

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
33748
JUN 30 2023
**BOONE COUNTY
PLANNING COMMISSION**

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Name of Project: Vineyard Estates
2. Location of Project: Burlington Pike, Burlington, Kentucky
3. Total Acreage of Project: 51.55
4. Current Zoning of Property: RSE/PD/CD
5. Proposed Zoning of Property (classification being requested): RS/PD/CD
6. Proposed Use(s) (specify each use):
Single Family Homes on a min lot size 8,000 sf, with 25' front yard, 5' min. total 10' side yards
Rear yard of 25 feet
7. Proposed Building Intensities (specify for each building):
Single Family homes with a density of 2.0 units per acre
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: DFK Direct Investments Wach LLC
Address: 189 Weber Lane
Florence KY 41042
City State Zip Code
Phone Number: 859-393-6592 Fax Number: _____
Email: lee@potterhousegroup.com
10. Applicant: Maronda Homes
Address: 4710 Interstate Drive
Cincinnati Ohio 45246
City State Zip Code
Phone Number: 513-484-3231 Fax Number: _____
Email: HOESLB@MARONDA.COM
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

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

1. Date Received: 6/30/23 Fee Received: 153347 Receipt #: 88748
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: D. Hincks
7. Scheduled Public Hearing Date: 8/16/2023
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
www.boonecountyky.org

EXHIBIT

“A”

STAFF REPORT

#1

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.

August 16, 2023

REQUEST

- A. The applicant is requesting a zoning map amendment from RSE/PD to RS/PD in order to develop a detached single family residential subdivision with a maximum of 104 lots, at an intensity of 2.02 units per acre.

SITE HISTORY

- 2006 On February 14, 2006, the Boone Fiscal Court adopted resolution Number 06-33, denying a proposed zoning map amendment from A-2 to SR-1 (R-06-004-D).
- 2006 On January 2, 2007, the Boone Fiscal Court adopted resolution Number 07-15, denying a proposed zoning map amendment from A-2 to RS (R-06-TIE).
- 2007 On September 18, 2007, the Boone Fiscal Court adopted Ordinance Number 07-24, changing the zoning of the site from A-2 to RSE, subject to four conditions (R-07-009-A).
- 2019 On April 9, 2019, the Boone Fiscal Court adopted Ordinance Number 2019-18, changing the zoning of the site from RSE to RSE/PD, subject to six conditions (R-19-007-A).
- 2021 On November 30, 2021, Lee Rickey submitted a zoning map amendment application to change the zoning of the approximate 50.78 acre area of the site from RSE/PD to RSE in order to develop a subdivision for up to 20 lots. After the public hearing, but prior to Planning Commission action, the applicant withdrew the application (R-21-WACH-WD).

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

2. 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 902 (Rural Suburban District) of the Boone County Zoning Regulations states the purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood.
- C. Section 1509.A of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s). If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (formerly called a "Utilization of an Underlying District), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.
- D. Section 3111 of the Boone County Zoning Regulations states that the maximum intensity of the RS district is 3 units per acre.
- E. Section 1504.A of the Boone County Zoning Regulations states that the intensity of use in a Planned Development district may exceed the maximum intensity permitted in the underlying zoning district by up to fifty percent (50%).

SITE CHARACTERISTICS

- A. The site contains a total of approximately 51.54 acres.
1. Approximately 50.78 acres of the site is located along the north side of Burlington Pike, approximately 1,100 feet east of Caroline Williams Way.
 2. Approximately 0.76 acres of the site is located at the terminus of Hammer Court.
- B. The site has approximately 1,650 feet of frontage along Burlington Pike and approximately eighty-five (85) feet of frontage along Hammer Court.
- C. The approximate 50.78 acre area of the site is largely wooded and contains a small pond with no structures. The approximate 0.76 acre area of the site is vacant with a heavy tree line and consists of two lots within the Hidden Creek II Subdivision.

- D. A 100 foot wide overhead electric easement runs north-south in the approximate center of the site.
- E. An intermittent blue line stream runs along the north property line.
- F. Topographically, there is an east-west running ridge in the approximate center of the site. The overall topography of the site runs downward to the north and south from this ridge at an average grade of 6%.
- G. Public water and sanitary sewer mains exist in several locations around the site.
- H. A gravel curb cut to the site exists in the southeast corner of the site. Hammer Court, being a paved public street, exists in the northeast corner of the site.
- I. The site is within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONING

- North: Single-family residential dwellings (Hidden Creek II Subdivision) (SR-1)
- South: Single-family (Saddle Ridge Subdivision) and individual single family lots (A-2 and RSE)
- East: Single-family/agricultural (RSE)
- West: Single-family (Hidden Creek Subdivision) and individual single family lots (SR-1 and A-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the majority of the site for Suburban Density Residential uses which is described as “single family housing of up to four units per acre.” A small area in the southwest portion of the site is identified for Rural Density Residential uses and Developmentally Sensitive.
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
 - 1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 - 2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 3. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - 4. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
 - 5. Home ownership shall be encouraged and incentivized as well as redevelopment

- and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
6. 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).
 7. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 9).
 8. An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).
 9. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
 10. Specific areas, innovative land use planning concepts, and design incentives shall be identified to encourage the preservation of agricultural lands (Natural and Cultural Resources Goal B, Objective 1).
 11. The impacts of proposed adjacent residential development on existing agricultural operations shall be examined and addressed (Natural and Cultural Resources Goal B, Objective 3).
 12. 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).
 13. New connector streets shall be developed where needed and feasible to lessen the dependence on arterial, collector, and local streets (Transportation Goal B, Objective 5).
 14. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

C. The following are excerpts from Our Boone County, Plan 2040:

1. Boone County's steady and strong population growth is anticipated to continue through the year 2040. During this time, it is imperative that the most recent population trends, estimates, and demographic makeup of Boone County's residents are gathered and analyzed in order to properly identify their needs and meet them through orderly growth. By understanding the demographic components of the population, adequate housing opportunities can be properly planned for and provided. (Demographics, Conclusions and Recommendations, page 19)
2. New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban (and suburban) areas of Boone County would encourage mixing of

different income levels. Most new construction of typical single-family housing should be encouraged to occur within undeveloped areas within the established suburban portion of the county in order to take advantage of existing infrastructure and services already in place and avoid placing strain on the more rural transportation network in the undeveloped portions of the county. Consideration must be given to existing conditions that may affect new development in established areas such as adjoining land uses and proximity to the Cincinnati-Northern Kentucky International Airport where commerce and airplane noise may be an issue. (Demographics, Conclusions and Recommendations, Housing Types and Locations, pages 19-20)

3. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. The density of typical residential developments in Boone County over the past couple of decades has been consistent with the suburban residential densities reflected on the 2035 Future Land Use Map (up to 4 units per acre). However, there is a large segment of the population that desires to live in more rural areas while still having convenient access to centers of commercial, services, and employment activity. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized. If significant large lot residential subdivision development does occur in some of these rural areas, roads and other components of infrastructure will have to be improved. (Demographics, Conclusions and Recommendations, Housing Types and Locations, page 20)
4. Different residential development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists (or is planned) to support the development. Fluctuations in the economy and housing market should be considered when evaluating uses and design of developments. (Land Use, Future Land Use Development Guidelines, Development Layout, Lot Size, and Setbacks, page 95)
5. KY 18 and KY 237 are important roads to all of Boone County. The primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function. 2020 will see the completion of the 3rd phase of upgrades to KY 237 from KY 18 to U.S. 42 and will significantly improve traffic flow into and out of the southeastern portion of this area. Intersections along KY 18 should continue the existing pattern of spacing of major access points of at least 600 feet. A parallel roadway network should be developed to provide access to properties fronting on the roadway. (Land Use, Description and Purpose of Land Use Maps, 11 Burlington, page 119)
6. The suburban growth around Burlington will be substantial, causing KY 18 and

Idlewild Road to serve as higher volume collector roads. New subdivisions should locate in close proximity to Burlington proper. Any new subdivisions should develop internal road networks rather than using the existing roads as primary access; this will avoid congestion and allow adequate space for necessary road improvements. Road connections between KY 18 and Idlewild Road, between KY 18 and East Bend Road, and between Idlewild Road and Bullittsville Road should be made. The area west of Bullittsville Road within the year 2026 65 DNL noise contour level can continue to contain some Low Density Residential as well as Recreation uses. New construction within the 65 DNL noise contour should only occur if the residential structures are adequately sound-proofed. This impact would have to be completely restudied if the airport ever proposes any additional east-west runway configurations. (Land Use, Description and Purpose of Land Use Maps, 11 Burlington, page 120)

- D. Burlington Pike is a state maintained arterial street providing for two way traffic within two driving lanes, having a posted speed limit of 45 MPH. There are no sidewalks along the roadway. Hammer Court is a County maintained local cul-de-sac street providing for two-way traffic. Sidewalks are provided along both sides of the roadway.

RELATIONSHIP TO THE BOONE COUNTY TRANSPORTATION PLAN

KY 18 (Burlington Pike) Widening
Tier 2

Location: Springfield Boulevard to KY 338 (Jefferson Street)

Type: Roadway Widening/Relocation/New Facility

Total Cost: \$30,630,000

Description: Widen KY 18 (Burlington Pike) from two to four lanes with multi-use path to improve safety for bicycle, pedestrian, and vehicular traffic.

EXISTING APPROVED CONCEPT PLAN

- A. The existing approved concept plan indicates the following:
1. Development of 60 single family residential lots, at an intensity of 1.18 units per acre.
 2. Access to the site from one curb cut onto Burlington Pike, in the southeast corner of the site.
 3. Provision for an internal public street system.
 4. Provision for 13.48 acres of the site (26.5%) as being retained as open space.
 5. Provision for public water and sanitary sewer service.

CONCEPT PLAN

- A. The applicant is proposing the following:
1. Development of a maximum of 104 detached single-family residential lots, at an intensity of 2.02 units per acre.
 2. Access to the site from: (1) a curb cut onto Burlington Pike, in the southeast

- corner of the site; and (2) extension of Hammer Court in the northeast corner of the site.
- 3. Provision for an internal public street system.
- 4. Provision for 22.96 acres of the site (44%) as being retained as open space.
- 5. Provision for public water and sanitary sewer service.
- 6. Provision for a stormwater retention/detention facility.
- 7. Provision for street connections to adjoining properties to the south and east of the site.

STAFF COMMENTS

- A. Conditions that were included in the 2019 action, that may be pertinent to this request, are:
 - 1. The developer shall construct turn lanes on Burlington Pike as required by the Kentucky Transportation Cabinet. Any required turn lanes shall be constructed as part of the initial (Phase One) street improvements of the subdivision.
 - 2. The developer shall construct any water main loops required by the Boone County Water District as part of the infrastructure for this development.
- B. Since this is a Concept Development Plan submittal, a complete evaluation against the zoning regulations and the subdivision regulations was not conducted. However, based on this preliminary evaluation, the proposed plan substantially meets the requirements of the zoning regulations and the subdivision regulations.
- C. The submitted plan indicates that the proposed lots will meet the standards of the SR-1 district, relative to lot area, lot width, setbacks, and building height.
- D. The intensity of the proposed development is 2.02 units per acre. The adjacent Hidden Creek Subdivision has been developed at an intensity of 2.03 units per acre. The adjacent Hidden Creek II Subdivision has been developed at an intensity of 2.53 units per acre. Combined, Hidden Creek and Hidden Creek II Subdivisions have been developed at an intensity of 2.36 units per acre.
- E. The following table provides a comparison between the existing approved Concept Development Plan, the proposed Concept Development Plan, and the existing Hidden Creek and Hidden Creek II Subdivisions:

	Area (acres)	Number of Lots	Intensity (units/acre)
Existing Approved Concept Development Plan	50.78	60	1.18
Hidden Creek Subdivision	44.735	91	2.03
Hidden Creek II Subdivision	83.346	211	2.53
Hidden Creek and Hidden Creek II Subdivisions	128.08	302	2.36
Proposed Concept Development Plan	51.54	104	2.02

- F. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, Boone County Schools, Boone County Water District, Burlington Fire District, KYTC, and SD1 requesting comments pertaining to the request.
1. Andy Aman, SD1, replied that: (1) the project will need to apply for and obtain a Storm Water Permit from SD1 with a disturbance of 1-acre and greater; (2) a reservation of sanitary sewer capacity has already been approved; (3) new sanitary sewer/connection(s) with the project will need to obtain the appropriate sanitary sewer permits from SD1; and (4) all plats with an SD1 easement(s) will need to be reviewed and signed off on by SD1.
 2. Mike Rouse, Boone County Water District, replied that he had no comments.
 3. Linzy Brefeld, KYTC, replied that a Traffic Impact Study will be required for the proposed development.
 4. Rob Franxman, County Engineer, replied that he had no comments.

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Articles 3 and 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

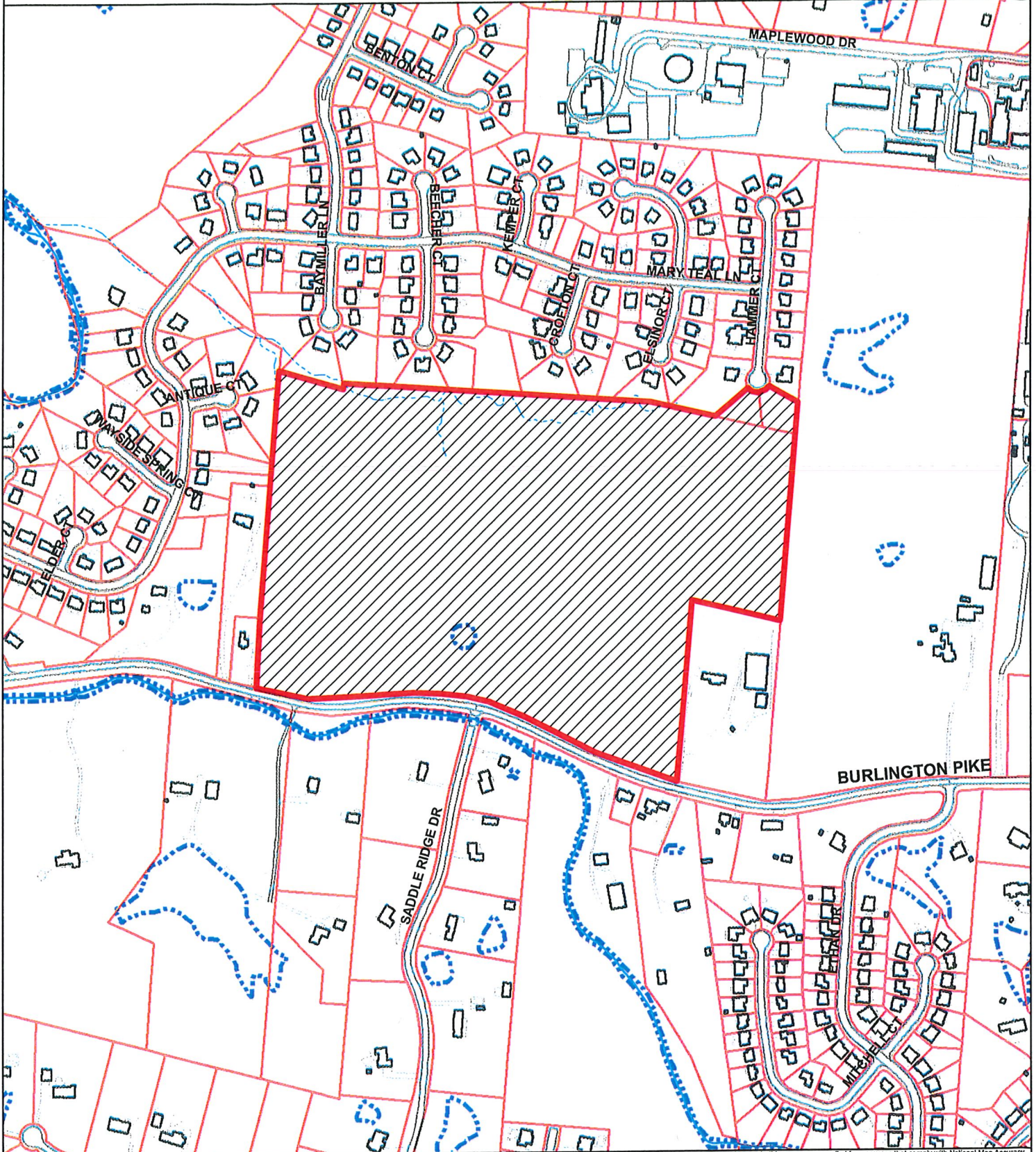
MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- *Existing Approved Concept Development Plan - 2019
- *Application
- *Concept Development Plan

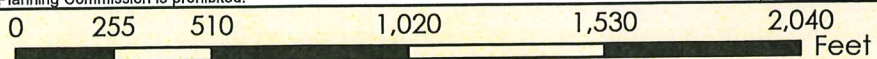
Vicinity Map

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1 inch = 500 feet

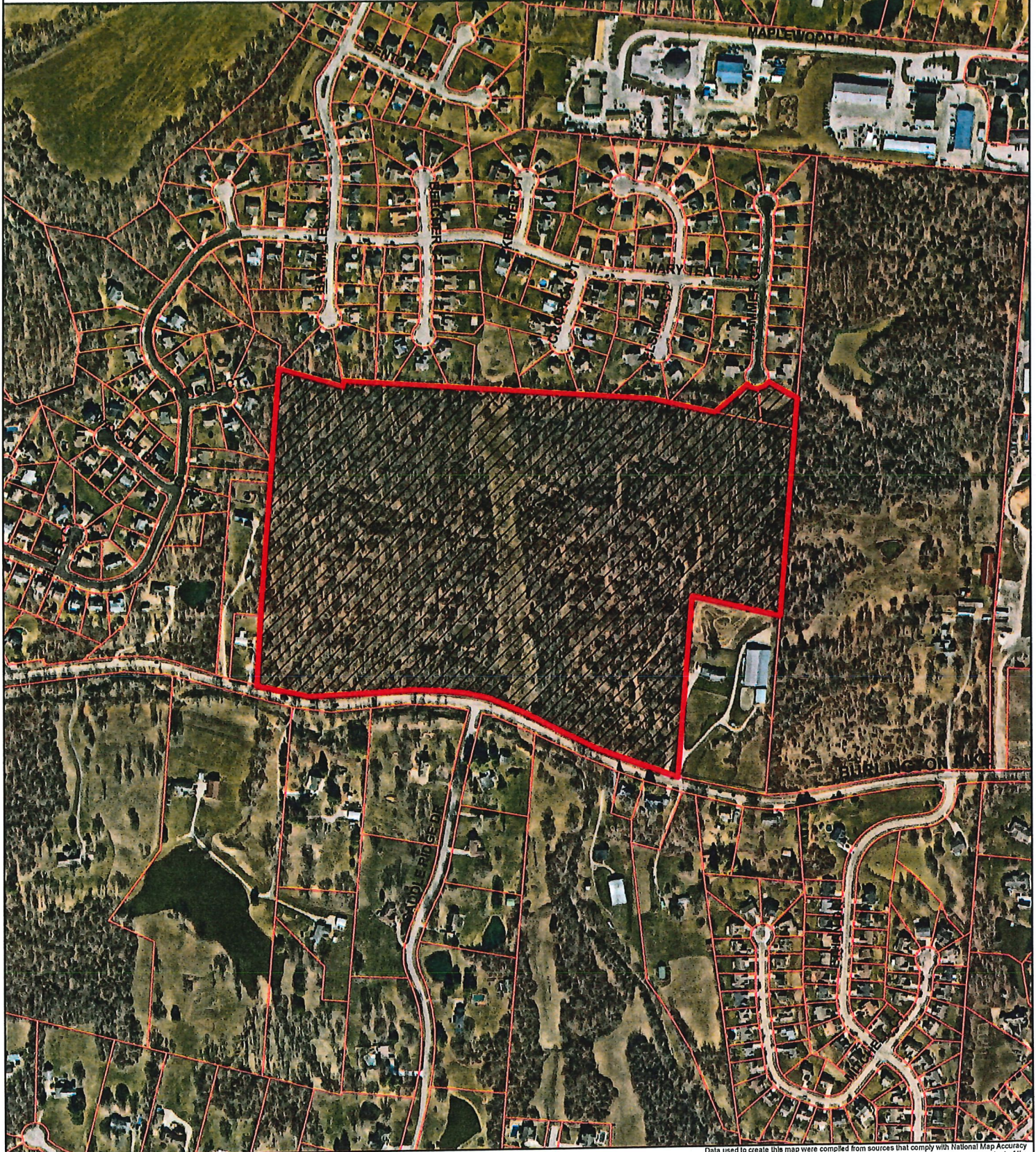


Boone County GIS - Putting Northern Kentucky on the Map



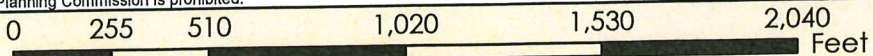
Aerial Map

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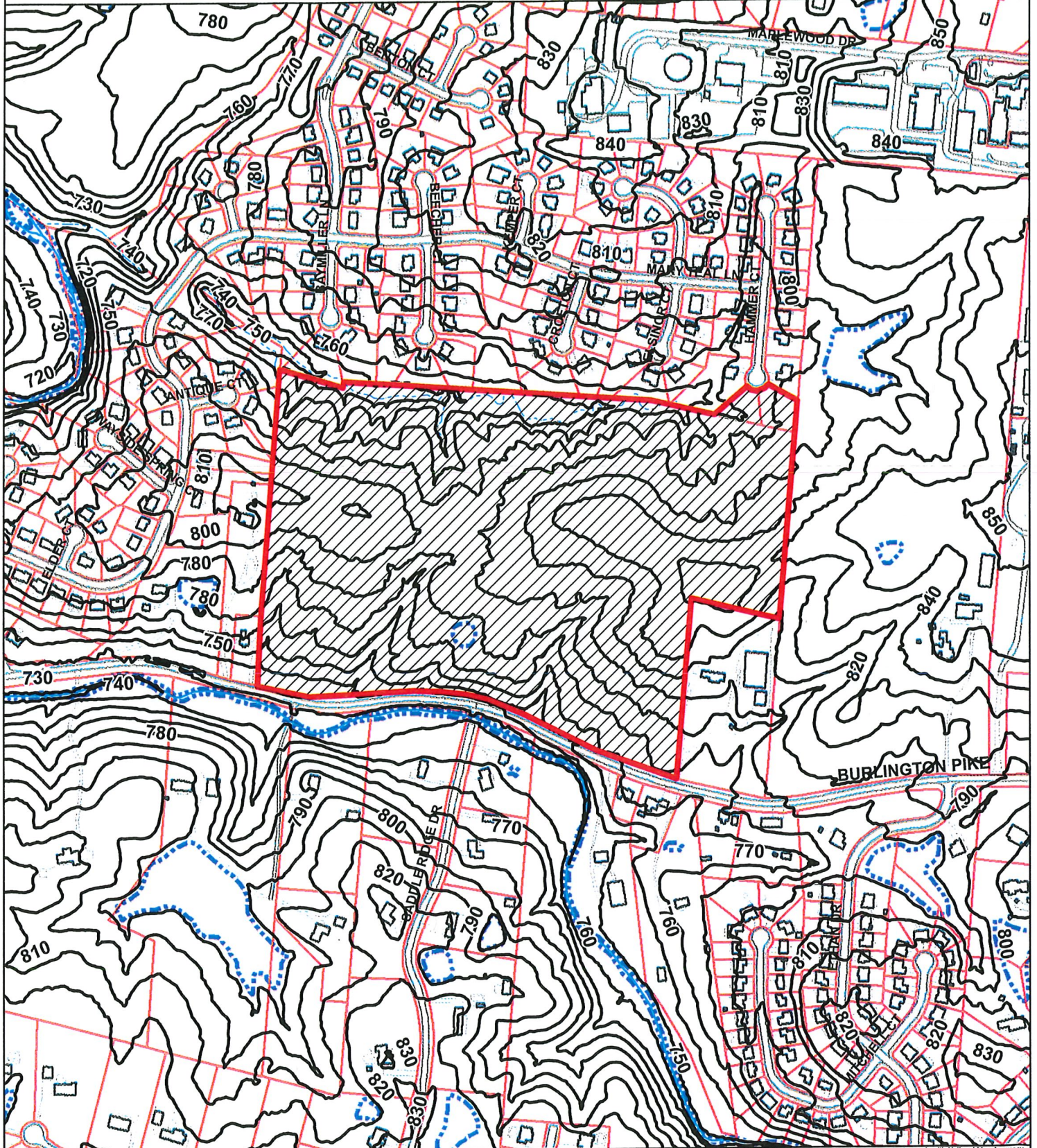


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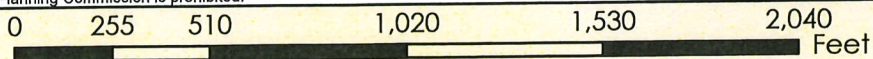
Topographic Map

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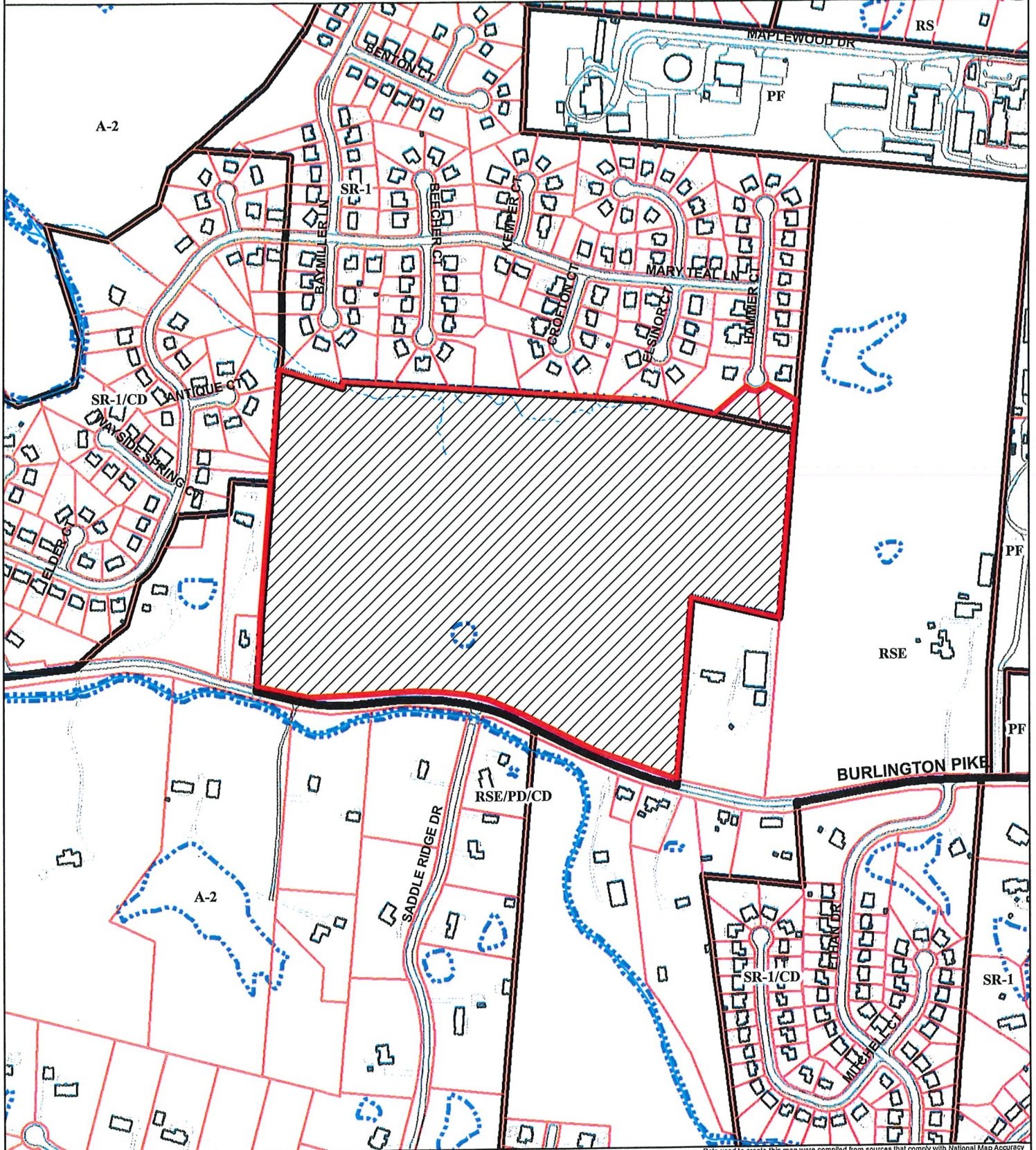


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Zoning Map

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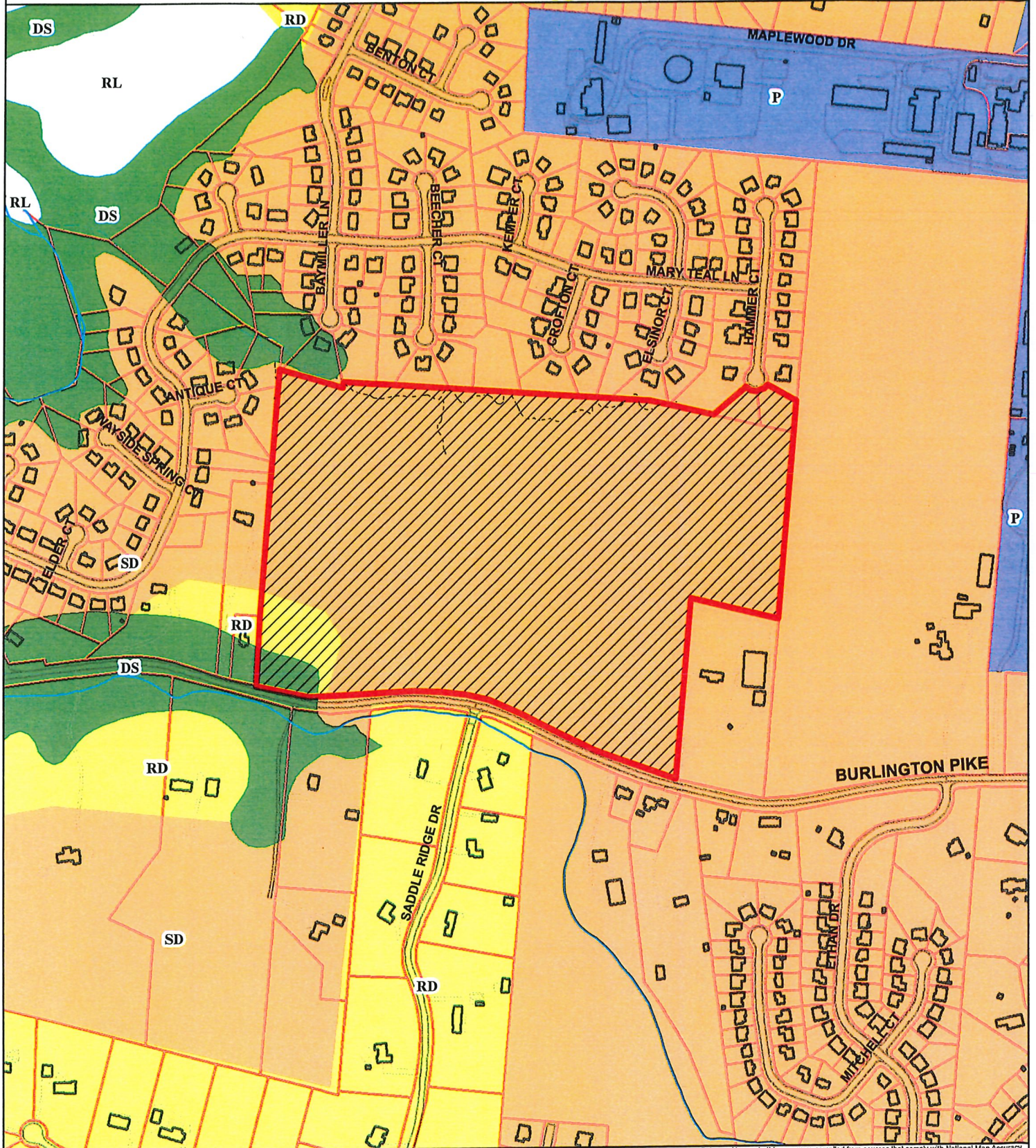


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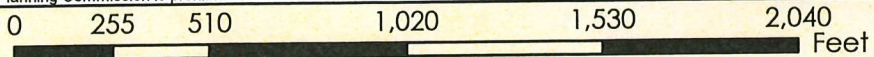
2040 Future Land Use Map

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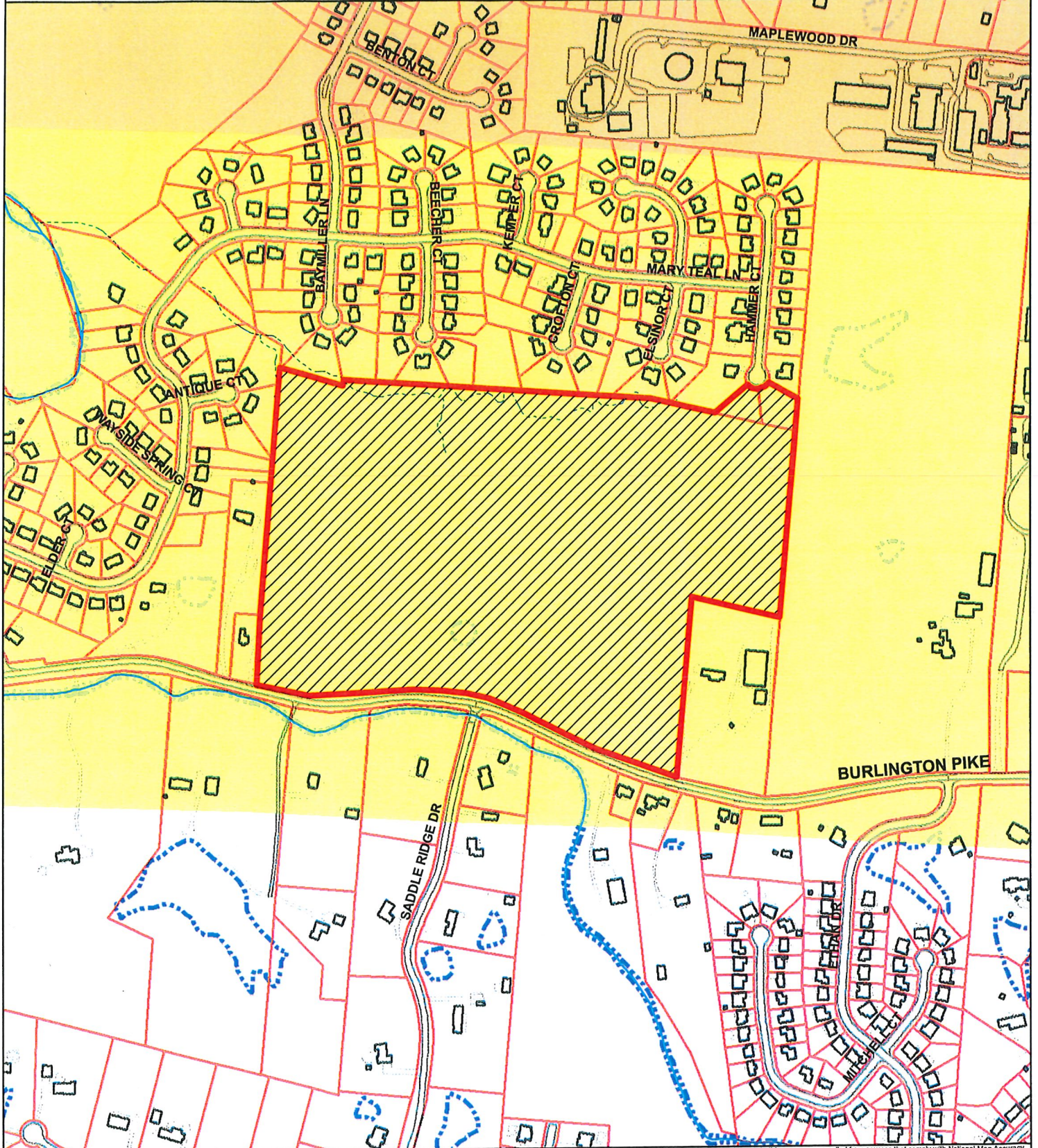
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Boone County GIS

Noise Contour Map

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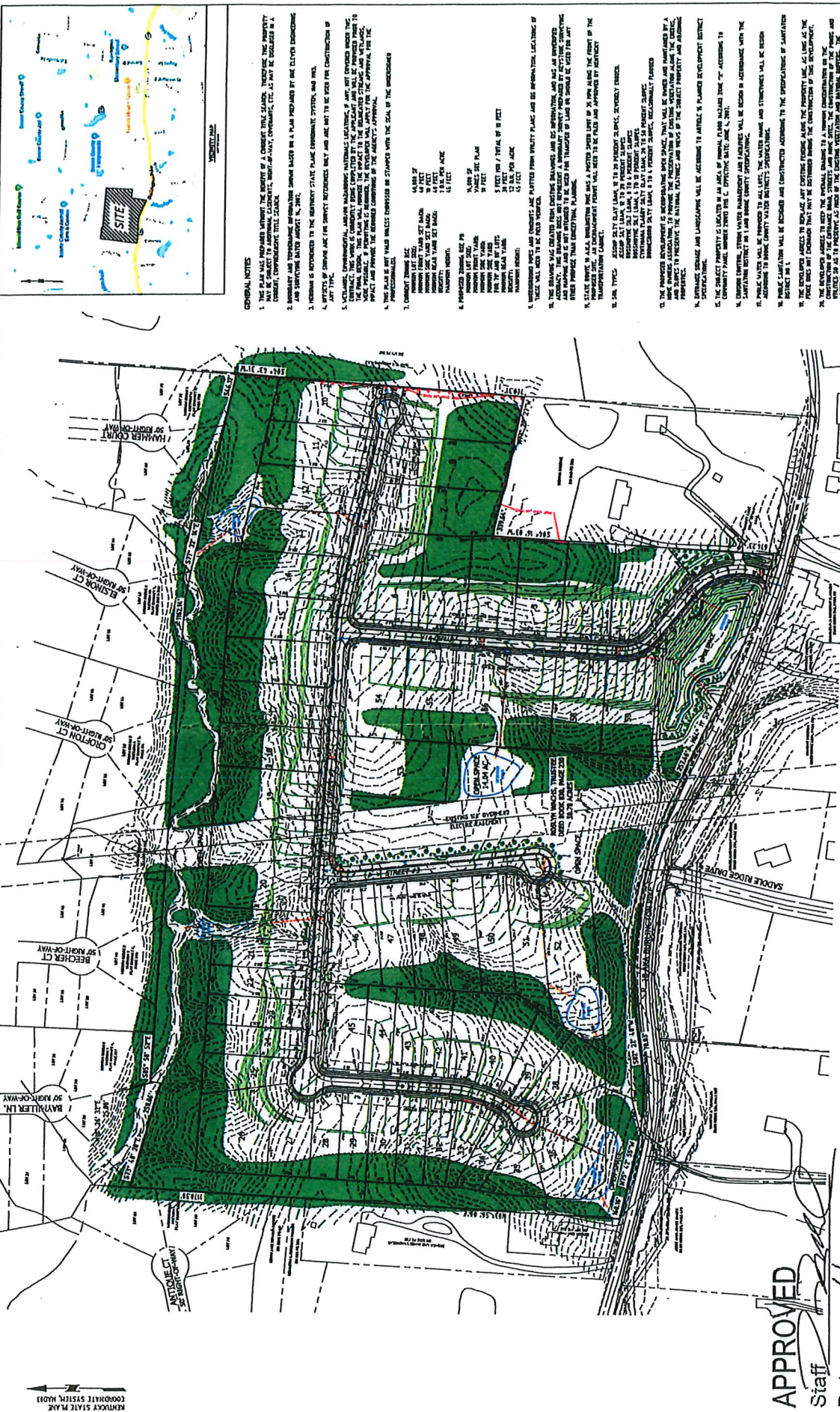


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KENTUCKY STATE PLANNING
COORDINATE SYSTEM ADJUST

- GENERAL NOTES**
1. THIS PLAN HAS BEEN APPROVED BY THE BOONE COUNTY PLANNING COMMISSION. THIS PLAN MAY BE SUBJECT TO APPROVAL, COMMENTS, REVISIONS, ETC. AS MAY BE REQUIRED BY THE BOONE COUNTY PLANNING COMMISSION.
 2. A SUBMITTAL AND REVISIONS OF THIS PLAN SHALL BE MADE IN A PLAN PROVIDED BY THE CLIENT ENGINEER AND SHALL BE SUBJECT TO APPROVAL BY THE BOONE COUNTY PLANNING COMMISSION.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE BOONE COUNTY ZONING ORDINANCES AND THE BOONE COUNTY SUBDIVISION ACT, KRS 100.020.
 4. ALL UTILITIES, ENGINEERING, AND LANDSCAPE ARCHITECTURE SHALL BE DONE IN ACCORDANCE WITH THE BOONE COUNTY ZONING ORDINANCES AND THE BOONE COUNTY SUBDIVISION ACT, KRS 100.020.
 5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BOONE COUNTY PLANNING COMMISSION AND THE BOONE COUNTY ENGINEERING DEPARTMENT.
 6. THIS PLAN IS NOT VALID UNLESS CORRECTED BY STAMPS WITH THE SEAL OF THE ENGINEER.
- 1. CONCEPT DEVELOPMENT PLAN**
- 1.1. CONCEPT DEVELOPMENT PLAN
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CONCEPT DEVELOPMENT PLAN
FOR
GREENWOOD FOREST
7000 PARCEL 007-00-00-0000
BOONE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

CLIENT:
LEONARD & SHERIDAN
3725 MICHAEL WATSON LANE
CHICKEN, OHIO 43015
OWNER:
BOONE COUNTY
113 SHANE TREE LANE
HOPKINSVILLE, TN 38463
BOONE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

PROJECT FILE #	DATE	BY	CHECKED BY

KDH
CONSULTING ENGINEERS, INC.
300 W. MARKET ST., SUITE 200
ATLANTA, GA 30333
PHONE: 404.525.7500
FAX: 404.525.7501
WWW.KDHENR.COM

AREA / PROPERTY:
3.54 ACRES WITH SCALE
343 JAMES HILL AND 3007 W-MANT
343 JAMES HILL AND 3007 W-MANT
343 JAMES HILL
PROPERTY CALCULATION
97 TOTAL LOTS
14 LOTS FOR SALE
31.46 ACRES TOTAL PROVIDED

APPROVED
Staff: [Signature]
Date: 2/6/19
Boone County
Planning Commission
*With Conditions

12. 1150 / 1203 777 / 595 2024 / 5110
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

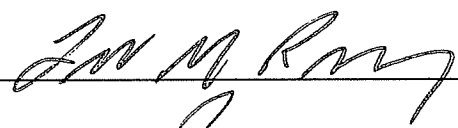
15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):


- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <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 September 31, 2023

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 6/30/23 Fee Received: \$3347 Receipt #: 88748
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
www.boonecountyky.org

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: David Hincks, Chair

DATE: September 6, 2023

RE: 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.

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 RS/PD district, along with the submitted concept development plan, is generally consistent with the Our Boone County Plan 2040 Future Land Use Plan Map which identifies the majority of the site for Suburban Density Residential uses which is described as "single family housing of up to four units per acre".

The submitted Concept Development Plan indicates the development of one hundred four (104) detached single-family residential dwellings at an intensity of 2.02 dwelling units per acre.

2. The Committee concluded that the proposed RS/PD district, along with the submitted concept development plan, is consistent with the Demographics and Land Use Elements of Our Boone County Plan 2040.

The proposed zoning map amendment, along with the submitted concept development plan, provides for: (1) a housing type that is consistent with the adjacent area; (2) development within the suburban portion of the county; (3) an intensity that is consistent with the adjacent Hidden Creek and Hidden Creek II Subdivisions; (4) development within an area that is currently served with both public water and public sanitary sewer services; and (5) development that is immediately accessible to KY 18 (Burlington Pike).

3. The Committee concluded that the proposed RS/PD 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. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - c. 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).
 - d. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
 - e. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 - f. 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).
 - g. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 9).
 - h. An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).
 - i. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
 - j. Specific areas, innovative land use planning concepts, and design incentives shall be identified to encourage the preservation of agricultural lands (Natural and Cultural Resources Goal B, Objective 1).
 - k. The impacts of proposed adjacent residential development on existing agricultural operations shall be examined and addressed (Natural and Cultural Resources Goal B, Objective 3).
 - l. New connector streets shall be developed where needed and feasible to lessen the dependence on arterial, collector, and local streets (Transportation Goal B, Objective 5).
 - m. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

In addition to the findings identified in Item 2, above, the proposed zoning map

amendment, along with the submitted concept development plan, will: (1) retain approximately forty-four percent (44%) of the site as open space; (2) maintain various hillsides on the site; (3) provide a direct connection between Hidden Creek II Subdivision and KY 18 (Burlington Pike); and (4) provide future street connections to adjacent properties.

4. The Committee concluded that the proposed RS/PD district, along with the submitted concept development plan, is consistent with several of the Planned Development (PD) criteria, as outlined in Section 1506 of the zoning regulations.

In addition to the findings identified in Items 2 and 3, above, the proposed zoning map amendment, along with the submitted concept development plan, will: (1) provide for pedestrian movement along internal sidewalks; (2) provide for landscaped entryways; (3) preserve existing vegetated areas; and (4) provide for coordinated access between the site and adjoining properties.

5. 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 condition:

CONDITIONS:

1. The developer, at their expense, shall construct turn lanes on Burlington Pike as required by the Kentucky Transportation Cabinet.
2. Required turn lanes shall be included in the first Improvement Plan submittal.
3. The developer shall construct any water main loops required by the Boone County Water District as part of the infrastructure for this development.
4. The developer shall install a six (6) foot high chain link fence, with a natural/neutral colored plastic coating, along the eastern edge of the site, from the northeast corner of the site to a point approximately three hundred fifty (350) feet north of the right-of-way of Burlington Pike, which shall be maintained by an Homeowners Association (HOA).
5. The developer shall install a maximum five (5) foot high decorative three-board fence along the eastern edge of the site, from a point approximately three hundred fifty (350) feet north of the right-of-way of Burlington Pike to the right-of-way of Burlington Pike, which shall be maintained by an Homeowners Association (HOA).
6. If a Preliminary Plat is submitted prior to the adoption of the 2023 Subdivision Regulations, geotechnical analysis shall be conducted during the development of the site.
7. The development shall be allowed one (1) entrance sign, which shall be located along Burlington Pike.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Wach Farm – Maronda Homes/Burlington Pike

September 6, 2023

Page 4

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: David Hincks, 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, David Hincks, Chairman, Michael Schwartz, Staff


2. 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.

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

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

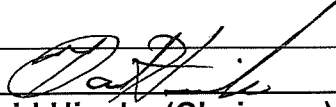
Rick Lunnemann
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

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



Steve Harper
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

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



David Hincks (Chairman)
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

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

TOTAL: DEFERRED 2 FOR PROJECT 3 ABSENT
 AGAINST PROJECT ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
AUGUST 16, 2023
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's August 16, 2023 Public Hearing.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the first item on the Agenda at 7:30 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

1. 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, referred to his PowerPoint presentation (See Staff Report). The site is approximately 51 acres in size. It is located on the north side of Burlington Pike approximately 1,100 feet east of Caroline Williams Way and at the terminus of Hammer Court. The site has approximately 1,650 feet of frontage along Burlington Pike and about 85 feet of frontage along Hammer Court. Page 1 of the Staff Report provides a history of the site. This request is the sixth time before the Planning Commission. The most recent time was in 2021 for a much lower residential density. After the Public Hearing but prior to the Planning Commission action, the applicant withdrew the application. Mr. Schwartz showed a copy of the 2019 Plan that was approved by the Fiscal Court. It showed 60 single-family lots. The overall density was 1.18 dwelling units per acre with one access point. About 26.5 acres of the site remained as open space. The majority of the site is largely wooded. There is an overhead utility line that runs through the center of the site. Two lots at the end of Hammer Court are vacant and are going to be included in the project. They are part of the Hidden Creek II Subdivision. There is a blue line stream that runs at the top of the property. Mr. Schwartz described the surrounding land uses and zoning of the site. Pages 1-2 of the Staff Report give the surrounding zoning. There is a ridgetop on the site. The average grade of the site is 6% in both directions. The Future Land Use Map designates the site for Suburban Density Residential (SD), Rural Density Residential (RD) and Developmentally Sensitive (DS). The site is located in the 55 DNL of the Airport. He showed photographs of the site and adjoining properties. The proposed Concept Development Plan shows 104 single-family lots with an overall density of 2.02 units per acre. Mr. Schwartz showed the location of the proposed street connections. Approximately 44% of the acreage is open space. The open space is generally located on the north, south and western portions of the site. There will also be open space at the 2 entrances. Both public water and sanitary sewer will be provided to the site. Staff Comments are listed on Pages 7-8 of the Staff Report. There were several conditions that were included in the 2019 action, that may be pertinent to the request. 1.) The developer shall construct turn lanes on Burlington Pike as required by the Kentucky Transportation Cabinet. Any required turn lanes shall be constructed as part of the initial (Phase One) street improvements of the subdivision. 2.) The developer shall construct any water main loops required by the Boone County Water District as part of the infrastructure for this development. Since this is a Concept Development Plan submittal, a complete evaluation against the zoning regulations and subdivision regulations was not conducted. However, based on this preliminary evaluation, the proposed plan substantially meets the requirements of the zoning regulations and the subdivision regulations. The submitted plan indicates that the proposed lots will meet the standards of the SD-1 district, relative to lot area, lot width, setbacks, and building height. The intensity of the proposed development is 2.02 units per acre. The adjacent Hidden Creek I Subdivision has been developed at an intensity of 2.03 units per acre. The adjacent Hidden Creek II Subdivision has been developed at an intensity of 2.53 units per acre. Combined,

Hidden Creek I and Hidden Creek II Subdivisions have been developed at an intensity of 2.36 units per acre. On Page 7 of the Staff Report, there is a table that provides a comparison between the existing approved Concept Development Plan, the proposed Concept Development Plan and the existing Hidden Creek II subdivisions. Staff did send out an interdepartmental email requesting comments pertaining to the request. Sanitation District 1 replied that the project will need to apply for and obtain a Storm Water Permit. Boone County Water District replied that they had no comments. Kentucky Transportation Cabinet replied that a Traffic Impact Study will be required for the proposed development. The Boone County Engineer replied that he had no comments. Again, the request is a Zoning Map Amendment to change the zoning from RSE/PD and SR-1 to RS/PD.

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

Mr. Brian Hoesl, Maronda Homes, stated that his company has been building homes in Cincinnati and Northern Kentucky for about 20 years. They are located in Pennsylvania and are a family owned company. They expect to build about 100 homes regionally and have built homes in Gunpowder Trails Subdivision. He showed photographs of their typical homes – 2,500 square feet in the price range of \$400,000 - \$500,000. The proposed subdivision would have an HOA for all the common areas including any amenities.

Mr. Jim Bertrum, Engineer, stated the proposed project is very similar to the one that was previously presented. They acquired the 2 lots in Hidden Creek II and they also added a stub street to the south for future connections. They are proposing a 60 foot right-of-way for the main drive. Sanitary Sewer will be available through a connection to Hidden Creek Subdivision and across KY 18 at 2 locations as well as the existing utility easement. The public water line will be looped to Hidden Creek II Subdivision. There are multiple ponds on the site for stormwater. They will keep the younger and healthy trees on the site. Mr. Bertrum explained the reduced setbacks of 25 feet were in order to preserve the hillside. The lot sizes are consistent with the lot sizes in Hidden Creek II Subdivision. The total acreage of the site is 51.55 acres of which 44.5% is Open Space. They understand that they have to do a Traffic Impact Study to properly locate the curb cut. They also show a shared access with the neighbor to the east. The location for the curb cut is the high point of the site. The State likes that location. The cul-de-sac will remain as part of the connection to Hidden Creek II Subdivision. It will serve as a traffic calming device. The left side of the connection will be Open Space. Mr. Bertrum noted that he looked at the distances for people driving to and from Hidden Creek II Subdivision through the proposed subdivision. It is actually shorter from Hammer Court to Idlewild Road versus from Hammer Court to KY 18 via the proposed subdivision.

Chairman Rolfsen asked if anyone wanted to speak in favor or against the request?

Mr. Kevin Phillips, 3472 Burlington Pike, expressed a concern about the Open Space. He hates to see it go and he knows there is a lot of invasive species on the site. Will the developer retain the invasive species?

Mr. Bo Archambault, 7213 Front Street, stated that his family farm is on the east side of the site. He would like to see large estate size lots on the site instead of maxing out the site. KY 18 can't support the traffic and especially with opening up for Hidden Creek II Subdivision. For the safety of the neighborhood, he would like a 6 foot high fence to prevent children from going onto his farm and visiting the horses. It works for the fairgrounds. Mr. Archambault mentioned that Hunters Ridge Subdivision has a chain link fence because of Kinman Farms.

Mr. Charles Bray, 3300 Burlington Pike, stated that the previous approval included a provision to install a chain link fence along his property line and the Archambault property line. He has a working horse farm. They take care of horses and give riding lessons. He wants to keep the kids out. The proposed large lot subdivision did not include a chain link fence and the Board didn't approve the project. He is confused about where the State stands on the curb cut. He thought they wanted it across from Saddleridge Subdivision? No one has approached him about tying into his property. In addition, there has been multiple geotechnical studies on this site. The engineering studies failed. It is unstable ground. In some cases, one has to go 20-22 feet deep to find stable ground. How will the 50 acre property be stabilized? Mr. Bray stated that he did not want to connect to the proposed subdivision street.

Mr. Schwartz explained that the current draft of the subdivision regulations will require a geotechnical analysis for all new subdivisions. If the subdivision regulations get adopted with the geotechnical requirements, the applicant will be required to do a geotechnical analysis at the Preliminary Plat review stage. It will be a timing issue since the subdivision regulations are only adopted by the Planning Commission and the zone change requires Planning Commission and Fiscal Court action. In addition, the requirement could be added as a condition.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked Staff where did the entrance to the proposed subdivision end up? Mr. Schwartz replied that the 2019 approval has the entrance at the same point as the proposed location. The last application with the 10 lots had the entrance opposite of Saddleridge Drive. It was withdrawn however. The proposed Plan has access at the northeast and southeast for sight distance reasons. The Kentucky Transportation Cabinet will have the final decision on where it should be located based upon a new Traffic Impact Study. There are no firm design plans for widening KY 18 along the project site. The widening project is a Tier 2 project.

Chairman Rolfsen inquired about the chain link fence? Mr. Hoesl replied that he didn't know if he could answer the question immediately. He prefers to do landscape buffers. Mr. Costello responded that the intent was security and not buffering.

Mr. Bertrum stated that the developer has a 20 foot preservation easement on the site. They will add some landscaping to it. Chairman Rolfsen stated that the horse farms were there first and the property needs to be secured. He asked about the 2 reports claiming the land in question to be unstable. How will the houses be built?

Mr. Bertrum responded that the condition is nothing unique to the site or area. It is expansive clay. It is everywhere in Northern Kentucky. There will have to be lime stabilization underneath the road. Some of the area will have to be bridged with gravel. Some of the bad areas will have to be removed. There are options that will have to be explored with a geotechnical engineer. Maronda Homes has dealt with this issue. They will agree to a geotechnical study all through the construction or development process. It has been dealt with on a lot by lot basis.

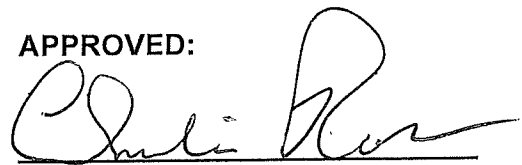
Mrs. Kegley noted that the Building Inspector will also be reviewing the foundation and soil conditions. It may cost more to construct and that will be factored into the cost of the homes. She has built on quick sand.

Mr. Schwenke stated that he heard a story where a neighbor pumped water out of a pond that cows use. A chain link fence is required to be a good neighbor as the farm was there first before the houses.

Mrs. Kegley expressed a concern about a fence being located right at the entrance off Burlington Pike. Perhaps some landscaping could be added to avoid an ugly appearance?

Seeing no further questions or comments, Chairman Rolfsen 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. Chairman Rolfsen closed the Public Hearing at 8:15 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
AUGUST 16, 2023
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's August 16, 2023 Public Hearing.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the first item on the Agenda at 7:30 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

1. 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, referred to his PowerPoint presentation (See Staff Report). The site is approximately 51 acres in size. It is located on the north side of Burlington Pike approximately 1,100 feet east of Caroline Williams Way and at the terminus of Hammer Court. The site has approximately 1,650 feet of frontage along Burlington Pike and about 85 feet of frontage along Hammer Court. Page 1 of the Staff Report provides a history of the site. This request is the sixth time before the Planning Commission. The most recent time was in 2021 for a much lower residential density. After the Public Hearing but prior to the Planning Commission action, the applicant withdrew the application. Mr. Schwartz showed a copy of the 2019 Plan that was approved by the Fiscal Court. It showed 60 single-family lots. The overall density was 1.18 dwelling units per acre with one access point. About 26.5 acres of the site remained as open space. The majority of the site is largely wooded. There is an overhead utility line that runs through the center of the site. Two lots at the end of Hammer Court are vacant and are going to be included in the project. They are part of the Hidden Creek II Subdivision. There is a blue line stream that runs at the top of the property. Mr. Schwartz described the surrounding land uses and zoning of the site. Pages 1-2 of the Staff Report give the surrounding zoning. There is a ridgetop on the site. The average grade of the site is 6% in both directions. The Future Land Use Map designates the site for Suburban Density Residential (SD), Rural Density Residential (RD) and Developmentally Sensitive (DS). The site is located in the 55 DNL of the Airport. He showed photographs of the site and adjoining properties. The proposed Concept Development Plan shows 104 single-family lots with an overall density of 2.02 units per acre. Mr. Schwartz showed the location of the proposed street connections. Approximately 44% of the acreage is open space. The open space is generally located on the north, south and western portions of the site. There will also be open space at the 2 entrances. Both public water and sanitary sewer will be provided to the site. Staff Comments are listed on Pages 7-8 of the Staff Report. There were several conditions that were included in the 2019 action, that may be pertinent to the request. 1.) The developer shall construct turn lanes on Burlington Pike as required by the Kentucky Transportation Cabinet. Any required turn lanes shall be constructed as part of the initial (Phase One) street improvements of the subdivision. 2.) The developer shall construct any water main loops required by the Boone County Water District as part of the infrastructure for this development. Since this is a Concept Development Plan submittal, a complete evaluation against the zoning regulations and subdivision regulations was not conducted. However, based on this preliminary evaluation, the proposed plan substantially meets the requirements of the zoning regulations and the subdivision regulations. The submitted plan indicates that the proposed lots will meet the standards of the SD-1 district, relative to lot area, lot width, setbacks, and building height. The intensity of the proposed development is 2.02 units per acre. The adjacent Hidden Creek I Subdivision has been developed at an intensity of 2.03 units per acre. The adjacent Hidden Creek II Subdivision has been developed at an intensity of 2.53 units per acre. Combined,

Hidden Creek I and Hidden Creek II Subdivisions have been developed at an intensity of 2.36 units per acre. On Page 7 of the Staff Report, there is a table that provides a comparison between the existing approved Concept Development Plan, the proposed Concept Development Plan and the existing Hidden Creek II subdivisions. Staff did send out an interdepartmental email requesting comments pertaining to the request. Sanitation District 1 replied that the project will need to apply for and obtain a Storm Water Permit. Boone County Water District replied that they had no comments. Kentucky Transportation Cabinet replied that a Traffic Impact Study will be required for the proposed development. The Boone County Engineer replied that he had no comments. Again, the request is a Zoning Map Amendment to change the zoning from RSE/PD and SR-1 to RS/PD.

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

Mr. Brian Hoesl, Maronda Homes, stated that his company has been building homes in Cincinnati and Northern Kentucky for about 20 years. They are located in Pennsylvania and are a family owned company. They expect to build about 100 homes regionally and have built homes in Gunpowder Trails Subdivision. He showed photographs of their typical homes – 2,500 square feet in the price range of \$400,000 - \$500,000. The proposed subdivision would have an HOA for all the common areas including any amenities.

Mr. Jim Bertrum, Engineer, stated the proposed project is very similar to the one that was previously presented. They acquired the 2 lots in Hidden Creek II and they also added a stub street to the south for future connections. They are proposing a 60 foot right-of-way for the main drive. Sanitary Sewer will be available through a connection to Hidden Creek Subdivision and across KY 18 at 2 locations as well as the existing utility easement. The public water line will be looped to Hidden Creek II Subdivision. There are multiple ponds on the site for stormwater. They will keep the younger and healthy trees on the site. Mr. Bertrum explained the reduced setbacks of 25 feet were in order to preserve the hillside. The lot sizes are consistent with the lot sizes in Hidden Creek II Subdivision. The total acreage of the site is 51.55 acres of which 44.5% is Open Space. They understand that they have to do a Traffic Impact Study to properly locate the curb cut. They also show a shared access with the neighbor to the east. The location for the curb cut is the high point of the site. The State likes that location. The cul-de-sac will remain as part of the connection to Hidden Creek II Subdivision. It will serve as a traffic calming device. The left side of the connection will be Open Space. Mr. Bertrum noted that he looked at the distances for people driving to and from Hidden Creek II Subdivision through the proposed subdivision. It is actually shorter from Hammer Court to Idlewild Road versus from Hammer Court to KY 18 via the proposed subdivision.

Chairman Rolfsen asked if anyone wanted to speak in favor or against the request?

Mr. Kevin Phillips, 3472 Burlington Pike, expressed a concern about the Open Space. He hates to see it go and he knows there is a lot of invasive species on the site. Will the developer retain the invasive species?

Mr. Bo Archambault, 7213 Front Street, stated that his family farm is on the east side of the site. He would like to see large estate size lots on the site instead of maxing out the site. KY 18 can't support the traffic and especially with opening up for Hidden Creek II Subdivision. For the safety of the neighborhood, he would like a 6 foot high fence to prevent children from going onto his farm and visiting the horses. It works for the fairgrounds. Mr. Archambault mentioned that Hunters Ridge Subdivision has a chain link fence because of Kinman Farms.

Mr. Charles Bray, 3300 Burlington Pike, stated that the previous approval included a provision to install a chain link fence along his property line and the Archambault property line. He has a working horse farm. They take care of horses and give riding lessons. He wants to keep the kids out. The proposed large lot subdivision did not include a chain link fence and the Board didn't approve the project. He is confused about where the State stands on the curb cut. He thought they wanted it across from Saddleridge Subdivision? No one has approached him about tying into his property. In addition, there has been multiple geotechnical studies on this site. The engineering studies failed. It is unstable ground. In some cases, one has to go 20-22 feet deep to find stable ground. How will the 50 acre property be stabilized? Mr. Bray stated that he did not want to connect to the proposed subdivision street.

Mr. Schwartz explained that the current draft of the subdivision regulations will require a geotechnical analysis for all new subdivisions. If the subdivision regulations get adopted with the geotechnical requirements, the applicant will be required to do a geotechnical analysis at the Preliminary Plat review stage. It will be a timing issue since the subdivision regulations are only adopted by the Planning Commission and the zone change requires Planning Commission and Fiscal Court action. In addition, the requirement could be added as a condition.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Ms. Gulick asked Staff where did the entrance to the proposed subdivision end up? Mr. Schwartz replied that the 2019 approval has the entrance at the same point as the proposed location. The last application with the 10 lots had the entrance opposite of Saddleridge Drive. It was withdrawn however. The proposed Plan has access at the northeast and southeast for sight distance reasons. The Kentucky Transportation Cabinet will have the final decision on where it should be located based upon a new Traffic Impact Study. There are no firm design plans for widening KY 18 along the project site. The widening project is a Tier 2 project.

Chairman Rolfsen inquired about the chain link fence? Mr. Hoesl replied that he didn't know if he could answer the question immediately. He prefers to do landscape buffers. Mr. Costello responded that the intent was security and not buffering.

Mr. Bertrum stated that the developer has a 20 foot preservation easement on the site. They will add some landscaping to it. Chairman Rolfsen stated that the horse farms were there first and the property needs to be secured. He asked about the 2 reports claiming the land in question to be unstable. How will the houses be built?

Mr. Bertrum responded that the condition is nothing unique to the site or area. It is expansive clay. It is everywhere in Northern Kentucky. There will have to be lime stabilization underneath the road. Some of the area will have to be bridged with gravel. Some of the bad areas will have to be removed. There are options that will have to be explored with a geotechnical engineer. Maronda Homes has dealt with this issue. They will agree to a geotechnical study all through the construction or development process. It has been dealt with on a lot by lot basis.

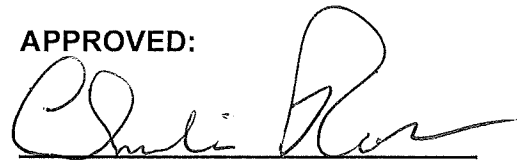
Mrs. Kegley noted that the Building Inspector will also be reviewing the foundation and soil conditions. It may cost more to construct and that will be factored into the cost of the homes. She has built on quick sand.

Mr. Schwenke stated that he heard a story where a neighbor pumped water out of a pond that cows use. A chain link fence is required to be a good neighbor as the farm was there first before the houses.

Mrs. Kegley expressed a concern about a fence being located right at the entrance off Burlington Pike. Perhaps some landscaping could be added to avoid an ugly appearance?

Seeing no further questions or comments, Chairman Rolfsen 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. Chairman Rolfsen closed the Public Hearing at 8:15 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.**

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.

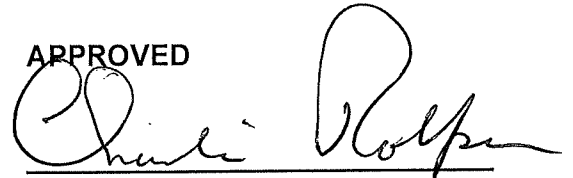
H. Executive Director's Report:

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

Brian Hoesl
Maronda Homes
4710 Interstate Drive
Cincinnati, Ohio 45246

RE: 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.

Dear Mr. Hoesl:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their August 16, 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.

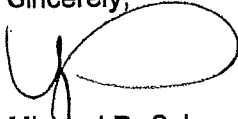
CONDITIONS

1. The developer, at their expense, shall construct turn lanes on Burlington Pike as required by the Kentucky Transportation Cabinet.
2. Required turn lanes shall be included in the first Improvement Plan submittal.
3. The developer shall construct any water main loops required by the Boone County Water District as part of the infrastructure for this development.
4. The developer shall install a six (6) foot high chain link fence, with a natural/neutral colored plastic coating, along the eastern edge of the site, from the northeast corner of the site to a point approximately three hundred fifty (350) feet north of the right-of-way of Burlington Pike, which shall be maintained by an Homeowners Association (HOA).
5. The developer shall install a maximum five (5) foot high decorative three-board fence along the eastern edge of the site, from a point approximately three hundred fifty (350) feet north of the right-of-way of Burlington Pike to the right-of-way of Burlington Pike, which shall be maintained by an Homeowners Association (HOA).
6. If a Preliminary Plat is submitted prior to the adoption of the 2023 Subdivision Regulations, geotechnical analysis shall be conducted during the development of the

Wach Farm/Maronda Homes
August 31, 2023
Page 2

- site.
7. The development shall be allowed one (1) entrance sign, which shall be located along Burlington Pike.

Sincerely,



Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

The property owner and developer of the (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, agrees to the conditions listed herein for the above referenced Zoning Map Amendment.

DocuSigned by:



992875AAC2374BB

DFK Direct Investments Wach LLC (owner)

9/1/2023 | 13:18:28 EDT

Date

DocuSigned by:



00225930228E4D2...

Maronda Homes (developer)

9/1/2023 | 11:21:19 EDT

Date

BOONE COUNTY
D1150 PG777

DOCUMENT NO: 811065
RECORDED: September 01, 2020 10:29:00 AM
TOTAL FEES: \$56.00 TRANSFER TAX: \$400.00
COUNTY CLERK: JUSTIN CRIGLER
DEPUTY CLERK: MICHELLE EICKHOFF
COUNTY: BOONE COUNTY
BOOK: D1150 PAGES: 777 - 783
GROUP ID: 2024

This instrument prepared by
Ziegler & Schneider, P.S.C.
Attorneys at Law
541 Buttermilk Pike, Suite 500
P.O. Box 175710
Covington, Kentucky 41017-5710
by Lori Fields-Lee, Attorney.
Firm File No.: Z20-285-BB

RETURN TO:

DEED

KNOW ALL PERSONS BY THIS INSTRUMENT:

That Roslyn Wachs Trust dated November 9, 2000, by and through Roslyn Wachs, Trustee

the GRANITOR(S), for and in consideration of One (\$1.00) Dollar and other good and valuable consideration as certified to below, paid to the GRANITOR(S) by the GRANTEE(S) herein, the receipt of which is hereby acknowledged, do(es) bargain, sell and convey to the following named GRANTEE(S),

DFK Direct Investments Wach, LLC, a Kentucky limited liability company

its successors and assigns forever, the following described real estate, in the city of BURLINGTON, county of BOONE, state of KENTUCKY, to-wit:

Street Address: Ky 18 Burlington Pike, Burlington, Kentucky 41042

Grantee(s) Address: 110 Shade Tree Lane, Monticello, Kentucky 42633

The in-care-of address to which the property tax bill for 2020 may be sent to:

189 Weber Lane, Florence Kentucky 41042

Grantor(s) Address: 189 Weber Lane, Florence KY 41042

Group No.: 2024
PIDN: 037.00-00-023.00

SEE LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

Being the same property conveyed to the Grantor(s) herein by deed from Roslyn Wachs, a single woman, dated April 15, 2002, and recorded in Deed Book 830, page 230, of the Boone County Clerk's records at Burlington, Kentucky.

↓

BOONE COUNTY
D1150 PG778

SUBJECT to conditions, restrictions and easements contained in deeds and instruments of record.

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE(S), in the fashion and manner stated above in the conveying clause, with covenants of general warranty, except all taxes and assessments due and payable in the year 2020 which are to be reasonably prorated as of the date of closing and which the GRANTEE(S) assume(s) and agree(s) to pay.

GRANTOR and GRANTEE both certify, under oath, that the consideration of \$400,000.00 is the full consideration paid for the property and GRANTEE joins in this deed for the sole purpose of making this certificate about the consideration.

Dated this 28 day of August, 2020.

GRANTOR:

GRANTEE:

Roslyn Wachs Trustee of the Roslyn Wachs Trust dated November 9, 2000

DFK Direct Investments Wach, LLC

BY: Roslyn Wachs Trustee
Roslyn Wachs, Trustee

BY: [Signature]
Lee M. Rickey

STATE OF Kentucky, COUNTY OF Wayne (GRANTOR)

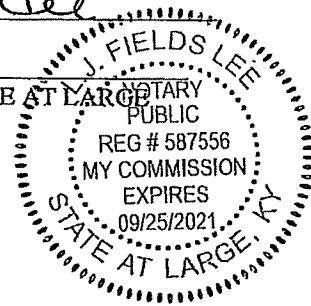
The foregoing instrument was sworn to and acknowledged before me this 28 day of August, 2020, by Roslyn Wachs, Trustee of the Roslyn Wachs Trust dated November 9, 2000.

[Signature]
Notary Public
My commission expires: 8-22-2023
My jurisdiction is: STATE AT LARGE

STATE OF KENTUCKY, COUNTY OF Kenton (GRANTEE)

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 31st day of August, 2020, by Lee M. Rickey, Member of DFK Direct Investments Wach, LLC, a Kentucky limited liability company.

[Signature]
Notary Public
My commission expires:
My jurisdiction is: STATE AT LARGE



BOONE COUNTY
D1150 PG779

EXHIBIT "A"

STREET ADDRESS:

Ky 18 Burlington Pike, Burlington 41042

GROUP: 2024

PIDN: 037.00-00-023.00

Parcel No. 1:

Beginning at the corner of the Castleman and Ridd tract on the Burlington and Bellevue Pike; Thence in a northerly direction with the Riddell line to a corner post in the line fence enclosing said Wilkes house; thence with said fence in a westerly direction to the new post, being the corner of said enclosure; Thence in a southerly direction with said fence, passing a post at the end of the enclosure to a point near the center of said Pike, in a line of George Blythe; Thence in an easterly direction with Blythe's line to the beginning embracing the lot of land now enclosed about the said Wilkes' house.

Parcel No. 2

Lying and being in Boone County, Kentucky, on the Burlington and Bellevue Pike, bounded on the east by lands of Joseph Clements and Charles Birkle (Tract No. 1 above described); on the south by the lands of said Birkle, D.M. Snyder Leslie Goodridge, George Blythe and Jerry Blythe, on the west by the lands of the heirs of the late Amos Hall; and on the north by lands of Hubert Gaines. Containing about 57 acres.

Less the following Exceptions:

- 1) There is excepted from the foregoing boundary about one (1) acre of ground conveyed to J.W. Goodridge, by deed dated April 9, 1913, and recorded in Deed Book 54 Page 340 of the Boone County records at Burlington.
- 2) Also, there is excepted from the foregoing 5.24 acres more or less conveyed by Mary Wachs, a single person to William Bitter, et ux, by deed dated July 25, 1964 and recorded in Deed Book 163 page 316 of the Boone County Court Records at Burlington, Kentucky.

Described below is a newly created legal description of the property described herein which the Grantor is conveying by this Deed to Grantee.

BOONE COUNTY
D1150 PG780

LEGAL DESCRIPTION
WACHS PROPERTY
50.7823 ACRES

- Situated In the Commonwealth of Kentucky, unincorporated Boone County, being the land now or formerly conveyed to Roslyn Wachs, Trustee, by deed, recorded in Deed Book 830, Page 230 of the Boone County deed records on file in Burlington, KY, and being more particularly described as follows:
- Beginning at a set iron pin in the northerly right-of-way of State Route 18, (a.k.a. Burlington and Bellevue Pike), being the southeasterly corner of the land now or formerly conveyed to Gideon Craymeir, by deed, recorded in Deed Book 997, Page 365 of said county records;
- Thence leaving said right-of-way, N 02°58'25" E a distance of 1184.54 feet to a found ½" iron pin, being the common corner of Section 4 of the Hidden Creek Subdivision, Plat Slide 522B of said county records and Section 1 of the Hidden Creek II Subdivision, Plat Cabinet 4, Page 227 of said county records;
- Thence along the southerly line of said Section One of Hidden Creek II Subdivision for the next two (2) courses:
1. S 74°46'04" E a distance of 259.86 feet to a found iron pin with cap (LS 2930);
2. N 09°28'56" E a distance of 25.00 feet to a found iron pin with cap (LS 2930);
- Thence continuing along said southerly line of said Section 1 of Hidden Creek II Subdivision and along the southerly lines of Hidden Creek II Subdivision Section 2 recorded in Plat Cabinet 4 slide 290, the southerly lines of Hidden Creek II Subdivision, Section 3 recorded in Plat Cabinet 5 slide 84, the southerly lines of Hidden Creek II Subdivision Section 10 recorded in Plat Cabinet 5 slide 362, S 86°56'27" E a distance of 1162.14 feet to a found iron pin and cap #3423 One Eleven;
- Thence continuing with the southerly lines of said Hidden Creek II Subdivision Section 10 and the southerly lines of Hidden Creek II Subdivision Section 11 recorded in Plat Cabinet 5 slide 793, S 78°19'49" E a distance of 546.12 feet to a found iron pin with cap (LS 2930), being the southeasterly corner of Lot #70 of said Hidden Creek II and being a point in the westerly line of the land now or formerly conveyed to Susan Belle Zimmer Archambault by deed, recorded in Deed Book D1149, Page 324 of said county records;
- Thence along the westerly line of the Archambault tract, S 03°45'55" W a distance of 700.30 feet to a found iron pin and cap #3423 One Eleven, in the northerly line of the land now or formerly conveyed to Donna Greene by deed, recorded in Deed Book 640, Page 186 of said county records;
- Thence along the northerly and westerly line of the said Greene tract for the next two (2) courses:
1. N 78°18'02" W a distance of 339.64 feet to a set iron pin;
2. S 03°18'28" W a distance of 679.28 feet to a set iron pin in the northerly line of State Route 18;
- Thence along said northerly right-of-way, next ten (10) courses:
1. along a non-tangent curve to the right, a chord bearing of N 75°29'40" W a chord distance of 68.63 feet, a radius of 2617.99 feet and an arc length of 68.63 feet to a set iron pin;
2. N 72°40'43" W a distance of 48.74 feet to a set iron pin;
3. along a non-tangent curve to the right, a chord bearing of N 68°49'54" W a chord distance of 251.46 feet, a radius of 3434.77 feet and an arc length of 251.51 feet to a set iron pin;
4. N 64°48'35" W a distance of 234.65 feet to a set iron pin;
5. along a non-tangent curve to the left, a chord bearing of N 73°01'51" W a chord distance of 281.87 feet, a radius of 826.26 feet and an arc length of 283.25 feet to a set iron pin;

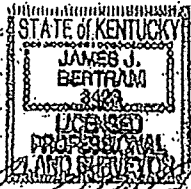
BOONE COUNTY

D1150 PG781

- 6. N:84°26'06" W a distance of 87.42 feet to a set iron pin;
- 7. along a non-tangent curve to the left, a chord bearing of S:87°44'22" W a chord distance of 237.85 feet, a radius of 900.71 feet and an arc length of 238.55 feet to a set iron pin;
- 8. S:81°21'19" W a distance of 48.53 feet to a set iron pin;
- 9. along a non-tangent curve to the right, a chord bearing of N:87°14'42" W a chord distance of 248.05 feet, a radius of 698.52 feet and an arc length of 249.86 feet to a set iron pin;
- 10. N:77°09'04" W a distance of 447.74 feet to the point of beginning

Containing 50.7823 acres of land more or less, subject to easements, conditions, covenants, restrictions, and rights-of-way of record.

The above description and bearing system is based on the Hidden Creek II subdivision, Section 5, Plat Cabinet 5, Page 84. It is further based on a field survey made by One Eleven Engineering and Surveying, PLLC dated November 20, 2007, then later updated by Keystone Surveying and Mapping on February 17, 2019, and then monuments were verified on August 24, 2020 by CT Consultants.



James J. Bertram
 8-26-2020

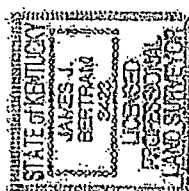
Prepared by:
 CT Consultants Inc.
 James J. Bertram Jr. #3423 in the
 Commonwealth of Kentucky
 August 26, 2020

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY MYSELF OR UNDER MY DIRECT SUPERVISION, BY THE METHOD OF RANDOM TRAVERSE WITH SIDESHOTS, THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1:40,087 AND WAS NOT ADJUSTED. THE SURVEY AS SHOWN HEREON IS AN URBAN SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.

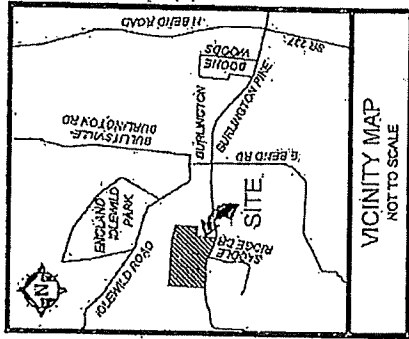
James J. Bertram
 JAMES J. BERTRAM, PLS #2923
 IN THE COMMONWEALTH OF KENTUCKY

8-26-20 DATE

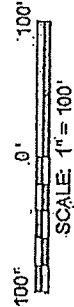


LAND SURVEYOR'S NOTES:

1. ALL FOUND MONUMENTATION IN GOOD CONDITION, UNLESS OTHERWISE NOTED.
2. DATA SOURCES FOR THIS SURVEY INCLUDE DOCUMENTS CITED HEREON.
3. THIS PROPERTY WAS CONVEYED TO ROSLYN WACHS, AS RECORDED IN DEED BOOK 830, PAGE 230 OF THE BOONE COUNTY DEED RECORDS ON FILE IN BURLINGTON, KENTUCKY.
4. ENCROACHMENTS AS NOTED.
5. NO EVIDENCE OF A GEMETERY FOUND ON SUBJECT PROPERTY.
6. ORIGINAL FIELD WORK WAS PREPARED BY ONE ELEVEN ENGINEERING AND SURVEYING PLLC UNDER MY DIRECT SUPERVISION ON 11-20-2007.
7. FIELD WORK UPDATED BY KEYSTONE SURVEYING AND MAPPING UNDER MY DIRECT SUPERVISION ON 2-17-2019.
8. CT CONSULTANTS, INC. VERIFIED MONUMENTS ON 8-24-2020 UNDER MY DIRECT SUPERVISION.
9. EXISTING FENCE LINES RUN GENERALLY WITH THE PROPERTY LINE UNLESS OTHERWISE NOTED.



GROUP NUMBER: 2024



SURVEYOR'S ADDRESS:
 CT CONSULTANTS, INC.
 2161 CHAMBER CENTER DRIVE
 FORT MITCHELL, KENTUCKY 40117

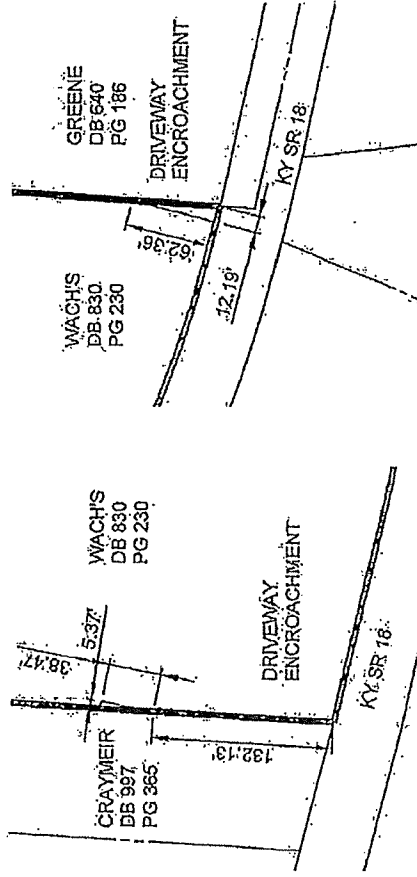
OWNER:
 ROSLYN WACHS
 RR 3, 128 MG
 MONTICELLO, KENTUCKY 42653

CLIENT:
 POTTERHOUSE GROUP
 189 WEBER LANE
 FLORENCE, KENTUCKY 41042.

SURVEY COMPLETES WITH 201 KAR-18-150.

DATE OF DRAWING: AUGUST 25, 2020

ENCROACHMENTS

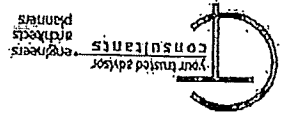


DETAIL "B"

DETAIL "A"

SURVEY PLAT

WACHS PROPERTY
 CITY OF BURLINGTON
 BOONE COUNTY, KENTUCKY



PROJECT NO.	200788
DISCIPLINE	SURVEY
SHEET	1
OF	2

BOONE COUNTY
D1203 PG595

DOCUMENT NO: 936528
RECORDED: 4/12/2023 9:48:16 AM
VIA ERECORDING
TRANSFER TAX: \$100.00
TOTAL FEES: \$150.00
COUNTY CLERK: JUSTIN CRIGLER
DEPUTY CLERK: BCK
COUNTY: BOONE COUNTY
BOOK: D1203 PAGES: 595-597
GROUP ID: 5310

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED is made and entered into this ~~11~~ 11th day of April, 2023, by and between **Sherlock Homes, LLC**, a Kentucky liability company, whose mailing address is 6434 Crofton Court, Burlington, KY 41005 (the "Grantor"), and **DFK Direct Investments Wach, LLC**, a Kentucky limited liability company, whose mailing address is 1720 W. Division Street, Chicago, IL 60622 (the "Grantee").

WITNESSETH:

That for and in consideration of the sum of One Hundred Thousand Dollars (\$100,000.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby bargain, sell, and convey in fee simple to the Grantee, its successors and assigns forever, the following described real estate:

Parcel One

PIDN: 037.00-05-070.00
Group: 5310

6539 Hammer Court
Burlington, KY 41005

Being all of Lot No. Seventy (70), Hidden Creek II Subdivision, Section Eleven (11) as shown on Plat Cabinet 5, Slide 793 of the Boone County Clerk's records at Burlington, Kentucky.

Parcel Two

PIDN: 037.00-05-071.00
Group: 5310

6540 Hammer Court
Burlington, KY 41005

Being all of Lot No. Seventy-One (71), Hidden Creek II Subdivision, Section Eleven (11) as shown on Plat Cabinet 5, Slide 793 of the Boone County Clerk's records at Burlington, Kentucky.

Subject to easements and restrictions of record and/or in existence.

BOONE COUNTY
D1203 PG596

Being part of the same property conveyed to Sherlock Homes, LLC, a Kentucky limited liability company and Grantor herein, by virtue of a general warranty deed from Paul Ritter IV, unmarried, a Kentucky limited liability company, dated August 27, 2020, and recorded on August 28, 2020; in Deed Book 1150, Pages 629-632, in the office of the Boone County Clerk's records, Burlington, Kentucky.

Grantor's Tax Mailing Address: 6434 Crofton Court, Burlington, KY 41005
Grantee's Tax Mailing Address: 189 Weber Lane, Florence, KY 41042

TO HAVE AND TO HOLD the above described real estate, together with all PRIVILEGES AND APPURTENANCES to the same belonging, unto the Grantee, its successors and assigns forever, in fee simple forever, HEREBY COVENANTING with Grantee, its successors and assigns, that the Title so conveyed is CLEAR, FREE AND UNENCUMBERED, and that Grantor will WARRANT AND DEFEND the same against all legal claims whatsoever. The Grantee joins in the execution of this deed for the sole purpose of certifying the consideration.

IN TESTIMONY WHEREOF, witness the signature of the Grantor hereto as of the date first above written.

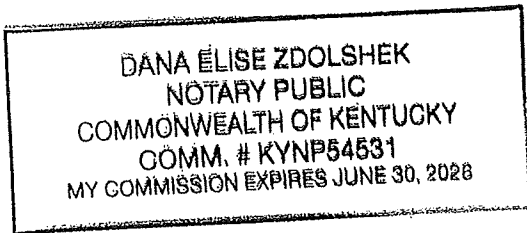
GRANTOR:

Sherlock Homes, LLC, a Kentucky limited liability company

By: William P. Leitz
William P. Leitz, Sole Member

STATE OF Kentucky
COUNTY OF Kenton

The foregoing instrument was subscribed, sworn to and acknowledged before me this 11 day of April, 2023 by William P. Leitz, Sole Member of Sherlock Homes, LLC, a Kentucky limited liability company, on behalf of the company.



Dana Elise Zdolshek
Notary Public and Seal
My commission expires: 6/30/26

CONSIDERATION CERTIFICATE

Pursuant to K.R.S. Chapter 382, the undersigned, first being duly cautioned and sworn, the Grantor and Grantee in the above deed, do hereby certify that \$100,000.00 is the true, correct, and full consideration paid for the real estate herein conveyed. We further certify our understanding that falsification of the stated full estimated value is a Class D Felony, subject to one to five years imprisonment and fines of up to \$10,000.00.

BOONE COUNTY
D1203 PG597

GRANTOR:

Sherlock Homes, LLC,
a Kentucky limited liability company

By: William P. Leitz
William P. Leitz, Sole Member

GRANTEE:

DFK Direct Investments Wach, LLC,
a Kentucky limited liability company

By: LMR Development, LLC, a
Kentucky limited liability
company, its Manager

By: Lee M. Rickey
Lee M. Rickey, Sole Member

STATE OF Kentucky
COUNTY OF Kenton

The foregoing instrument was subscribed, sworn to and acknowledged before me this 11 day of April, 2023 by William P. Leitz, the Sole Member of Sherlock Homes, LLC, a Kentucky limited liability company, on behalf of the company. This is an acknowledgement clause; no oath or affirmation was given.

Dana Elise Zdolshek
Notary Public and Seal
My commission expires: 6/30/26

STATE OF Kentucky
COUNTY OF Kenton

The foregoing instrument was subscribed, sworn to and acknowledged before me this 11 day of April, 2023 by Lee M. Rickey, the sole member of LMR Development, LLC, a Kentucky limited liability company, which is the manager of DFK Direct Investments Wach, LLC, a Kentucky limited liability company. This is an acknowledgement clause; no oath or affirmation was given.

DANA ELISE ZDOLSHEK
NOTARY PUBLIC
COMMONWEALTH OF KENTUCKY
COMM. # KYNP54531
MY COMMISSION EXPIRES JUNE 30, 2026

Dana Elise Zdolshek
Notary Public and Seal
My commission expires: 6/30/26

This instrument prepared by and return to:

Patrick S. Reagan
Patrick S. Reagan, Esq.
Keith & Associates, PLLC
715 Bakewell Street, Covington, KY 41011
(859) 261-6800
preagan@keithlawyers.com

DANA ELISE ZDOLSHEK
NOTARY PUBLIC
COMMONWEALTH OF KENTUCKY
COMM. # KYNP54531
MY COMMISSION EXPIRES JUNE 30, 2026

ORDINANCE 2023-24

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

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 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, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval, with Conditions, 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, with conditions, this Zoning Map Amendment being a zone change 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 real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates/Planned Development (RSE/PD) and Suburban Residential One (SR-1) zones is more particularly described in DEED BOOKS/PG NOS: 1150/777 and 1203/595 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

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

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


Section Three

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

First Reading the 24th day of October 2023

Second Reading the 14th day of November 2023

Adopted this 14th day of November 2023 Yes 4 No 0



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

ATTEST:



Shona Schulkers,
Fiscal Court Clerk

VINEYARD ESTATES

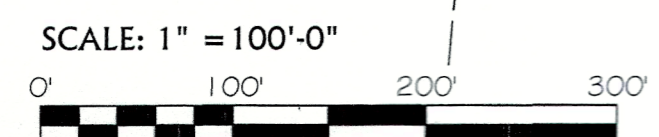
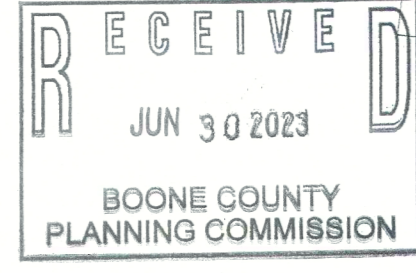
Zoning Map Amendment
APPROVED with conditions
 Staff M. Schwartz
 Date 9/16/2023
 Boone County
 Planning Commission



GENERAL NOTES

- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH. THEREFORE THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHT-OF-WAY, COVENANTS, ETC. AS MAY BE DISCLOSED IN A CURRENT, COMPREHENSIVE TITLE SEARCH.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN BASED ON A PLAN PREPARED BY ONE ELEVEN ENGINEERING AND SURVEYING DATED AUGUST 14, 2007.
- MERIDIAN IS REFERENCED TO THE KENTUCKY STATE PLANE COORDINATE SYSTEM, NAD 1983.
- OFFSETS (IF SHOWN) ARE FOR SURVEY REFERENCES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION OF ANY TYPE.
- WETLANDS, ENVIRONMENTAL, AND/OR HAZARDOUS MATERIALS LOCATIONS, IF ANY, NOT COVERED UNDER THIS CONTRACT. THIS WORK IS CURRENTLY BEING COMPLETED BY THE APPLICANT AND WILL BE PROVIDED PRIOR TO THE FINAL DESIGN. THIS PLAN WILL MINIMIZE THE IMPACT TO THE DELINEATED STREAMS AND WETLANDS, WHERE POSSIBLE. IF PERMITTING IS REQUIRED, THE DEVELOPER WILL APPLY FOR THE APPROVAL FOR THE IMPACT AND PROVIDE THE REQUIRED CONDITIONS OF THE AGENCY'S APPROVAL.
- THIS PLAN IS NOT VALID UNLESS EMBOSSED OR STAMPED WITH THE SEAL OF THE UNDERSIGNED PROFESSIONAL(S).
- SUBJECT PROPERTIES AREA CURRENT ZONING RSE / PD / CD AND SR-1. SETBACKS AND MINIMUM SIZE REQUIREMENTS ACCORDING TO APPROVED PLAN AND THE SR-1 ZONING CODE.
- PROPOSED ZONING: RS/PD/CD
 MINIMUM LOT SIZE: 8,000 SF
 MINIMUM FRONT YARD: 25 FEET
 MINIMUM SIDE YARD: 5 FEET TOTAL 10 FEET
 MINIMUM REAR YARD: 25 FEET
 DENSITY: 2.0 D.U. PER ACRE
 MAXIMUM HEIGHT: 45 FEET
- UNDERGROUND PIPES AND CONDUITS ARE PLOTTED FROM UTILITY PLANS AND GIS INFORMATION. LOCATIONS OF THESE WILL NEED TO BE FIELD VERIFIED.
- THIS DRAWING WAS CREATED FROM EXISTING DRAWINGS AND GIS INFORMATION, AND HAS AN UNVERIFIED ACCURACY. THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY PREPARED BY KEYSTONE SURVEYING AND MAPPING AND IS NOT INTENDED TO BE USED FOR TRANSFER OF LAND OR SHOULD BE USED FOR ANY OTHER PURPOSE THAN CONCEPTUAL PLANNING.
- STATE ROUTE 18 A.K.A. BURLINGTON PIKE HAS A POSTED SPEED LIMIT OF 35 MPH ALONG THE FRONT OF THE PROPOSED SITE. AN ENCROACHMENT PERMIT WILL NEED TO BE FILED AND APPROVED BY KENTUCKY TRANSPORTATION CABINET.
- SOIL TYPES: JESSUP SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES, SEVERELY ERODED.
 JESSUP SILT LOAM, 12 TO 20 PERCENT SLOPES
 ROSSMOYNE SILT LOAM, 0 TO 6 PERCENT SLOPES
 ROSSMOYNE SILT LOAM, 6 TO 12 PERCENT SLOPES
 CYNTHIAN FLAGGY SILTY CLAY LOAM, 20 TO 50 PERCENT SLOPES
 BOONESBORO SILTY LOAM, 0 TO 4 PERCENT SLOPES, OCCASIONALLY FLOODED
- THE PROPOSED DEVELOPMENT IS INCORPORATING OPEN SPACE, THAT WILL BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION, TO PROVIDE THE PRESERVATION OF EXISTING VEGETATION ALONG THE CREEKS, AND SLOPES TO PRESERVE THE NATURAL FEATURES AND VIEWS OF THE SUBJECT PROPERTY AND ADJOINING PROPERTIES.
- ENTRANCE SIGNAGE AND LANDSCAPING WILL BE ACCORDING TO ARTICLE 15 PLANNED DEVELOPMENT DISTRICT SPECIFICATIONS.
- THE SUBJECT PROPERTY IS LOCATED IN AN AREA OF MINIMAL FLOOD HAZARD ZONE "X" ACCORDING TO COMMUNITY PANEL NUMBER 210013 0115 C. EFFECTIVE DATE: JUNE 4, 2007.
- EROSION CONTROL, STORM WATER MANAGEMENT AND FACILITIES WILL BE DESIGN IN ACCORDANCE WITH THE SANITATION DISTRICT NO 1 AND BOONE COUNTY SPECIFICATIONS.
- PUBLIC WATER WILL BE PROVIDED TO ALL LOTS, THE WATER MAINS AND STRUCTURES WILL BE DESIGN ACCORDING TO BOONE COUNTY WATER DISTRICT'S SPECIFICATIONS.
- PUBLIC SANITATION WILL BE DESIGNED AND CONSTRUCTED ACCORDING TO THE SPECIFICATIONS OF SANITATION DISTRICT NO 1.
- THE DEVELOPER AGREES TO REPLACE ANY EXISTING FENCING ALONG THE PROPERTY LINE, AS LONG AS THE FENCE DOES NOT ENCRUCH THAT MAY BE DISTURBED DURING THE CONSTRUCTION OF THIS DEVELOPMENT.
- THE DEVELOPER AGREES TO KEEP THE OVERALL GRADING TO A MINIMUM CONCENTRATION ON THE CONSTRUCTION OF THE ENTRANCE ROAD, STREETS AND HOME SITES, THE CONSTRUCTION OF THE PONDS AND UTILITIES SO AS TO PRESERVE AS MUCH OF THE EXISTING VEGETATION AND NATURAL BUFFERS. THE VEGETATION TO REMAIN IS DEPICTED HEREON, AND FINAL ADJUSTMENTS WILL BE MADE UPON FINAL DESIGN TO PRESERVE THE VEGETATION AS POSSIBLE.
- STREET NAMES SHOWN HEREON WILL BE VERIFIED AND RESERVED UPON APPROVAL OF THE ZONE CHANGE, AND WILL BE SHOWN ON THE PRELIMINARY PLAT.
 HAMMER COURT - 50' R/W WITH PAVEMENT WIDTH OF 25 FEET
 CABERNET DRIVE - 50' R/W WITH PAVEMENT WIDTH OF 25 FEET
 MOSCATO COURT - 50' R/W WITH PAVEMENT WIDTH OF 25 FEET
 SAUTERNES DRIVE - 60' R/W WITH PAVEMENT WIDTH OF 28 FEET

AREA / DENSITY	CLIENT:
22.96 ACRES OPEN SPACE	MARONDA HOMES
28.59 ACRES IN LOTS AND RIGHT-OF-WAY	4710 INTERSTATE DRIVE
0.19 ACRES IN SR 18 RIGHT-OF-WAY	CINCINNATI, OHIO 45246
51.55 ACRES TOTAL	
DENSITY CALCULATION	OWNER:
104 TOTAL LOTS	DFK DIRECT INVESTMENTS WACH LLC
2.02 LOTS PER ACRE	189 WEBER LANE
	FLORENCE, KY. 41042
OPEN SPACE	
44.5% OPEN SPACE PROVIDED	



CONCEPT PLAN FOR MAP AMENDMENT

MARONDA HOMES
BURLINGTON, BOONE COUNTY, KENTUCKY

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