning Commission's FY 2023-2024 Budget will be presented to the Board at its June 21, 2023 Business Meeting. He also stated that the County will be replacing the audio/visual/tv equipment in the Fiscal Courtroom in mid July so the Planning Commission's July 19th Business Meeting will be cancelled. However, the Zone Change Committee will still meet on July 19th in another room. More details will come at a later date.

I. **Committee Reports:**

- Airport (Randy Bessler)
  No Report

- Administrative/Personnel (Tom Szurlinski)
  No Report

- Enforcement (Tom Szurlinski)
  No Report

- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
  No Report

- Technical/Design Review (Rick Lunnemann)
  No Report

- Executive (Charlie Rolfsen)
  No Report

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

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

L. **Other:**

M. **Adjournment:**

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Schwenke seconded the motion and it passed unanimously. The meeting was adjourned at 7:15 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

May 19, 2023

The Point/Arc of Northern Kentucky
c/o – Judi Gerding
104 W. Pike Street
Covington, KY 41011

RE: 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.

Dear Ms. Gerding,

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their May 17, 2023 meeting. The property owner will need to sign the appropriate line on the last page of this letter if he is in agreement with the conditions. Please return the letter, with an original ink signature, to the Planning Commission office by June 6, 2023.

CONDITIONS

1. The approval is based on the submitted Concept Development Plans. Minor changes can be approved by the Zoning Administrator.

Sincerely,

Todd K. Morgan, AICP
Senior Planner

TKM/ss

AGREEMENT

I, George Sharp, hereby agree to the conditions of approval for the Zoning Map Amendment application, which is referenced on the first page of this letter.

, President 5/19/2023

Mr. George Sharp, Owner
G. Sharpco, Inc.

Date

The Point/Arc of NKY – Owen Hauck Home of Fame Project
Legal Description

Property Address: 6125 First Financial Drive, Burlington, Kentucky
PIDN: 038.00-23-002.00
Group No. 2030

Located in Boone County, Kentucky, lying on the south side of Kentucky Highway 18, approximately 490 feet east of Kingsgate Drive and is more particularly described as follows:

Beginning at a right-of-way marker (existing) in the southwesterly right-of-way line of Kentucky Highway 18 at the most north easterly corner of John David (Deed Book 833, page 29) and in the west line of Lot 1 of First Financial Plaza Subdivision; thence with common line of John David and Lot 1 S 24-16-38 W 164.76 feet to an iron pin (existing); thence S 31-57-08 W 92.78 feet to a point and the True Point of Beginning; thence S 31-57-08 W 112.67 feet to an iron pin (existing) at the common corner of John David (Deed Book 833, page 24), a future Lot 3 first Financial Plaza Subdivision and Arnold and Beverly Caddell (Deed Book 398, page 254); thence with common line of John David and Caddell S 32-16-45 W 217.04 feet to an iron pin (existing) at the common corner of John David, Caddell and Lot 62 Kingsgate Crossing Subdivision Section 2 (Plat Slide 126A); thence with the common line of John David and Lots 62, 61, 10, 9, 8, 7, 6 of said subdivision N 57-13-23 W 597.66 feet to an iron pin (existing) at the common corner of John David, Lot 6 of said subdivision and Lot 1 of Kingsgate Crossing Subdivision Section 1 (Cabinet 4 Slide 321); thence with common line of John David and Lot 1 N 32-36-51 E 269.63 feet to a p.k. nail (set); thence with a new division line with a curve to the right of said curve having a radius of 100.00 feet, a chord bearing and a distance of S 45-36-40 E 43.24 feet and an arc distance of 43.59 feet to an iron pin (set); thence S 33-07-29 E 94.98 feet to an iron pin (set); thence with a curve to the left of said curve having a radius of 100.00 feet, a chord bearing and a distance of S 45-16-45 E 42.11 and an arc distance of 42.43 feet to an iron pin (set); thence S 57-26-01 E 123.30 feet to an iron pin (set); thence with a curve to the left of said curve having a radius of 100.00 feet, a chord bearing and a distance of S 69-33-18 E 42.00 feet and an arc distance of 42.31 feet; thence N 81-40-36 W 224.68 feet to an iron pin (set); thence with a curve to the right of said curve having a radius of 100.00 feet, a chord bearing and a distance of S 75-06-32 E 22.87 feet and an arc distance of 22.93 feet to an iron pin (set); thence S 68-32-29 E passing an iron pin (set) at 29.72 feet a total distance of 34.72 feet to the True Point of Beginning containing 3.446 acres and being subject to all rights-of-way and easements of record.

LESS AND EXCEPT that certain 0.747 acres, more or less, described as follows:

Located in Boone County, Kentucky, lying southeast of the western right of way terminus of First Financial Drive and approximately 440 feet east of Kingsgate Drive, and being a portion of the lands conveyed to G. Sharpco, Inc. by deed recorded in Deed Book 990, Page 594 in the office of the Boone County Clerk at Burlington, Kentucky, and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "LARISON PLS 3357." All bearings referred to herein are based upon the Kentucky State Plan Coordinate System – North Zone, NAD83 (2011).

BEGINNING at a ½" iron pin (set) at the western terminus of the south right of way line of First Financial Drive, said iron pin being 25 feet as measured perpendicular to the centerline;

THENCE along a new division line through the grantor's property the following four (4) courses:
1. with a curve turning to the right with an arc length of 33.01 feet, a radius of 75.15 feet, a chord bearing of S 45° 40′ 28′′ E, and a chord length of 32.75 feet to an iron pin (set);
2. S 33° 05′ 21′′ E a distance of 94.95 feet to an iron pin (set);
3. with a curve turning to the left with an arc length of 31.45 feet, a radius of 125.00 feet, a chord bearing of S 40° 17′ 52′′ E, and a chord length of 31.37 feet to an iron pin (set);
4. S 32° 47′ 32′′ W a distance of 190.49 feet to an iron pin (set) in the northerly line of Lot 8 of Kingsgate Crossing Subdivision Section 2 as recorded on Plat Slide 126A;

THENCE with the north line of said Lot 8, and Lots 7 & 6 of the same, N 57° 13′ 23′′ W a distance of 148.00 feet to an existing 1/2′′ iron pin and cap stamped. "LS 797 LS 1781" at the southerly common corner of Lot 1 of Kingsgate Station Section 1 (Plat Cabinet 4, Slide 321) and G. Sharpco, Inc.;

THENCE with the common line of Lot 1 and G. Sharpco, Inc. N 32° 36′ 51′′ E a distance of 245.00 feet to the POINT OF BEGINNING, containing 0.747 acres more or less.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc. dated June 7, 2022

Being the same property conveyed by G. Sharpco, Inc., a Kentucky corporation, to Farm King, LLC, a Kentucky limited liability company, by a Special Warranty Deed dated August 26, 2022 and recorded in Deed Book 1193, Page 494 of the Boone County Clerk's records in Burlington, Kentucky.

SOURCE OF TITLE: Being a portion of Parcel B conveyed to G. Sharpco, Inc., a Kentucky corporation, by Fifth Third Bank, an Ohio banking corporation, by a Quitclaim Deed dated March 22, 2011 and recorded in Deed Book 990, Page 594 of the Boone County Clerk's records in Burlington, Kentucky.

ORDINANCE 2023-14

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING A REQUEST, WITH A CONDITION 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 PARCEL LOCATED AT 6125 FIRST FINANCIAL DRIVE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request 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, 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 a Condition, for the Zoning Map Amendment/Change of Concept Development Plan.

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

Section One

That the request for Zoning Map Amendment/Change of Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with a condition, this 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 real estate which is subject to all requests are described in DEED BOOK: 990, PAGE NO: 594 (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 a condition, 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, are the Findings of Fact and Condition, of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

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

Section Three

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

First Reading the 27th day of June 2023

Second Reading the 11th day of July 2023

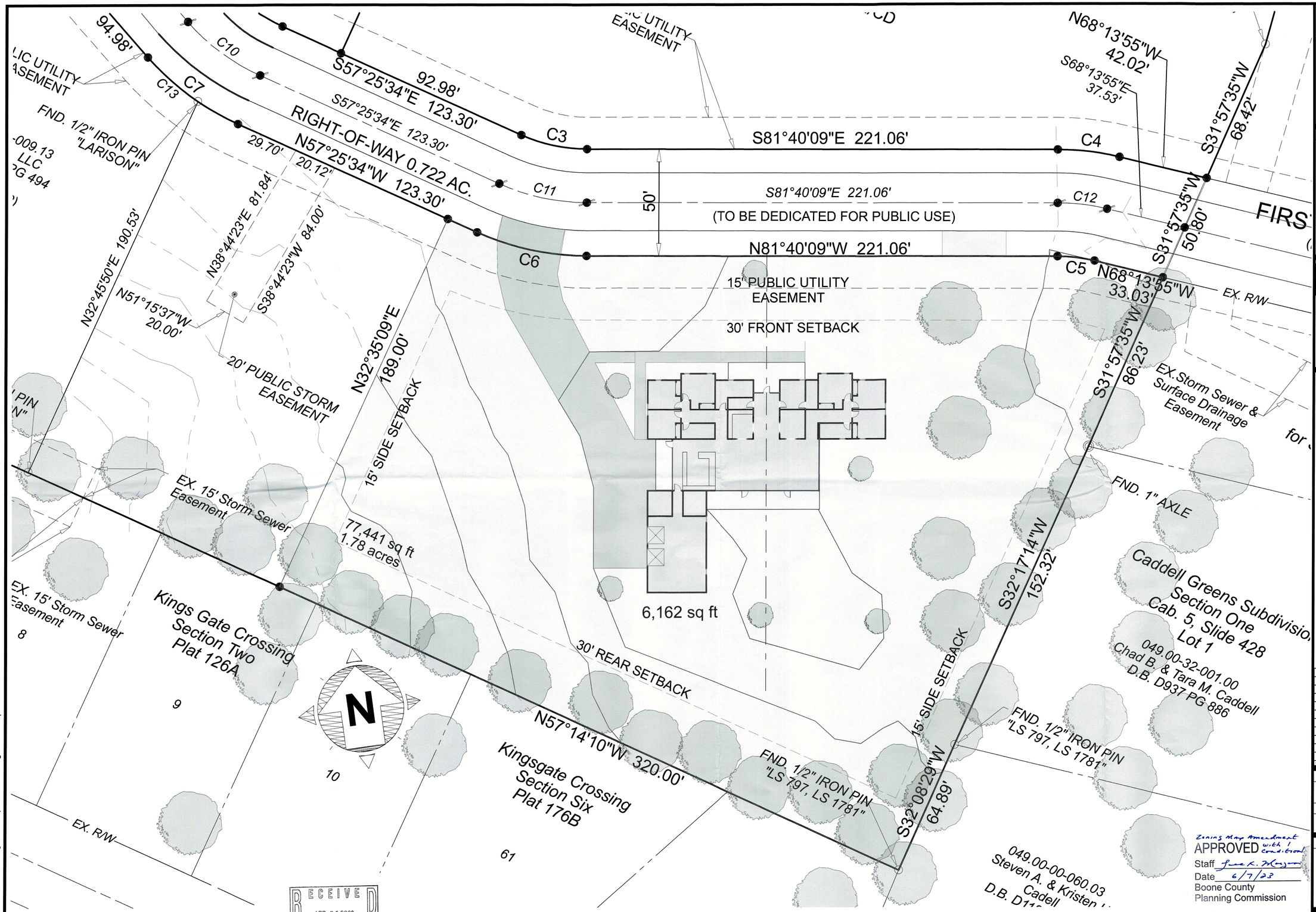
Adopted this 11th day of July 2023 Yes 4 No 0

Gary W. Moore

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

ATTEST:

Shona Schulkers,
Fiscal Court Clerk



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PATRICK WILLIAM BLACKBURN
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ARCHITECT

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POINT ARC HOME

6125 FIRST FINANCIAL DRIVE
BURLINGTON, 41005

The Point Arc

POINT ARC OF NORTHERN KY
104 W PIKE ST COVINGTON
KY 41011 USA
COVINGTON, USA 41011

MARK	DATE	DESCRIPTION
	4.4.23	ZONING MAP AMENDMENT

PROJECT NO: 23_024
MODEL FILE:
point arc burlingtonalt roof.pln
DRAWN BY: PWB
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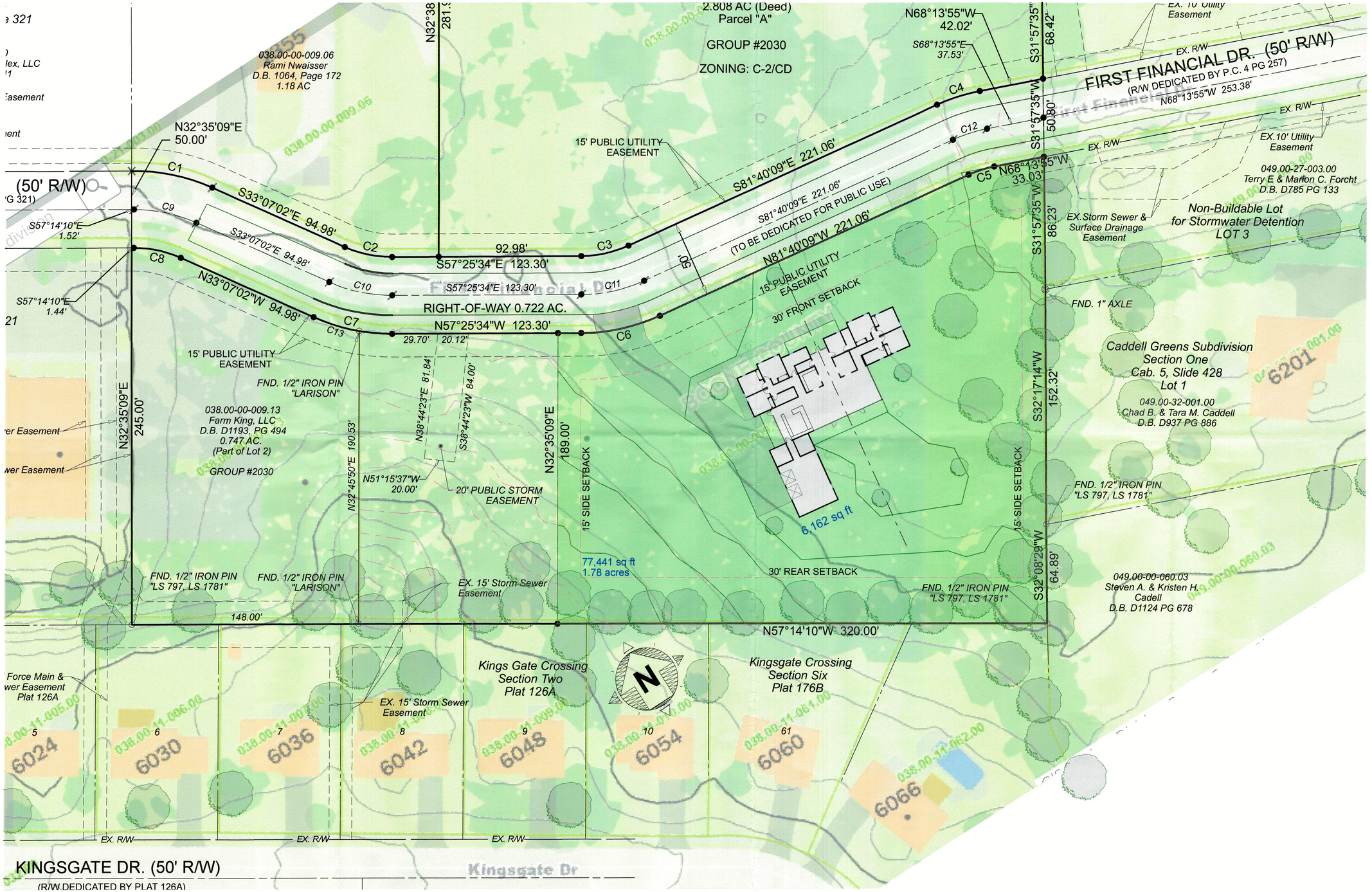
SHEET TITLE
SITE PLAN

A100
SHEET 4 OF 9



RECEIVED
APR 05 2023
BOONE COUNTY
PLANNING COMMISSION

1 SITE PLAN
SCALE: 1" = 30'
0 30' 60'

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COPYRIGHT:

SHEET TITLE
SITE PLAN

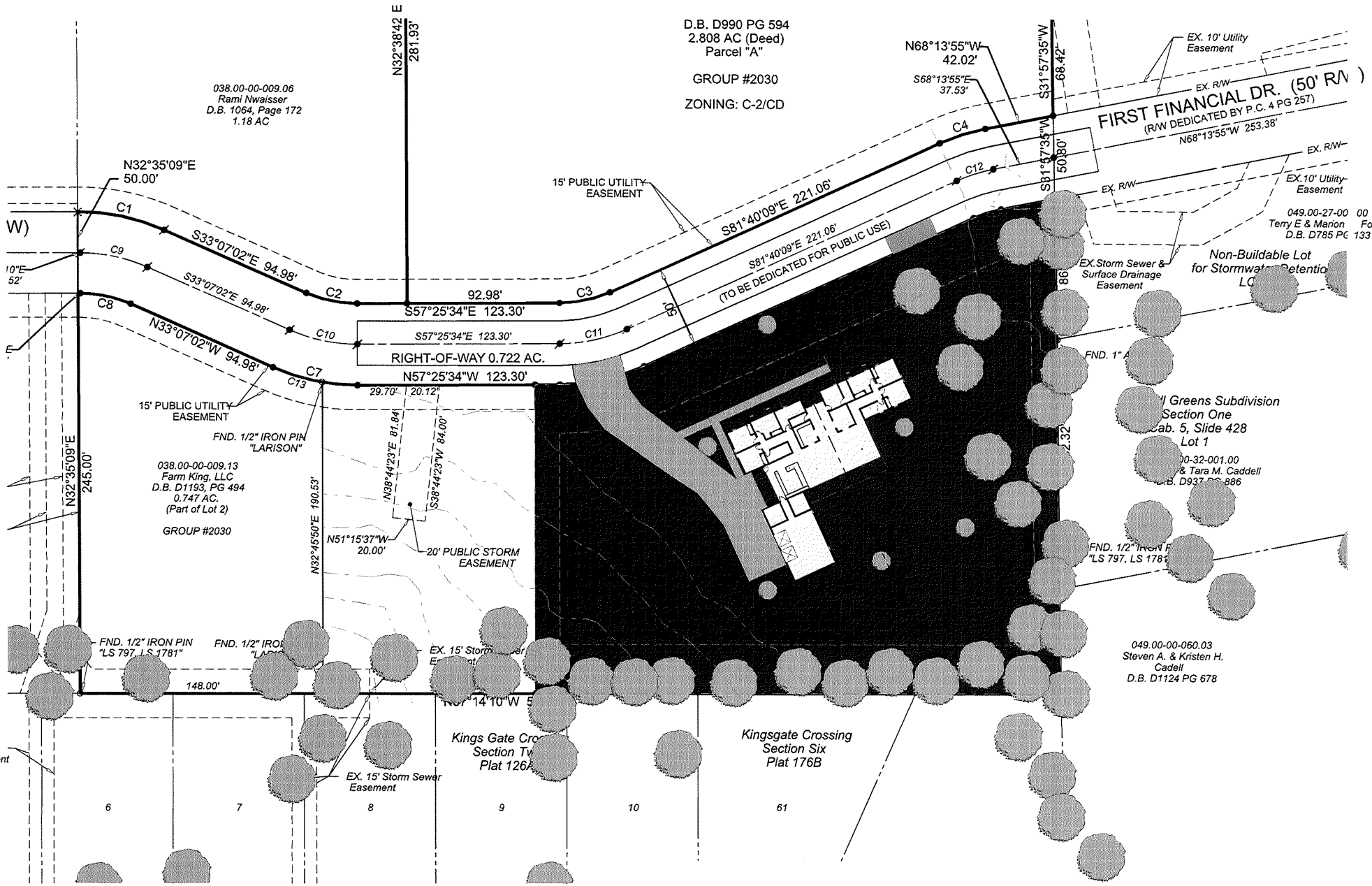
A101

SHEET 3 OF 9

The Point/Arc of NKY – Owen Hauck

Home of Fame Project

Plans and Drawings



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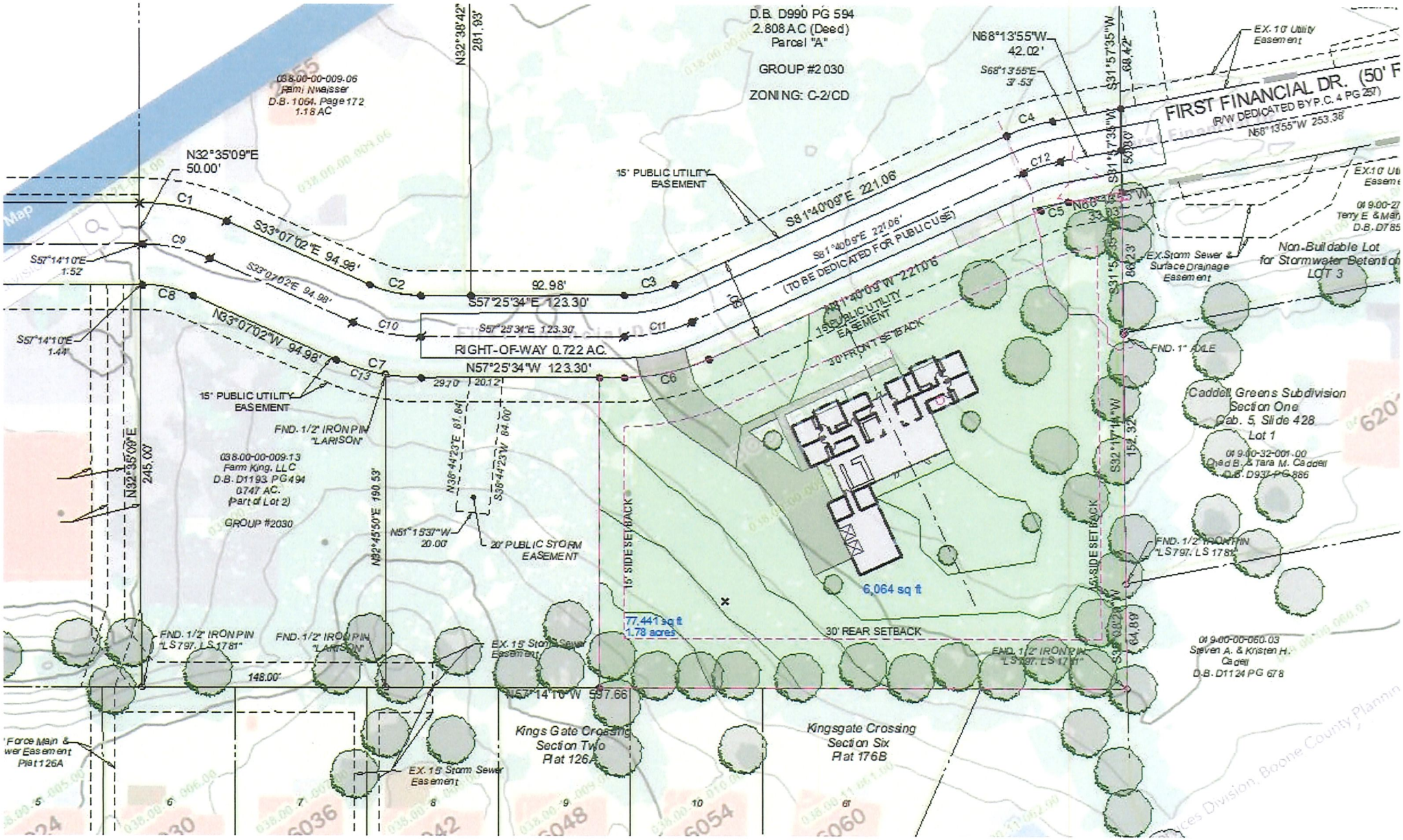

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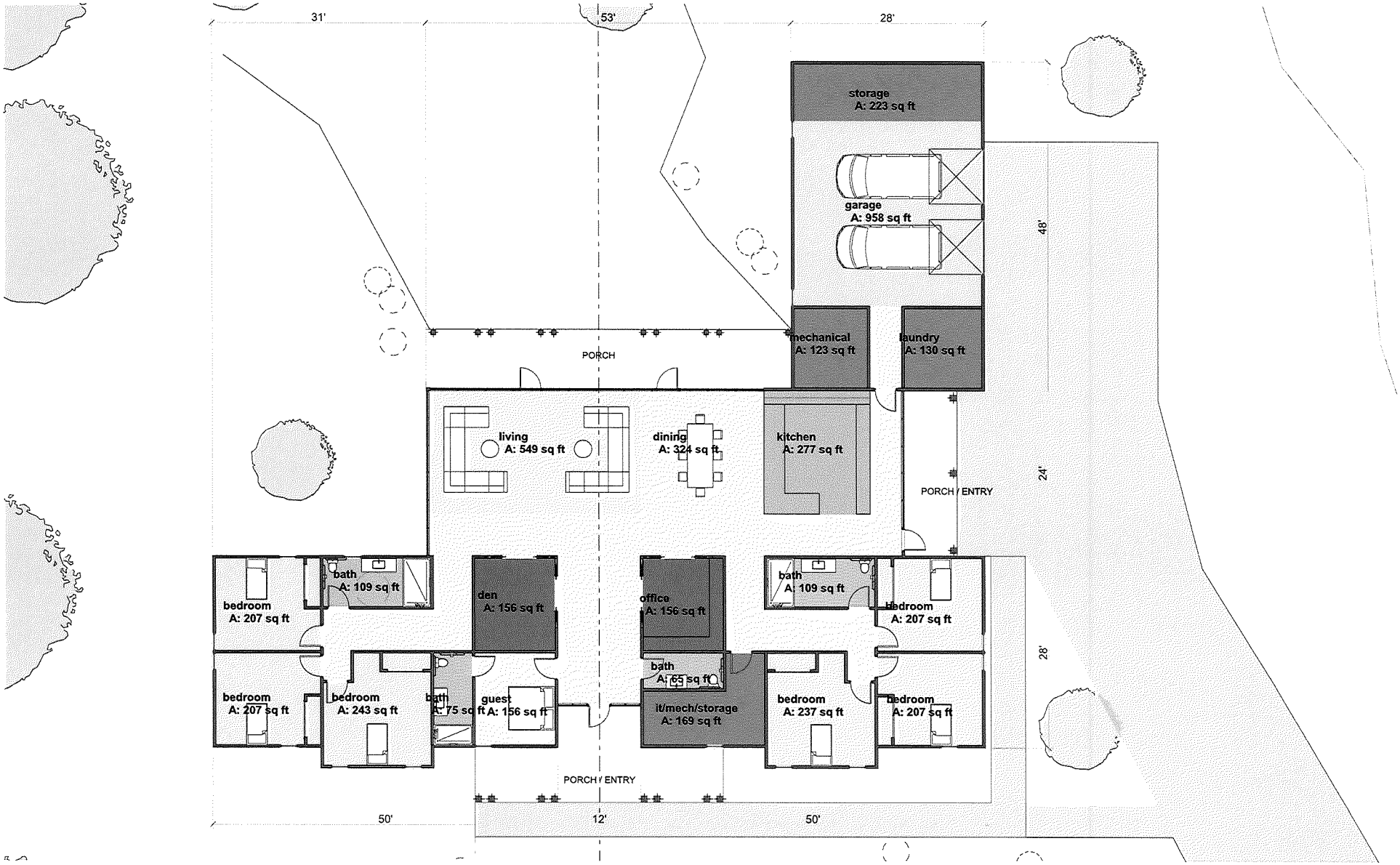

POINT ARC HOME BURLINGTON

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view from street

POINT ARC HOME BURLINGTON

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view at side entry

POINT ARC HOME BURLINGTON

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view from kitchen entry

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view from back yard

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view from living room

POINT ARC HOME BURLINGTON

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