



12. 1000 1205 639 12 2026  
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 August 17<sup>th</sup> 2023

Property Owner's Signature: \_\_\_\_\_  


Applicant's Signature: \_\_\_\_\_  


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

1. Date Received: 6/12/2023 Fee Received: \$2336.00 Receipt #: 88518
2. Number of Copies Received: \_\_\_\_\_
3. Has the following been submitted (check all that apply):
  - Completed Application
  - Concept Development Plan
  - Legal Description
  - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: Conor Gulick
7. Scheduled Public Hearing Date: 7/15/2023
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: 9/16/2023
  - Approved
  - \_\_\_\_\_ Approved with Conditions
  - \_\_\_\_\_ Denial
  - \_\_\_\_\_ Other
9. Resolution Number: \_\_\_\_\_

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

# EXHIBIT

“A”

## STAFF REPORT

#2

Request of **CPRE TP Boone Limaburg LLC/Chavez Properties, per Martin Chavez (applicant)** for **CPRE TP Boone Limaburg LLC, per Martin Chavez (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 1.0 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky. The request is to place an overall approximate 27.4 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky, in one zoning district so that it can be developed in accord with the I-1 district (this issue was deferred from July 5, 2023).

August 2, 2023

### REQUEST

- A. The submitted request is to rezone an approximate 1.0 acre area of an approximate 27.4 acre lot located at 5460-5468 Limaburg Road from Rural Suburban (RS) to Industrial One (I-1).

### SITE HISTORY

- 2022 A Conveyance Plat was approved for the approximate 27.4 acre property.
- 2023 On July 5, 2023, the Boone County Planning Commission took action to recommend denial of a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 0.83 acre area located at 5390 Limaburg Road, Boone County, Kentucky for the development of a Clean Energy Truck Hub to provide fueling and parking for a compressed natural gas truck fleet on an overall 17.1 acre area located at 5390 Limaburg Road (R-23-023-D). To date, the Boone Fiscal Court has not taken action on this request.

### 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 1102.A of the Boone County Zoning Regulations states that the purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact, multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

### SITE CHARACTERISTICS

- A. The approximate 1.0 acre area, being a part of the approximate 27.4 acre property, is located along the east side of Limaburg Road, approximately 850 feet north of Distribution Drive.
- B. The area to be rezoned has approximately two hundred thirty (230) feet of frontage along Limaburg Road, while the total property has approximately seven hundred eighty-two (782) feet of frontage along Limaburg Road.
- C. The approximate 1.0 acre property is currently occupied by a house and accessory structures, while the total property is occupied by a house and vacant/agricultural land.
- D. The approximate 27.4 acre property is currently accessed from two (2) curb cuts onto Limaburg Road.
- E. A tree line exists along the north, south, and east property lines of the approximate 27.4 acre property.
- F. The site is within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

- G. Topographically, the approximate 1.0 acre area slopes downward, front to back, at an average grade of 5%, while the total property has two valleys that bisect the property.

#### ADJACENT LAND USES AND ZONES

- North: Single-family residential dwelling (RS) and a private golf driving range, which is currently being reviewed for a clean energy truck stop (I-1)  
South: Industrial uses (I-1)  
East: Industrial uses (I-1)  
West: Meadowood Golf Course (SR-1/PD) and attached and multi-family residential dwellings (UR-1).

#### RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Industrial" uses, which is described as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
  2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  4. 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).
  5. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
  6. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  7. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
  8. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).

9. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
  10. Interstate commercial uses, as well as the freight logistics industry, shall be in close proximity to interstate interchanges for maximum convenience and economy to the traveling public, while minimizing traffic congestion (Economy Goal B, Objective 4).
  11. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).
  12. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).
  13. 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).
  14. Inefficiencies in the transportation network, including road condition, intersection improvements, and signal enhancements shall be identified and addressed (Transportation Goal B, Objective 3).
  15. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).
- C. Limaburg Road is a county maintained collector street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway. The posted speed limit is 45 MPH.
- D. The following are excerpts from Our Boone County Plan 2040:
1. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as

the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

2. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).

### STAFF COMMENTS

- A. The applicant has not submitted a Concept Development Plan. The applicant has stated:
  1. That the approximate 1-acre corner of the site is to be rezoned to match the balance of the site.
  2. Current plans for the property are in flux and all portions of the property may be sold.
  3. Unifying the site under a single zoning will help the applicant prepare the site for future sale and/or development.
  4. Future uses for the portion of the site requesting the Zoning Map

Amendment would be limited to those permissible under the I-1 zoning designation.

B. Staff sent out an Agency Memo to Boone County Public Works.

1. Rob Franxman, Boone County Public Works, replied that he had no specific comments, and that access will need to be evaluated when a site plan is submitted.

### STAFF CONCERNS

- A. If the proposed zoning map amendment for the existing golf driving range property is approved and if the approximate 1.0 acre area under this review is rezoned to I-1, the existing detached single-family residential dwelling on the property located at 5420 Limaburg Road, will be surrounded on three sides by I-1 zoning, and potential industrial development.

### 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,



Michael D. Schwartz  
Director, Zoning Services

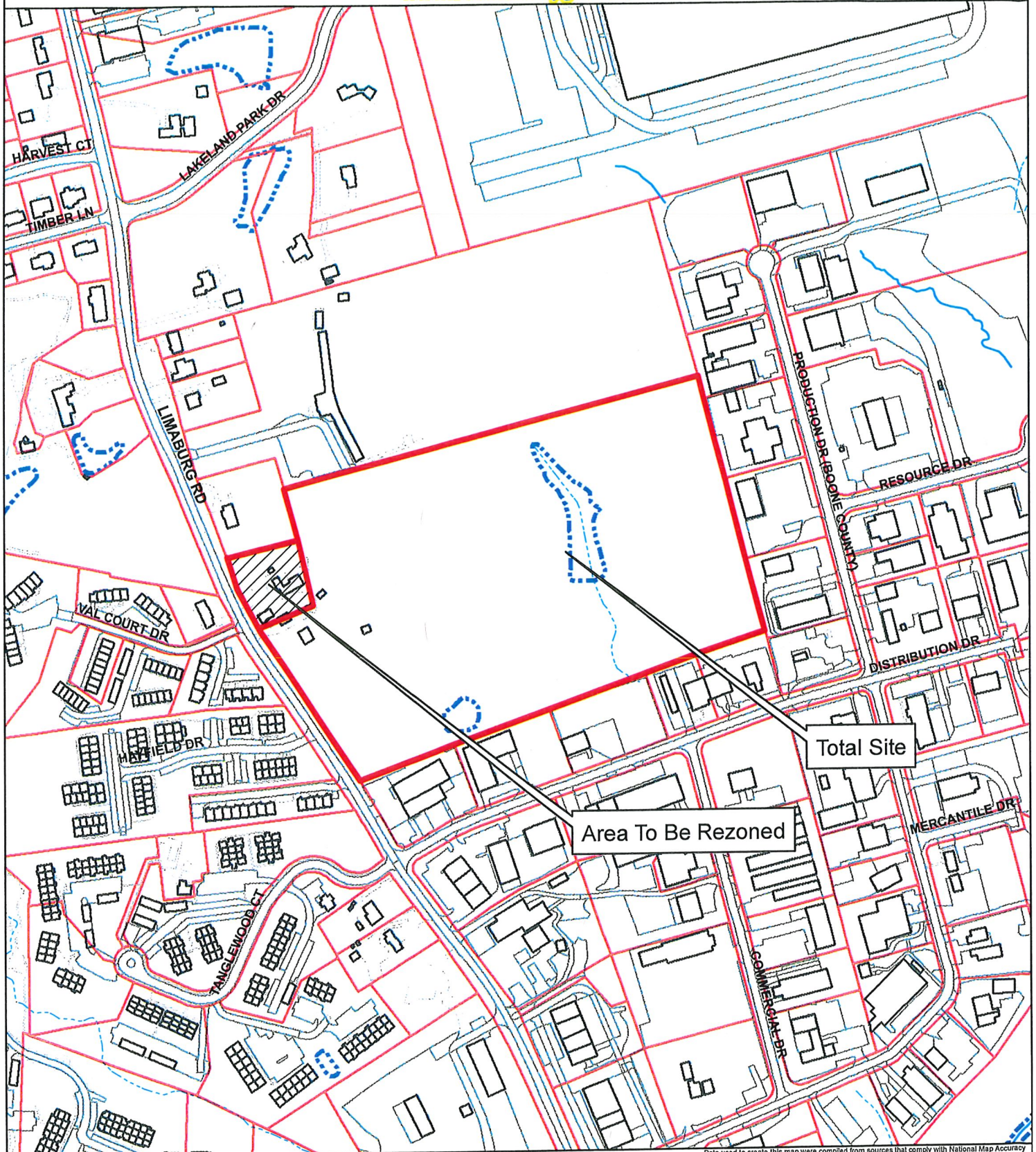
MDS/ss

Attachments:

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

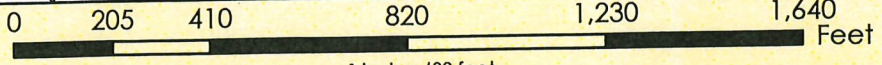
# Vicinity Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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**Boone County GIS - Putting Northern Kentucky on the Map**



# Aerial Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



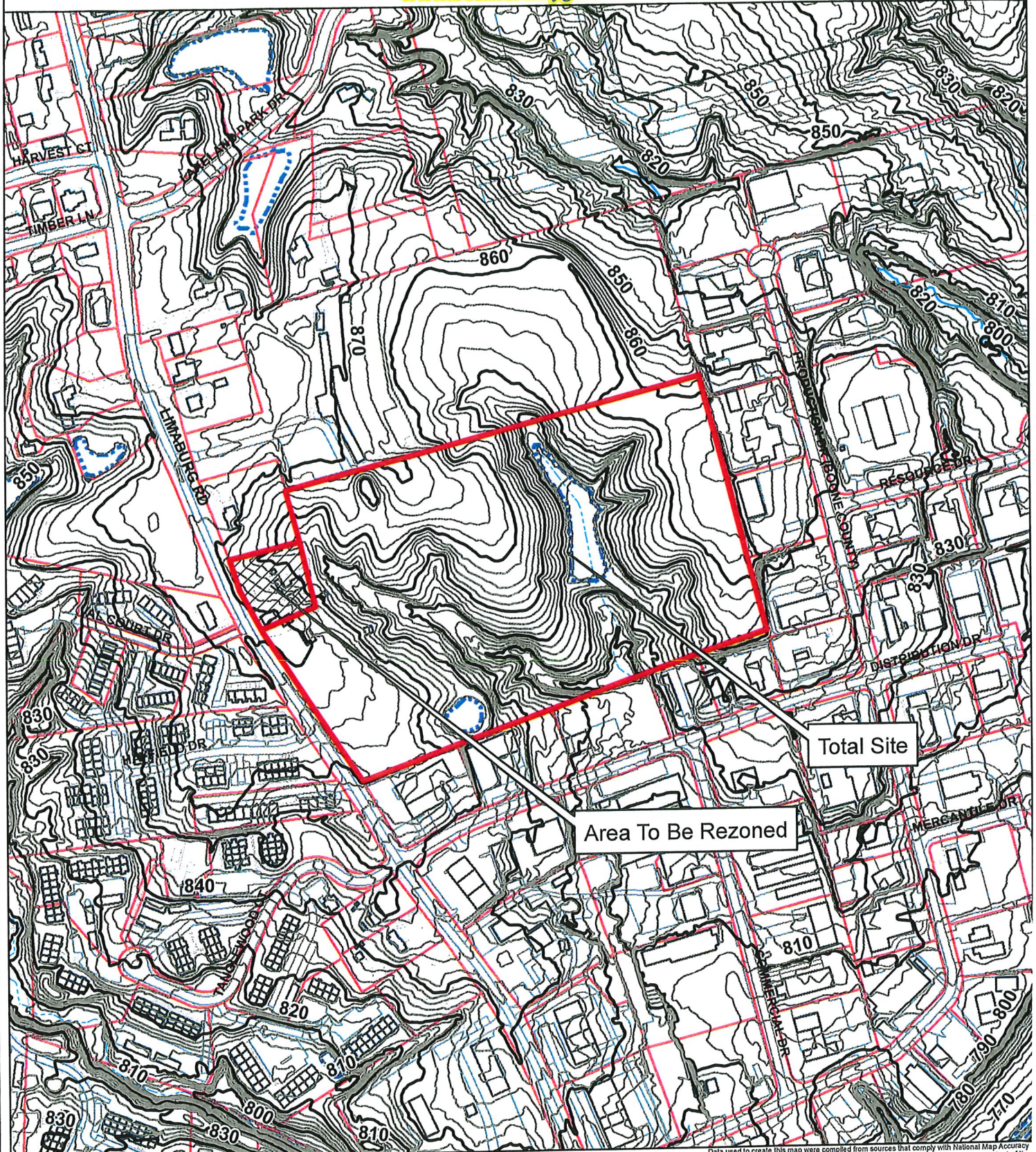
**Boone County GIS - Putting Northern Kentucky on the Map**



Map File Location: G:\GIS\2022\Map Documents\\*.mxd  
ArcMap Document: \*.mxd

# Topographic Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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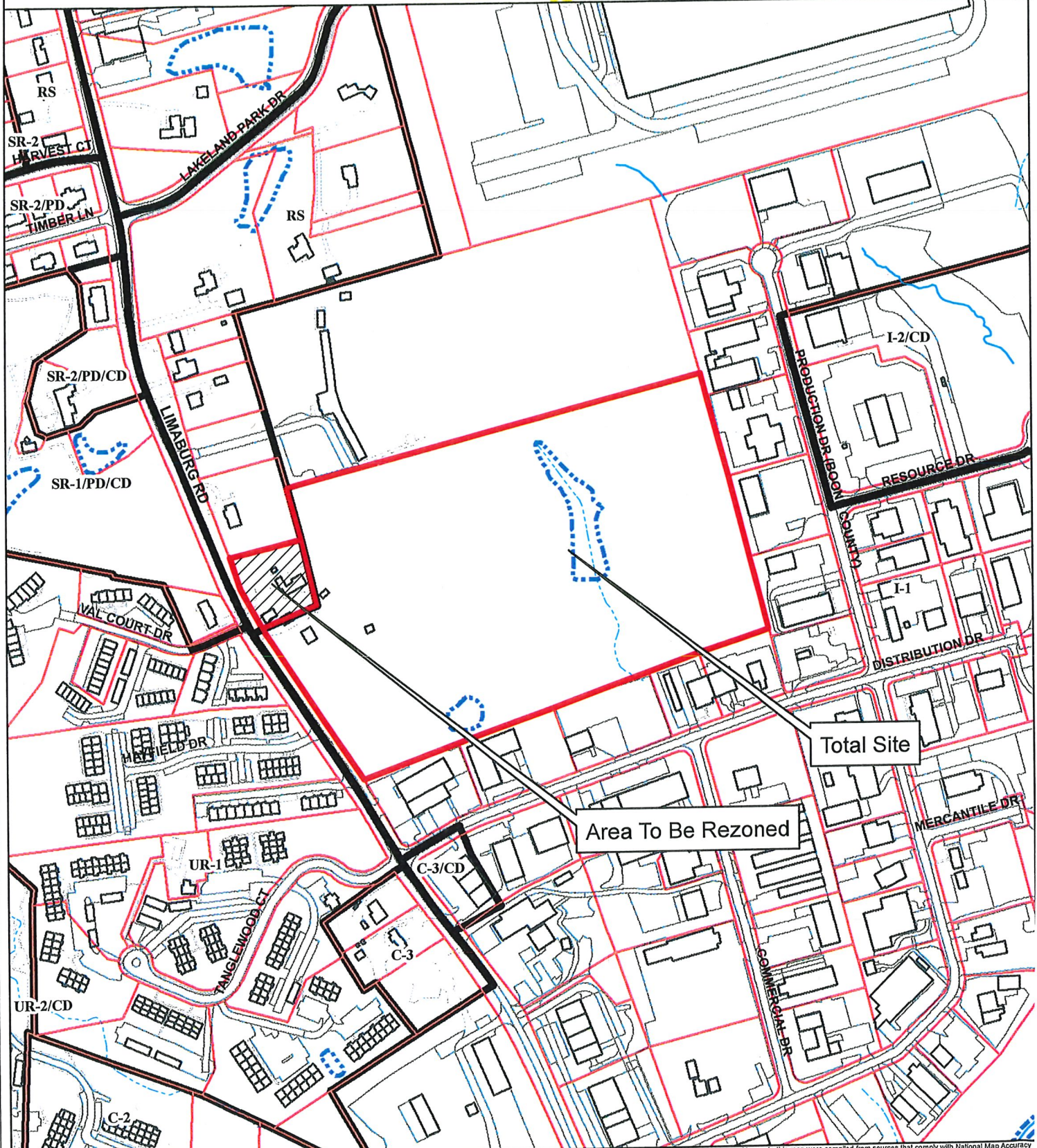
**Boo**



North Arrow  
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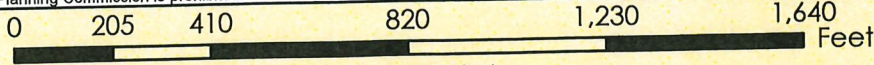
# Zoning Map

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Map Created: xx/xx/2022

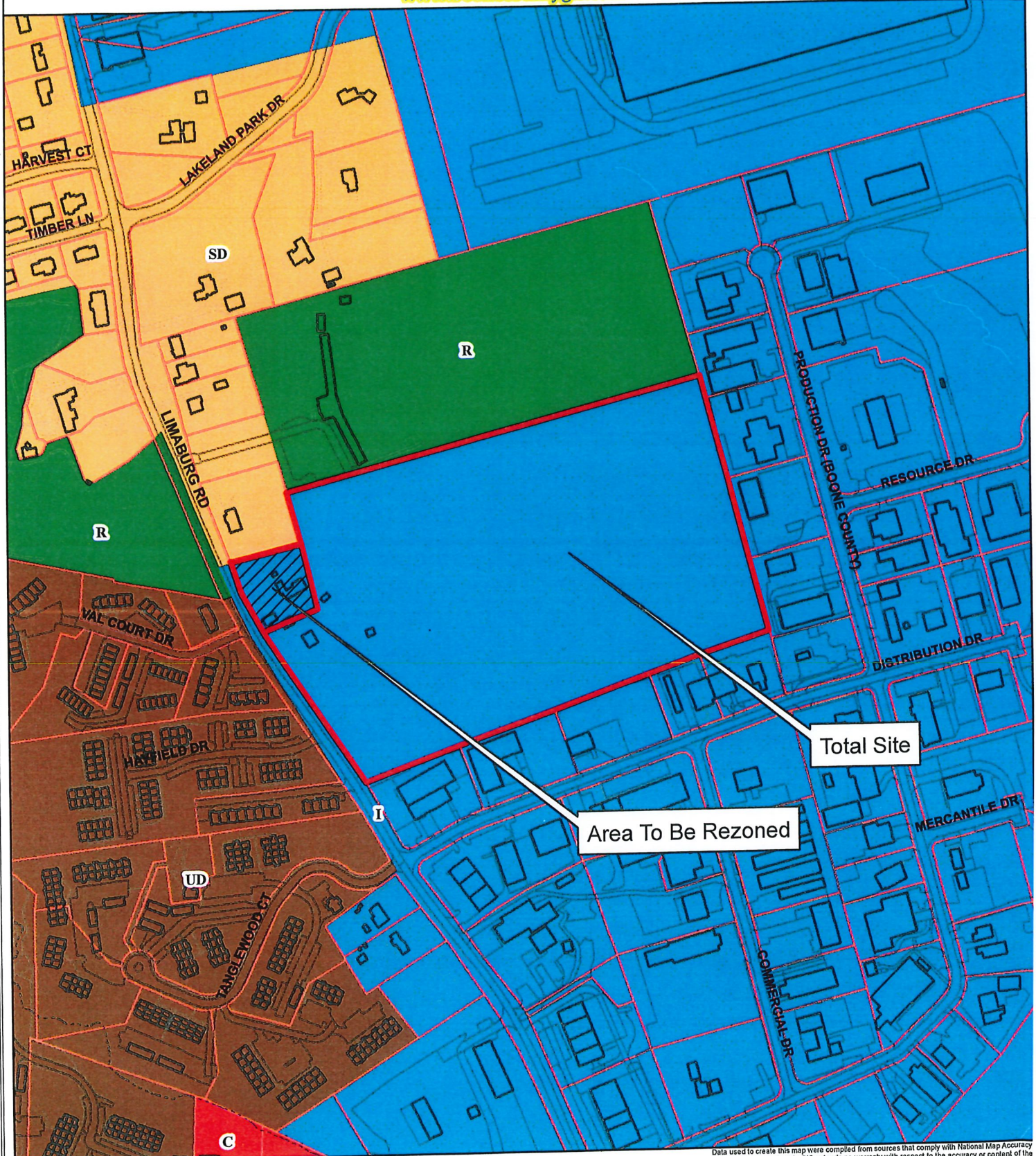
**Boone County GIS - Putting Northern Kentucky on the Map**



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ArcMap Document: \*.mxd

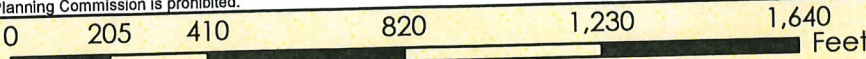
# 2040 Future Land Use Map

www.boonecountygis.com



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1 inch = 400 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

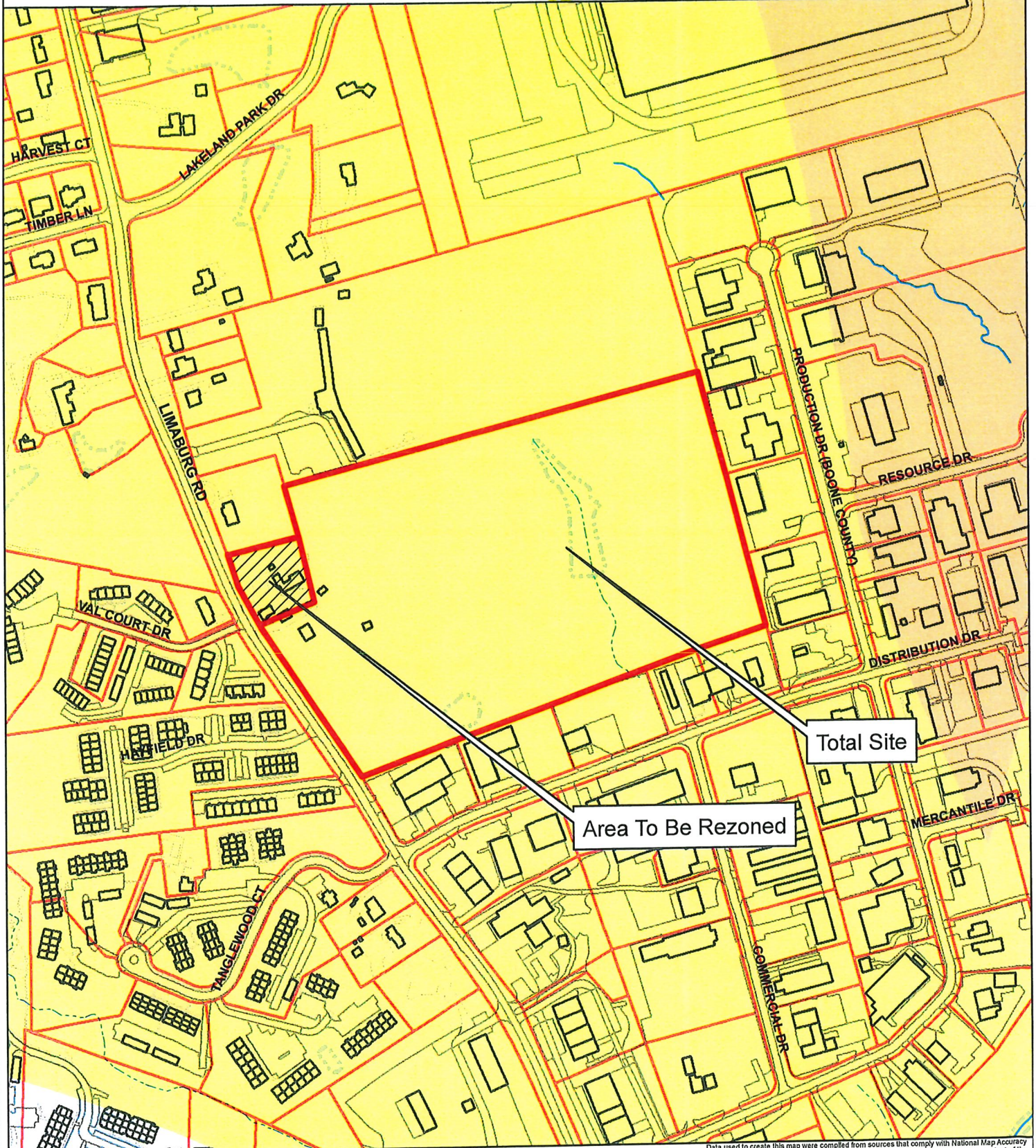


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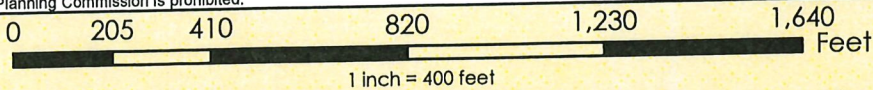
# Noise Contour Map

[www.boonecountygis.com](http://www.boonecountygis.com)



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**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xx/xx/2022

Boone County GIS  
ArcMap Document: \*.mxd



12. 1090 639 2026  
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 August 17<sup>th</sup> 2023

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 6/2/2024 Fee Received: \$2336.00 Receipt #: 88546
2. Number of Copies Received: \_\_\_\_\_
3. Has the following been submitted (check all that apply):
  - Completed Application
  - Concept Development Plan
  - Legal Description
  - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_
5. Staff Reviewer: \_\_\_\_\_
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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

**5468 Limaburg Rd Industrial Site**  
**5468 Limaburg Rd, Burlington KY 41005**  
**Zoning Map Amendment Addendum**  
**Concept Development Plan Exclusion Explanation**

Per direction from the Zoning Administrator, the purpose of this addendum is to explain why a Concept Development Plan has not been submitted alongside the Zoning Map Amendment application.

The property is an approximately 27-acre parcel featuring two distinct zoning designations. Approximately 26 acres are zoned Industrial One (I-1), while approximately 1-acre is zoned Rural Suburban (RS). The property is currently a farm surrounded by industrial zoning and development. The future land use map shows the area, including the property in question, as being predominantly industrial.

The applicant, who is also the property owner, is requesting that the approximately 1-acre corner of the site be rezoned to match the balance of the site. Current plans for the property are in flux and all or portions of the property may be sold. Unifying the site under a single zoning will help the applicant prepare the site for future sale and/or development.

Future uses for the portion of the site requesting the Zoning Map Amendment would be limited to those permissible under the I-1 zoning designation. Such uses are listed in the Boone County Zoning Regulations Article 11, Section 1102, alongside the applicable Table 5-5, found in Article 5, Section 505.4.

513 241 0429

chavezproperties.com

250 W Court St, Suite 200E  
Cincinnati, OH 45202

CHAVEZ PROPERTIES

# EXHIBIT

“B”

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Corrin Gulick, Chair

**DATE:** September 6, 2023

**RE:** Request of **CPRE TP Boone Limaburg LLC/Chavez Properties, per Martin Chavez (applicant)** for **CPRE TP Boone Limaburg LLC, per Martin Chavez (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 1.0 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky. The request is to place an overall approximate 27.4 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky, in one zoning district so that it can be developed in accord with the I-1 district (this issue was deferred from July 5, 2023).

**APPROVAL**

## 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 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 I-1 district is consistent with the Our Boone County Plan 2040 Future Land Use Plan Map, which identifies the site as being part of a larger area identified for Industrial uses.

The proposed zoning map amendment would allow the site to be developed in a manner consistent with the I-1 district and as part of the larger approximate 27 acre area under common ownership.

2. The Committee concluded that the proposed I-1 district is appropriate.

The site in question is part of a larger approximate 27 acre property which is currently zoned I-1. Rezoning of the site in question will allow the entire property to be developed under a single zoning district.

3. The existing portion of the approximate 27 acre property can be developed under the I-1 district by submitting a Major Site Plan to the Boone County Planning Commission staff. If the site in question is not rezoned, the site will likely remain as is or be cleared and used as perimeter buffer yard area.

Given the adjacent residential zoning, forty (40) to eighty (80) feet of the site will need to be kept as a Buffer Yard D perimeter landscaping. The proposed I-1 district for the site

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT  
Chavez Limaburg Road  
September 6, 2023  
Page 2

in question will have little affect on the adjacent roadway if the remainder of the 27 acre property is developed with industrial uses.

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

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

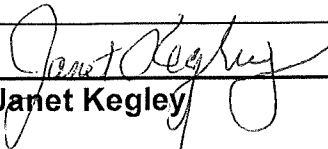
DATE: August 16, 2023

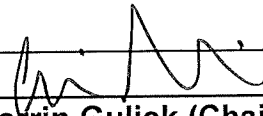
REMARKS:

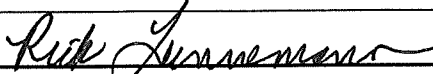
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

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


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

  
\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

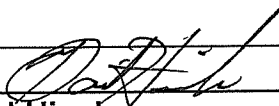
  
\_\_\_\_\_  
**Corrin Gulick (Chairwoman)**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Rick Lunnemann**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Kathy Clark (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Steve Harper**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**David Hincks**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Jackie Steele (Alternate)**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ DEFERRED \_\_\_\_\_ FOR PROJECT \_\_\_\_\_ ABSENT \_\_\_\_\_  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

**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 second item on the Agenda at 8:14 p.m.

**ZONING MAP AMENDMENT, Michael Schwartz, Staff**

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

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report). The approximate one acre site is part of a larger tract containing approximately 27.4 acres. The site is located on the east side of Limaburg Road and north of Distribution Drive. It has approximately 230 feet of road frontage along Limaburg Road. The site is occupied by a house. Access to the site is via an existing driveway. It is currently zoned Rural Suburban (RS). The remainder of the property is zoned Industrial One (I-1). The area to the north was subject to a zone change application that was recently withdrawn before action by the Boone County Fiscal Court and after the Planning Commission's denial. Mr. Schwartz described the surrounding land uses and zoning. Pages 1 and 2 of the Staff Report outline the applicable sections of the Zoning Regulations to the site. The site slopes downward from front to back. The 2040 Future Land Use Map designates the site for Industrial (I) use. Pages 2-4 describes the appropriate sections of the Boone County Comprehensive Plan. The site is located in the 55 DNL of aircraft noise. Mr. Schwartz showed some photographs of the site. The applicant has not submitted a Concept Development Plan and has submitted reasons for doing so.

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

Ms. Loren Wolff, attorney for the applicant, stated that the larger parcel is zoned I-1 and will be used for a permitted use in that zone. The primary reason for the one acre zone change is because of road frontage. It is good to have one zoning district for the entire property. That will allow it to deal with buffers and ingress/egress. The request is in agreement with the Comprehensive Plan including the 2040 Future Land Use Map. The property is a key parcel around the airport.

Mr. Martin Chavez (owner) stated that he would like to add the 1 acre parcel to the 27.4 acre tract and market the property. Plans for the use of the property are in flux. Whoever develops it, it will be for industrial use. That is what the market is saying today. It is a small but important step to rezone the small parcel so all of it can be developed.

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

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, is concerned about Limaburg Road. Tractor trailers park by her mailbox. Limaburg Road needs to be fixed as an industrial road. It is a two lane country road. There have been accidents on Limaburg Road. Trucks cannot fit on Limaburg Road. They are forced off the road. She is not against development but is more concerned about the safety of the road. The road needs improvement before building.

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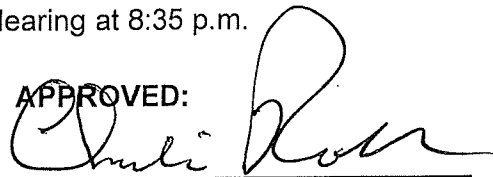
Mr. Lunnemann stated that it is difficult to determine the impact of the request when there is no Concept Development Plan. What are the improvements needed to Limaburg Road as a result of your project?

Mr. Harper inquired about the current access to the 1 acre parcel. Mr. Schwartz replied that the site today has a separate access point. However, the 27.4 acre parcel has plenty of road frontage to provide access.

Ms. Wolff remarked that the challenge was the fact that the use is unknown. The list of industrial uses are wide in scope and have different traffic impacts. The access will be driven by the ultimate use planned for the property. Mr. Costello noted that regardless of the zone change request, the applicant would still need to provide a Traffic Impact Study for access to Limaburg Road. Ms. Wolff stated that with more road frontage available, the access could be planned more safely. Vice-Chairwoman Gulick stated that if the applicant doesn't know the traffic impact perhaps the applicant could look at conditions/uses in order to limit it. How much traffic is feasible in the area?

Seeing no further questions or comments, Vice-Chairwoman Gulick announced that the Committee Meeting for this item will be on August 16, 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 8:35 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

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

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, is concerned about Limaburg Road. Tractor trailers park by her mailbox. Limaburg Road needs to be fixed as an industrial road. It is a two lane country road. There have been accidents on Limaburg Road. Trucks cannot fit on Limaburg Road. They are forced off the road. She is not against development but is more concerned about the safety of the road. The road needs improvement before building.

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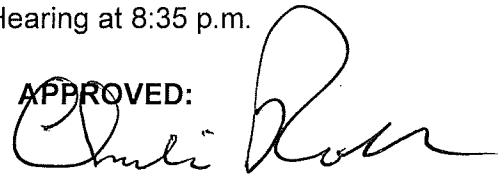
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**Seeing no further questions or comments, Vice-Chairwoman Gulick announced that the Committee Meeting for this item will be on August 16, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 6, 2023 at 7:00 p.m. in the Fiscal Courtroom. Vice-Chairwoman Gulick closed the Public Hearing at 8:35 p.m.**

APPROVED:



**Charlie Rolfsen**  
Chairman

Attest:



**Kevin P. Costello, AICP**  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
SEPTEMBER 6, 2023  
7:00 P.M.**

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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 he 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.

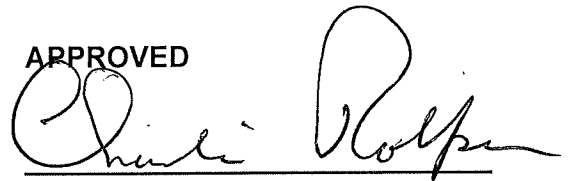
H. Executive Director's Report:

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**

**LEGAL DESCRIPTION**  
**27.410 Acres**

Situated in the State of Kentucky, County of Boone, located on the east side of Limaburg rd. (Ky. Hwy 237), approximately 6/10 of a mile northwest of its intersection with Kentucky Highway 18, being all of the lands of Joan M. Jacobs, Trustee of the Joan M. Jacobs Revocable Trust, as conveyed by Deed Book 1090, Page 639 of the Boone County Clerk's Office and being more particularly described as follows;

Beginning at a found 5/8" iron pin, capped PLS # 4041 at the southwest corner of Lot 8 of Lela Heights Subdivision as recorded on Plat Book 4, Page 48, said point being on the east right-of-way line of Limaburg Road;

Thence with said the south line of said Lot 8, North 73°58'48" East, a distance of 241.65 feet, to a steel fence post at the southeast corner of said Lot 8;

Thence with the east line of said Lot 8, North 16°02'56" West, a distance of 159.89 feet, to found 5/8" iron pin capped PLS # 4041;

Thence with the south line of Skas Properties, LLC as conveyed by Deed Book 1123, Page 419, North 75°37'35" East, a distance of 1284.24 feet, to a found 1/2" iron pin (no cap);

Thence with the west line of Commerce Park West, Section 7, Block 1, as recorded on Plat Slide 419A, South 14°43'25" East, a distance of 790.74 feet to a found 1/2" iron pin, capped PLS # 3357 on the west line of Lot 41, Commerce Park West, Section 5, as recorded on Plat Slide 83A;

Thence with the north line of Lubrecht Industrial Park, as recorded in Plat Book 11, Page 30, South 70°20'03" West, a distance of 1298.31 feet, to a found 5/8" iron pin capped PLS # 4041 on the east right of way line of Limaburg Road;

Thence with said east right of way of Limaburg Road, North 34°08'48" West, a distance of 604.21 feet, to a found 2" iron pipe;

Thence continuing with the east right-of-way line of Limaburg Road, North 23°42'08" West, a distance of 177.48 feet, to the place of beginning;

Containing 27.410 acres of land more or less, being subject to all easements, restrictions and rights-of-ways of record.

Basis of Bearings: NAD83 (2011) Kentucky State Plane Coordinates, North Zone.

The above description was prepared from a field survey by CT Consultants in May, 2022 under the direction of Jerome Wald, Professional Surveyor #3086 in the Commonwealth of Kentucky.



## ORDINANCE 2023-22

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL FOR A 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.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban (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, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval for the Zoning Map Amendment.

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

### **Section One**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below is hereby approved, this Zoning Map Amendment being a zone change 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, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban (RS) zone is more particularly described in DEED BOOKS/PG NOS: 1152/392 and 1131/223 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

### **Section Two**

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the Findings of Fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

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

**Section Three**

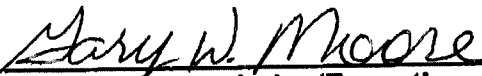
This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 24<sup>th</sup> day of October 2023


Second Reading the 14<sup>th</sup> day of November 2023

Adopted this 14<sup>th</sup> day of November 2023

Yes 4 No 0

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

ATTEST:

  
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Shona Schulkers,  
Fiscal Court Clerk