

12. 1152 & 1131 392 & 223 respectively 03 2038B
Deed Book Page Number Group Number

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

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

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


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

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


17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on SEPT 2021

Property Owner's Signature:

 6/24/21

Applicant's Signature:

 6/26/21

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

1. Date Received: 6/27/23 Fee Received: \$1674.53 Receipt #: 88720
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): 6/27/23
5. Staff Reviewer: Steve Lilly
6. Committee Chairperson: Rick Lunnmann
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: 9-6-23
 - _____ 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

#1

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.

August 2, 2023

REQUEST

- A. The submitted request is to rezone an approximate 3.9 acre area located at 8269 Pleasant Valley Road, including the adjacent parcel to the west, from Agricultural Estate (A-2) to Suburban Residential One (SR-1).

SITE HISTORY

- 2004 The City of Florence adopted a Zoning Map Amendment from A-2 to SR-1, in conjunction with the annexation for the properties located at 8205 and 8213 Pleasant Valley Road. At that time the 2000 Boone County Comprehensive Plan designated the area as Suburban Residential allowing single family housing of up to four units per acre.
- 2019 A Conveyance Plat was approved subdividing the 3.9 acre site into an approximately 2 acre parcel with a remainder of approximately 1.9 acres.
- 2021 A Zoning Permit was approved for a Detached Garage.
- 2022 A Zoning Permit was approved for an Accessory Dwelling Unit.

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 903.A of the Boone County Zoning Regulations states that the purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available

or proposed.

SITE CHARACTERISTICS

- A. The approximate 3.9 acre area is located along the southwest side of Pleasant Valley Road, at the intersection of Valley View Drive.
- B. The area to be rezoned has approximately five hundred thirty (530) feet of frontage along Pleasant Valley Road and approximately three hundred (300) feet of frontage along Valley View Drive.
- C. The approximate 1.9 acre portion of the site is currently occupied by a house including an accessory dwelling unit and accessory structures. The 2.0 acre portion of the site is undeveloped.
- D. The approximate 3.9 acre site is currently accessed from a single curb cut onto Pleasant Valley Road and the two parcels utilize a twenty (20) foot wide shared access easement.
- E. The site is within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.
- G. Topographically, the approximate 3.9 acre site slopes westwardly, at an average grade of 4%.

ADJACENT LAND USES AND ZONES

North: Single-family residential dwellings (SR-1/PD) and farmland.
South: Single-family residential dwellings (A-2).
East: Single-family residential dwellings (SR-1), (A-2), (SR-1/PD).
West: Single-family residential dwellings (A-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Rural Density Residential" uses, which is described as low density residential uses of up to one dwelling unit per acre.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
 - 1. 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. 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).
 - 3. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock. (Demographics Goal B, Objective 3).

4. 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).
 5. Airport noise levels shall be considered when new residential development is proposed near the Airport (Demographics Goal B, Objective 5).
 6. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
 7. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).
 8. 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. Pleasant Valley Road is a state maintained arterial street providing for two way traffic within four driving lanes and a center turn lane. There are multi-use paths along both sides of the roadway. The posted speed limit is 45 MPH.
- D. Valley View Drive is a City of Florence maintained street providing two way traffic within two driving lanes. There is no sidewalk located along Valley View Drive. The posted speed limit is 20 MPH.
- E. The following are excerpts from Our Boone County Plan 2040:
1. 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 Sizes, and Setbacks, page 95).
 2. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and sight distance for access points, adequate spacing between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service. In addition, the amount of travel time saved for services relying on routing (such as school buses, waste collection, mail, and other delivery services) is invaluable, not to mention the importance of simply connecting neighborhoods and people to each other. More importantly, the connectivity between developments promotes safety as emergency response vehicles have multiple ways of gaining access to a property

during an emergency (Land Use, Future Land Use Development Guidelines, Access Management, page 96).

STAFF COMMENTS

- A. The applicant has not submitted a Concept Development Plan. The applicant has stated:
1. They have no immediate plans for development but would like to have the option to subdivide one or two additional buildable lots.
 2. The intensity of the A-2 zone (1 dwelling unit per 2 acres) restricts them to utilize the entirety of the property for their existing single family home and accessory dwelling unit.
- B. The area was changed from Suburban Residential to Rural Density Residential as part of the adoption of the current Comprehensive Plan.
- C. Staff sent out an Agency Memo to the Kentucky Transportation Cabinet, Boone County Public Works, and the City of Florence.

Kentucky Transportation Cabinet

1. Responded that they will not grant any additional access points from KY 237 for any future subdivisions of the parcel.

Boone County Public Works

1. Access points will need to meet the regulations set in Article 32 of the Zoning Code for access to Valley View Drive.
2. There does not appear to be any site distance, capacity, or safety issues with an additional driveway from Valley View Drive.

City of Florence

1. The existing residence is currently connected to a private 4" sewer line. However, the City's sewer regulations do not permit any new structures to be connected to this private line, as it is classified as a joint lateral. Consequently, to proceed with any new structures, it will be necessary to extend a public main sewer line to the property to accommodate the additional demands. Before considering an increase in density, the applicant will need to obtain an easement from the neighboring property owners to secure the necessary rights for this extension.
2. The density appears to be quite high for this particular area. Approving such a large number of dwelling units without proper context of the end product could potentially result in a subpar outcome.

STAFF CONCERNS

1. The proposed SR-1 zone would potentially allow for up to four (4) dwelling units per acre. The approximate 3.9 acre parcel could potentially allow up to fifteen (15) dwelling units at that proposed density.
 - Is the applicant agreeable to a condition to set a maximum number of buildable lots?
2. The applicant has not indicated the intended access for the future lots.
 - Is the applicant agreeable to a condition that access to future buildable lots be from either the existing driveway or Valley View Drive?
3. Any proposed houses would require a connection to the public sanitary sewer.
 - Is the applicant agreeable to a condition that any future homes would be required to connect to a public sanitary sewer?

CONCLUSION

The zoning map amendment request needs to be evaluated by the Boone County Planning Commission and the Boone Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Steven Lilly
Planner, Zoning Services

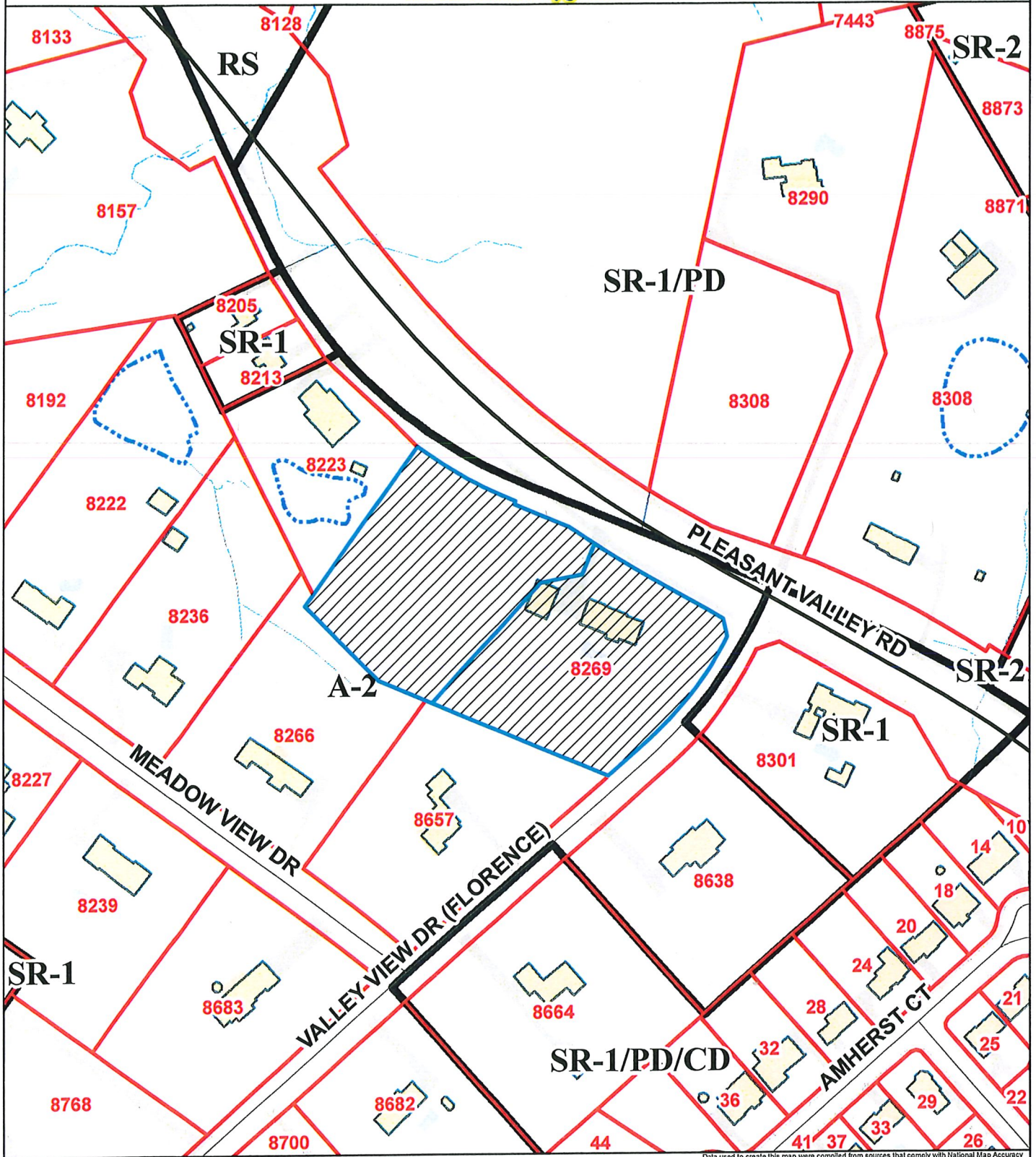
SCL/ss

Attachments:

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

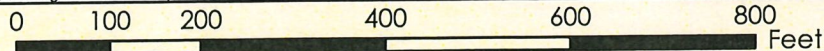
Zoning Map

www.boonecountygis.com



Copyright 2022 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xx/xx/2022
ArcMap Document: *.mxd

12. 1152 & 1131 392 & 223 respectively 03
Deed Book Page Number Group Number

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

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

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

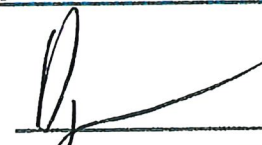
- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input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

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


17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on SEPT 21ST

Property Owner's Signature:

 6/24/23

Applicant's Signature:

 6/26/23

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

1. Date Received: 6/27/23 Fee Received: \$1674.53 Receipt #: 88720
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
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

HUGHES A2 TO SR1 PROJECT
8269 PLEASANT VALLEY RD
FLORENCE KY 41042

We have no immediate plans for development but would like to have the option to portion off a couple acres for potential sale as one or two building lots. Those likely would be for relatives of the family but could be for anyone depending on our situation.

I have an aging mother that we might need to build a small single-family residence for so we can be closer and provide care for her. We have also considered selling/gifting to niece, who just had her first baby to build her first home.

So right now, no immediate plans but want to have some options as life plays out. Right now, we own the approximate 4 acres and have our primary residence (Dan & Leslie Hughes) and my father-in-law built a detached garage/apartment. Since we are zoned A2, his detached garage/apartment is technically considered a second primary residence requiring us to use all 4 acres to cover the requirements of A2. Most of the properties surrounding us are already zoned SR1. We do not have any plans to come close to the permitted single family residences for SR1.

I appreciate your consideration and thank you for your time and service.

Thanks,

A handwritten signature in black ink, appearing to be 'Dan Hughes', with a long horizontal stroke extending to the right.

Dan Hughes
June 26, 2023

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Harper, Chair

DATE: September 6, 2023

RE: 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.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee concluded that the proposed SR-1 district, along with the submitted concept development plan dated August 23, 2023, is consistent with the Our Boone County Plan 2040 Land Use Plan Element designating the site for "Rural Density Residential" described as low density residential uses of up to one dwelling unit per acre.

The proposed Concept Plan shows the proposal of two additional parcels of approximately one acre in size. In total, there will be four dwelling units over the entirety of the 3.9 acre area.

2. The Committee concluded that the proposed SR-1 district, along with the submitted concept development plan, is consistent with several Our Boone County Plan 2040 Goals and Objectives.
 - a) 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).
 - b) 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).
 - c) Homeownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock. (Demographics Goal B, Objective 3).
 - d) Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).

The submitted concept development plan is consistent with the supplied narrative. The applicant is proposing two additional lots, each being approximately one acre in area. The proposal will allow for the two additional lots and provide access from an existing curb cut off of Pleasant Valley Road. The additional lots will have a minimal impact on the adjacent properties and will not affect the entrance of the adjacent subdivision.

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

CONDITIONS:

1. That there shall be no more than two additional parcels, bringing the total number of buildable parcels on the 3.9 acre area to three.
2. That all of the parcels be accessed from the existing curb cut off Pleasant Valley Road.
3. That any new dwelling units constructed on the proposed parcels shall be required to connect to the public sanitary sewer system.

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: August 30, 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, Rick Lunnemann, Chairman, Steve Lilly, Staff

1. 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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 2, 2023
7:30 P.M.**

Vice-Chairwoman Gulick opened the Public Hearing at 7:36 p.m. and welcomed the audience to the Planning Commission's August 2, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
M Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

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
Mr. Steve Lilly, PLS, GISP, Planner

Vice-Chairwoman Gulick introduced the first item on the Agenda at 7:36 p.m.

ZONING MAP AMENDMENT, Steve Lilly, Staff

1. 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.

Staff Member, Steve Lilly, referred to his PowerPoint presentation (See Staff Report). The site is located at the corner of Pleasant Valley Road and Valley View Drive, within the City of Florence. The property is currently divided into 2 parcels. There is an existing house and a detached garage on the site. Both parcels are accessed by an existing curb cut off Pleasant Valley Road. The site gently slopes by 4% towards the western portion of the property. The existing zoning is A-2. Mr. Lilly described the adjoining land uses and zoning (SR-1 and A-2). The 2040 Future Land Use Map designates the site as Rural Density Residential (RD) which allows one dwelling unit per acre. Pages 2-4 of the Staff Report refers to the pertinent sections of the Comprehensive Plan and the site in question. It is located in the Airport's 55 DNL noise contour. Mr. Lilly showed photographs of the site and surrounding properties. The applicant has not submitted a Concept Development Plan. There are no immediate plans for the property but he would like the option to subdivide additional building lots in the future. The applicant has submitted a letter which is attached to the Staff Report. The Kentucky Transportation Cabinet will not allow additional access points on Pleasant Valley Road. Any access to Valley View Drive will have to meet the distance requirements. There doesn't seem to be any sight distance issues, the City of Florence has noted that any future residences will have to connect to public sewer. There is also a concern about a higher density that is allowed in and SR-1 Zoning District.

In terms of Staff concerns, the maximum number of units on the site could be 15 dwelling units based upon SR-1 zoning. Would the applicant consider restricting the total number of lots on the subject property? In addition, the applicant has not indicated the intended access to the new lots. Staff suggested limiting access to the new lots from the existing driveway on Pleasant Valley Road or off Valley View Drive. The final concern was the connection to public sanitary sewer. Mr. Lilly noted that an email was received from Ms. Teresa Kahmann (See Exhibit 1).

Vice-Chairwoman Gulick asked if the applicant was present and wanted to proceed with their presentation?

Mr. Dan Hughes, applicant, 8269 Pleasant Valley Road, stated that he is amenable to all of the Staff concerns. He is willing to limit the number of lots to 2 (1 per acre). He is also agreeable to access the additional lots through the current driveway. Finally, he is willing to connect the new lots to public sanitary sewer since a line was built in the area for future connections.

Vice-Chairwoman Gulick asked if anyone in the audience had any comments or questions?

Ms. Teresa Kahmann, 8720 Valley View Drive, stated that her father developed the neighborhood in the early 1970s. The property in questions belonged to Joe Collett at the time. It was intended to be part of the subdivision as the entrance to it. The lot was sold separately as their entrance is off Pleasant Valley Road. She expressed a concern for no Concept Development Plan and no limitations. She doesn't object to splitting the property as long as it is done in a way that it is

appropriate. It should be limited to 1 acre lots. Ms. Kahmann submitted a drawing showing her suggestions on how to divide the property (See Exhibit 2). There should be a Concept Development Plan in place in case Mr. Hughes does not build at first. Someone else would have to follow it instead of no restrictions.

Mr. Doug Daniel, 8710 Valley View Drive, stated that he and his wife are opposed to the project because there is no Concept Development Plan. Things can happen in the future unless there are restrictions. Ingress and egress should be nailed down. The character of the neighborhood allows people to walk their dogs. Adding more traffic to Valley View Drive is going to be tough because of turning movements on Pleasant Valley Road. What is proposed is not in character of when he built his house in 1992. This will set a precedent in the subdivision. Others will be able to subdivide.

Ms. Linda Smith, 8700 Valley View Drive, stated that she does like the park setting of the neighborhood. The proposal will affect it. Fifteen smaller houses could be built on the property. It would affect the integrity of the subdivision. She has improved her house over the past 50 years. She is not opposed to two additional homes. There are 39 homes in the neighborhood and it is a friendly area.

Mr. Frank Butler, 8664 Valley View Drive, noted that he was the first to build in the subdivision (1971). There were many rules about building garages and pools that have been followed. He is open to development but not multi-family housing.

Mr. Larry Fathman, 8785 Skyview Drive, asked if Mr. Butler's house was one of the houses already zoned SR-1? Mr. Lilly will research the questions for the benefit of the Board members. Mr. Fathman is against the project and Mr. Hughes should follow the existing regulations. He prefers to only allow one additional lot. Either A-2 or RS zoning would be more appropriate.

Mrs. Mary Gold, 8675 Valley View Drive, stated that she just moved to the neighborhood about a year ago. It is an older, established neighborhood. Her main concern is keeping the ambience in the neighborhood and running a driveway down the side of her house. Her house is directly behind the site in question. She doesn't want to move again. She just wants to see a firm plan to see what they want to do.

Mr. Tom Wingo, 8638 Valley View Drive, stated that he doesn't want to see a driveway outside his front door. He also doesn't want to see seven houses on the site. A firm plan with 1 or 2 houses is ideal for him.

Mr. Martin Cahill, 8698 Skyview Drive, said that he built his house in 1975. The attraction to the place is the 2 acre lots. He had to have septic tanks and cisterns installed at the time. If the applicant is allowed to put more houses on the site, what prevents him from doing the same. The previous owner bought 2 lots to build on. Access is easily achieved off Pleasant Valley Road. There is no reason to have an entrance off Valley View Drive.

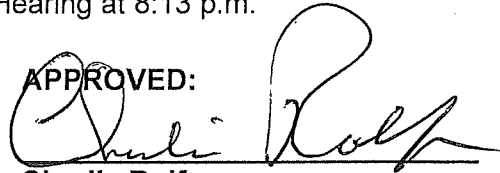
Vice-Chairwoman Gulick asked if any Commissioner had any questions or comments for the applicant.

Mr. Harper suggested that the applicant prepare a plan that showed access and the division of the lots. It would be helpful to have it at the Committee Meeting.

Mr. Hughes apologized for not having a detailed plan. He bought the land for the same reasons as the neighbors bought their property. Originally, family members were going to build on the extra land. He is willing to limit the number of lots and limit access to only Pleasant Valley Road.

Seeing no further questions or comments, Vice-Chairwoman Gulick announced that the Committee Meeting for this item will be on August 30, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 6, 2023 at 7:00 p.m. in the Fiscal Courtroom. Vice-Chairwoman Gulick closed the Public Hearing at 8:13 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Email and drawing from Ms. Teresa Kahmann

Exhibit 2 – Drawing submitted by Ms. Teresa Kahmann

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
AUGUST 2, 2023
7:30 P.M.**

Vice-Chairwoman Gulick opened the Public Hearing at 7:36 p.m. and welcomed the audience to the Planning Commission's August 2, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
M Mr. David Hincks
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mrs. Janet Kegley
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

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
Mr. Steve Lilly, PLS, GISP, Planner

Vice-Chairwoman Gulick introduced the first item on the Agenda at 7:36 p.m.

ZONING MAP AMENDMENT, Steve Lilly, Staff

1. 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.

Staff Member, Steve Lilly, referred to his PowerPoint presentation (See Staff Report). The site is located at the corner of Pleasant Valley Road and Valley View Drive, within the City of Florence. The property is currently divided into 2 parcels. There is an existing house and a detached garage on the site. Both parcels are accessed by an existing curb cut off Pleasant Valley Road. The site gently slopes by 4% towards the western portion of the property. The existing zoning is A-2. Mr. Lilly described the adjoining land uses and zoning (SR-1 and A-2). The 2040 Future Land Use Map designates the site as Rural Density Residential (RD) which allows one dwelling unit per acre. Pages 2-4 of the Staff Report refers to the pertinent sections of the Comprehensive Plan and the site in question. It is located in the Airport's 55 DNL noise contour. Mr. Lilly showed photographs of the site and surrounding properties. The applicant has not submitted a Concept Development Plan. There are no immediate plans for the property but he would like the option to subdivide additional building lots in the future. The applicant has submitted a letter which is attached to the Staff Report. The Kentucky Transportation Cabinet will not allow additional access points on Pleasant Valley Road. Any access to Valley View Drive will have to meet the distance requirements. There doesn't seem to be any sight distance issues, the City of Florence has noted that any future residences will have to connect to public sewer. There is also a concern about a higher density that is allowed in and SR-1 Zoning District.

In terms of Staff concerns, the maximum number of units on the site could be 15 dwelling units based upon SR-1 zoning. Would the applicant consider restricting the total number of lots on the subject property? In addition, the applicant has not indicated the intended access to the new lots. Staff suggested limiting access to the new lots from the existing driveway on Pleasant Valley Road or off Valley View Drive. The final concern was the connection to public sanitary sewer. Mr. Lilly noted that an email was received from Ms. Teresa Kahmann (See Exhibit 1).

Vice-Chairwoman Gulick asked if the applicant was present and wanted to proceed with their presentation?

Mr. Dan Hughes, applicant, 8269 Pleasant Valley Road, stated that he is amenable to all of the Staff concerns. He is willing to limit the number of lots to 2 (1 per acre). He is also agreeable to access the additional lots through the current driveway. Finally, he is willing to connect the new lots to public sanitary sewer since a line was built in the area for future connections.

Vice-Chairwoman Gulick asked if anyone in the audience had any comments or questions?

Ms. Teresa Kahmann, 8720 Valley View Drive, stated that her father developed the neighborhood in the early 1970s. The property in questions belonged to Joe Collett at the time. It was intended to be part of the subdivision as the entrance to it. The lot was sold separately as their entrance is off Pleasant Valley Road. She expressed a concern for no Concept Development Plan and no limitations. She doesn't object to splitting the property as long as it is done in a way that it is

appropriate. It should be limited to 1 acre lots. Ms. Kahmann submitted a drawing showing her suggestions on how to divide the property (See Exhibit 2). There should be a Concept Development Plan in place in case Mr. Hughes does not build at first. Someone else would have to follow it instead of no restrictions.

Mr. Doug Daniel, 8710 Valley View Drive, stated that he and his wife are opposed to the project because there is no Concept Development Plan. Things can happen in the future unless there are restrictions. Ingress and egress should be nailed down. The character of the neighborhood allows people to walk their dogs. Adding more traffic to Valley View Drive is going to be tough because of turning movements on Pleasant Valley Road. What is proposed is not in character of when he built his house in 1992. This will set a precedent in the subdivision. Others will be able to subdivide.

Ms. Linda Smith, 8700 Valley View Drive, stated that she does like the park setting of the neighborhood. The proposal will affect it. Fifteen smaller houses could be built on the property. It would affect the integrity of the subdivision. She has improved her house over the past 50 years. She is not opposed to two additional homes. There are 39 homes in the neighborhood and it is a friendly area.

Mr. Frank Butler, 8664 Valley View Drive, noted that he was the first to build in the subdivision (1971). There were many rules about building garages and pools that have been followed. He is open to development but not multi-family housing.

Mr. Larry Fathman, 8785 Skyview Drive, asked if Mr. Butler's house was one of the houses already zoned SR-1? Mr. Lilly will research the questions for the benefit of the Board members. Mr. Fathman is against the project and Mr. Hughes should follow the existing regulations. He prefers to only allow one additional lot. Either A-2 or RS zoning would be more appropriate.

Mrs. Mary Gold, 8675 Valley View Drive, stated that she just moved to the neighborhood about a year ago. It is an older, established neighborhood. Her main concern is keeping the ambience in the neighborhood and running a driveway down the side of her house. Her house is directly behind the site in question. She doesn't want to move again. She just wants to see a firm plan to see what they want to do.

Mr. Tom Wingo, 8638 Valley View Drive, stated that he doesn't want to see a driveway outside his front door. He also doesn't want to see seven houses on the site. A firm plan with 1 or 2 houses is ideal for him.

Mr. Martin Cahill, 8698 Skyview Drive, said that he built his house in 1975. The attraction to the place is the 2 acre lots. He had to have septic tanks and cisterns installed at the time. If the applicant is allowed to put more houses on the site, what prevents him from doing the same. The previous owner bought 2 lots to build on. Access is easily achieved off Pleasant Valley Road. There is no reason to have an entrance off Valley View Drive.

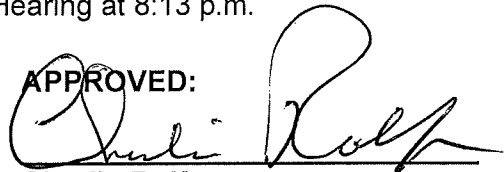
Vice-Chairwoman Gulick asked if any Commissioner had any questions or comments for the applicant.

Mr. Harper suggested that the applicant prepare a plan that showed access and the division of the lots. It would be helpful to have it at the Committee Meeting.

Mr. Hughes apologized for not having a detailed plan. He bought the land for the same reasons as the neighbors bought their property. Originally, family members were going to build on the extra land. He is willing to limit the number of lots and limit access to only Pleasant Valley Road.

Seeing no further questions or comments, Vice-Chairwoman Gulick announced that the Committee Meeting for this item will be on August 30, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 6, 2023 at 7:00 p.m. in the Fiscal Courtroom. Vice-Chairwoman Gulick closed the Public Hearing at 8:13 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit 1 – Email and drawing from Ms. Teresa Kahmann
Exhibit 2 – Drawing submitted by Ms. Teresa Kahmann

Teresa Kahmann
8720 Valley View Drive
Florence, Ky. 41042

Mr. Michael Schwartz
Boone County Planning and Zoning Commission
mschwartz@boonecountyky.org

July 30, 2023

RE: Proposed zoning change at 8269 Pleasant Valley Rd.

Dear Mr. Schwartz,

I am writing to you and the Planning and Zoning Commission regarding Mr. Dan Hughes' proposed zoning change for the property located at 8269 Pleasant Valley Rd. The proposed change would take the property from its current zoning of A-2 (Agricultural Estate) to SR-1 (Suburban Residential One) for approximately 3.9 acres. My understanding is that there is no concept development plan to go along with his request for this zoning amendment. Due to the dramatic changes this amendment could result in, I request that this zoning amendment should not be approved without a concept development plan that can be reviewed by both the Planning and Zoning Board and the public.

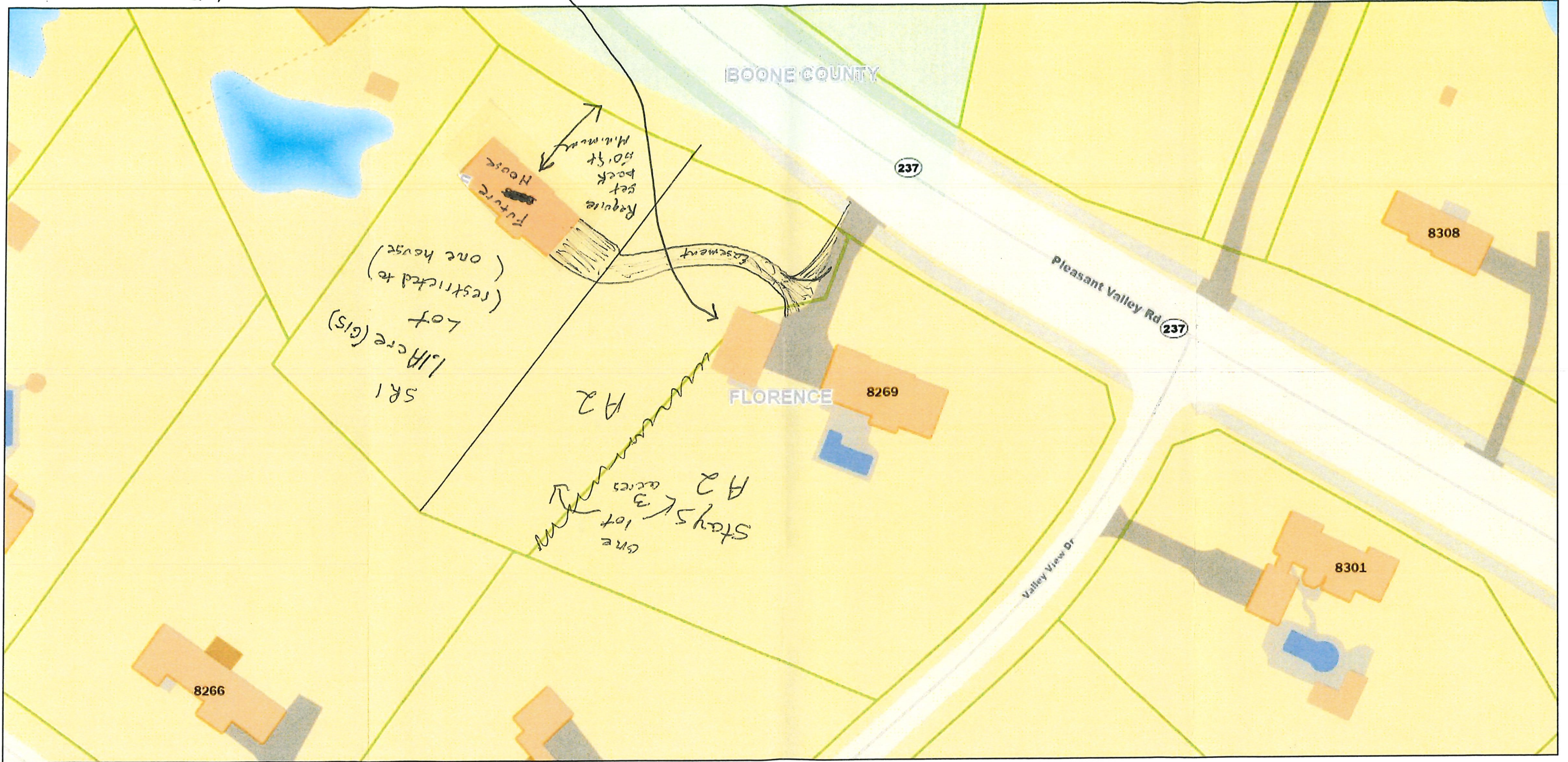
As I am sure you know the current zoning of the above referenced property is A-2. This means that homes are placed on 2 acre lots with at least 80' of front yard, 25' backyard and 10' side yard. If this property is changed to SR-1 the difference in yard size is dramatic. This area would allow 4 houses per acre, with only 30' required in the front and back and 5' on each side. If this property were to be divided and sold at its maximum capability under SR-1, there could be more than 8 homes built in this space. This represents a huge change to the entrance to our neighborhood and does not match the existing subdivision. While it may not be a bad thing to allow subdivision of this lot, at the very least a concept map should be provided that includes layout of lots, driveway access, landscaping requirements, etc. While it may not be Mr. Hughes' plan to subdivide the property into so many additional homes, accepting this amendment without a concept development plan would open the door for any future owner of the property to do so.

Therefore, I request that this zoning amendment be denied until a concept development plan has been submitted and the public has had time to review it.

Sincerely,

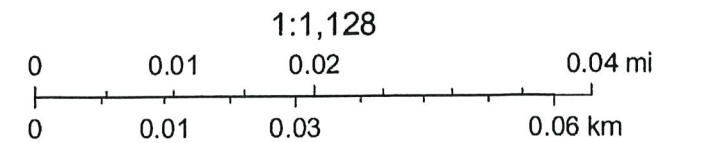
Teresa Kahmann

Florence, Kentucky



8/2/2023, 4:08:07 PM

- | | | | |
|---------------------------------|-------------------|---------------|----------------------------------|
| Buildings (LOD 18-21) | Roadways | Swimming Pool | Building Address Number (LOD 19) |
| Building Footprints (LOD 18-21) | Roadway | Patio | Street Names (LOD 14+) |
| Tax Parcels (LOD 17-23) | Exterior Features | Driveway | Streets (LOD 17-23) |
| Parcel Tract (outline) | Deck | Sidewalk | Waterbodies (LOD 16-23) |



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, GIS Services Division, Boone County Planning Commission

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
SEPTEMBER 6, 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 September 6, 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
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
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Eric Richardson
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the August 16, 2023 Business Meeting and Public Hearing. He asked if there were any comments or corrections?

Mrs. Clark 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 August 3, 2023 and September 6, 2023.

EXPENSES:

Accounting Fees	\$ 9,719.00
Attorney Fees	4,600.00
Auto Expense	237.68
Consultant/Professional Svcs Fees	1,232.50
Filing Fees (CLURS)	1,050.00
GIS Operations	22,390.00
Legal Ads/Recruitment	724.96
Miscellaneous Expense	7,889.80
Office & Board Meeting Supplies	939.53
Office Equipment / Expense	309.76
Postage Expense	499.51
Printing/Pub/Dues/Subscriptions	2,180.85
Professional Development	<u>579.00</u>

TOTAL: \$ 53,044.99

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 8,893.52
Health/Dental/Life/LTD	16,013.45
Retirement – BCPC Portion	20,819.30
Salaries – Staff Expenses	121,191.44
Salaries – BCPC & BOA	<u>1,425.00</u>

TOTAL: \$ 168,342.71

GRAND TOTAL: \$221,387.70

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

ZONING MAP AMENDMENT/VARIANCES, Steve Harper, Chairman, Todd Morgan, Staff

1. 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.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment and for the Variance request. It was recommended for approval unanimously by Mrs. Kegley, Mr. Lunnemann, Mr. Harper, Mr. Hincks and Ms. Gulick voting in favor of the request. The applicant has signed the condition letter.

Chairman Rolfsen asked if only one Variance was being requested? Mr. Morgan replied yes. The building setback will be 50 feet instead of 5 feet. Also, evergreens will be planted all along Dolwick Drive to block it. It will be a minimum width of a 10 foot buffer. Half the trees must be an evergreen species.

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

Mr. Wayne Smith, applicant, stated that he had a presentation of the changes. Mr. Costello asked if it was new information and if Staff has seen it? Mr. Morgan replied no. Mr. Costello stated that it can't be shown since it is new and Staff has not seen it. The buildings will be approximately 10 feet below Dolwick Drive. A retaining wall will be built to conceal the area below grade. All lights will be on motion detectors. All buildings will match each other in terms of materials. His family has provided goods and services to the County for 89 years. Small industrial buildings are needed in Boone County.

Mr. Todd McMurtry, attorney for Brendemour and Corporex, stated that his clients are opposed to the development. He noticed the condition about buffering. The more trees the better along Dolwick Drive. He noted the requirements to plant trees along Dolwick Drive but the trees the applicant planted in Erlanger have died and have not been replaced. He voiced an objection to the meeting in general. It violates procedural and substantive due process. The notice of the hearing involves a different Concept Development Plan. A new Concept Development Plan has been presented by the applicant that he hasn't had the opportunity to comment on. He has been

denied that right. We are not talking about the same plan. The notice is not for the same Concept Development Plan. The new Concept Development Plan fails to address several key issues that were raised by Staff at the first hearing. No profiles have been provided by Mr. Smith. He now understands that there will be towed cars in the lot. No parking analysis has been done. The new Concept Development Plan does not address the Developmentally Sensitive (DS) areas. There has been no public disclosure of it. The meeting also violates the Kentucky Open Meetings Act. People don't understand what is being presented. It didn't recognize there is a new Concept Development Plan. There has to be a proper notice and an opportunity to comment. Mr. McMurtry restated that the previous application was denied by the Fiscal Court and that needs to be in the record. The Planning Commission should require another Public Hearing.

Mr. Dale Wilson, attorney, noted that Kentucky Law allows revisions to an application including its Development Plan after the trial type hearing when the revisions came forward during the due process trial type public hearing. The Committee thought through the Committee Meeting that was open to the public that the revisions did address those comments, many of which were raised by Mr. McMurtry.

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

At this time, Mrs. Kegley stated that she has a conflict with the next request and left the meeting room.

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Steve Lilly, Staff

2. 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.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The applicant has signed the condition letter. Committee members, Mr. Harper and Mr. Hincks voted in favor of the request.

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

Mr. Doug Daniel, 8710 Valley View Drive, inquired about the required setbacks with the revised drawings? Mr. Lilly replied that the owner will have to go through the subdivision process to create the new lots. The new subdivision plat will have to be consistent with the revised plan. In addition, the access easement will have to be shown on any plat and permit. Access will be from the existing drive to Pleasant Valley Road. The setbacks will have to meet the required setbacks. With a one acre lot, the owner should not have a problem meeting the building setbacks.

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

At this time, Mrs. Kegley returned to the meeting room. Mrs. Steele announced that she had a conflict with the next request and left the meeting room.

ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

3. 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.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon the Findings of Facts. All five members of the Committee voted in favor of the request.

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

Ms. Loren Wolff, attorney for the applicant, stated that the request is only a one acre tract out of an overall 27 acres. It is an important one acre tract. It represents 230 feet of road frontage. By rezoning the site, it allows for an efficient use of the property when a use has been decided. The applicant has not decided what the ultimate use will be in the future. It is planned to be a permitted use under the I-1 zoning district. The applicant wants to maximize the frontage for safety reasons. It is in agreement with the Comprehensive Plan and the Future Land Use Map.

Mr. Martin Chavez, applicant stated that the was available to answer any questions.

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, stated that she is not against the development in Boone County. Limaburg Road is no longer capable of handling industrial sites. She has witnessed an accident at KY. 18 and Limaburg Road about a week and a half ago. Traffic is so much heavier especially with new businesses in Lakeland Park Subdivision. Limaburg Road is a two lane, County road. The Board denied a request next door on Limaburg Road a few months ago.

Mr. Harper stated that he sympathized with what Ms. McDaniel explained. The big difference between the current request and previous request is that the applicant has access to Limaburg Road and the majority of the site is only zoned industrial. It is valid to rezone the site so that development can occur as efficiently as possible. Chairman Rolfsen agreed with Mr. Harper and the applicant will have to do a Traffic Study for access to Limaburg Road. It is uncertain when that will occur. He noted that a new road could be built on the Airport side of the development as a way of providing another access other than Limaburg Road. The road could be widened later or connect to the east. **Mr. Harper moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact. Mrs. Kegley seconded the motion.**

Mrs. Kegley stated that if the request was actually denied, then a separate parcel could exist with a separate access point. One additional curb cut doesn't add safety. One can control the curb cuts since the site will be one development parcel. Mr. Schwartz noted that there are already 2-3 curb cuts that serve the larger tract or former farm.

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

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

ZONING MAP AMENDMENT, David Hincks, Chairman, Michael Schwartz, Staff

4. 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.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The applicant has signed the condition letter. Both Mr. Harper and Mr. Hincks voted in favor of the request.

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

Mr. Jim Bertrum, project engineer, stated that he agreed with all of the conditions. He met with the adjoining property owners and agreed to install the fencing on the east side of the site as well as have the driveway connection.

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

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

5. Perfetti Van Melle – 3645 Turfway Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The applicant is proposing a new sugar tank. It is located behind the office portion of the building. The tank will be highly visible from Turfway Road. The base of the tank could be hidden by the office portion of the building. It is only one tank that is 34'5" tall with a hoist beam. It will be stainless steel. He showed the elevation of the tank. Mr. Morgan noted that the Technical/Design Review Committee met prior to the Business Meeting and recommended approval unanimously. There will be no advertising on the silo.

Mrs. Steele moved to approve the request as submitted and presented by Mr. Morgan. Mr. Turner seconded the motion and it passed unanimously.

NEW BUSINESS

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

6. Request of **Crosland Southeast, per Christopher W. Taft (applicant) for Farmview Commons LLC, per Hemakumar Soni (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit an approximate 56,000 square foot grocery store with an attached liquor store and drive-through pharmacy, along with two outlots for retail, service, and/or eating and drinking establishment uses.

ZONING MAP AMENDMENTS, Steve Lilly, Staff

7. Request of **KMK Law, per James Parsons (applicant) for Mt. Zion MHC LP, per Kurtis P. Keeney (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Commercial Four (C-4), including the following variances: (1) reducing the Buffer Yard A width from ten (10) feet to one (1) foot along Mt Zion Road; (2) reducing the Buffer Yard A width from ten (10) feet to one (1) foot along Carpenter Drive; and (3) reducing the rear yard building setback from fifty (50) feet to thirty-eight (38) feet, for an approximate 1 acre area located at the southeast corner of the intersection of Mt Zion Road and Lakeside Drive, including the properties at 266, 270, 274, 278, 282, 286, and 290 Carpenter Drive and 10006 West Garland Court, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the development of an eating and drinking establishment with drive-through service.

SUBDIVISION REGULATIONS TEXT AMENDMENTS, Michael Schwartz, Staff

8. Request of the **Boone County Planning Commission Technical/Design Review Committee** to consider a series of amendments to the **Boone County Subdivision Regulations**.

ZONING MAP AMENDMENTS, Steve Lilly, Staff

9. Request of **Stephen K. Dallas (applicant/owner)** for a Zoning Map Amendment from Office One (O-1) to Commercial Services (C-3) for an approximate 1.4 acre area located at 1113 Boone Aire Road, Boone County, Kentucky. The request is for a Zoning Map Amendment to bring all land under common ownership into the same zoning district.

Mr. Schwenke moved to schedule the Public Hearings for Items #6 and #7 on October 4, 2023 at 7:30 p.m. in the Fiscal Courtroom, Item #8 on October 18, 2023 at 7:00 p.m. in the Fiscal Courtroom and item #9 on November 1, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mr. Harper seconded the motion and it passed unanimously.

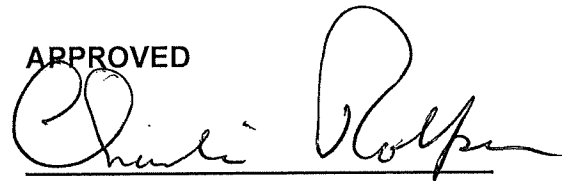
H. Executive Director's Report:

No Report

I. Adjournment:

There being no further business to come before the Planning Commission, Mr. Bessler moved to adjourn the meeting. Dr. Clark seconded the motion and it passed unanimously. The meeting was adjourned at 8:02 P.M.

APPROVED



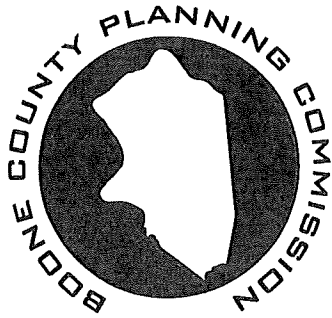
Charlie Rolfsen
Chairman

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

August 31, 2023

Dan Hughes
8269 Pleasant Valley Road
Florence, KY 41005

RE: 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.

Dear Mr. Hughes:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their August 30, 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 September 5, 2023.

CONDITIONS

1. That there shall be no more than two additional parcels, bringing the total number of buildable parcels on the 3.9 acre area to three.
2. That all of the parcels be accessed from the existing curb cut off Pleasant Valley Road.
3. That any new dwelling units constructed on the proposed parcels shall be required to connect to the public sanitary sewer system.


Sincerely,

Steven Lilly
Planner, Zoning Services

SCL/ss

AGREEMENT

The property owner and developer of the (1) an approximate 3.9 acre 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, agrees to the conditions listed herein for the above referenced Zoning Map Amendment.



Daniel G Hughes (owner)

9/1/23

Date

DOCUMENT NO: 813653
RECORDED: September 28, 2020 10:29:00 AM
TOTAL FEES: \$50.00 TRANSFER TAX: \$50.00
COUNTY CLERK: JUSTIN CRIGLER
DEPUTY CLERK: STACY ADKINS
COUNTY: BOONE COUNTY
BOOK: D1152 PAGES: 392 - 396
GROUP ID: 2038B

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That the Grantors, CLINTON D. GREENWOOD and BEVERLY K. GREENWOOD, husband and wife, for and in consideration of FIFTY THOUSAND (\$50,000.00) DOLLARS and other good and valuable considerations to them paid by the Grantees, do hereby BARGAIN, SELL, AND CONVEY all of the Grantors' right, title, and interest to the Grantees, DANIEL G. HUGHES and LESLIE D. HUGHES, husband and wife, with the right of survivorship, his or her heirs and assigns forever, the following described real estate to-wit:

COUNTY OF BOONE

STATE OF KENTUCKY and known as:

2.0051-acre tract
Pleasant Valley Road
Florence, KY 41042

MAILING ADDRESS OF GRANTEES:

8269 Pleasant Valley Road
Florence, KY 41042

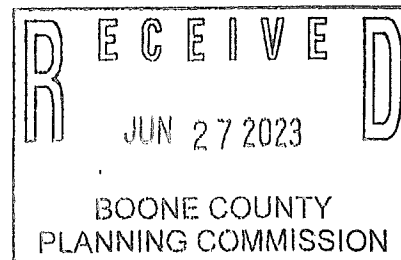
Group No. 2038B

Plat:
See Exhibit A, attached.

Legal Description:
See Exhibit B, attached.

Being the same property conveyed to Clinton D. Greenwood and Beverly K. Greenwood, husband and wife, by Daniel G. Hughes and Leslie D. Hughes, husband and wife, on June 17, 2020, by a General Warranty Deed recorded on June 18, 2020, in Deed Book 1145, page 915, of the Boone County Clerk's records at Burlington, Kentucky.

RETURN TO: PG 3



Together with all PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD to the Grantees, DANIEL G. HUGHES and LESLIE D. HUGHES, husband and wife, with the right of survivorship, his or her heirs and assigns forever, with COVENANTS OF GENERAL WARRANTY.

CONSIDERATION CERTIFICATE

We, the undersigned, hereby certify that the full amount of the consideration paid for the above-described real estate is \$50,000.00.

The mailing address of the Grantors is:

Clinton D. Greenwood
Beverly K. Greenwood
92 Belmont Ct.
Florence, KY 41042

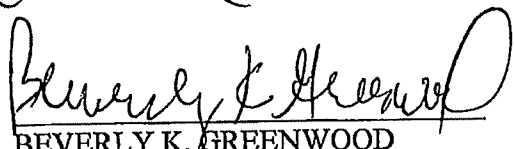
The in-care-of tax mailing address for the current tax year is:

Daniel G. Hughes
Leslie D. Hughes
8269 Pleasant Valley Road
Florence, KY 41042

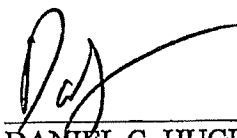
IN WITNESS WHEREOF, the Grantors, CLINTON D. GREENWOOD and BEVERLY K. GREENWOOD, husband and wife, husband and wife, have hereunto set their hands this 16th day of SEPTEMBER, 2020.

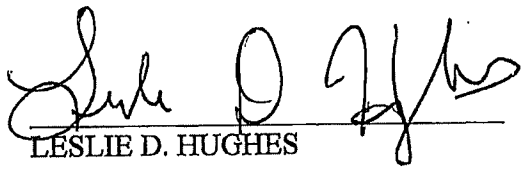
GRANTORS


CLINTON D. GREENWOOD


BEVERLY K. GREENWOOD

GRANTEES


DANIEL G. HUGHES


LESLIE D. HUGHES

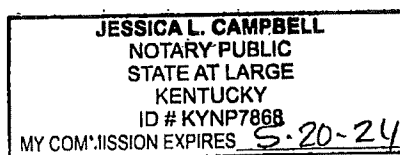
STATE OF KENTUCKY
COUNTY OF BOONE

The foregoing Deed was acknowledged before me, and the foregoing Consideration Certificate was subscribed and sworn to before me, a notary public, this 16 day of September, 2020, by Clinton D. Greenwood and Beverly K. Greenwood.

My Commission Expires:
5-20-24

Jessica L Campbell
Notary Public

Notary ID KYNP 7868



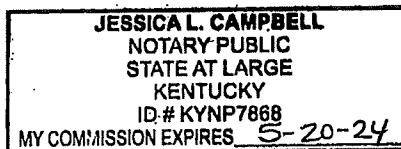
STATE OF KENTUCKY
COUNTY OF BOONE

The foregoing Consideration Certificate was subscribed and sworn to before me, a notary public, this 16 day of September, 2020, by Daniel G. Hughes and Leslie D. Hughes.

My Commission Expires:
5-20-24

Jessica L Campbell
Notary Public

Notary ID KYNP 7868



This instrument prepared by:

William F. Summe

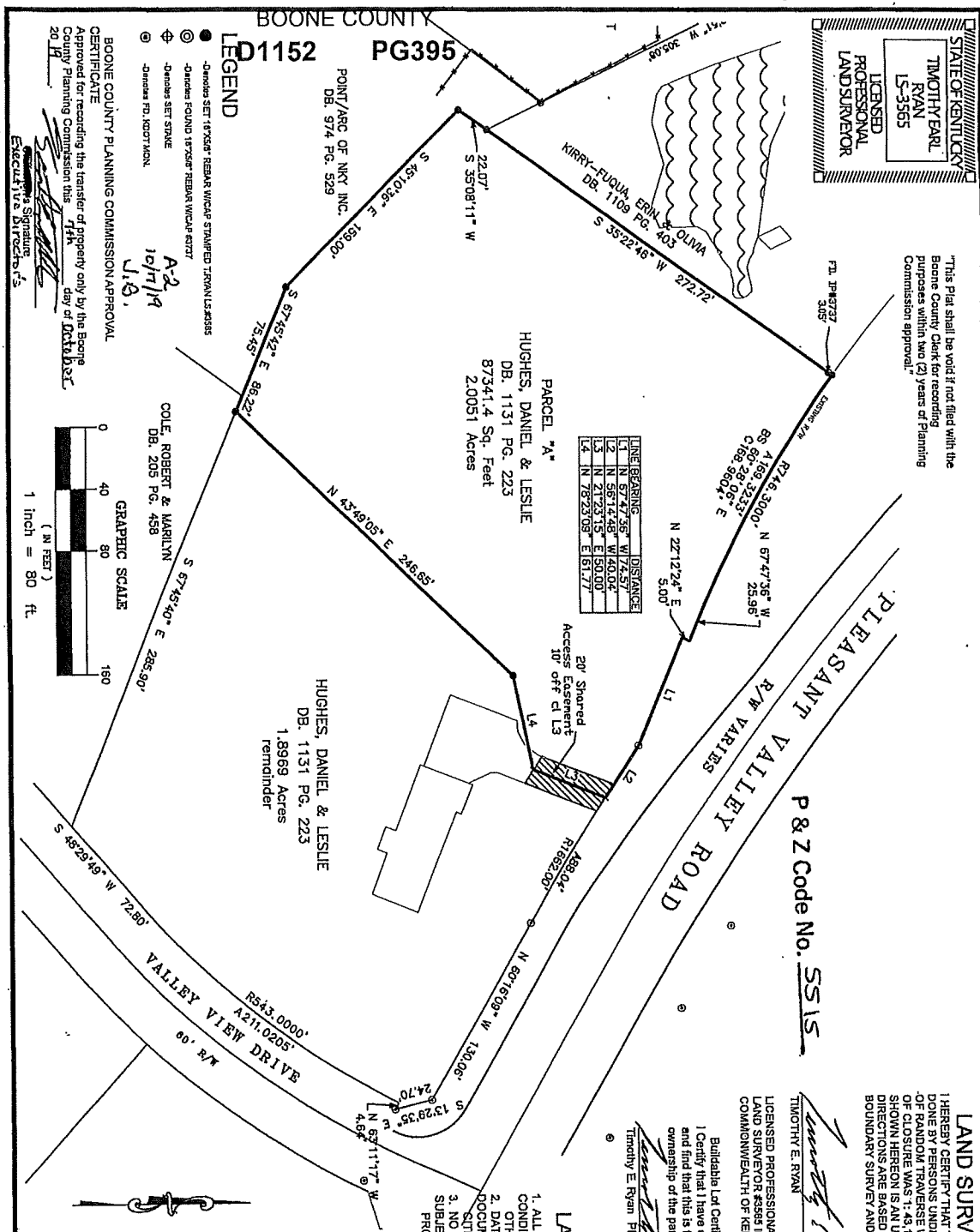
WILLIAM F. SUMME
FRED H. SUMME
Attorneys at Law
4 West Fourth Street
Newport, Kentucky 41071
(859) 431-6111
(859) 491-2128 (fax)
fredsumme@summelaw.com

RETURN TO:

NO TITLE EXAMINATION BY PREPARER

STATE OF KENTUCKY
TIMOTHY E. RYAN
 LS-3565
 LICENSED PROFESSIONAL LAND SURVEYOR

"This Plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval."



LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DERIVED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIGHT SIGHTS. THE UNADJUSTED ERROR OF CLOSURE WAS 1.4418 AND MAXIMUM ADJUSTED DISTANCES AND SHOWN HEREON ARE BASED ON THE UNADJUSTED TRAVERSE. THIS IS A BOUNDARY SURVEY AND COMPLETES WITH 201 648 18310

Timothy E. Ryan DATE 9/21/19

LICENSED PROFESSIONAL LAND SURVEYOR IN THE COMMONWEALTH OF KENTUCKY

Buildable Lot Certificate

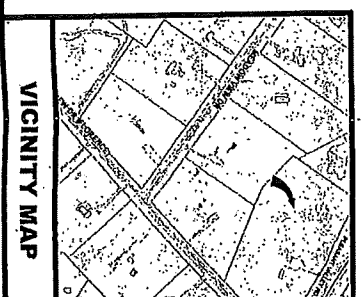
I Certify that I have examined the records of the Boone County Clerk and find that this is the FIRST conveyance made under present ownership of the parent tract.

Timothy E. Ryan DATE 9/21/19

LICENSED PROFESSIONAL LAND SURVEYOR IN THE COMMONWEALTH OF KENTUCKY

LAND SURVEYOR'S NOTES

1. ALL FOUND MONUMENTATION IN GOOD CONDITION UNLESS OTHERWISE NOTED.
2. DATA SOURCES FOR THIS SURVEY INCLUDE DOCUMENTS SITED HEREON.
3. NO EVIDENCE OF A CEMETERY FOUND ON SUBJECT PROPERTY



DRAWING TITLE CONVEYANCE PLAT		DANIEL & LESLIE HUGHES 8269 Pleasant Valley Road Florence, KY 41042	RYAN LAND SURVEYING 3650 SEAY HOLLOW LN FLORENCE, KY 41042 (606) 596-5900
PROJECT TITLE DANIEL & LESLIE HUGHES			
SCALE 1" = 80'	DATE 9/21/2019	CLIENT Dan Hughes 8269 Pleasant Valley Road Florence, KY 41042	GROUP 2038
PROJECT NO. 19-156	ZONED A-2		
SHEET 1	OF 1		

BOONE COUNTY
D1152 PG396

Exhibit B

LEGAL DESCRIPTION
Parcel "A"

2.0051 Acres

Situated In the Commonwealth of Kentucky, County of Boone, in the city of Florence and 600' West of the intersection of Pleasant Valley Rd. and Valley View Rd. and being more particularly described as follows.

Beginning at a point in Southwesterly Right of Way of US 42 and the common corner of Hughes (Db. 1131 Pg. 223) and Kirry-Fuqua (Db. 1109 Pg. 403) a set Iron Pin.

Thence with aforementioned Hughes (Db. 1131 Pg. 223) and Kirry-Fuqua (Db. 1109 Pg. 403) **S 35*22'46" W 272.72' corner** with PT. Arc of NKY Inc. (Db. 974 Pg. 529) to a set Iron Pin.

Thence with aforementioned PT. Arc of NKY Inc. (Db. 974 Pg. 529) for three calls:
S 35*08'11" W 22.07' to a set Iron Pin.
S 45*10'36" E 159.00' to a set Iron Pin.
S 67*45'42" E 86.22' to Corner with Cole (Db. 205 Pg. 458) a set Iron pin.

Thence with new division of Hughes (Db. 1131 Pg. 223) for three calls:
N 43*49'05" E 246.65' to a set Iron Pin.
N 78*23'09" E 61.77' to a set Cross Notch and center line of 20' access easement.
N 21*23'15" E 50.00' with center line of 20' access easement to a set cross notch and aforementioned Right of Way of Pleasant Valley Road.

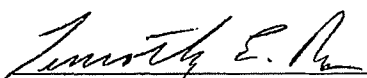
Thence with aforementioned Right of Way for five calls:
N 56*14'48" W 40.04'
N 67*47'36" W 74.57'
N 22*12'24" E 5.00'
N 67*47'36" W 25.96'
curve to the right having a **radius of 746.30'** and **arc length of 169.32'** to the point of beginning.

Containing **2.0051** acres, subject to easements, restrictions, conditions, covenants and rights-of-way of record.

North and basis of bearing is from GPS observation survey 8/1/2019, performed by Ryan Land Surveying. All Set Iron Pins are 5/8" rebar w/cap stamped PLS #3565 Ryan.

Prepared by Tim Ryan LS#3565
3850 Shady Hollow Ln. Burlington, Ky 41005

Phone # (859) 586-5800

 9/21/19



5

RETURN TO:

Please Return to:
Prominent Title Agency
7365 E. Kemper Rd.
Cincinnati, Ohio 45249

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENTS that the Grantors, **Joseph L. Collett, Trustee of the Collett Family Trust dated February 10, 2011**, for and in consideration of **THREE HUNDRED FIFTY FIVE THOUSAND AND 00/100 dollars (\$355,000.00)** and other good and valuable consideration, to the Grantors paid by the Grantees herein, the receipt of which is hereby acknowledged, do hereby **BARGAIN, SELL AND CONVEY** with fiduciary covenants to the Grantees, **Daniel G. Hughes and Leslie D. Hughes** for their joint lives, remainder to the survivor of them, their heirs and assigns forever, the following described real estate, to-wit:

Grantor's mailing address: 796 Foresthill Drive, Crescent Springs, KY 41017
Grantees' mailing address: 73 Belmont Court, Florence, KY 41042
Property address: 8269 Pleasant Valley Road, Florence, KY 41042
Tax mailing address: 2774 Blue Rock Road, Cincinnati, OH 45239
Prior Deed Reference: *WB*: 83 Page 156 AND *AB*: 198 Page 464 , Boone County, Kentucky

Group No. 2038B

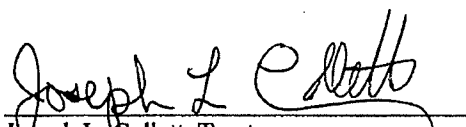
PIDN: 062.00-00-008.05

For legal description and back reference see Exhibit "A" attached hereto and made a part hereof.

Certificate

We, the Grantors and Grantees, do hereby certify pursuant to KRS Chapter 382.135 that the above stated consideration of \$355,000.00 is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sales price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

The said Grantors have hereunto set their hands this August 9, 2019.


Joseph L. Collett, Trustee

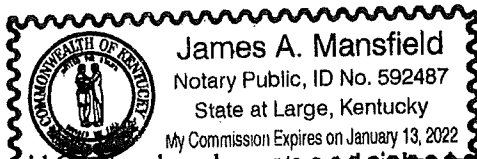
**Boone County
D1131 PG 223**

RECEIVED
JUN 27 2023
BOONE COUNTY
PLANNING COMMISSION

State of Kentucky, County of Boone, SS:

SUBSCRIBED AND SWORN TO BEFORE ME, on this August 9, 2019, before me, the subscriber, a Notary Public in and for the said state, personally came **Joseph L. Collett, Trustee of the Collett Family Trust Dated February 10, 2011**, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



[Signature]
Notary Public

The said ~~grantors~~ subscribed their names on their hands this August 9, 2019.

[Signature]
Daniel G. Hughes

[Signature]
Leslie D. Hughes

State of Kentucky, County of Boone, SS:

SUBSCRIBED AND SWORN TO BEFORE ME, on this August 9, 2019, before me, the subscriber, a Notary Public in and for the said state, personally came **Daniel G. Hughes and Leslie D. Hughes**, the Grantees in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



[Signature]
Notary Public

This instrument was prepared by:

[Signature]
Jenni B. Elam, Attorney at law
7365 E. Kemper Road
Cincinnati, Ohio 45249

Boone County
D1131 PG 224

Exhibit A
Property Description

The land referred to in this document is described as:

Being located in Boone county, Kentucky, on Pleasant Valley Road and described as follows: BEGINNING at a point on the south right-of-way line of Pleasant Valley Road. said point being opposite centerline Station 125+23-8 as shown on the plans for the reconstruction of Pleasant Valley Road, on file with the Kentucky Department of Highways; thence with said right-of-way S 67° 45' 30" E. 26.2 feet. S 22° 14' 30" W, 5.0 feet, S 67° 45' 30" E, 373.64 feet to a point: thence leaving said right—of—way and along the west line of a 50 foot easement S 22° 14' 30" w, 16-35 feet to the PC of a curve: thence with arc of a curve. R=548.0 feet, 251.13 feet to the PT of said curve; thence S 48° 30' W. 70-33 feet to a point: thence leaving said easement N 67° 45' 30" W, 372.12 feet: thence N 45° 10' 25' W, 159.00 feet: thence N 35° 08' 22" E. 292.00 feet to a point on the south right-of-way of said Pleasant Valley Road: thence with said right-of-way and along the arc of a curve. r—746.3 feet. east 168.00 feet to the point of beginning. and containing 4.033 acres, more or less.

Being a part of the 84.34 acre tract conveyed to the Grantors herein by deed dated November 30, 1971, and recorded in Deed Book 195, page 524, and also a part of the 15.35 acres conveyed to the Grantors herein by deed dated November 30, 1971, and recorded in Deed Book 195 page 528, both references being to the Boone County Clerk's records at Burlington, Kentucky subject to subdivision restrictions attached to this deed and made a part hereof.

OUT-CONVEYANCE

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road) at the intersection of KY 237 and Valley View Drive, and more particularly described as follows:

Beginning at a point in the West existing right of way line of KY 237, said point being 19.34 feet left of KY 237 Station 72+77.78, said point also being in the West existing right of way line of Valley View Drive; thence with said existing right of way line South 24° 44' 53" West, 35.39 feet to a point 54.59 feet left of KY 237 Station 72+74.70; thence along an arc 25.46 feet to the right, having a radius of 548.00 feet, the chord of which is South 26° 04' 45" West, 25.46 feet to a point 80.00 feet left of KY 237 Station 72+73.08, said point being in the West proposed right of way line of KY 237; thence with said proposed right of way line North 13° 29' 35" West 24.70 feet to a point 62.00 feet left of KY 237 Station 72+90.00; thence North 60° 16' 09" West, 130.06 feet to a point 62.00 feet left of KY 237 Station 74+20.06; thence along an arc 133.87 feet to the right, having a radius of 1,662.00 feet, the chord of which is North 57° 57' 42" West, 133.83 feet, to a point 62.00 feet left of KY 237 Station 75+48.94, said point being in the West existing right of way line of KY 237; thence with said existing right of way line South 67° 57' 37" East, 278.52 feet to the point of beginning.

The above described parcel contains 0.152 acre (6.615 square feet)

Boone County
D1131 PG 225

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 235 feet west of the intersection of KY 237 and Valley View Drive, and more particularly described as follows:

Beginning at a point in the West proposed right of way line of KY 237, said point being 62.00 feet left of KY 237 Station 74+85.00, said point also being in the proposed permanent drainage easement line; thence with said proposed permanent drainage easement line South 32° 03' 22" West, 13.00 feet to a point 75.00 feet left of KY 237 Station 74+85.00; thence North 57° 42' 40" West, 13.61 feet to a point 75.00 feet left of KY 237 Station 74+00.00, said point being in the West proposed right of way line of KY 237; thence with said proposed right of way line along an arc 15.58 feet to the left, having a radius of 1,662.00 feet, the chord of which is South 57° 40' 31" East, 15.58 feet to the point of beginning.

The above described parcel contains 0.004 acre (190 square feet).

It is the specific intention of the parties of the first part to convey a permanent easement in and to the property described above and designated as Parcel No. 58 Tract B for the purposes of constructing and perpetually maintaining 15" storm pipe and inlet structure.

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road) at the intersection of KY 237 and Valley View Drive, and more particularly described as follows:

Beginning at a point in the West proposed right of way line of KY 237, said point also being 80.00 feet left of KY 237 Station 72+73.08, said point also being in the West existing right of way line of Valley View Drive, said point also being in the proposed temporary easement line; thence with said proposed temporary easement line North 61° 23' 24" West, 204.86 feet to a point 85.00 feet left of KY 237 Station 74+75.00; thence North 53° 38' 14" West, 150.79 feet to a point 79.48 feet left of KY 237 Station 76+18.37, said point also being in the West existing and proposed right of way line of KY 237; thence with said existing and proposed right of way line South 67° 57' 37" East 74.57 feet to a point 62.00 feet left of KY 237 Station 75+48.94. said point being in the West proposed right of way line of KY 237; thence with said proposed right of way line along an arc 50.84 feet to the left, having a radius of 1,662.00 feet, the chord of which is South 56° 31' 49" East, 50.83 feet, to a point 62.00 feet left of KY 237 Station 75+00.00, said point being in the proposed permanent drainage easement line; thence with said proposed permanent drainage easement line South 23° 26' 35" West 13.17 feet to a point 75.00 feet left of KY 237 Station 74+98.00; thence South 57° 42' 40" East 13.61 feet to a point 75.00 feet left of KY 237 Station 74+85.00; thence North 32° 03' 22" East 13.00 feet to a point 62.00 feet left of KY 237 Station 74+85.00, said point being in the West proposed right of way line of KY 237; thence with said proposed right of way line along an arc 67.45 feet to the left, having a radius of 1,662.00 feet, the chord of which is South 59° 06' 23" East, 67.45 feet, to a point 62.00 feet left of KY 237 Station 74+20.06; thence South 60° 16' 09" East, 130.06 feet to a point 62.00 feet left of KY 237 Station 72+90.00; thence South 13° 29' 35" East, 24.70 feet to the point of beginning.

The above described parcel contains 0.138 acre (6,017 square feet).

Boone County
D1131 PG 226

It is the specific intention of the parties of the first part to hereby convey as a temporary easement in and to the property described above and designated as Parcel No. 58 Tract C for the purpose of constructing roadway slopes and entrance reconstruction and said easement terminates and reverts upon completion of the same.

Being a part of the same property conveyed to Robert W. Collett and Gertrude Ann Collett, husband and wife, from Paul J. Kahmann and Rose Mary Kahmann, husband and wife, by deed dated May 16, 1972 in Deed Book 198, Page 464, in the office of the County Clerk of Boone County, Kentucky. Gertrude Collett is now deceased as evidenced by an Inheritance Tax Lien Release for the Estate of Gertrude Collett recorded in Miscellaneous Book 383, Page 27; therefore, fee simple title to the subject property is vested in Robert W. Collett by virtue of survivorship.

This proposed public highway improvement for which the above described property is being acquired is identified as KY 237 (Camp Ernst-Pleasant Valley) FD 04 C008 6979201R the plans for which are on file in the Office of Transportation Cabinet in Frankfort, Kentucky.

The acquisition of the right of way for this project was authorized by the Kentucky Department of Highways Official Order No. 103826. The control of access on this project and access to the remaining property of the party(ies) of the First Part shall be by permit, as required to be set forth in Section 6 of the Kentucky Administrative Regulations (603 KAR 5:120).

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Deed Reference, Book 1131, Page 217, Boone, Kentucky.

Group No.: 2038

Parcel ID: 062.00-00-008.05

More commonly known as: 8269 Pleasant Valley Road, Florence, KY 41042

File #: 2019-3223

**Boone County
D1131 PG 227**

DOCUMENT NO: 781037
RECORDED ON: AUGUST 16, 2019 01:46:30PM
TOTAL FEES: \$23.00
TRANSFER TAX: \$355.00
GROUP : 2038B
COUNTY CLERK: JUSTIN CRIGLER
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: STACY ADKINS
BOOK D1131 PAGES 223 - 227

HUGHES A2 TO SR1 PROJECT
8269 PLEASANT VALLEY RD
FLORENCE KY 41042

We have no immediate plans for development but would like to have the option to portion off a couple acres for potential sale as one or two building lots. Those likely would be for relatives of the family but could be for anyone depending on our situation.

I have an aging mother that we might need to build a small single-family residence for so we can be closer and provide care for her. We have also considered selling/gifting to niece, who just had her first baby to build her first home.

So right now, no immediate plans but want to have some options as life plays out. Right now, we own the approximate 4 acres and have our primary residence (Dan & Leslie Hughes) and my father-in-law built a detached garage/apartment. Since we are zoned A2, his detached garage/apartment is technically considered a second primary residence requiring us to use all 4 acres to cover the requirements of A2. Most of the properties surrounding us are already zoned SR1. We do not have any plans to come close to the permitted single family residences for SR1.

I appreciate your consideration and thank you for your time and service.

Thanks,

A handwritten signature in black ink, appearing to be 'Dan Hughes', with a long, sweeping horizontal line extending to the right.

Dan Hughes
June 26, 2023

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-30-2023**

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR THE APPROXIMATE 3.9 ACRE SITE LOCATED AT 8269 PLEASANT VALLEY ROAD, INCLUDING THE ADJOINING PARCEL HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 062.00-00-008.25, FLORENCE, KENTUCKY, TO ALLOW FOR FUTURE SUBDIVISION OF THE PROPERTY INTO SMALLER RESIDENTIAL LOTS (DAN HUGHES)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-23-027-A recommended approval for a zoning map amendment, and

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

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

SECTION I

That the request of 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 site 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, to allow for the future subdivision of the property into smaller residential lots, shall be and is hereby approved.

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

SECTION II

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

Resolution No. R-23-027-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-23-027-A, marked Exhibit "B", and attached hereto. The Findings of Fact made by the Boone County Planning Commission are incorporated by reference as if fully set forth herein.

SECTION IV

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

SECTION V

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

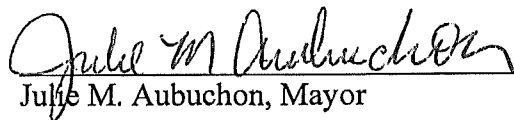
SECTION VI

This Ordinance shall be published by posting on the City's internet website and all other publication requirements as required by law.

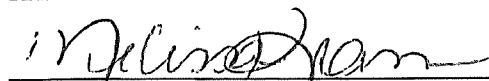
PASSED AND APPROVED ON FIRST READING THIS 7th DAY OF NOVEMBER 2023.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 14th DAY OF NOVEMBER 2023.

APPROVED:


Julie M. Aubuchon, Mayor

ATTEST:


Melissa Kramer, City Clerk

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: AGREED ADDITIONAL CONDITIONS – REQUEST OF DAN HUGHES (APPLICANT/OWNER) FOR A ZONING MAP AMMENDMENT FROM AGRICULTURE ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR AN APPROXIMATE 3.9 ACRE AREA LOCATED AT 8269 PLEASANT VALLEY ROAD, FLORENCE, KENTUCKY.

The Florence Planning and Zoning Committee has recommended and the Applicant has agreed that the following additional conditions will apply to the request described above.

Condition #3 of the Boone County Planning Commission Zone Change/Concept Plan Committee Report shall be amended as follows:

- ~~3. That any new dwelling units constructed on the proposed parcels shall be required to connect to the public sanitary sewer system.~~
3. That any new dwelling units to be constructed on the proposed parcel(s) must establish a connection to the public sanitary sewer system. The City of Florence retains the authority to mandate the extension of a public sanitary sewer main through both proposed parcels, if necessary, contingent upon the final plat and the finish floor elevations of the intended additional dwelling units.

Additional condition set forth by the City of Florence Planning and Zoning Committee:

1. The City of Florence reserves the right to review any plat amendments and/or final drawings submitted for each parcel, including architectural plans for the dwelling units. The city's aim is to ensure that the dwelling units seamlessly integrate with the surrounding neighborhoods, and the City will provide feedback on forthcoming submissions to achieve this harmony.

Agreed to this 27 day of OCTOBER, 2023.

BY: [Signature] owner
(Title)

COUNTY OF Boone STATE Kentucky

October, 2023, by Daniel G. Hughes the owner, on behalf of the company.

[Signature]
NOTARY PUBLIC, State at Large
My Commission Expires: 07/18/27
KYNP 76028

**CITY OF FLORENCE, KENTUCKY
READING SUMMARY**

ORDINANCE O-30-2023

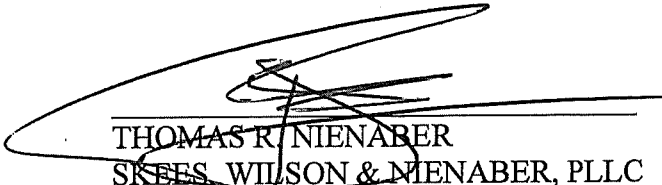
AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR THE APPROXIMATE 3.9 ACRE SITE LOCATED AT 8269 PLEASANT VALLEY ROAD, INCLUDING THE ADJOINING PARCEL HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 062.00-00-008.25, FLORENCE, KENTUCKY, TO ALLOW FOR FUTURE SUBDIVISION OF THE PROPERTY INTO SMALLER RESIDENTIAL LOTS (DAN HUGHES)

The Ordinance adopts and approves a zoning map amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 3.9-acre site located at 8269 Pleasant Valley Road, including the adjoining parcel having a Parcel Identification Number (PIDN) of 062.00-00-008.25, Florence, Kentucky, to allow for future subdivision of the property into smaller residential lots.

The full text of Ordinance O-30-2023 including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance O-30-2023 and that it has been prepared by me on the 7th day of November 2023, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



THOMAS R. NIENABER
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Boulevard, P.O. Box 756
Florence, Kentucky 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872
Email: tnienaber@fuse.net

Zoning Map Amendment
APPROVED with conditions

Staff Steph
 Date 9-6-23
 Boone County
 Planning Commission

LAND SURVEY
 I HEREBY CERTIFY THAT THE
 DONE BY PERSONS UNDER MY
 OF RANDOM TRAVERSE WITH
 OF CLOSURE WAS 1:43,105 A
 SHOWN HEREON IS AN URBAN
 DIRECTIONS ARE BASED ON
 BOUNDARY SURVEY AND COM

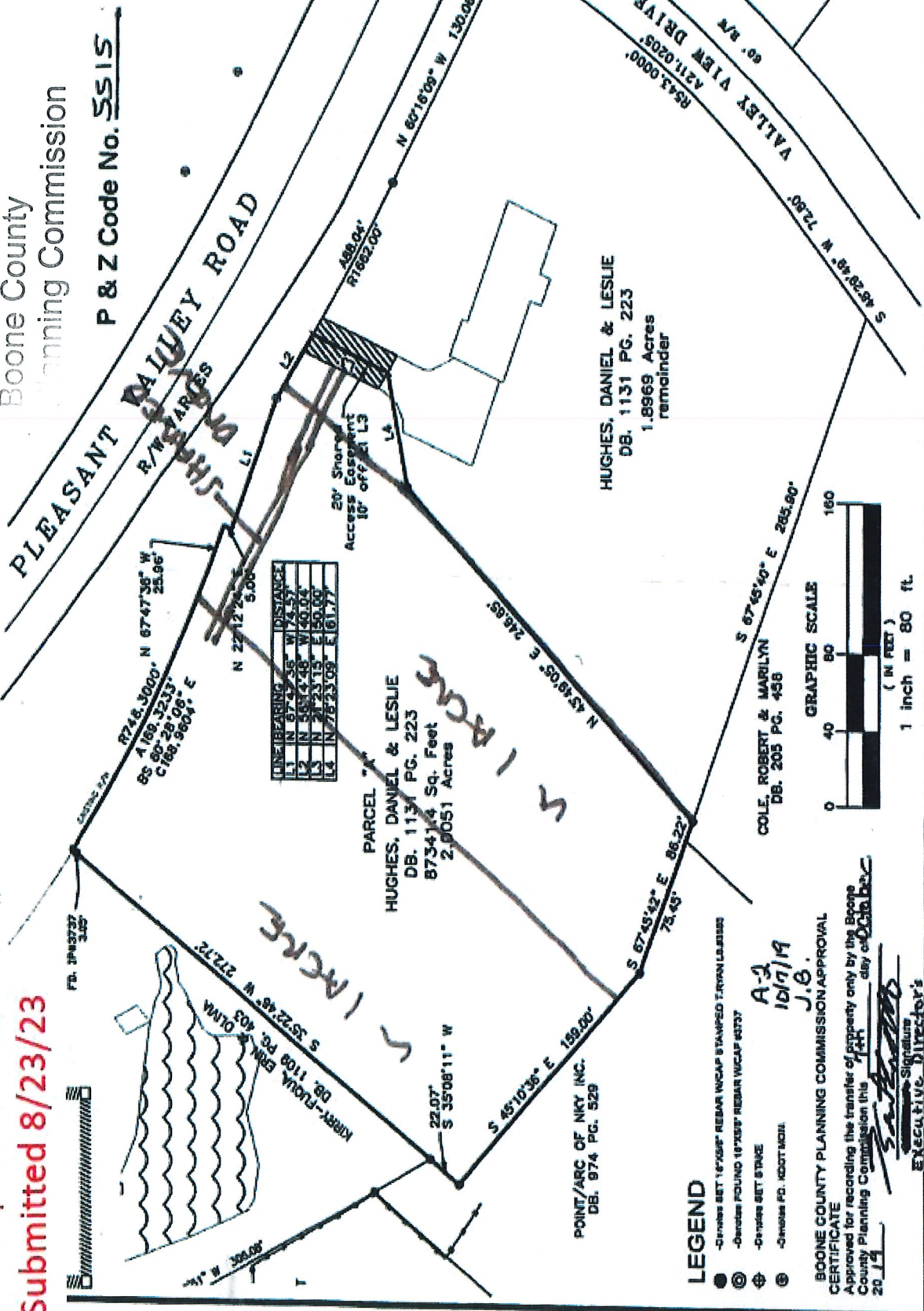
Timothy E. Ryan
 TIMOTHY E. RYAN
 LICENSED PROFESSIONAL
 LAND SURVEYOR #3685 IN THE
 COMMONWEALTH OF KENTUCKY

Buildable Lot Certificate
 I Certify that I have examined
 and find that this is the fit
 ownership of the parcel to
Timothy E. Ryan
 Timothy E. Ryan PLS 935

- LAND**
1. ALL FOUND
CONDITION L
 2. DATA SOU
OTHERWR
DOCUMENTS
 3. NO EVIDE
SITED HEF
SUBJECT
PROPERTY

Plan shall be void if not filed with the
 County Clerk for recording
 within two (2) years of Planning
 Commission approval.

Concept Plan
Submitted 8/23/23

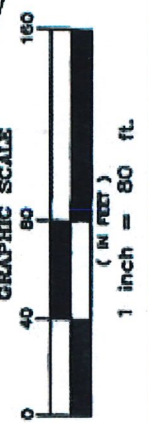


LEGEND

- -Corner SET 16"X58" REBAR W/ CAP STAMPED TYPICAL LETTERS
- ⊙ -Corner FOUND 18"X24" REBAR W/ CAP #3737
- ⊕ -Corner SET STRIKE
- ⊗ -Corner PG. NOOT/NOIL

BOONE COUNTY PLANNING COMMISSION APPROVAL
CERTIFICATE

Approved for recording the transfer of property only by the Boone
 County Planning Commission this 1st day of October, 2023
Signature
EXECUTIVE DIRECTOR'S



A.J.
 10/19/23
 J.B.