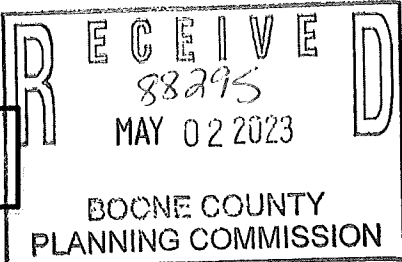


**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



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. Type of review (check one):
 - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (as stated in the Union Town Plan)
 - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
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 - Zoning Administrator Review (as stated in the Mall Road District Study)
 - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)

- 2. Name of Project: Ireland Properties, LLC
- 3. Location of Project: 5765 Constitution Drive - Florence, Kentucky
- 4. Total Acreage of Project: 3.15 Acres
- 5. Current Zoning of Property: C-2/PD
- 6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):

- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: _____
- 8. Proposed Use(s) (specify each use):
~~Office and Recreation~~

- 9. Proposed Building Intensities (specify for each building):
~~8,000 Square Foot Addition and 4000 Square Foot Stand Alone Building~~

- 10. Have you submitted a Concept Development Plan: Yes No
- 11. Are you applying for any of the following (check all that apply):
 - Conditional Use Permit Variance
- 12. Current Owner: Ireland Properties, LLC
Address: 2260 Devlin Place - Unit 204
Crescent Springs KY 41017
City State Zip Code
Phone Number: 859-393-5708 Fax Number: _____
Email: manager@steveshheating.com

- 13. Applicant: Tony Berling

1671 Park Road - Suite One

Address: _____

Fort Wrihgt

KY

41011

City

State

Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1

15. 783 305 4116 2026
Deed Book Page Number Group Number

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

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


Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

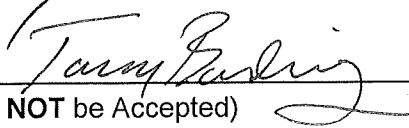
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- Boone County Water District
- Cincinnati Bell
- Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport)
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- Florence Public 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: _____

18. Concept Development Plan Jurisdiction/Location (check all that apply):
 Unincorporated Boone Florence Walton Union

19. 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 _____

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

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

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

- 1. Date Received: 5/2/23 Fee Received: \$2379 Receipt #: 88295
- 2. Number of Copies Received: 7
- 3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
- 4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
- 5. Staff Reviewer: M. Schwartz
- 6. Committee Chairperson: C. Gulick
- 7. Scheduled Public Hearing Date: 6/17/2023
- 8. Boone County Planning Commission Action: _____ Date of Action: 7/5/2023
 - _____ Approved
 - Approved with Conditions
 - _____ Denial
 - _____ Other

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

#3

Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

June 7, 2023

REQUEST

- A. The submitted request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

SITE HISTORY

- 1986 On March 18, 1986, Boone Fiscal Court adopted Ordinance Numbers 920.83, 920.84, and 920.85, approving a Zoning Map Amendment changing the site in question and adjacent areas from I-1 to C-2/PD and C-3/PD (R-09-86)
- 1986 On March 18, 1986, Boone Fiscal Court adopted Ordinance Numbers 920.83, 920.84, and 920.85, approving a Change of Concept Development Plan (R-10-86).
- 1992 On February 4, 1992, Boone Fiscal Court adopted Resolution Number R-02-04-92-01-PZ, denying a Change of Concept Development Plan (R-92-001-D).
- 2000 On June 15, 2000, the Boone County Planning Commission approved a Site Plan for a 12,000 square foot building on the site in question.
-
- 2004-2006 Between March 5, 2004 and August 2, 2006, the Boone County Planning Commission approved Site Plans for a building addition and an expansion of the parking lot on the site in question.
- 2006 On August 31, 2006, the Boone County Planning Commission approved a Tenant Finish permit to allow the Jump Zone Party Play Center to occupy a portion of the building.

APPLICABLE REGULATIONS

- A. Section 302 of the Boone County Zoning Regulations states that a Concept Development Plan is to be submitted as part of a zoning map amendment.
- B. Section 311 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of

substantive effect must be submitted to the Planning Commission and shall conform to the procedure and as it was originally approved.

- C. Section 1002 (Commercial Two District) of the Boone County Zoning Regulations states that “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.”
- D. Section 505.3 of the Boone County Zoning Regulations permits a variety of retail, service, and commercial recreation uses within the C-2 district.
- E. Section 1509 of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development district.
- F. Section 1506 of the Boone County Zoning Regulations identifies the criteria that is to be used when reviewing a proposal within the Planned Development district.

SITE CHARACTERISTICS

- A. The approximate 3 acre site is located at the terminus of Constitution Drive.
- B. The site has approximately 130 feet of frontage along Constitution Drive.
- C. The site currently occupied by a 22,000 square foot retail/service building and an 85 space off-street parking lot.
- D. Access to the site is currently provided from an existing curb cut onto Constitution Drive.
- E. The topography of the site is relatively flat, as the site has previously been graded for the existing development.
- F. The site is located within the 60 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONING

North: Vacant wooded area (A)

South: Jake Sweeney Body Shop (C-2/PD)

East: Vacant wooded area (I-1)

West: A multi-tenant office/industrial building (C-2/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County Plan 2040 designates the site for Commercial uses which is described as Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
 - 1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 3. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - 4. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 - 5. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 - 6. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
 - 7. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

- C. The following is an excerpt from Our Boone County Plan 2040:
 - 1. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be

designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

2. 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky’s Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).

- D. Constitution Drive is a County maintained local cul-de-sac street providing for two-way traffic within an approximate twenty-two (22) foot pavement width. There are no sidewalks along the roadway.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
 1. Continued use of the existing 22,000 square foot building.
 2. Construction of an 8,000 square foot addition on the north side of the existing building.
 3. Construction of a new 4,000 square foot building in the southeast corner of the site.
 4. Reconfiguration of the off-street parking lot to provide for 127 spaces.
 5. Construction of an eighteen (18) inch high retaining wall in the northern portion of the site.
- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following (some of these requirements can be adjusted by the Planning Commission and legislative body pursuant to the Planned Development (PD) regulations):

1. Section 3325.A of the Boone County Zoning Regulations provides requirements for the minimum number of parking spaces to be provided. Without knowing the tenants of the buildings, it is not possible to determine the required number of spaces. However, if the buildings were fully occupied by retail, service, or office uses, 136 spaces would be required. The submitted plan indicates the provision for 127 spaces.
- C. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, Boone County Water District, Burlington Fire District, and SD1 requesting comments pertaining to the request.
1. Mark Martin, Boone County Building Department, replied that he had no comments.
 2. Mike Rouse, Boone County Water District, replied that he had no comments.
 3. Andy Aman, SD1 replied that the project scope is well under an acre and not part of a previously approved storm water permit and there appears that there will be no new sanitary sewer connections.
 4. Rob Franxman, Boone County Public Works, replied that the plan increases development (i.e., paving) over storm sewer easements and that other entities have access rights in those areas and that the plan does not indicate additional detention and that the increased amount of hard surfaces may require detention facilities to be larger.

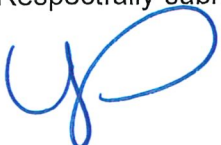
STAFF CONCERNS

- A. The following list provides a summary of those requirements that are being requested to be waived/alterd using the PD district regulations:
1. Reduce the required number of parking spaces to 127 spaces.
- B. Areas to the north and east of the site, being zoned A and I-1, respectively, are currently vacant and heavily wooded.

CONCLUSION

- A. The request for the proposed change of concept development plan needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Articles 3 and 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

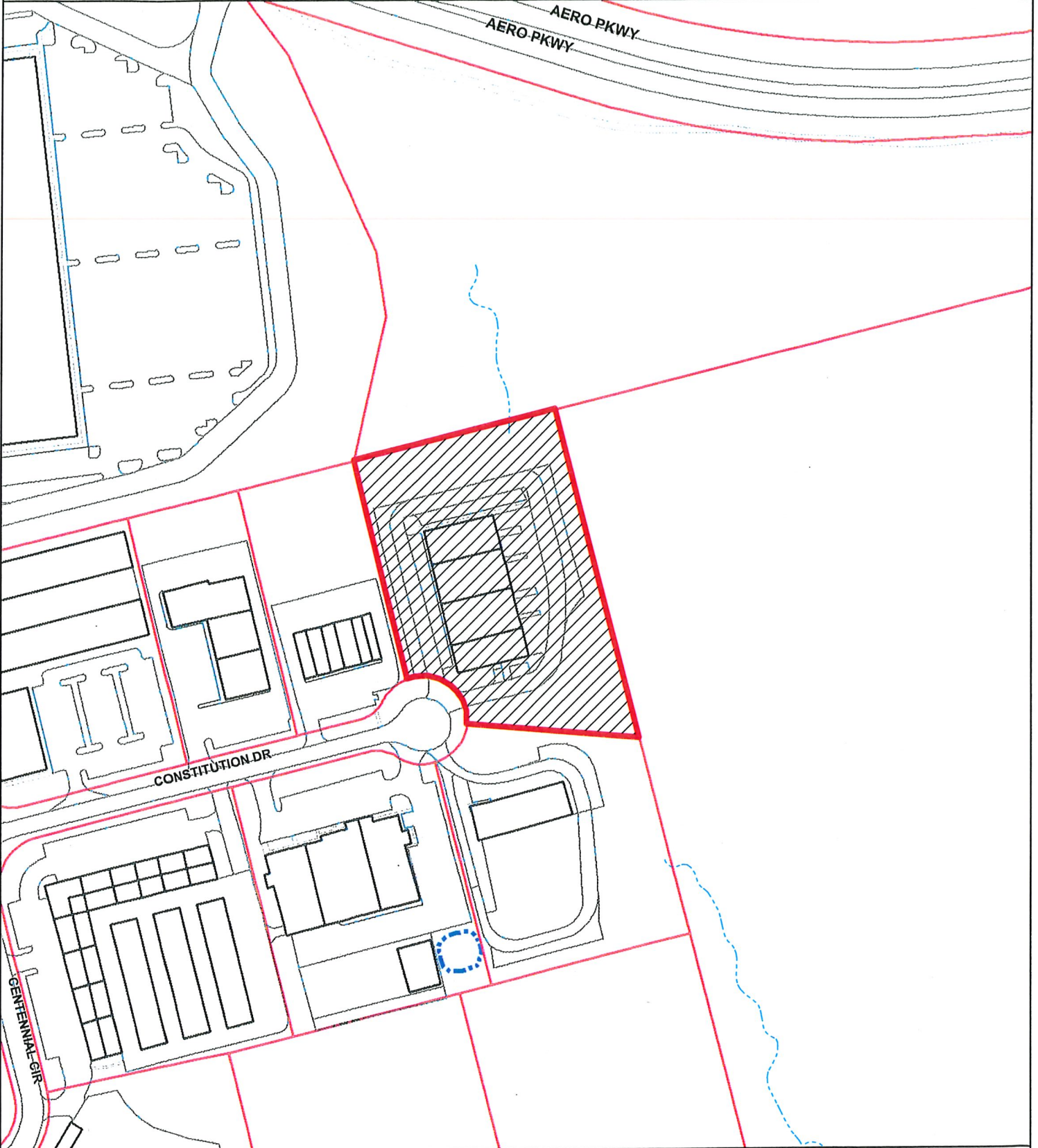
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Attachments:

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

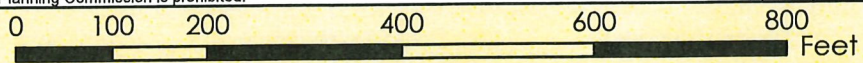
Vicinity Map

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



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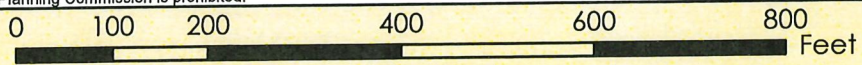
Aerial Map

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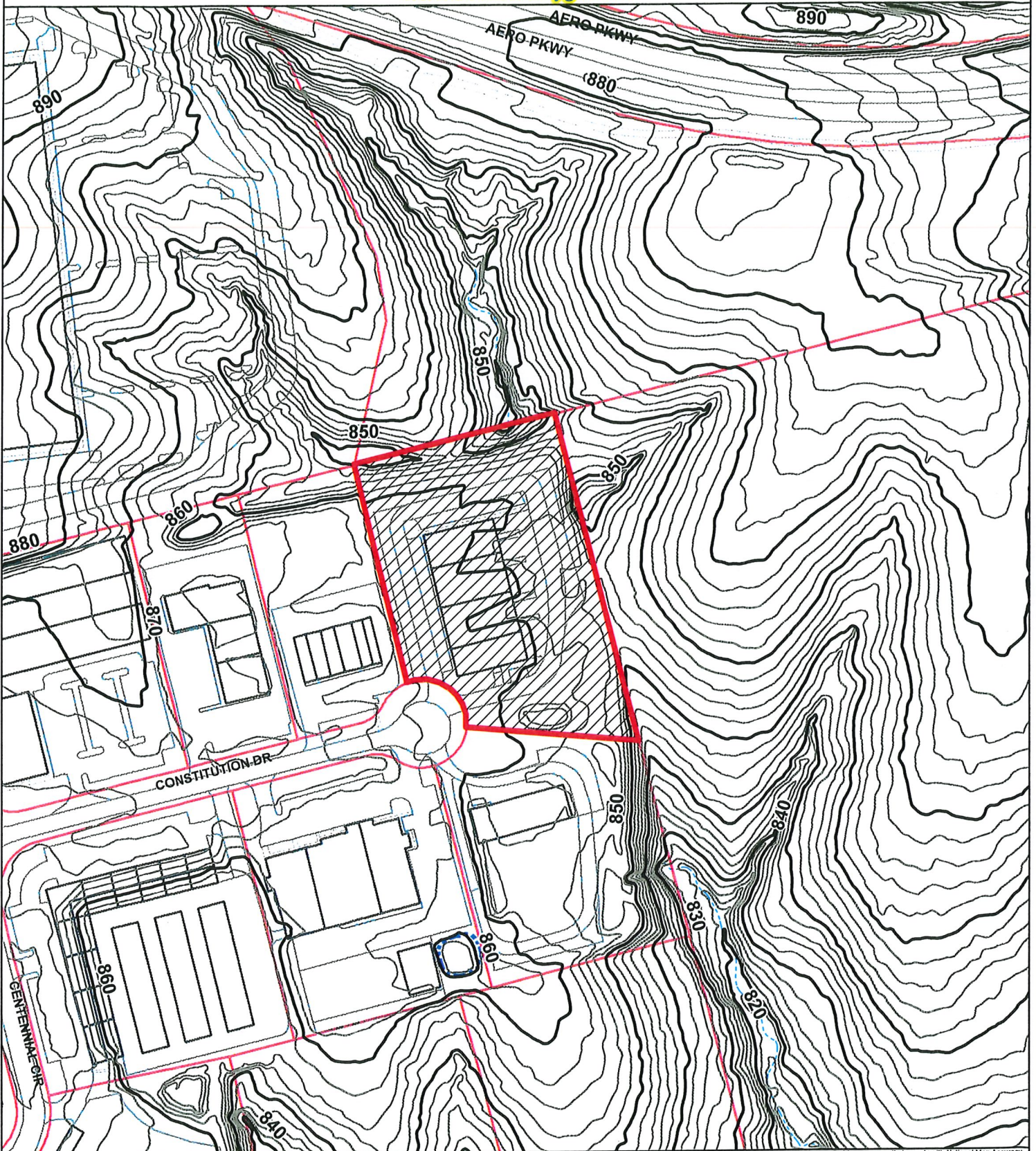


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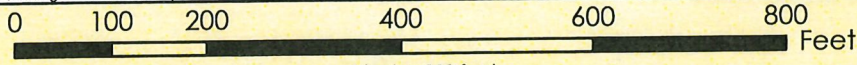
Topographic Map

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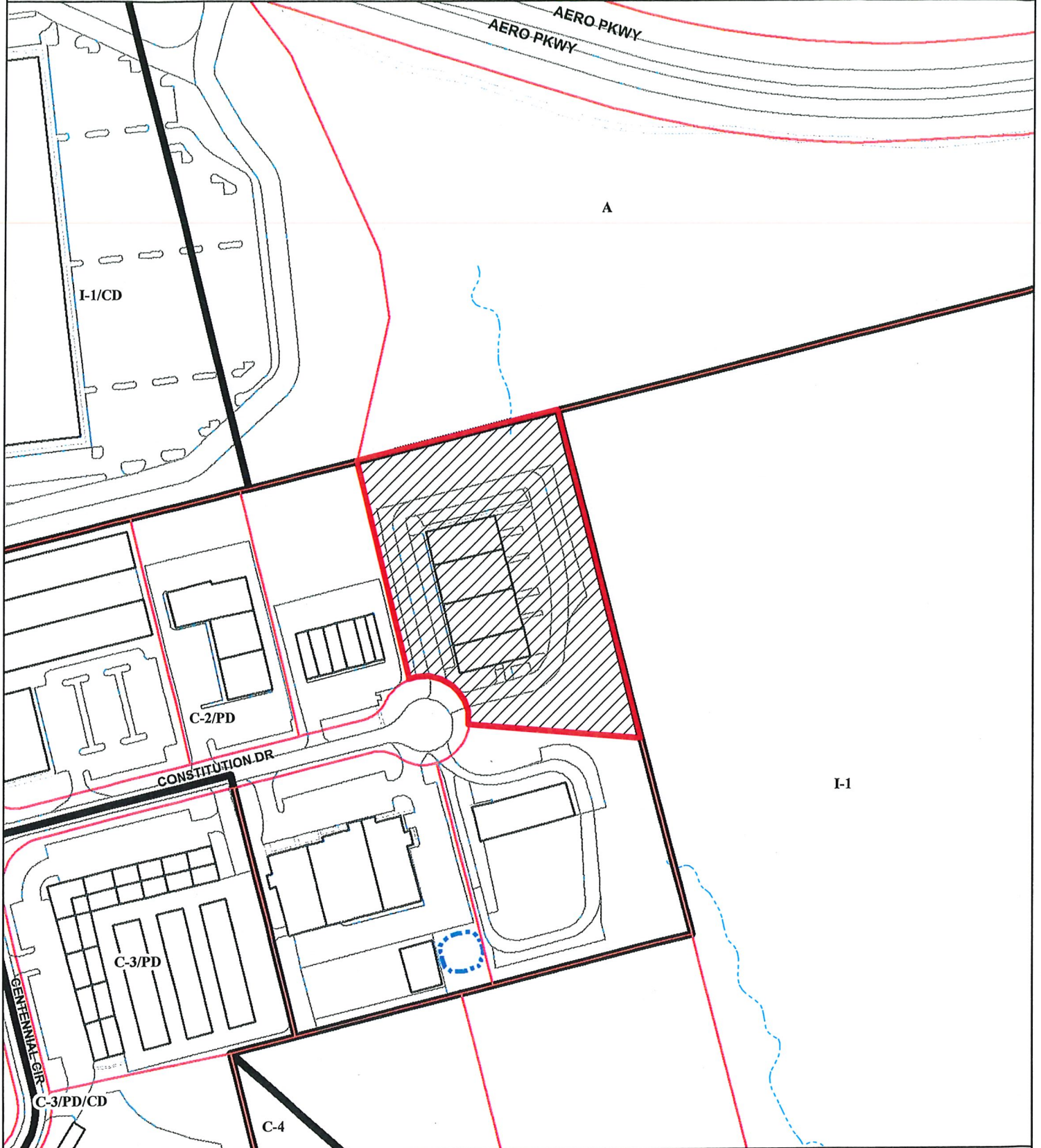


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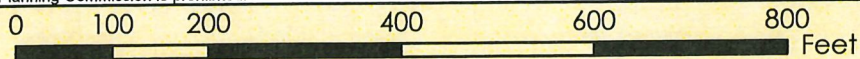
Zoning Map

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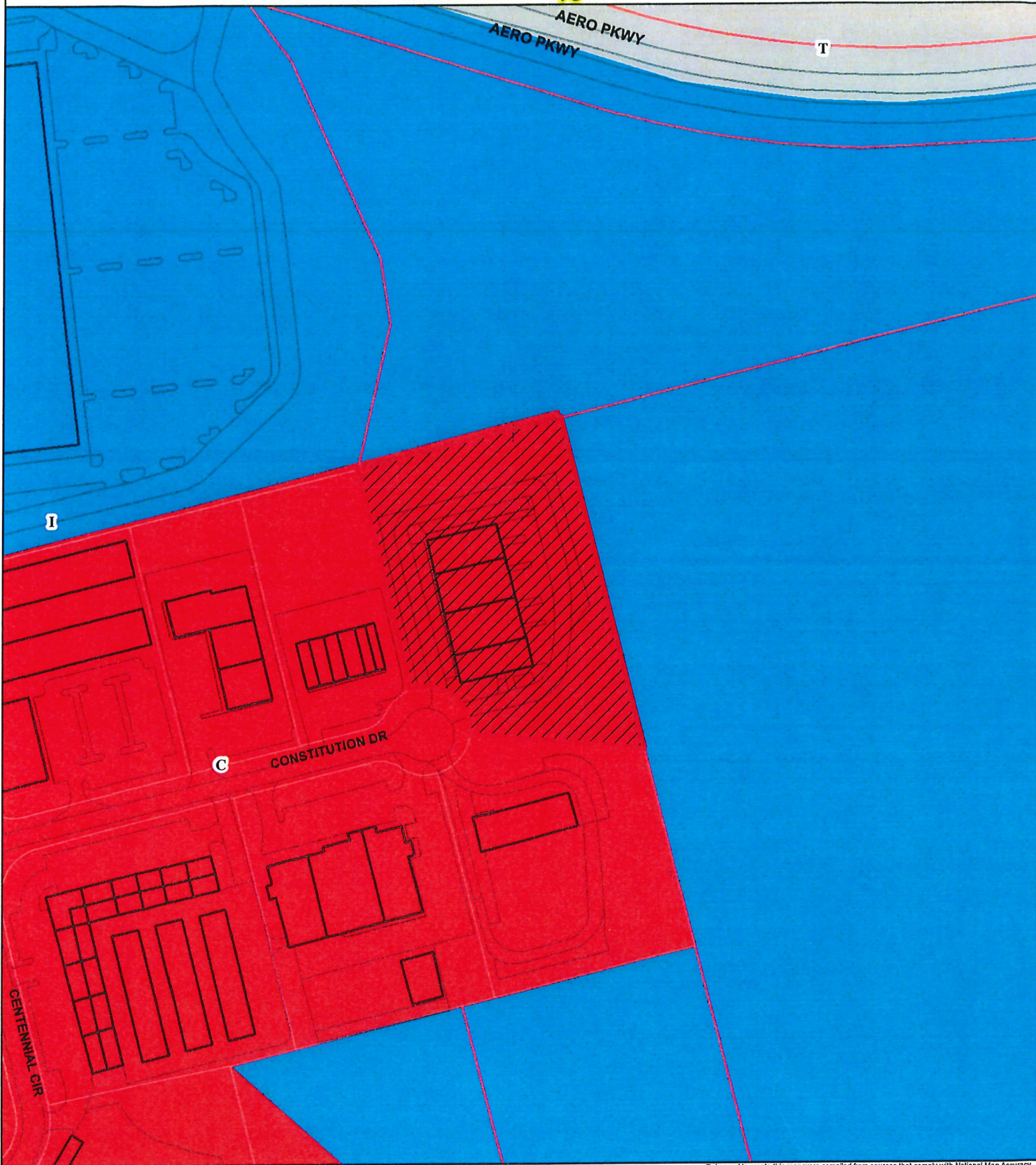


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With Thanks to Esri for ArcGIS
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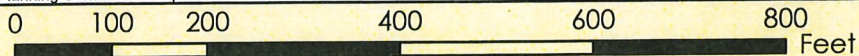
2040 Future Land Use Map

www.boonecountygis.com



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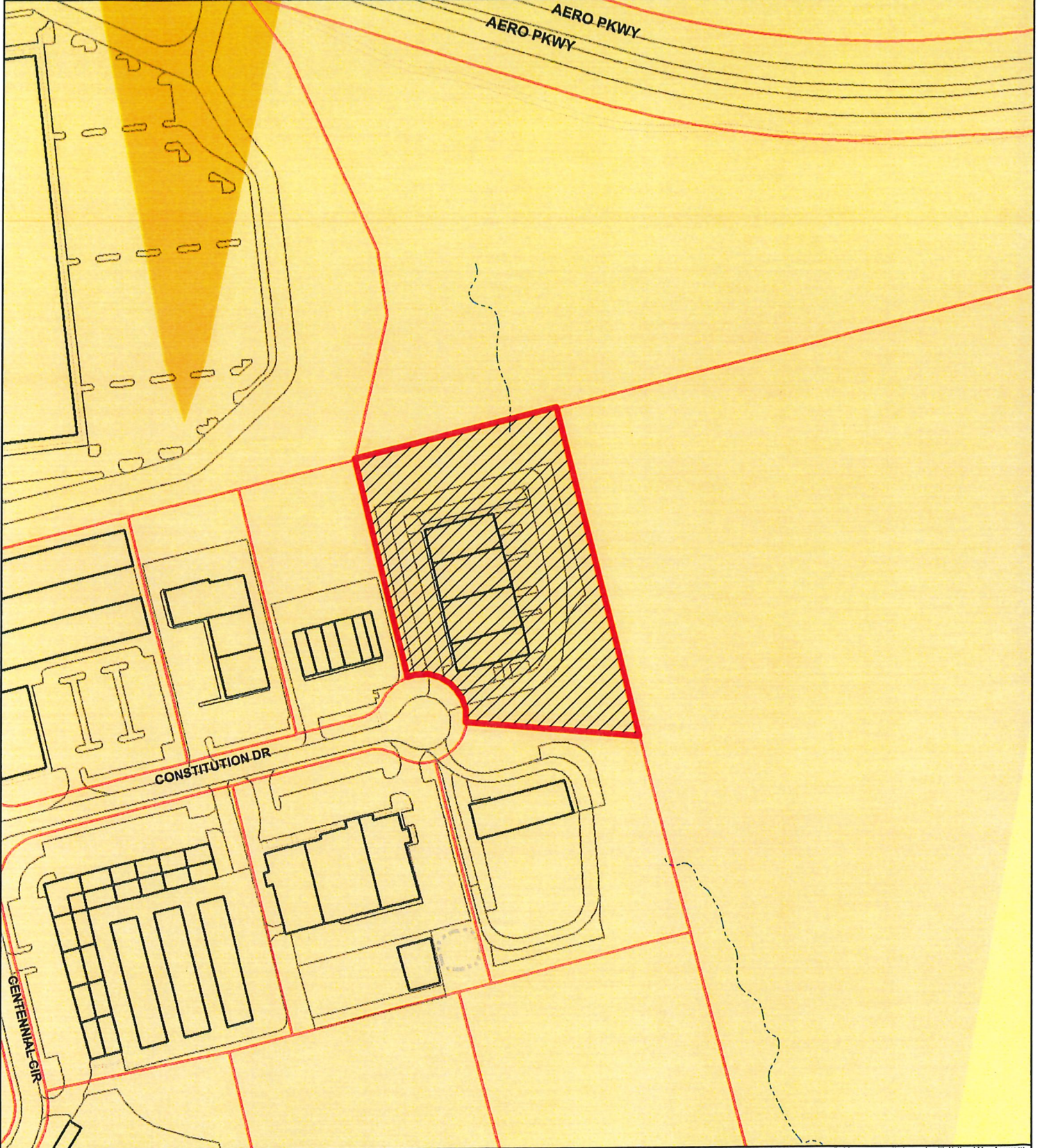


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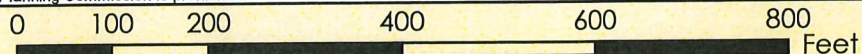
Noise Contour Map

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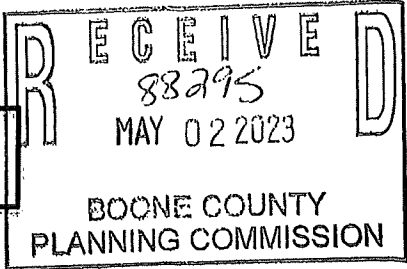
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**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



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4. Total Acreage of Project: 3.15 Acres
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6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable): _____

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: _____
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~~Office and Recreation~~

9. Proposed Building Intensities (specify for each building):
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Address: 2260 Devlin Place - Unit 204
Crescent Springs KY 41017
City State Zip Code
Phone Number: 859-393-5708 Fax Number: _____
Email: manager@stevesheating.com

13. Applicant: Tony Berling

1671 Park Road - Suite One

Address: _____

Fort Wrihgt

KY

41011

City

State

Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1

15. Deed Book: 783 Page Number: 305 Group Number: 4116 2020

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


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

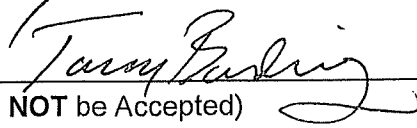
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- USDA NRCS/Boone County Conservation District
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(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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2. Number of Copies Received: 7
3. Has the following been submitted (check all that apply):
- Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
- _____ Approved
- _____ Approved with Conditions
- _____ Denial
- _____ Other

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

5891 ZIG ZAG ROAD
051.00-01-010.00
MICHAEL D'ROUSE
ZONING: I-1

5760 CONSTITUTION DRIVE
061.00-31-008.00
SWEENEY CONSTITUTION REALTY, LLC
ZONING: C-2/PD

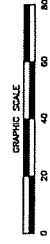
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ZONING: C-2/PD

059.00-00-070.3B
BOONE COUNTY
ZONING: A

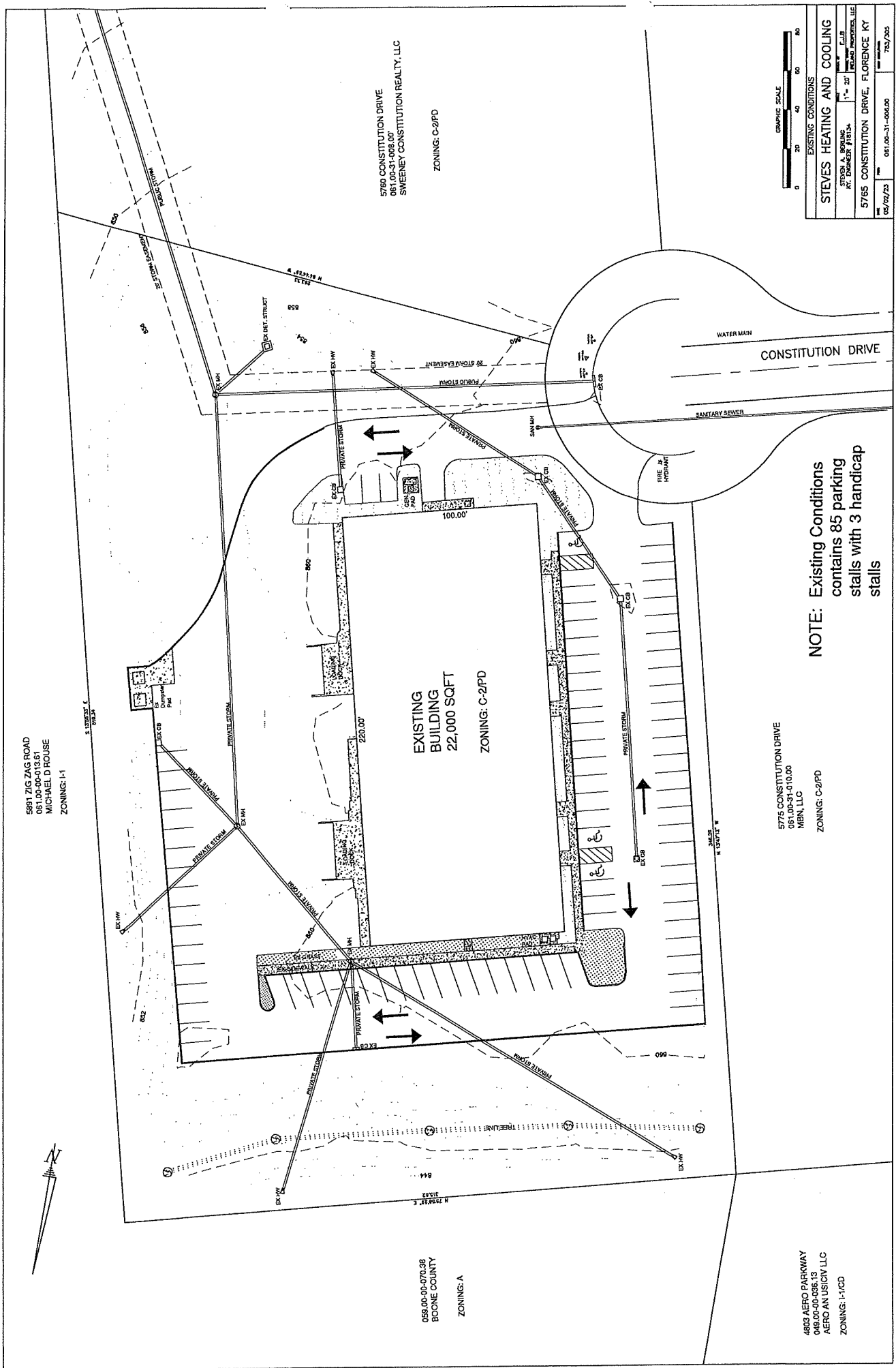
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AERO AN USICIV LLC
ZONING: I-1/CD

5775 CONSTITUTION DRIVE
061.00-31-010.00
MBN, LLC
ZONING: C-2/PD

**NOTE: Existing Conditions
contains 85 parking
stalls with 3 handicap
stalls**



EXISTING CONDITIONS	
STEVES HEATING AND COOLING	
STEVEN A. HEATING R.T. DISNEY P. 817.54	FLOR 1" = 20' SCALE: MECHANICAL, L.L.
5765 CONSTITUTION DRIVE, FLORENCE KY	
05/02/23	061.00-31-008.00
10/7/20	



5881 ZIG ZAG ROAD
 061.00-00-013.61
 MICHAEL D ROUSE
 ZONING: I-1

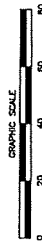
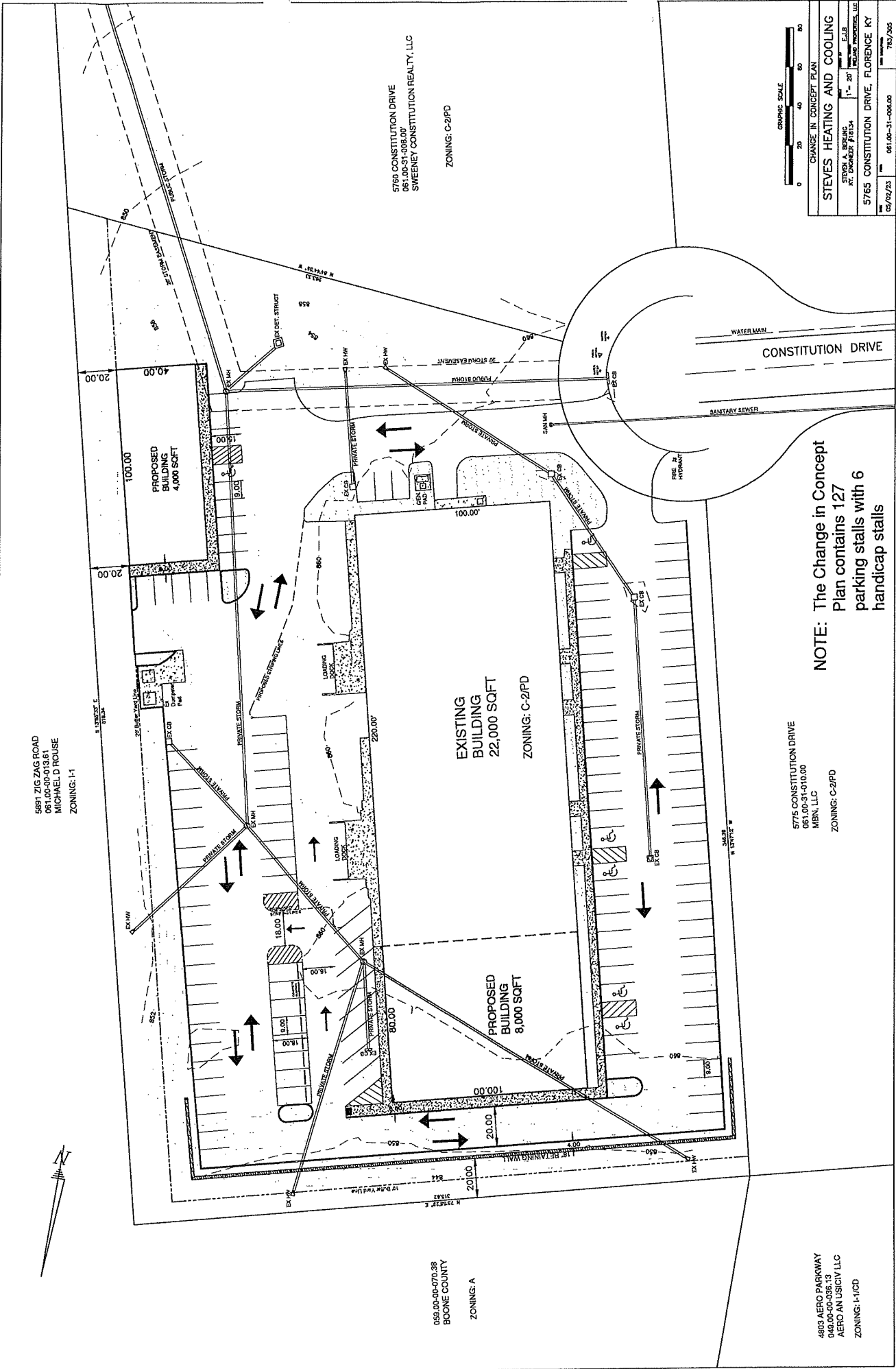
5765 CONSTITUTION DRIVE
 061.00-31-010.00
 SWEENEY CONSTITUTION REALTY, LLC
 ZONING: C-2/PD

063.00-00-070.38
 BOONE COUNTY
 ZONING: A

4803 AERO PARKWAY
 048.00-00-036.13
 AERO AN USICVY LLC
 ZONING: I-1/CD

5775 CONSTITUTION DRIVE
 061.00-31-010.00
 MBN, LLC
 ZONING: C-2/PD

**NOTE: The Change in Concept
 Plan contains 127
 parking stalls with 6
 handicap stalls**



CHANGE IN CONCEPT PLAN	
STEVES HEATING AND COOLING	
PROJECT NO. 154	DATE 11-20-15
PROJECT # 154	PROJECT # 154
5765 CONSTITUTION DRIVE, FLORENCE KY	
DATE 05/02/23	PROJECT # 154-000.00
SCALE	750/265

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairman

DATE: July 5, 2023

RE: Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee concluded that the proposed Change of Concept Development Plan is consistent with the stated purpose of the C-2 district which 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.

The submitted Concept Development Plan indicates the continued use of the existing 22,000 square foot, multi-tenant, building, construction of an 8,000 square foot addition on the north side of the existing building for the expansion for an existing tenant, and construction of a new 4,000 square foot building in the southeast corner of the site for office/retail/service uses.

2. The Committee concluded that the proposed Change of Concept Development Plan is consistent with the list of principally permitted uses within the C-2 district.

The submitted Concept Development Plan indicates the construction of an 8,000 square foot addition on the north side of the existing building for the expansion for an existing indoor recreation tenant and construction of a new 4,000 square foot building in the southeast corner of the site for office/retail/service uses.

The zoning regulations identify commercial recreation, office, retail, and personal service as principally permitted uses within the C-2 district.

3. The Committee concluded the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the condition:

CONDITIONS:

1. Development shall be consistent with the submitted concept development plan, except as modified by these conditions.
2. Development shall meet the minimum requirements of the zoning regulations, except that a minimum of 127 off-street parking spaces shall be provided.

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: Corrin Gulick, Chairwoman

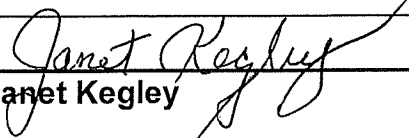
DATE: June 21, 2023

REMARKS:

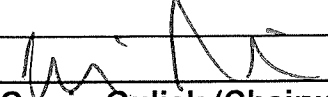
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

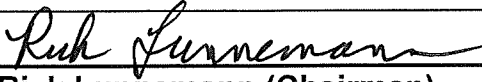
3. Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.



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

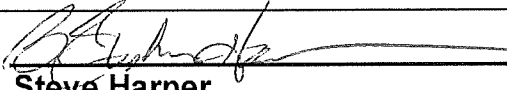


Corrin Gulick (Chairwoman)
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____



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
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Jackie Steele (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____

TOTAL: ____ DEFERRED 4 FOR PROJECT 1 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. 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 D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the third item on the Agenda at 7:50 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

3. Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report).

The site is approximately 3 acres in size and is located off Constitution Drive. The history of the site is included in the Staff Report. Currently, there is a 22,000 square foot retail service building located on the site and an 85 space off-street parking lot. Mr. Schwartz reviewed the surrounding land uses and zoning of the site. Pages 1 & 2 of the Staff Report outline the applicable regulations to the site. The site is designated for Commercial (C) use according to the 2040 Future Land Use Map. Other references to the Comp Plan are identified on Pages 3 and 4 of the Staff Report. The site is located in the 60 DNL noise level. Mr. Schwartz showed photographs of the site. The proposal includes an 8,000 square foot building addition and a new 4,000 square foot building. An 18 foot high retaining wall would be constructed on the site. The parking lot will be reconfigured to include 127 parking spaces.

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

Mr. Steve Berling, Engineer, explained the project and noted that Mr. Ireland has 2 tenants that want to expand in the existing building and he wanted to include another building on the site. Chairman Rolfsen asked if the expansion was for Steve Ireland's business? Mr. Berling replied no. It is for Jump Zone. The free-standing building would be multi-tenant offices.

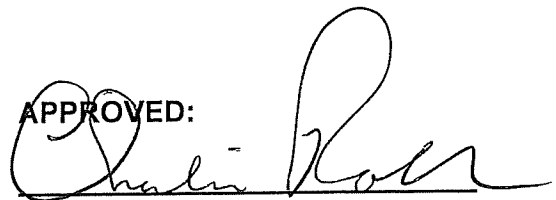
Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no one, Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant.

Mrs. Steele inquired about storm water detention for the additions? Mr. Berling replied there is an existing detention pond on the site. It would have to be expanded.

Seeing no further questions or comments, Chairman Rolfsen announced that Committee Meeting for this item will be on June 21, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 5, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:02 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, 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 D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

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CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

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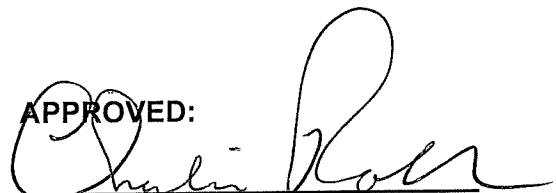
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APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
JULY 5, 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 July 5, 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. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Eric Richardson
Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Steve Lilly, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the June 21, 2023 Business Meeting and Public Hearing. He asked if there were any comments or corrections?

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

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between June 8, 2023 and July 5, 2023.

EXPENSES:

Accounting Fees	\$ 775.00
Attorney Fees	4,400.00
Auto Expense	119.49
Consultant/Professional Svcs Fees	3,163.75
Filing Fees (CLURS)	850.00
Legal Ads/Recruitment	642.40
Miscellaneous Expense	150.75
Office & Board Meeting Supplies	285.06
Office/Equipment Maintenance	173.70
Office Equipment / Expense	597.25
Office/Liability Insurance	26,792.37
Postage Expense	1,000.00
Printing/Pub/Dues/Subscriptions	156.40
Professional Development	<u>798.00</u>

TOTAL: \$ 39,904.17

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,250.92
Health/Dental/Life/LTD	13,557.30
Retirement – BCPC Portion	28,335.80
Salaries – Staff Expenses	82,297.74
Salaries – BCPC & BOA	<u>1,780.00</u>

TOTAL: \$141,884.46

GRAND TOTAL: \$181,788.63

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. Szurlinski seconded the motion and it carried unanimously.

ZONING TEXT AMENDMENTS, Rick Lunnemann, Chairman, Michael Schwartz, Staff

1. Request of the **Boone Fiscal Court, per Jeff Earlywine, County Administrator**, to consider Zoning Text Amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (1) add Short Term Rental as a Conditional Use within the Graves Road – Residential (GR-R) district; (2) add Short Term Rental as a Conditional Use within the Graves Road – Commercial (GR-C) district; and (3) add Short Term Rental as a Conditional Use within the Graves Road – Business Park (GR-BP) district. The request is to hear and evaluate comments on proposed Text Amendments and how they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact for two parts of the request and recommended denial of the third part. The vote was unanimous.

Seeing no further comment from the Board Members, **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. Mrs. Clark seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff

2. Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and a Condition. The vote was unanimous by the Committee. 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. Stacey Graus, attorney, explained that the request is not much just adding storage for cars and adding more buffering to screen the storage area. It is not a significant change but a necessary one.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and one Condition. Mrs. Goetting seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

3. Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous by the Committee. The applicant has signed the condition letter.

Mr. Steve Berling, applicant, stated that he was available to answer any questions.

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

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

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Todd Morgan, Staff

4. Request of **Restaurant Holdings LLC, per Ana Pelhank (applicant)** for **MassiveG2.0 LLC (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district for an approximate 0.56 acre area located at 7303 Turfway Road being immediately to the northwest of the property located at 6808 Burlington Pike, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow an approximate 2,300 square foot eating and drinking establishment with drive-through service.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous by the Committee. The applicant has signed the condition letter.

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

Ms. Sara Kramer, Woolpert, stated that she submitted all the information requested from Taco John's on Friday. She felt that the company met all of the Planning Commission's requirements.

Seeing no further comment, **Mr. Harper moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously.**

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

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

At this time, Mrs. Steele left the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions of the Zoning Map Amendment request. In addition, Mr. Schwartz read the recommendation of the Conditional Use Permit application. The Committee recommended approval based upon Findings of Fact and a Condition (see Committee Report). The Conditional Use Permit application is final action by the Boone County Planning Commission. It does not go to the Boone County Fiscal Court. The vote was 3-1 with Mr. Harper, Mrs. Kegley and Mr. Lunnemann voting in favor of the request and Ms. Gulick voting against 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. Jonathan Wocher, McBride, Dale, Clarion, representing the applicant, stated that his client agrees with the conditions. It is a unique case. First, it is a very small Zone Change request. Second, the property can't be used without the Zone Change. The Conditional Use Permit for the truck stop is unique because they don't have all of the elements that are typical of a truck stop. It is a clean truck hub that will use compressed natural gas and not diesel gas.

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, stated that there is a tree line along her property line and the Golf Ranch has refused to do any maintenance in this area. She would like the applicant to keep the tree line. Mid-Valley Oil has torn out an area to maintain their oil line. The oil line crosses Limaburg Road onto her property. She provides access to Mid-Valley Oil. Her house has been at its location for 7 years. She has a concern about having no bathroom facilities. Employees will just go outside. A six foot chain link fence doesn't work for her. There is a truck stop at the end of the street and industrial buildings off Lakeland Park Drive. There is only one way out from the subdivision. Lakeland Park Drive and Limaburg Road aren't big enough roads. It is a 640 parking spot truck stop. There is more land adjacent to the site. Hopefully the Planning Commission will look at the big picture of development on Limaburg Road. There must be other ways to reroute traffic through the Airport property. There will be hundreds of trucks with only a 6 foot fence and a bush. She understands growth but would like a higher fence and more trees.

Seeing no further comments, **Mrs. Kegley moved to approve both the Zoning Map Amendment and Conditional Use Permit requests by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion. The motion included the one additional condition mentioned earlier.**

Chairman Rolfsen asked the applicant about bathrooms. Mr. Wocher replied there would be port-o-lets with proper screening. Mr. Dale Wilson asked Mr. Wocher if the applicant would accept the provision of port-o-lets as an additional condition? Mr. Wocher responded yes on behalf of the applicant. Chairman Rolfsen asked if the existing tree line would be retained? Mr. Schwartz replied that the trees in the Zone Change area are minimal in terms of amount. Mr. Schwartz described the requirements of Buffer Yard D, which includes a berm, a fence and evergreen trees. The proposed fence will be in the middle or on the property owner side of the berm. It can't be on the outside. Mr. Wocher said he was flexible about the placement of the fence. He offered a condition of retaining the existing buffer. The fence will be an opaque fence. There will be two types of fence-security and opaque.

Mr. Szurlinski expressed a concern about the use and its impact on Limaburg Road. He has been on the road many times. It is not necessarily a proper placement of the proposed use. It is just not now.

Mr. Wocher noted they have done a Traffic Impact Study. It was completed and concluded not to require turn lanes. A level of service analysis was done and they volunteered to make turn lane improvements based upon available right-of-way. Truck traffic already exists onto Limaburg Road.

Ms. Gulick echoed Mr. Szurlinski's comments. She said it's not so much at the facility's entrance but rather there is no plan to improve all of the Limaburg Road. There is no funding. It will at some time but once it is in a plan, then it has to be funded. For that reason, she is opposed to the project.

Chairman Rolfsen asked if the project included a single user? The single user is not known at this time. What happens if the single user require everyone to make a left turn?

Mr. Wocher responded that they assessed it from all truck traffic to the north.

Mr. Mike Timko, traffic consultant, stated the Traffic Impact Study is based upon an existing facility in Groveport, Ohio. Not a lot of trucks leave at 8:00 a.m. It is throughout the day. There is no huge peak. The most is 90 trucks at the peak hour. It is usually mid-morning.

Ms. Gulick stated that typically trucks don't have the same peak hour as a commuter. She asked who the main user is in the Groveport, Ohio facility? Mr. Timko responded that he didn't know who the end user was at that facility.

Mr. Szurlinski asked if the applicant looked at any other intersections on Limaburg Road? Mr. Timko replied four – the one closest to the south, the proposed intersection and 2 others to the north. The one to the south if very bad now.

At this time Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Harper. The vote found Mr. Bessler, Mrs. Goetting, Mr. Harper, Mr. Hincks and Mrs. Kegley in favor of the requests and Mrs. Clark, Ms. Gulick, Mr. Lunnemann, Mr. Rolfsen, Mr. Schwenke and Mr. Szurlinski voting against it. The motion to approve the request is denied by a vote of 6-5.

Mr. Wilson asked Mr. Szurlinski to confirm that his vote was "no". Mr. Szurlinski replied that is correct.

At this time, Chairman Rolfsen asked Staff to read the Findings of Fact for Denial of the request. Mr. Schwartz referred to the Findings of Fact for Denial as outlined in a previous email sent to the Zone Change Committee prior to their Committee Meeting. He read the Findings of Fact for Denial (see Exhibit 1) of the Zoning Map Amendment and Approval of the Conditional Use Permit based on the Findings of Fact and Condition outlined in the Committee Report. Should the Boone County Fiscal Court overturn the Planning Commission's denial of the Zoning Map Amendment and since the Fiscal Court has no jurisdiction on the Conditional Use Permit, it is recommended to approve the Conditional Use Permit request.

Mr. Lunnemann moved to deny the Zoning Map Amendment request and approve the Conditional Use Permit with one condition as presented by Staff by Resolution to the Boone County Fiscal Court. He explained why he voted differently from at the Committee Meeting based upon the Commissioners' input. Ms. Gulick seconded the motion. The vote found Mrs. Clark, Mrs. Goetting, Ms. Gulick, Mr. Lunnemann, Mr. Rolfsen, Mr. Schwenke and Mr. Szurlinski voting yes to deny the Zoning Map Amendment but approve the Conditional Use Permit and Mr. Bessler, Mr. Harper, Mr. Hincks and Mrs. Kegley voting no to the denial. The motion to deny the Zoning Map Amendment request and approve the Conditional Use Permit passed by a vote of 7-4.

At this time Mrs. Steele returned to the meeting room.

TECHNICAL/DESIGN REVIEW, Michael Schwartz, Staff

6. Residence Inn – 370 Meijer Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The site went through a Change in Concept Development Plan review in September, 2022. He mentioned that the City of Florence several adopted Conditions. The City adopted the submitted materials and color schemes. All rooftop equipment shall have parapet walls. All building mounted signage shall be approved per the submitted sign drawings. Finally, the proposed monument sign shall be upgraded with a masonry base and an architectural feature based upon the Houston-Donaldson Study special sign requirements. It is recommended that the rooftop equipment screening and the monument sign provisions be included as Conditions of Approval.

Mrs. Steele moved to approve the request as presented by Mr. Schwartz with the Conditions. Mr. Lunnemann seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENTS, Michael Schwartz, Staff

7. 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 (this issue was deferred from July 5, 2023).

ZONING MAP AMENDMENT, Steve Lilly, Staff

8. Request of **Dan Hughes (applicant/owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 3.9 acre area located at 8269 Pleasant Valley Road, and includes the adjoining parcel having a Parcel Identification Number (PIDN) of 062.00-00-008.25, Florence, Kentucky. The request is to allow for the future subdivision of the property into smaller residential lots.

CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

9. Request of **Capital Growth Buchalter, Inc., per Kirk Farrelly (applicant) for Victor Connell, Carolyn Riley-Connell, and ZNM Properties, LLC, per Gerry Pizzano (owners)** for a Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2 acre area located at 7640 and 7670 Burlington Pike, being the properties located at the northwest corner of the Burlington Pike/Cardinal Drive intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow a 5,919 square foot convenience store with gasoline pumps.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

10. Request of **Maronda Homes (applicant) for DFK Direct Investments Wach LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Planned Development (RSE/PD) and Suburban Residential One (SR-1) to Rural Suburban/Planned Development (RS/PD) for: (1) an approximate 50.78 acre area located along the north side of Burlington Pike, between Main Street and Caroline Williams Way, approximately 1,100 feet east of Caroline Williams Way, and being across from the Burlington Pike/Saddle Ridge Drive intersection; and (2) an approximate 0.76 acre area located at 6539 and 6540 Hammer Court, Boone County, Kentucky. The request is for the development of a one hundred four (104) lot single-family residential subdivision.

Mr. Szurlinski moved to schedule the Public Hearings for Items #7, #8 and #9 on August 2, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mr. Hincks seconded the motion and it passed unanimously.

Mr. Bessler moved to schedule the Public Hearing for Item #10 on August 16, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.

H. **Executive Director's Report:**

Mr. Kevin P. Costello, AICP, reminded the Board members that there will be no Business Meeting on July 19, 2023 since the Fiscal Courtroom will be under renovation. However, the Zone Change Committee Meeting will be held on that day in the Information Services Department Training Room (Room 204A) on the second floor of the Boone County Administration Building.

Mr. Costello introduced Mr. James Horton, GISP. He stated that Mr. Horton was retiring from the Planning Commission on August 1, 2023 as a member of our GIS Staff. Mr. Horton grew up in Petersburg and his last day of work is July 31, 2023. He is the main person for Boone County information. He knows the history of the County having grown up in the community. He will be missed by everyone and is respected by public officials and real estate professionals. Mr. Horton stated that he hasn't been to a meeting in 15 years. He thanked the Board for support of the Staff over the years. When he started, Boone County GIS was involved in a pilot project in the City of Florence. He was hired in August, 1996. It took him 4 years to draw all the parcels. He enjoyed his experience with the Planning Commission. Chairman Rolfsen stated that Mr. Horton has the most positive attitude of any human being. He is a diamond in the rough. He wished him the best of luck and he will be missed.

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. Goetting seconded the motion and it passed unanimously. The meeting was adjourned at 7:58 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit – Boone County Planning Commission Adopted Findings of Fact for Denial

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountky.org/pc
www.boonecountkygis.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@boonecountky.org

June 22, 2023

Ireland Properties LLC
2260 Devlin Place, Unit 204
Crescent Springs, Kentucky 41017

RE: Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

To Whom It May Concern:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their June 21, 2023 meeting. As you verbally agreed to these conditions at that meeting, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office no later than Friday, June 30, 2023.

CONDITIONS

1. Development shall be consistent with the submitted concept development plan, except as modified by these conditions.
2. Development shall meet the minimum requirements of the zoning regulations, except that a minimum of 127 off-street parking spaces shall be provided.

Sincerely,

Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

I, the property owner/developer of the approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change of Concept Development Plan.


Ireland Properties LLC (Owner/Developer)

6-27-23
Date

2

ORDINANCE 2023-17

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF TONY BERLING (APPLICANT) FOR IRELAND PROPERTIES, LLC (OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) DISTRICT FOR AN APPROXIMATE 3.26 ACRE AREA LOCATED AT 5765 CONSTITUTION DRIVE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution 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 recommending approval, with conditions, for the 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 a Change of Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, for a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The real estate, which is the subject of this request for a Change of Concept Development Plan and is more particularly described in DEED BOOK: 783, PAGE NO: 305 (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 for a Change of Concept Development Plan request are the Findings of Fact, and Conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

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

Section Three

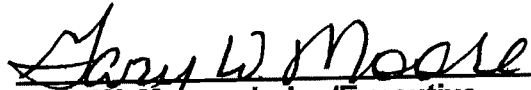
This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 22nd day of August 2023

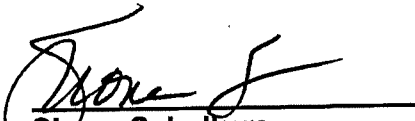
Second Reading the 5th day of September 2023

Adopted this 5th day of September 2023

Yes 4 No 0


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

ATTEST:


Shona Schulkers,
Fiscal Court Clerk

5891 ZIG ZAG ROAD
 061.00-00-013.61
 MICHAEL D ROUSE
 ZONING: I-1

059.00-00-070.38
 BOONE COUNTY
 ZONING: A

5760 CONSTITUTION DRIVE
 061.00-31-008.00'
 SWEENEY CONSTITUTION REALTY, LLC

ZONING: C-2/PD

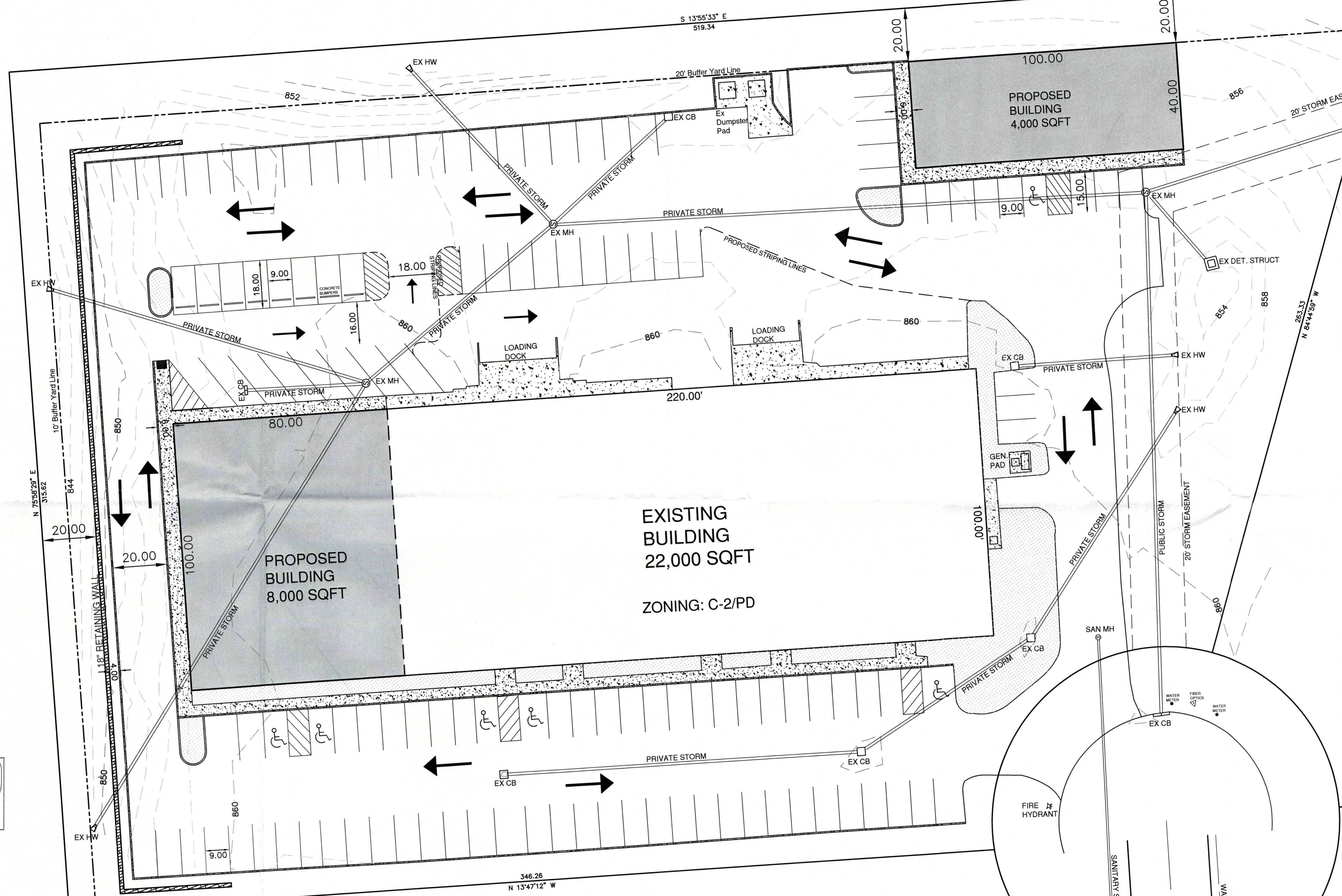
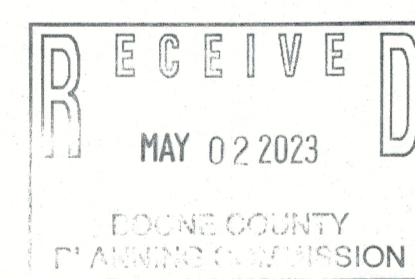
5775 CONSTITUTION DRIVE
 061.00-31-010.00
 MBN, LLC
 ZONING: C-2/PD

4803 AERO PARKWAY
 049.00-00-036.13
 AERO AN USCIV LLC
 ZONING: I-1/CD

NOTE: The Change in Concept Plan contains 127 parking stalls with 6 handicap stalls

CHANGE OF CONCEPT
 DEVELOPMENT PLAN
APPROVED with conditions
 Staff M. Schwartz
 Date 7/5/2023
 Boone County
 Planning Commission

GRAPHIC SCALE 0 20 40 60 80		
CHANGE IN CONCEPT PLAN		
STEVES HEATING AND COOLING		
STEVEN A. BERLING KY. ENGINEER #18134	SCALE 1" = 20'	DRAWN BY E.J.B IRELAND PROPERTIES, LLC
5765 CONSTITUTION DRIVE, FLORENCE KY		
DATE 05/02/23	FROM 061.00-31-006.00	DEED BOOK/PAGE 783/305



5891 ZIG ZAG ROAD
 061.00-00-013.61
 MICHAEL D ROUSE
 ZONING: I-1

059.00-00-070.38
 BOONE COUNTY
 ZONING: A

5760 CONSTITUTION DRIVE
 061.00-31-008.00
 SWEENEY CONSTITUTION REALTY, LLC

ZONING: C-2/PD

EXISTING BUILDING
 22,000 SQFT
 ZONING: C-2/PD

5775 CONSTITUTION DRIVE
 061.00-31-010.00
 MBN, LLC
 ZONING: C-2/PD

NOTE: Existing Conditions
 contains 85 parking
 stalls with 3 handicap
 stalls

4803 AERO PARKWAY
 049.00-00-036.13
 AERO AN USCIV LLC
 ZONING: I-1/CD

GRAPHIC SCALE		
0 20 40 60 80		
EXISTING CONDITIONS		
STEVES HEATING AND COOLING		
STEVEN A. BERLING KY, ENGINEER #18134	SCALE 1" = 20'	DRAWN BY E.J.B.
PROJECT OWNER IRELAND PROPERTIES, LLC		
5765 CONSTITUTION DRIVE, FLORENCE KY		
DATE 05/02/23	PROJECT 061.00-31-006.00	DEED BOOK/PAGE 783/305

