

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
SEP 25 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: Powell - Rezoning to ~~Commercial~~ Recreational
2. Location of Project: Lot #2 of Riverview Subdivision Addition No. 1, Ryle Rd Union, Ky 41091
Immediate To the north 12526 Ryle Rd Union Ky 41091
3. Total Acreage of Project: 2.0299 acres
2.030 acres
4. Current Zoning of Property: Residential, Agricultural
5. Proposed Zoning of Property (classification being requested): Recreation
6. Proposed Use(s) (specify each use):
Camp, store RV + Boat personal use only
7. Proposed Building Intensities (specify for each building):
N/A
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: Rose + Donald Powell
Address: 1160 Periwinkle Dr
Florence Ky 41042
City State Zip Code
Phone Number: 859-547-7387 Fax Number: _____
Email: _____
10. Applicant: Same As Above
Address: _____

City State Zip Code
Phone Number: _____ Fax Number: _____
Email: rose.powell1981@gmail.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: Shed - to remain

12. D1082 298 to 206bA
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 12/21/2023

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

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

EXHIBIT

“A”

STAFF REPORT

#1

Request of **Rose Powell, on behalf of Rose and Donald Powell (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00. The request is for a zone change to allow a campground with personal boat and recreational vehicle storage.

November 15, 2023

REQUEST

- A. The request is to rezone a residential parcel to recreation to allow a campground with personal boat and recreational vehicle storage.

PERTINENT SITE HISTORY

- A. The site has been zoned RSE and A-1 since the adoption of the 1980 zoning ordinance.
- B. A violation was issued in July of 2023 for the RV/Camper on the property without a principal structure on the site.

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
 - 1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 - 2. The existing zoning classification is inappropriate, and that the proposed zoning classification is appropriate; or
 - 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 700 (Recreation) of the Boone County Zoning Regulations states that "The purpose of the Recreation district is to identify, protect, and provide for the use of lands and structures for recreation activities. The purpose is further to ensure compatibility between the scale, extent, character, and location of these uses, surrounding development, local needs for recreation facilities, environmental suitabilities, and the limits of supporting infrastructure."
- C. Section 505.1 of the Boone County Zoning Regulations identifies "campgrounds for recreational vehicles" as a principally permitted use in the R district."
- D. Section 3314 of the Boone County Zoning Regulations identifies "All parking and loading spaces set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface. Interlocking, concrete

pavers that permit grass to grow through openings are an acceptable substitute for asphalt concrete or portland cement concrete for parking spaces and driveways that serve 50 or less parking spaces provided that at least 50 percent of the paver surface is exposed as the driving surface.”

- E. Section 3645 of the Boone County Zoning Regulations requires a buffer yard C, having a minimum width of 60 feet between development to be provided along the perimeter of the site adjoining a residential district.
- F. Section 3617 states that the Zoning Administrator shall have the authority to grant a waiver of any of the requirements in this article except SECTION 3655 upon receipt of a written request which outlines the rationale for the waiver.
- G. Section 4000 of the Boone County Zoning Regulations defines Recreational Vehicles as “A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles pursuant to this definition include motor homes, camper trailers, boats, as well as dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicle may also be considered to be a trailer pursuant to the definition in this article.”

ADJACENT LAND USES AND ZONING

North: Vacant Land (RSE)
South: Single Family Dwellings (RSE)
East: Vacant Farm Land (A-1)
West: Single Family Dwelling and Vacant Land (RSE)

SITE CHARACTERISTICS

- A. The approximately 2.0 acres area is located along the west side of Ryle Road, approximately .85 miles southwest of Beaver Road.
- B. The property is heavily wooded.
- C. There is an existing camper, boat, and an existing shed on the property.
- D. The site has approximately 150 feet of frontage along Ryle Road.
- E. Access to the site is from an existing concrete driveway off Ryle Road.
- F. Topographically, the site slopes from the rear of the property towards Ryle Road at an average grade of 32%.

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for designates the site for “Developmentally Sensitive” (DS) uses.
 - 1. Developmentally Sensitive is described as have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet) or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or

contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service) data and mapping, through the Boone County Geographic Information System (GIS). The degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessments will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development”.

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

1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
2. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
3. 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).
4. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
5. Developmentally Sensitive and scenic areas shall be identified, mapped, and stabilized. Developments proposed in any of these areas shall be carefully designed and reviewed to minimize environmental impacts (Environment Goal A, Objective 3).
6. Developmentally Sensitive hillsides in Boone County must be given special consideration. Any proposed development on hillsides designated as such shall be reviewed and monitored to maintain the environmental and structural integrity of the hillsides (Environment Goal A, Objective 4).
7. 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).
8. 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).

- C. This site is located in the Big Bone Future Land Use Geographical Area. This geographical area contains the following passages which relates to the proposal:
1. The area of KY 338, from Riddles Run Road to Big Bone Church Road, may see the development of some seasonal homes as well as seasonal camping at Big Bone Lick Historic Site and Boone's Landing. Land between Ryle Road and Boat Dock Road should not be developed due to steep slopes and poor soil conditions. Big Bone Historic Site should continue to expand in size and quality. (p. 136).
 2. Most of the acreage in this section is Developmentally Sensitive, and should remain wooded. Residential development in this area is concentrated on Ryle Road, along the Ohio River. Ryle Road is subject to frequent slippage along the steep river banks. The resulting poor condition of the road limits future residential growth. The existing residential uses along Ryle Road limit potential public access to the river in this area. An effort should be made to connect Big Bone Historic Site with Big Bone Boat Dock. (p. 136).
- D. The following Future Land Use Development Guidelines from Our Boone County Plan 2040 relate to the application:
1. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography p. 95).
 2. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Buffer areas should use and supplement existing site features where possible (Buffering, p. 95).
 3. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways (Landscaping p. 96).
 4. Developments in Boone County must recognize the potential impacts of associated

traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and sight distance for access points, adequate spacing between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service. In addition, the amount of travel time saved for services relying on routing (such as school buses, waste collection, mail, and other delivery services) is invaluable, not to mention the importance of simply connecting neighborhoods and people to each other. More importantly, the connectivity between developments promotes safety as emergency response vehicles have multiple ways of gaining access to a property during an emergency (Access Management p. 96).

CONCEPT PLAN

- A. The applicant has supplied a plan showing the following:
1. A 16' x 20' shed.
 2. A concrete driveway providing access to and from Ryle Road.
 3. A 49' x 36' leach field.
 4. A parking area for a travel trailer.

STAFF COMMENTS

- A. Staff has the following comments and concerns regarding the request:
1. A portion of the parking area is labeled rock & limestone. Staff would like the applicant to clarify if they intend to leave a portion of the parking as unpaved.
 2. The parking area of the boat appears to be within the public right-of-way. Staff would like the applicant to confirm the location in which the boat will be parked.
 3. A Buffer Yard C, which is 60 feet wide, would be required around the perimeter of the site if the property is rezoned to R. The applicant can request a Waiver of Requirements, which may be granted by the Zoning Administrator.
 4. Staff would like the applicant to clarify the maximum number of campers and boats that will utilize the property.

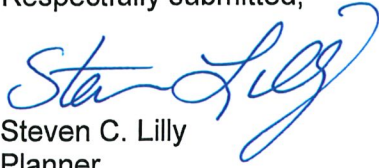
CONCLUSION

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

STAFF REPORT – Rose Powell
November 15, 2023

Page 6

Respectfully submitted,



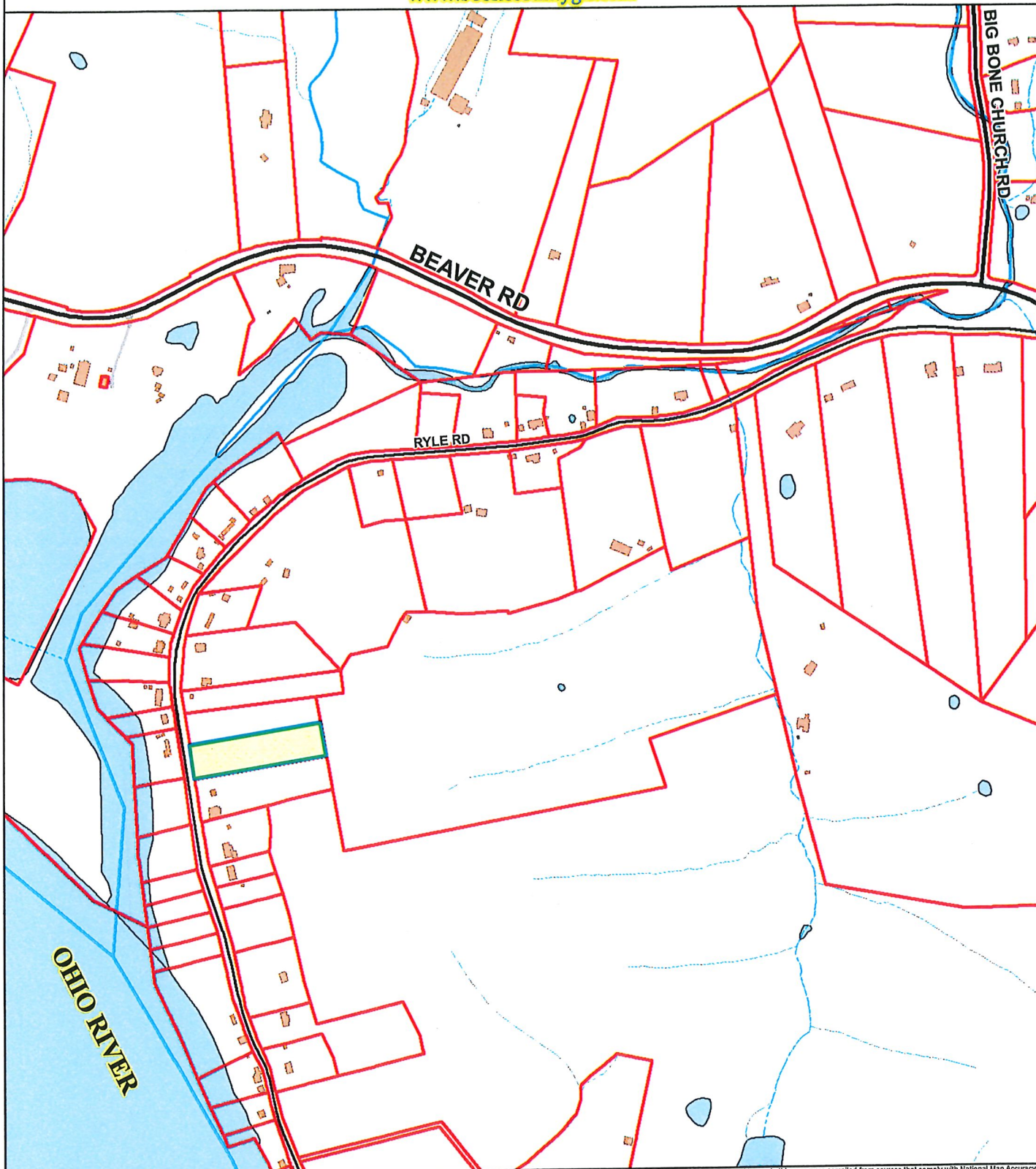
Steven C. Lilly
Planner
SCL

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Flood Zone Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan

Vicinity Map

www.boonecountygis.com



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0 300 600 1,200 1,800 2,400 Feet

1 inch = 600 feet

Boone County GIS - Putting Northern Kentucky on the Map

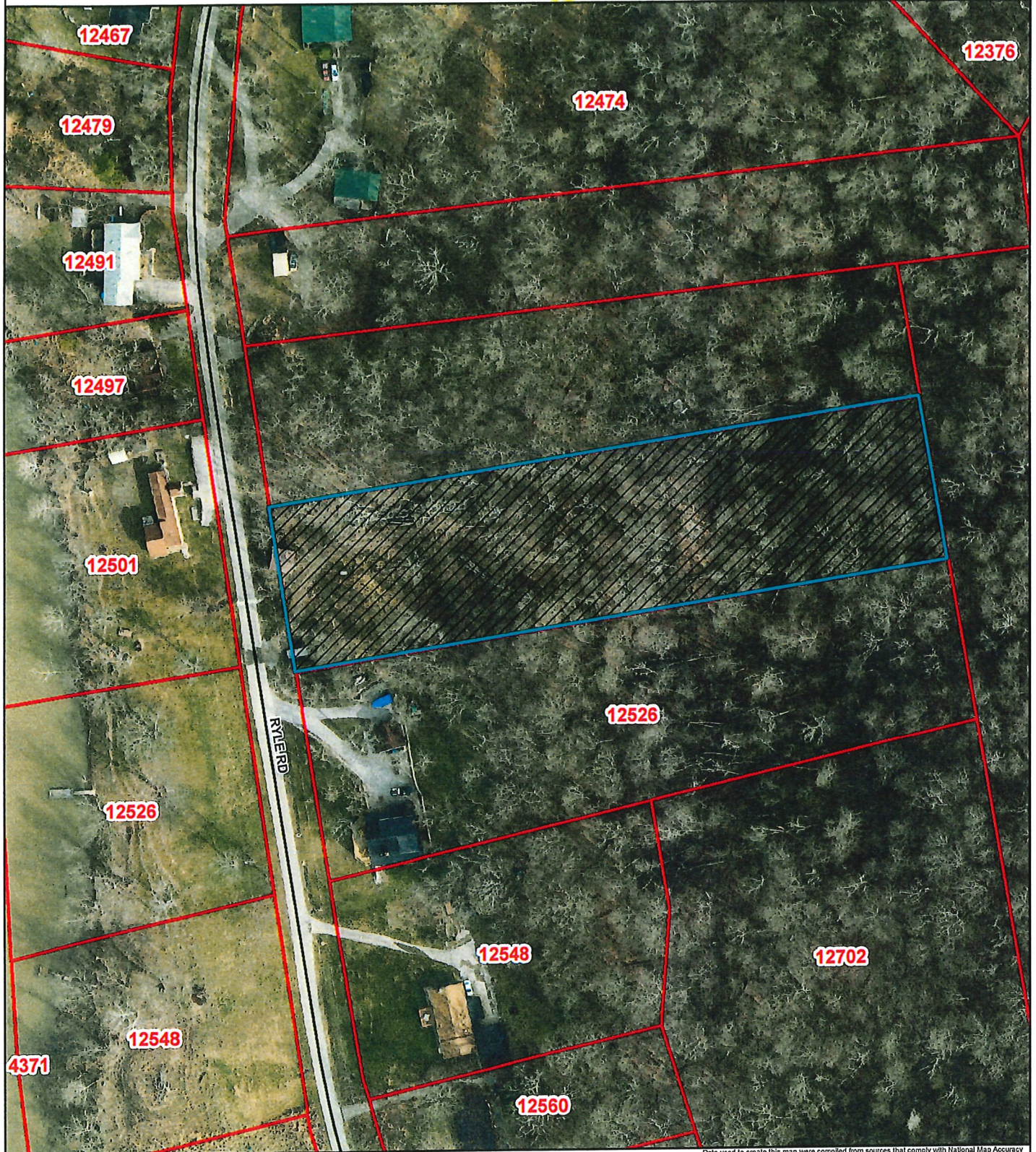


With Prices Kentucky South 943 1983
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Map Created: xx/xx/2022

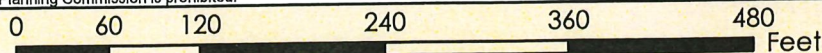
Aerial Map

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1 inch = 120 feet



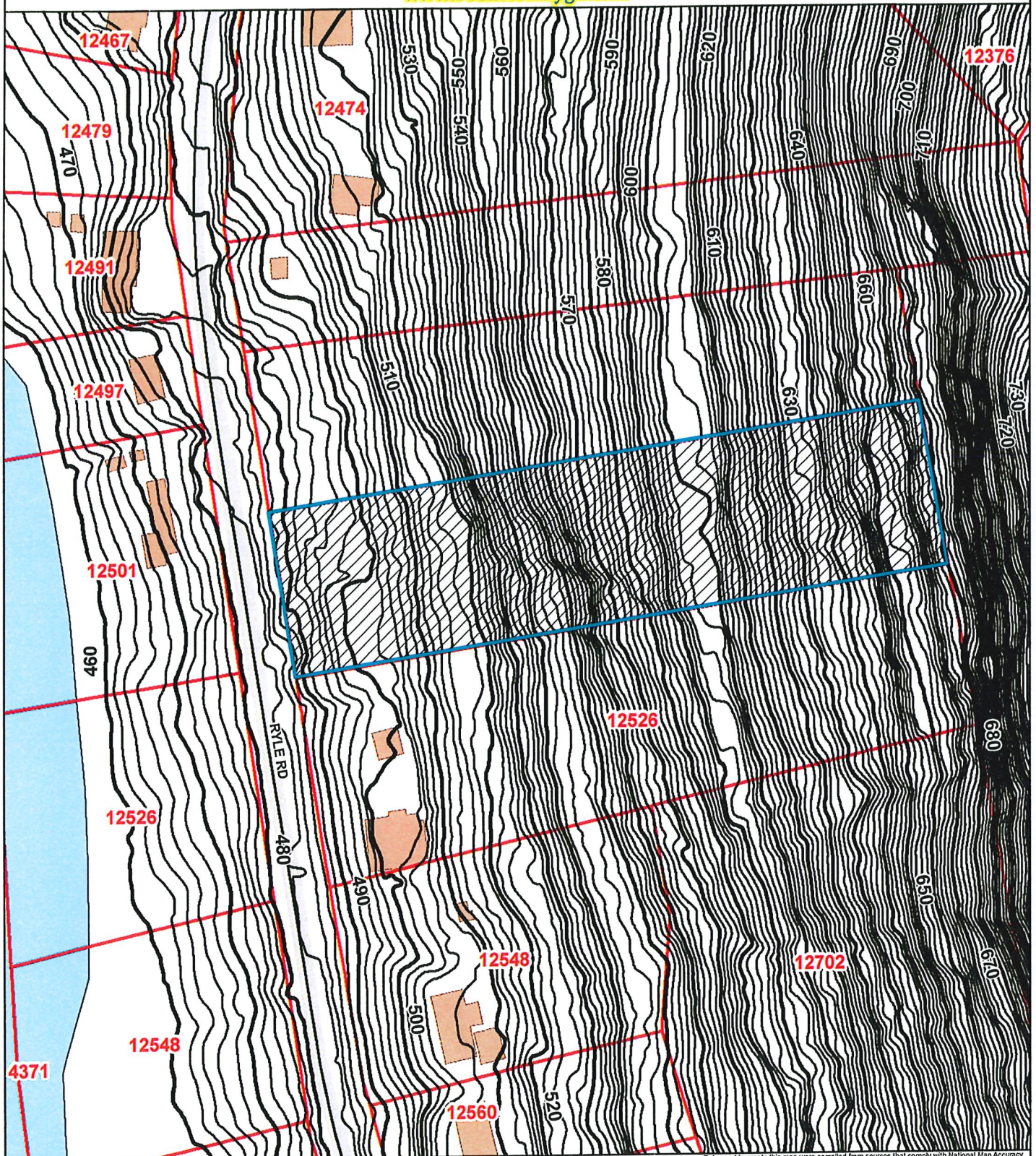
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Boone County GIS
ArcMap Document: *.mxd

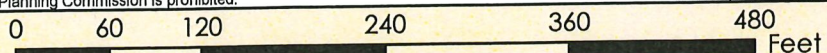
Topographical Map

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Boone County GIS - Putting Northern Kentucky on the Map

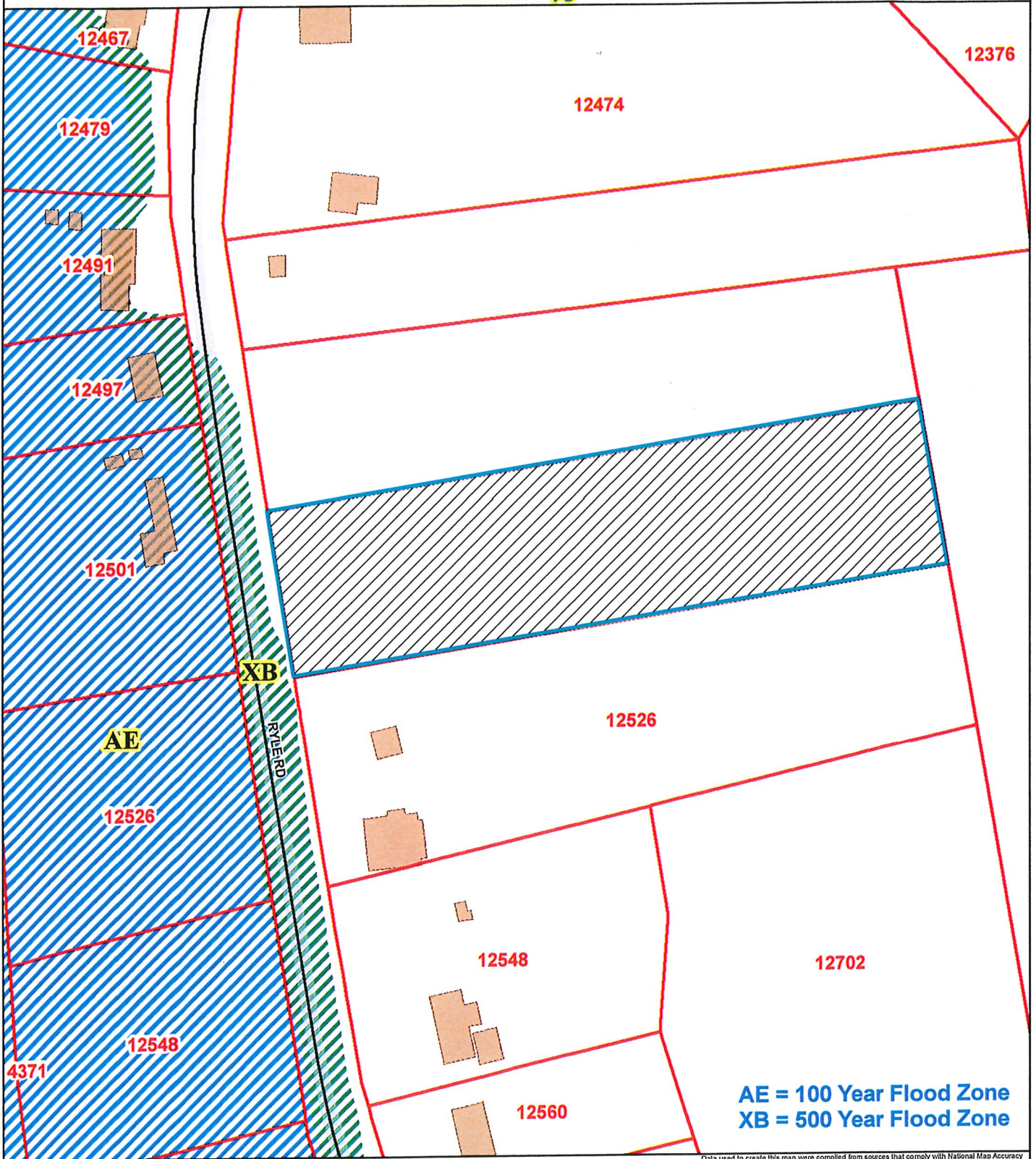


Map Created: 10/11/2022

Boone County GIS
ArcMap Document: *.mxd

Flood Zone Map

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0 60 120 240 360 480 Feet

1 inch = 120 feet



Boone County GIS - Putting Northern Kentucky on the Map

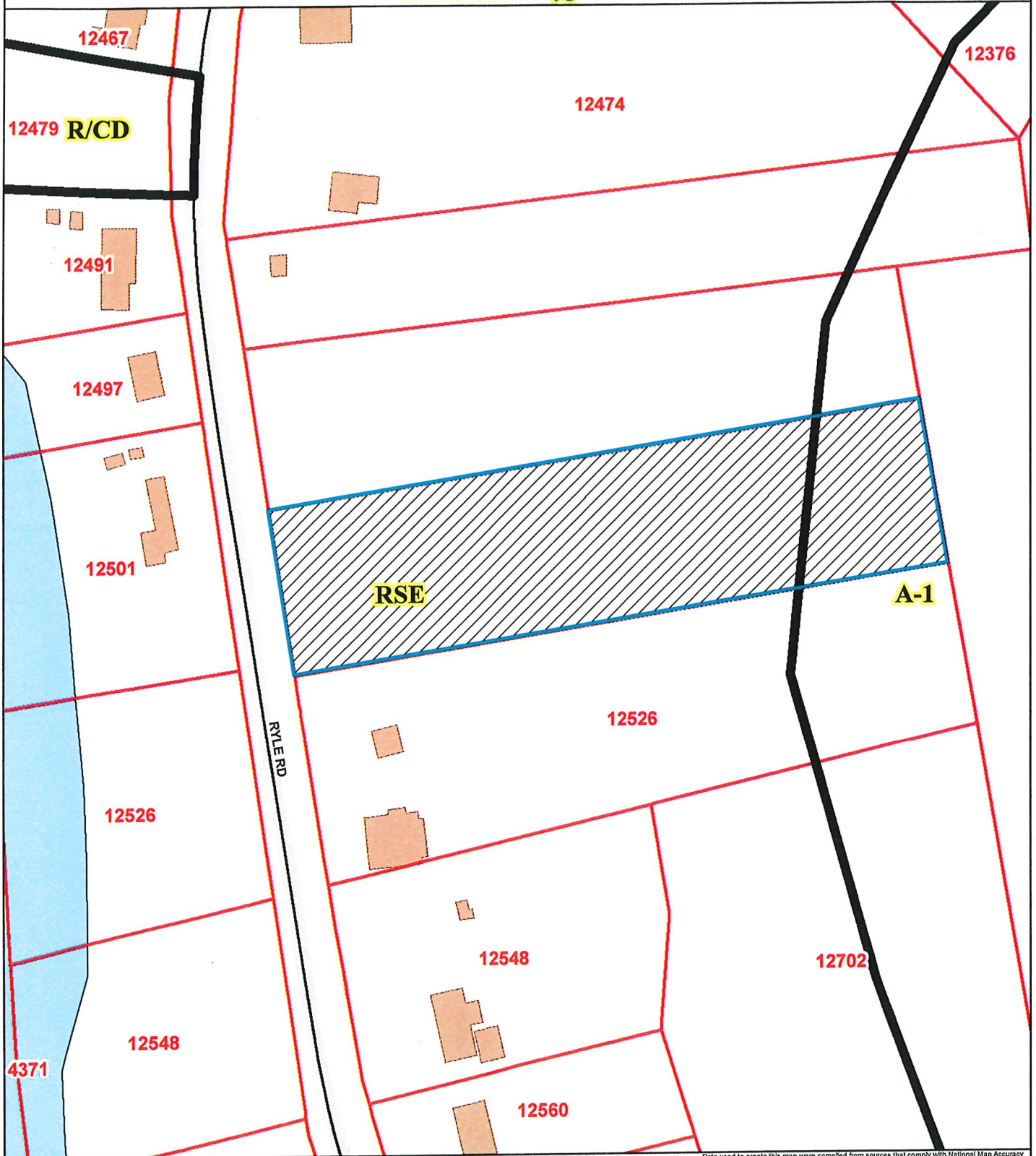


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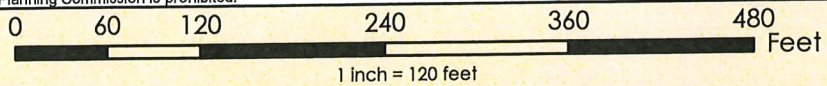
Zoning Map

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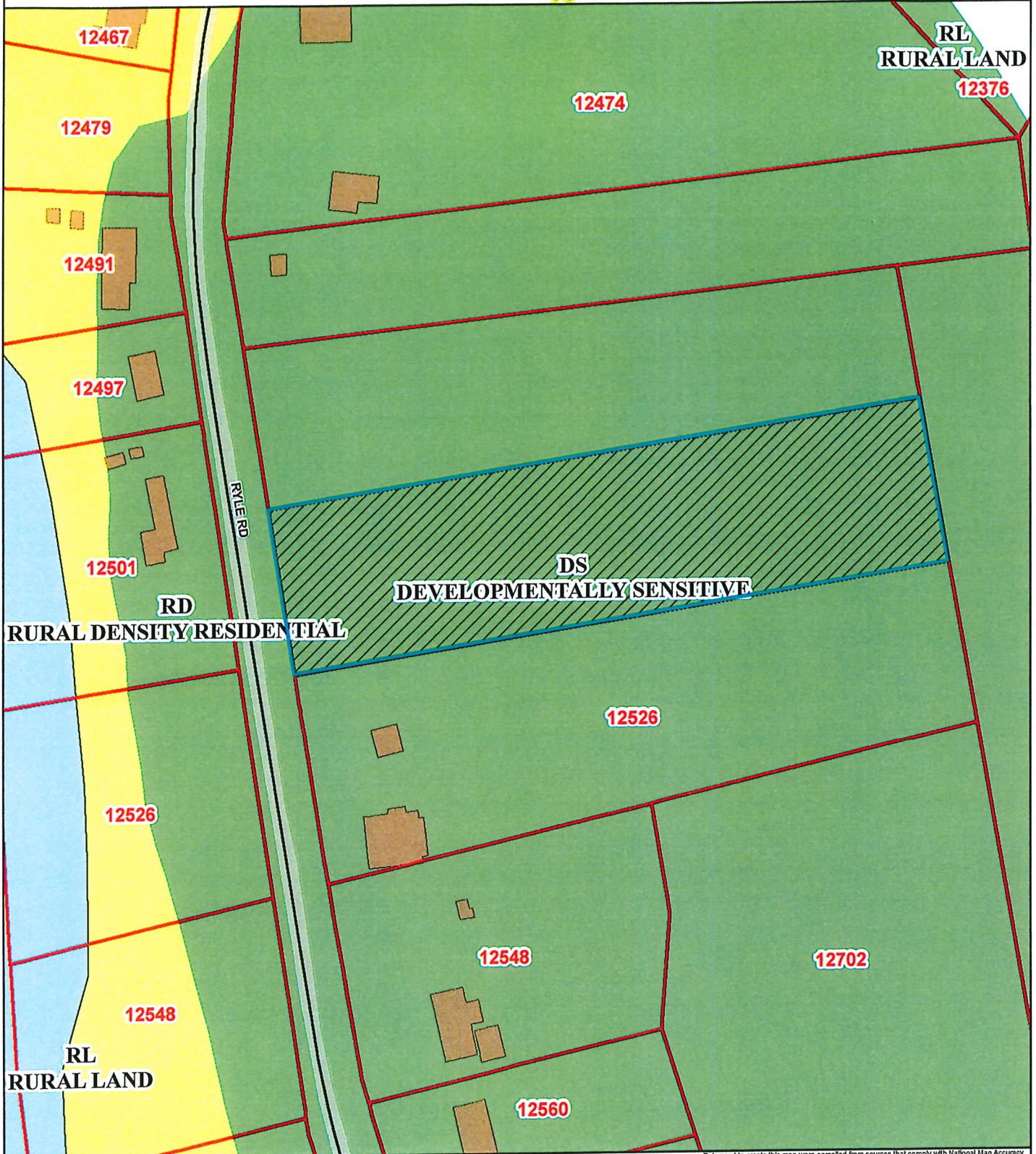
Boone County GIS - Putting Northern Kentucky on the Map

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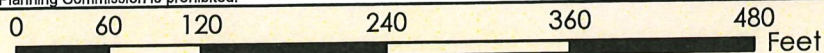
2040 Future Land Use Map

www.boonecountygis.com



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BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
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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):

- | | |
|---|---|
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| <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 |
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| <input type="checkbox"/> Kentucky Transportation Cabinet | |

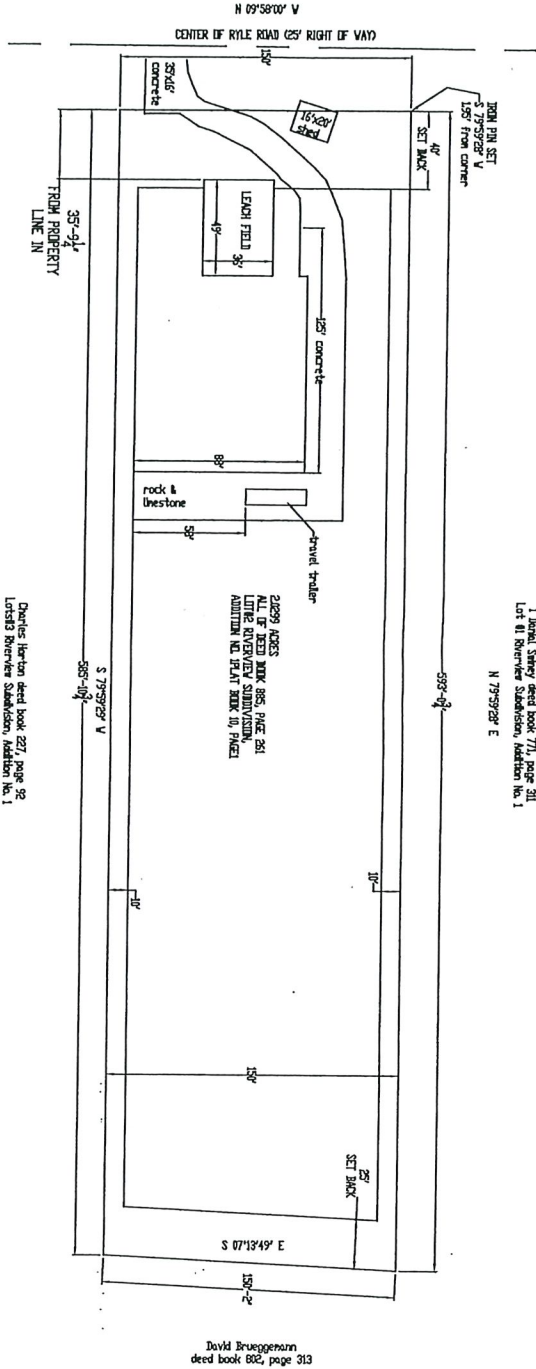
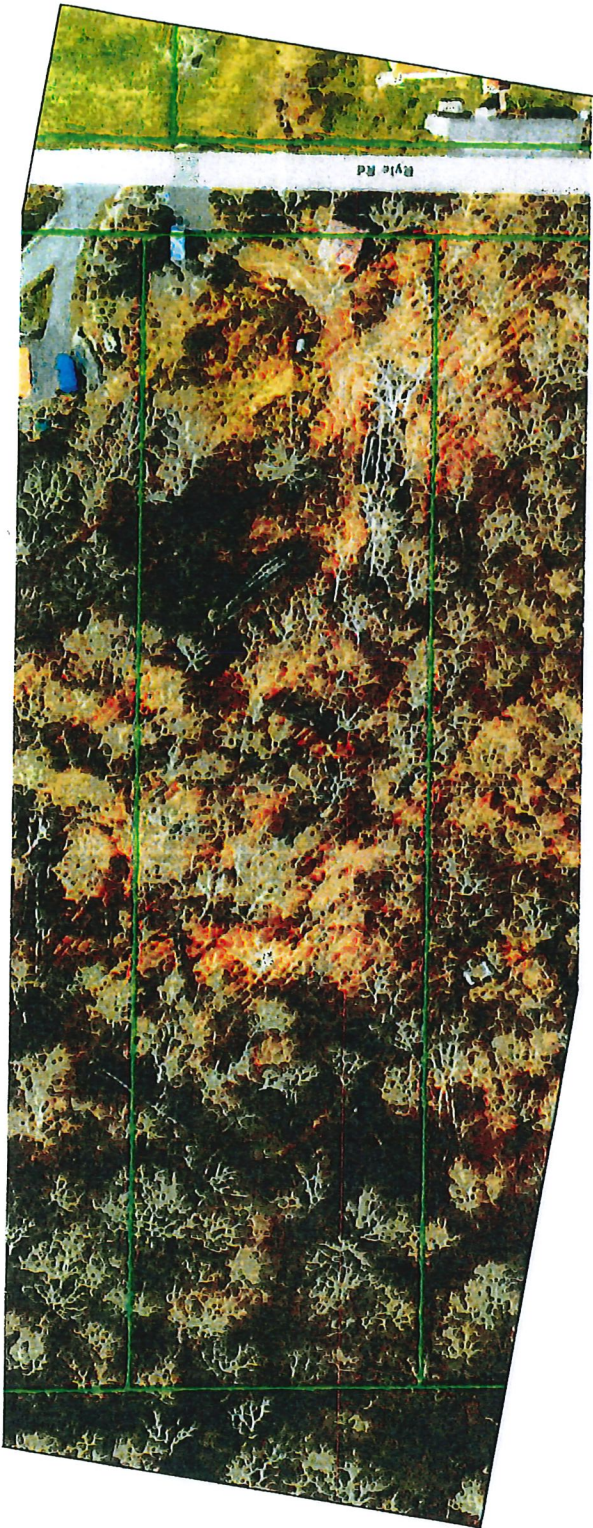
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ORIGINAL Property Owner's Signature: Rose M Powell
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

RECEIVED
 BOONE COUNTY
 PLANNING COMMISSION
 SEP 25 2023



1 Daniel Simey deed book 771, page 311
 Lot B1 Riverview Subdivision, Addition No. 1
 N 79°52'28" E

Charles Horton deed book 227, page 82
 Little Riverview Subdivision, Addition No. 1

DRAWN BY	PROJECT
	PROJECT ADDRESS
	SHEET TITLE

REV#	DATE	REVISION DESCRIPTION	BY

--

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Harper, Chair

DATE: November 30, 2023

RE: Request of **Rose Powell, on behalf of Rose and Donald Powell (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00. The request is for a zone change to allow a campground with personal boat and recreational vehicle storage.

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 Zoning Map Amendment request based on the following findings of fact:

ZONING MAP FINDINGS OF FACT

1. The Committee concluded that the proposed R 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 Developmentally Sensitive uses which is described as have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet) or have unique soil or flooding characteristics which limit the ability of an area to support urban development or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character.
2. The Committee concluded that the proposed R district is consistent with several Our Boone County Plan 2040 Goals and Objectives.
 - a. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 - b. 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).
 - c. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
 - d. Developmentally Sensitive and scenic areas shall be identified, mapped, and stabilized. Developments proposed in any of these areas shall be carefully designed and reviewed to minimize environmental impacts (Environment Goal A, Objective 3).

3. In making these findings the Committee concluded that the submitted Concept Development Plan shows that the site will utilize the existing topography of the site with very limited clearing of the existing wooded areas. The plan identifies that the site will be utilized for a personal campsite with a single camper and storage for a single boat. The minimal impact of the proposal is consistent with preserving the existing environment of the site.

CONDITIONS

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

1. That the site be restricted to allow for the parking/storage of a single boat and a single recreational vehicle.
2. That all parking/storage areas shall be paved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface.
3. That the boat parking be outside of the public right-of-way.

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

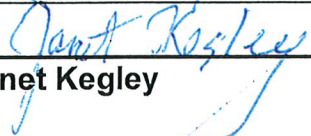
TO: Boone County Planning Commission
FROM: Steve Harper, Chairman
DATE: November 29, 2023

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, Steve Harper, Chairman, Steve Lilly, Staff


1. Request of **Rose Powell, on behalf of Rose and Donald Powell (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00. The request is for a zone change to allow a campground with personal boat and recreational vehicle storage.



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

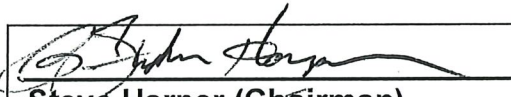


Corrin Gulick
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



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

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



Steve Harper (Chairman)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

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

David Hincks
For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____

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

TOTAL: _____ DEFERRED 4 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
NOVEMBER 15, 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 November 15, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
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. Bob Schwenke
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the first item on the Agenda:

ZONING MAP AMENDMENT, Steve Lilly, Staff

1. Request of **Rose Powell, on behalf of Rose and Donald Powell (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of

Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00. The request is for a zone change to allow a campground with personal boat and recreational vehicle storage.

Staff Member, Steve Lilly, referred to his PowerPoint presentation (See Staff Report). The 2 acre site is located on the east side of Ryle Road and 0.9 miles southwest of Beaver Road. The parcel is heavily wooded and has approximately 150 feet of road frontage. Ryle Road is 16 feet wide and is maintained by Boone County. The site slopes upward from Ryle Road at an average grade of 32%. It has 2 terraced areas. The parcel is outside of the floodplain. The parcel is split zoned – RSE and A-1. Mr. Lilly described the surrounding lands uses and zoning. Pages 1-2 of the Staff Report include sections of the Zoning Regulations that apply to the site. The 2040 Future Land Use Map designates the site as Developmentally Sensitive (DS) as described in the Staff Report. Pages 2-5 of the Staff Report outline references to the Comprehensive Plan. A Concept Development Plan was submitted with the application. It consists of a 16' x 20' shed, a concrete drive, a 49' x 36' leach field and a travel trailer. Mr. Lilly showed photographs of the site. In terms of Staff Comments, Mr. Lilly inquired whether a portion of the parking area will be left unpaved? Will the existing boat be parking in the Ryle Road right-of-way? A Buffer Yard C (60 feet wide) is normally required on the north, east and south sides of the site if the site is rezoned to Recreation (R). The applicant can request a waiver of the buffer yard but there is an area where the neighboring property owner will be able to see the site. Finally, what will be the maximum number of campers and boats that will be on the property?

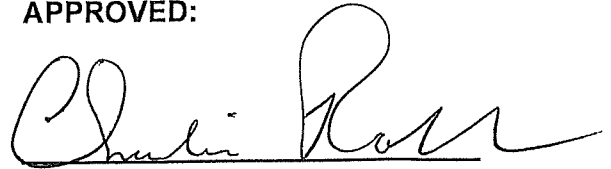
Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Donald Powell, applicant, stated that the camper is located on the property because he likes to have his grandchildren camp on the property. They sleep in the camper because they are terrified of bugs. There will only be one boat and camper on the subject property. A portion of the parking area will be unpaved because Mr. Powell wants to put a deck in front of the camper. He will move the boat up the hill and out of the right-of-way once he moves his shed. He will also apply for a landscaping buffer waiver.

At this time, Chairman Rolfsen asked if anyone in the audience who was in favor or against the request or have questions? Seeing no one, he asked if any Board members had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 29, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 6, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:42 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 HEARINGS
NOVEMBER 15, 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 November 15, 2023 Public Hearings.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
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. Bob Schwenke
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the first item on the Agenda:

ZONING MAP AMENDMENT, Steve Lilly, Staff

1. Request of Rose Powell, on behalf of Rose and Donald Powell (applicant/owner) for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of

Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00. The request is for a zone change to allow a campground with personal boat and recreational vehicle storage.

Staff Member, Steve Lilly, referred to his PowerPoint presentation (See Staff Report). The 2 acre site is located on the east side of Ryle Road and 0.9 miles southwest of Beaver Road. The parcel is heavily wooded and has approximately 150 feet of road frontage. Ryle Road is 16 feet wide and is maintained by Boone County. The site slopes upward from Ryle Road at an average grade of 32%. It has 2 terraced areas. The parcel is outside of the floodplain. The parcel is split zoned – RSE and A-1. Mr. Lilly described the surrounding lands uses and zoning. Pages 1-2 of the Staff Report include sections of the Zoning Regulations that apply to the site. The 2040 Future Land Use Map designates the site as Developmentally Sensitive (DS) as described in the Staff Report. Pages 2-5 of the Staff Report outline references to the Comprehensive Plan. A Concept Development Plan was submitted with the application. It consists of a 16' x 20' shed, a concrete drive, a 49' x 36' leach field and a travel trailer. Mr. Lilly showed photographs of the site. In terms of Staff Comments, Mr. Lilly inquired whether a portion of the parking area will be left unpaved? Will the existing boat be parking in the Ryle Road right-of-way? A Buffer Yard C (60 feet wide) is normally required on the north, east and south sides of the site if the site is rezoned to Recreation (R). The applicant can request a waiver of the buffer yard but there is an area where the neighboring property owner will be able to see the site. Finally, what will be the maximum number of campers and boats that will be on the property?

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

Mr. Donald Powell, applicant, stated that the camper is located on the property because he likes to have his grandchildren camp on the property. They sleep in the camper because they are terrified of bugs. There will only be one boat and camper on the subject property. A portion of the parking area will be unpaved because Mr. Powell wants to put a deck in front of the camper. He will move the boat up the hill and out of the right-of-way once he moves his shed. He will also apply for a landscaping buffer waiver.

At this time, Chairman Rolfsen asked if anyone in the audience who was in favor or against the request or have questions? Seeing no one, he asked if any Board members had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 29, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 6, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:42 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
DECEMBER 6, 2023
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:02 p.m. and welcomed the audience to the Planning Commission's December 6, 2023 Business Meeting. Mr. Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance led by Mr. Cooper Stewart, a future Eagle Scout.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the November 15, 2023 Business Meeting and Public Hearings. He asked if there were any comments or corrections?

Mrs. Goetting moved to approve the Minutes as presented. Mr. Szurlinski 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 November 2, 2023 and December 6, 2023.

EXPENSES:

Accounting Fees	\$ 1,538.00
Attorney Fees	4,600.00
Auto Expense	251.92
Consultant/Professional Svcs Fees	871.25
Filing Fees (CLURS)	950.00
Legal Ads/Recruitment	783.86
Miscellaneous Expense	1,862.84
Office & Board Meeting Supplies	1,974.36
Office Equipment / Maintenance	692.40
Office Equipment / Expense	552.72
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	166.00
Professional Development	<u>150.00</u>

TOTAL: \$ 14,893.35

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 8,236.85
Health/Dental/Life/LTD	17,016.22
Retirement – BCPC Portion	20,887.44
Salaries – Staff Expenses	112,601.44
Salaries – BCPC & BOA	<u>1,450.00</u>

TOTAL: \$ 160,191.95

GRAND TOTAL: \$ 175,085.30

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

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff

1. Requests of **Continental Fund 734 LLC, per Lexi Goetsch (applicant) for Gregory Ammon and Helen Ammon (owners)** for: (1) a Zoning Map Amendment from Commercial Four/Planned Development (C-4/PD) and Suburban Residential Two/Planned Development (SR-2/PD) to Urban Residential

Two/Planned Development (UR-2/PD) for a 14.25 acre area located at the southwest corner of Burlington Pike and Camp Ernst Road, at the terminus of Beil Road, and across from Patrick Drive, Boone County, KY. The site includes the properties at 2141 Burlington Pike and portions of 6089 and 6091 Camp Ernst Road. The request is for a zone change to allow 324 apartment units within nine (9) three-story buildings, a clubhouse/pool, and other accessory uses; (2) a Concept Development Plan in a Suburban Residential Two/Planned Development (SR-2/PD) zone for a 66.53 acre area located on portions of 6089 and 6091 Camp Ernst Road, Boone County, KY. The request is for a Concept Development Plan to allow Ammon Nursery to fully locate their business on a 66.53 acre remainder tract, relocate existing buildings and structures, and construct a new office/retail store, parking areas, gardens, and greenhouses.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment and Concept Development Plan. He showed revised building elevations per the Committee Report. It was recommended unanimously for approval with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gullick voting in favor of the request. The applicant signed the Condition letter.

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

Mr. Jay Bayer, Engineer, stated that he had nothing to add and was available for any questions.

Mr. Carl Smith, 2171 Biehl Road, asked that Beil Road be closed off prior to commencing construction on the site to avoid construction traffic? Mr. Lunnemann responded that the Committee discussed that access to Beil Road would only occur for emergency purposes with a secured gate. The Committee did not discuss closing the road during construction. Mr. Costello explained that it would be up to the County to make that decision as the road is owned by the County. Chairman Rolfsen advised Mr. Smith to let the Fiscal Court know his concern about construction traffic.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Ms. Gulick seconded the motion. Chairman Rolfsen asked about the change in building materials. He asked the location of the stone on the proposed buildings. Mr. Morgan showed the location of the stone based on the revised building elevations. Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Ms. Gulick. The motion passed unanimously.**

ZONING MAP AMENDMENT, Steve Harper, Chairman, Steve Lilly, Staff

2. Request of **Rose Powell, on behalf of Rose and Donald Powell (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00. The request is for a zone change to allow a campground with personal boat and recreational vehicle storage.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment. It was recommended unanimously for approval with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gullick voting in favor of the request. The applicant has signed the Condition letter.

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

Mr. Donald Powell (applicant) stated that he had nothing more to add.

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

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Michael Schwartz, Staff

3. Request of **9541 US 42, LLC , per Thomas J. Ackerman (applicant)** for **the City of Union (owner)** for a Change in an Approved Concept Development Plan in a Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD) zone for lots 2 and 3 of Union Promenade Subdivision. The overall 2.531 acre site is located at the southwest corner of US 42 and Childrens Way and the southeast corner of Childrens Way and Union Promenade, Union, KY. The request is for a Change in an Approved Concept Development Plan to permit a grocery store.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and a Condition for the Change in an Approved Concept Development Plan. It was recommended unanimously for approval with Mr. Harper, Mr. Lunnemann, Mrs. Kegley and Ms. Gulick and voting in favor of the request. The applicant has signed the Condition letter.

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

Mr. James Parsons, attorney for the applicant, stated that he had no comments at this point. He asked the Board to support the Committee's recommendation.

Ms. Tabetra Bine, Arbor Springs Subdivision, stated that she was opposed to the change. The project was supposed to have small shops, small offices, residential and walking trails. It was supposed to be more of a neighborhood development where one could walk in the area to a local deli. Making this change sets it up to make it totally different. They are not trying to do something totally different than what you see along already U.S. 42. There is a grocery store with Kroger and a Publix. The proposed use has a better place somewhere else. We need to hold the developers accountable to the plan that was approved by the City.

Ms. Patricia Hensley, 9712 Colbalt Way, asked what has changed in the last 2.5 years that now means we need a grocery store? What work, live and play? Nobody said we want to walk to a grocery store. What changed physically, socially or economically in which we now need a grocery store? The development was supposed to have fine shops and restaurants.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. He mentioned that the Committee had a considerable discussion about a grocery. It is a small store that promotes the walkability of community living in the development. It is consistent with the overall Concept Development Plan. Mr. Hincks seconded the motion.**

Mr. Szurlinski added that he had some of the same concerns as the residents. He expressed a concern about future changes on other lots. Mr. Costello asked Staff to review the buildings that have been approved for construction. Mr. Schwartz showed the location of UDF, the proposed Aldi store, Children's Hospital, Drees single-family patio homes, two buildings that mirror each other located on the main entrance to the development (micro/brewery restaurant and medical spa), and half of the apartments. There are other restaurants in the pipeline.

Mr. Parsons noted that almost all of the lots have been sold and assured the Committee there would be no more changes to the original Concept Development Plan. Again, the reason for the change was the viewshed easement required by Children's Hospital. One lot had to be combined to protect the viewshed for Children's Hospital. It represents only one change to a 54 acre tract area project with construction occurring on multiple lots today.

Mrs. Steele asked if a grocery stores were ever restricted as a use for the site? Mr. Lunnemann replied that grocery stores were a principally permitted use within the zoning district. The proposed use is the same square footage as what was allowed on the two lots. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mr. Hincks. The motion passed unanimously.**

ZONING MAP AMENDMENTS, David Hincks, Chairman, Steve Lilly, Staff

4. 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.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment and Concept Development Plan. It was recommended unanimously for approval with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gulick voting in favor of the request. The applicant has signed the condition letter.

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

Mr. Dallas (applicant) noted that he didn't have any further comments.

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

WIRELESS COMMUNICATION FACILITY, Rick Lunnemann, Chairman, Todd Morgan, Staff

5. Request of **VB BTS II, LLC – Vertical Bridge (Fortune Wireless), per Jason Riggs (applicant) for James B. Walton (owner)** for a Wireless Communication Facility at 5001 Burlington Pike, Boone County, Kentucky. The request is for a 205 foot tall self-supporting lattice tower, with a 5 foot high lightning rod, and associated antennas and ground equipment.

Mrs. Steele left the meeting room.

Staff Member, Todd Morgan, reminded everyone that the Planning Commission takes final action and not the Fiscal Court based on State law. Mr. Morgan read the Committee Report, which recommended approval based upon Findings of Facts for the Wireless Communication Facility (see Committee Report). It was recommended unanimously for approval with Mr. Lunnemann, Mr. Hincks, Mrs. Goetting and Mr. Vaught voting in favor and Mrs. Steele abstaining.

Chairman Rolfsen asked if the applicant was in the audience and wanted to speak?

Mr. Jason Riggs, applicant, stated that the lighting rod was actually 10 feet and not 5 feet in length.

Seeing no further comment, **Mr. Lunnemann moved to approve the request based upon the Committee Report and subject to the Findings of Fact as presented. Mr. Vaught seconded the motion and it passed unanimously.**

Mrs. Steele returned to the meeting room.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, 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.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Change in Concept Development Plan. Mr. Morgan noted most of the changes that were based on comments are reflected on the revised Concept Development Plan and that is why they are not reflected as conditions. He showed the revised Concept Development Plan and building elevations. It was recommended unanimously for approval with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gulick voting in favor of the request. The applicant has signed the Condition letter.

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

Mr. Jay Bayer, Project Engineer, stated that the Committee got together three times and he had nothing to add at this time. The owner also doesn't have any comments.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence and City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions.** Mr. Szurlinski seconded the motion. Chairman Rolfsen inquired about the two outlots. Mr. Lunnemann replied that they worked through the design of the loading areas and traffic circulations. They also limited the number and type of used on lots 1 & 2. Only small truck deliveries are allowed. There will also be one monument sign for both outlots. Ms. Gulick noted that the applicant added an additional lane between the two buildings. Mrs. Steele inquired about the screen the roof tip equipment. Mr. Bayer replied they are boxed in and will be painted to match the building. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mr. Szurlinski. The motion passed unanimously.**

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

7. Gordon Food Service – 5885 Merchants Street

Staff Member, Todd Morgan, referred to a PowerPoint presentation.

The applicant is proposing a freezer addition in the rear of the existing building. It will be 619 square feet. It will be made of the same building materials. The applicant is proposing three new building mounted signs totaling 200 square feet. They will be a "push-through" style sign.

Mr. Lunnemann moved to approve the request as submitted and presented with the stated condition of a "push-through" sign. Mr. Hincks seconded the motion and it passed unanimously.

NEW BUSINESS

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

8. Request of **Jillian Hunt (applicant)** for **MACS Property, LLC (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an approximate 3.4 acre area located at 2804 Idlewild Bypass, Boone County, Kentucky. The request is for a Change of Concept Development Plan from a landscape business to construction sales and service uses.

ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCE, Michael Schwartz, Staff

9. Request of **The Myers Y. Cooper Company, per Christopher E. Breda (applicant)** for **Em-A-Non Acres, LLC, per Dennis G. Davis (owner)** for: (1) a Zoning Map Amendment from Public Facility (PF) to Commercial Services (C-3) for an approximate 3.2 acre area located along the west side of Grand National

Boulevard, between Davis Lane and Overland Ridge, approximately 250 feet north of Overland Ridge, and being the southern portion of the property located at 11001 Grand National Boulevard, Boone County, Kentucky; (2) a Change of Concept Development Plan for an approximate 7.2 acre area located at 11001 Grand National Boulevard, which is currently zoned Commercial Services (C-3) and Public Facilities (PF) (proposed to be rezoned to C-3), Boone County, Kentucky; and (3) a Variance reducing the Buffer Yard width along a portion of the west property line from sixty (60) feet with a thirty (30) foot option to fifteen (15) feet, for an approximate 7.2 acre area located at 11001 Grand National Boulevard, Boone County, Kentucky. The request is for the development of three (3) commercial building sites.

Mrs. Goetting moved to schedule the Public Hearings for Items #1 and #2 on January 3, 2024 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.

H. EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP asked the full Board to adopt the 2024 office Holiday Schedule, the 2024 Business Meeting and Public Hearing date schedule, the 2024 Committee Meeting schedule and the 2024 Board of Adjustment schedules outlined in Mr. Costello's December 1, 2023 memo and as presented. **Mr. Vaught moved to adopt the four schedules as presented by Mr. Costello. Dr. Clark seconded the motion and it passed unanimously.**

Mr. Costello reported that the Staff is recommending the hiring of Mr. Baline Hovel as a GIS Analyst based upon the information sent to the Board on December 6, 2023. **Mr. Schwanke moved to hire Mr. Blaine Hovel as a GIS Analyst effective December 22, 2023 and subject to the conditions outlined by Mr. Costello in his memorandum/email. Mr. Turner seconded the motion and it passed unanimously.**

Mr. Costello added that Mr. Randy Bessler would like to continue being the Planning Commission's representative to the OKI Board of Trustees for 2024. **Ms. Gulick moved to appoint Mr. Bessler to serve as the Planning Commission's representative to the OKI Board of Trustees. Mr. Schwenke seconded the motion and it passed unanimously.**

Finally, Mr. Costello noted that there will be no Business Meeting on December 20, 2023. However, the Zone Change Committee will meet at 5:00 pm that day.

I. COMMITTEE REPORTS:

- Airport (Randy Bessler)
No Report

- Administrative/Personnel (Tom Szurlinski)
No Report

- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report
- Executive (Charlie Rolfsen)
No Report

J. **CHAIRMAN'S REPORT:** (Charlie Rolfsen)
No Report

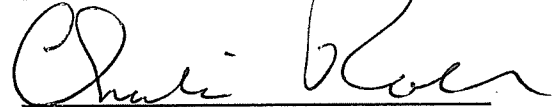
K. **OKI REPORT:** (Randy Bessler)
No Report

L. **OTHER**
Chairman Rolfsen announced that Mr. Schwenke and Mrs. Kegley will serve on the Nomination Committee. If anyone is interested in serving as an officer of the Planning Commission, contact either Mr. Schwenke or Mrs. Kegley. The 2024 Election of Officers will occur on January 3, 2024.

M. **ADJOURNMENT:**

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mrs. Goetting 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

November 30, 2023

Rose Powell
1160 Periwinkle Drive
Florence, KY 41042

RE: Request of **Rose Powell, on behalf of Rose and Donald Powell (applicant/owner)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00. The request is for a zone change to allow a campground with personal boat and recreational vehicle storage.

Dear Mrs. Powell:

The following represents the recommended conditions of approval for the above-referenced application as discussed by the Planning Commission at their November 29, 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 December 6, 2023.

CONDITIONS

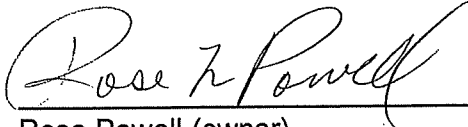
1. That the site be restricted to allow for the parking/storage of a single boat and a single recreational vehicle.
2. That all parking/storage areas shall be paved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface.
3. That the boat parking be outside of the public right-of-way.

Sincerely,

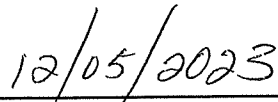
Steven Lilly
Planner, Zoning Services

SCL/ss
AGREEMENT

The property owner and developer of the (1) an approximate 2.0 acre located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00, agrees to the conditions listed herein for the above referenced Zoning Map Amendment.



Rose Powell (owner)



Date

RETURN TO: STEPHEN M. VENARD
ATTORNEY AT LAW
463 COMMONWEALTH AVE.
ERLANGER, KY 41018

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Michael A. Fobbe and Jacqueline M. Fobbe, husband and wife**, their heirs, successors and assigns ("Grantor") for and in consideration of Forty Thousand and 00/100 Dollars (\$40,000.00) to them paid by the Grantee herein, the receipt of which is acknowledged, does bargain, sell, and convey to: **Donald R. Powell and Rose M. Powell, husband and wife** for and during their joint and natural lives with the remainder in fee simple to the survivor of them, her heirs, successors and assigns forever ("Grantee"), the following described Real Estate:

Property Street Address: Lot 2 Riverview Subdivision, Union, Kentucky 41091

Grantor Mailing Address: 204 Park Avenue, Elsmere, Kentucky 41018

Grantee Mailing Address: 118 Friar Tuck Drive, Independence, Kentucky 41051

Tax mailing Address: c/o Donald R. Powell and Rose M. Powell
118 Friar Tuck Drive, Independence, Kentucky 41051

*FOR LEGAL DESCRIPTION SEE EXHIBIT A, ATTACHED
HERETO AND INCORPORATED HEREIN BY REFERENCE.*

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said **Grantee, Donald R. Powell and Rose M. Powell, husband and wife** for and during their joint and natural lives with the remainder in fee simple to the survivor of them, his or her heirs, successors and assigns forever, the **Grantor, Michael A. Fobbe and Jacqueline M. Fobbe, husband and wife**, their heirs, successors and assigns forever, HEREBY COVENANTING in GENERAL WARRANTY, with the Grantee his or her heirs, successors, and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

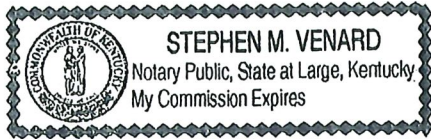
IN WITNESS WHEREOF, the Grantor, **Michael A. Fobbe and Jacqueline M. Fobbe** their heirs, successors and assigns, sets his or her hand, this 14 day of December, 2016.


Michael A. Fobbe


Jacqueline M. Fobbe

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was acknowledged and sworn to before me this 14 day of December, 2016, by **Michael A. Fobbe and Jacqueline M. Fobbe, Grantors.**



[Signature]
Notary Public #508494
My commission expires: 4-25-2018

CERTIFICATE OF CONSIDERATION
STATEMENT IN COMPLIANCE WITH K.R.S. 382.135:

After being duly sworn, the Grantor and the Grantee certify that the actual consideration paid for the property is Forty Thousand and 00/100 dollars (\$40,000.00).
The signature of Grantee relates only to this Certificate of Consideration.

[Signature]

Donald R. Powell, Grantee

[Signature]

Rose M. Powell, Grantee

[Signature]

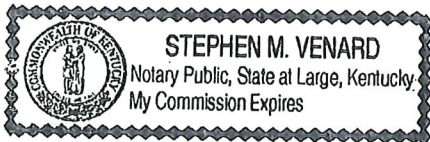
Michael A. Fobbe, Grantor

[Signature]

Jacqueline M. Fobbe, Grantor

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing Certificate of Consideration was acknowledged and sworn to before me this 14 day of December, 2016 by **Michael A. Fobbe and Jacqueline M. Fobbe, Grantors and Donald R. Powell and Rose M. Powell, Grantees.**



[Signature]
Notary Public #508494
My commission expires: 4-25-2018

This instrument prepared by:

[Signature]
Stephen M. Venard, Attorney at Law
Stephen M. Venard, PLLC
463 Commonwealth Avenue
Erlanger, Ky. 41018
(859) 291-3533

EXHIBIT "A"

Street address: Lot 2 Riverview Subdivision, Union, Kentucky 41091

Group No.: 1054

Plat No.: Book 10, Page 1

PIDN: 031.00-04-017.00

Situated in the County of Boone and Commonwealth of Kentucky to wit:

Being Lot Number Tow (2) of Riverview Subdivision, addition No. 1 as shown on the Plat thereof which is recorded in Plat Book 10, at page 1 in the office of the Clerk of Boone County Court.

Subject to conditions, covenants, restrictions, right of ways and easements, of record and/or in existence, including but not limited to those in prior instruments of record; legal highways and zoning ordinances.

Being the same property conveyed to the Grantor herein by deed recorded in Deed Book 1069, page 826 of the Boone County Clerk's records in Burlington, Kentucky.

✓

032

ORDINANCE 2024-04

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF ROSE POWELL, ON BEHALF OF ROSE AND DONALD POWELL (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATE (RSE) AND AGRICULTURE (A-1) TO RECREATION (R) FOR AN APPROXIMATE 2.0 ACRE AREA LOCATED ALONG THE EAST SIDE OF RYLE ROAD, APPROXIMATELY 0.9 MILES SOUTHWEST OF BEAVER ROAD, HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 031.00-04-017.00, 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 Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00, 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 shall be and is hereby approved, with Conditions, this Zoning Map Amendment being a zone change from Rural Suburban Estate (RSE) and Agriculture (A-1) to Recreation (R) for an approximate 2.0 acre area located along the east side of Ryle Road, approximately 0.9 miles southwest of Beaver Road, having a Parcel Identification Number (PIDN) of 031.00-04-017.00 d, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estate (RSE) zone is more particularly described in DEED BOOK: 1082, PAGE NO: 298 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for 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 Committee 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 23rd day of January 2024

Second Reading the 6th day of February 2024

Adopted this 6th day of February 2024 Yes 4 No 0



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

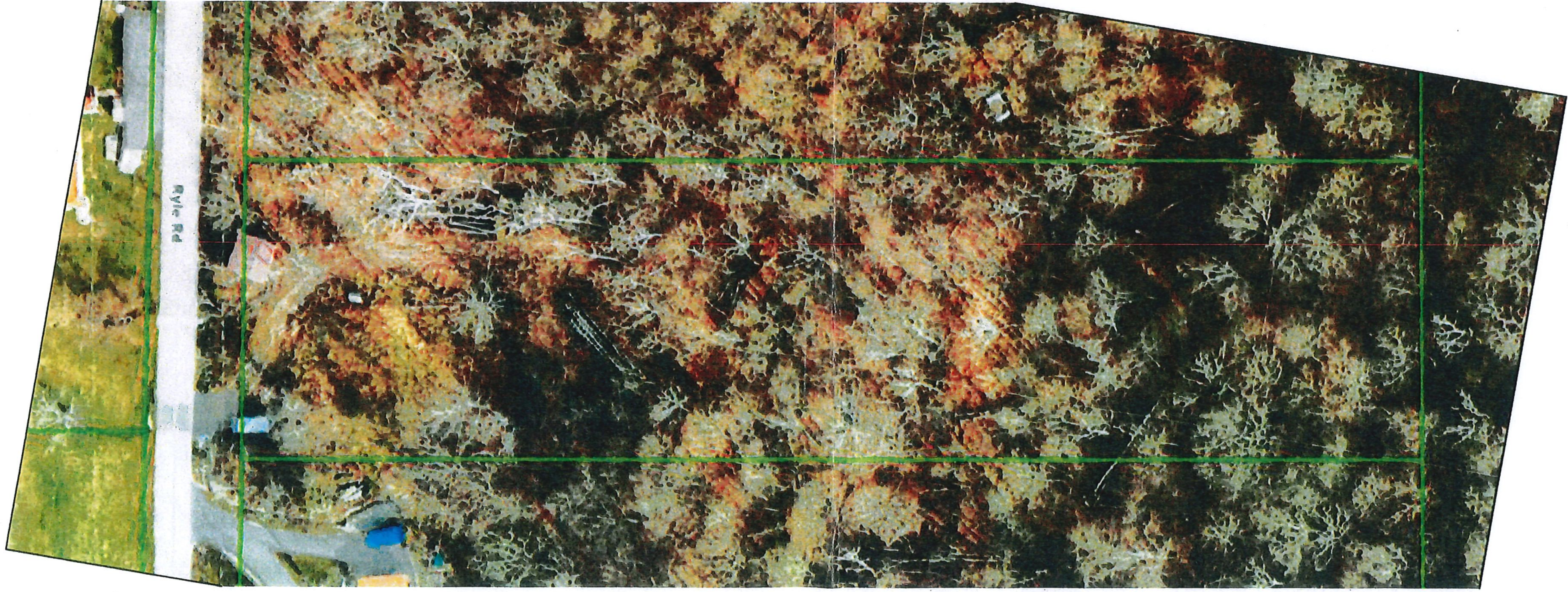
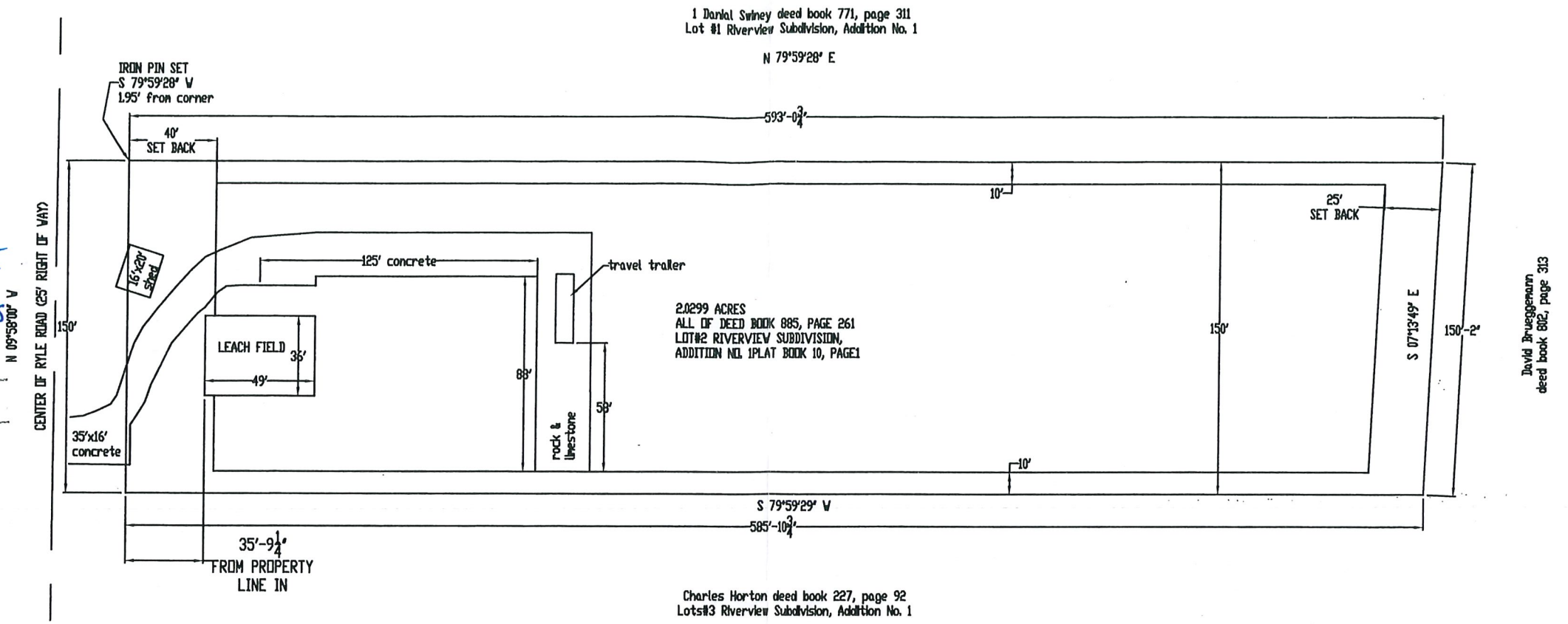
ATTEST:



Shona Schulkers,
Fiscal Court Clerk

RECEIVED
 SEP 25 2023
 BOONE COUNTY
 PLANNING COMMISSION

Zoning Map Amendment with conditions
APPROVED
 Staff *[Signature]*
 Date *12/5/23*
 Boone County
 Planning Commission



PROJECT

REV #	DATE	REVISION DESCRIPTION	BY

PROJECT ADDRESS

SHEET TITLE

DRAWN BY

DATE

JOB NUMBER