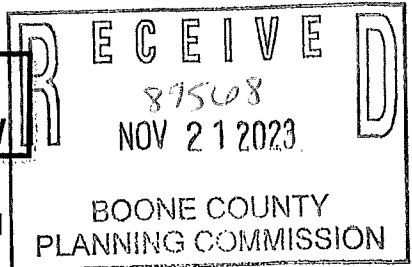


**CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

**SECTION A: (To be completed by applicant)**

1. Type of review (check one):
  - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
  - Change in an Approved Concept Development Plan
  - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
  - Long Range Planning Committee Review (as stated in the Union Town Plan)
  - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
  - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
  - Zoning Administrator Review (as stated in the Mall Road District Study)
  - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
  
2. Name of Project: Office Space
3. Location of Project: 2804 Kiewit Bypass, Petersburg, KY 41080
4. Total Acreage of Project: 3.4310
5. Current Zoning of Property: C3-
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):  
R-04-020
  
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: \_\_\_\_\_
  
8. Proposed Use(s) (specify each use):  
Construction Sales and Service
  
9. Proposed Building Intensities (specify for each building):  
No Change
  
10. Have you submitted a Concept Development Plan:  Yes  No
11. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
12. Current Owner: MACS Property, LLC  
Address: 3057 Caribou Dr.  
Petersburg KY 41080  
City State Zip Code  
Phone Number: 859-912-0198 Fax Number: n/a  
Email: jhunt@thomascontrolservice.com
  
13. Applicant: Jillian Hunt

Address: Same

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number: Same Fax Number: \_\_\_\_\_

Email: Same

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

15. 1215 949 2000  
Deed Book Page Number Group Number

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

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

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

- |   |   |
|---|---|
| <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  |   |

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

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

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on February 22, 2023

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

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

# EXHIBIT

“A”

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.

January 3, 2024

### REQUEST

- A. The submitted request is for a Change in an Approved Concept Development Plan to:
1. Allow construction sales and service uses to occur within the existing site as constructed.

### SITE HISTORY

- 1998 On August 5, 1998, the Boone County Planning Commission approved a Conveyance Plat creating the approximate 3.4 acre parcel of land.
- 2004 On November 23, 2004, the Boone Fiscal Court adopted Ordinance Number 04-16, approving a zoning map amendment changing the site to the C-3 district with the condition that no other uses in the C-3 Zone will be approved except garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles. (R-04-020-A).
- 2006 On October 19, 2006, the Boone County Planning Commission approved a Major Site Plan for the site.
- 2007 On August 31, 2007, the Boone County Planning Commission approved a revised site plan to allow a retaining wall to be constructed on the site.

### APPLICABLE REGULATIONS

- A. Section 302 of the Boone County Zoning Regulations states that a Concept Development Plan is to be submitted as part of a zoning map amendment.
- B. Section 311 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements of Article 3.
- C. Section 505.3 of the Boone County Zoning Regulations identifies Construction Sales and Service as a principally permitted use in the C-3 district.

- D. Article 40 of the Boone County Zoning Regulations defines Construction Sales and Service as an establishment engaged in the wholesale sale of materials used in the construction and maintenance of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors, landscape contractors, grounds keeping, and wholesale nurseries.

#### SITE CHARACTERISTICS

- A. The site contains 4.4310 acres and has approximately 460 feet of frontage along Idlewild Bypass (KY 3608).
- B. The site has an approximately 5,500 square foot commercial building that is served by a concrete driveway from Idlewild Bypass.
- C. The site has existing concrete pavement providing approximately 20 off-street parking spaces.
- D. Topographically, the site has been graded for the existing building and parking areas.
- E. The site has an existing 4' x 8' monument sign near the existing entrance.

#### ADJACENT LAND USES AND ZONING

- North: Vacant land (RSE) and (C-3)
- South: Single Family Residence (RSE)
- East: Vacant land (C-3)
- West: Accessory structure (RSE)

#### RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial and Developmentally Sensitive uses which is described as follows:
1. Commercial – Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
  2. Developmentally Sensitive - Areas that 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:
- a. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  - b. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
  - c. 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).
  - d. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
  - e. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
  - f. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
  - g. 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. 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 (Land Use, Future Land Use Development Guidelines, Utilization of Existing Vegetation and Topography, page 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 (Land Use, Future Land Use Development Guidelines, Buffering, page 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
4. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor (Land Use, Future Land Use Development Guidelines, Design, Signs, and Cultural Resource Preservation, page 97).

D The site is located in the Idlewild Future Land Use Geographical Area. This geographical area contains the following passage which relates to the proposal:

This section of Boone County contains the I-275/Petersburg Road interchange, Idlewild Road, and a portion of KY 20. Portions of the area have public water but lack public sanitary sewer, which affects projected land uses and development density in and around the interchange. The south side of the I-275/Petersburg interchange should experience highway related commercial growth as well as services for residents living in the area and tourists visiting the Answers in Genesis Creation Museum. This growth is likely to occur on the southern half of the interchange because of easy access to the interchange and availability of relatively flat land. In addition, a mixture of office, retail, business park and residential uses are recommended on the west side of KY 20 and south of I-275. Access to future Commercial, Business Park and High Suburban Density Residential uses in the southwestern quadrant must align with Bullittsburg Church Road. Bullittsburg Church Road should be improved to support additional traffic from the existing museum and future commercial development. The existing concrete plant site

should eventually be redeveloped as office or retail uses. The wooded swale south of the plant site should remain as a buffer to existing and planned residential uses in the area to the south.

- E. Idlewild Bypass is a state-maintained arterial street providing for two-way traffic within two driving lanes.

#### EXISTING CONCEPT PLAN

- A. The existing approved Concept Plan includes the following:
  1. Construction of an Office/Shop commercial building.
  2. A curb cut from Idlewild By-Pass Road.
  3. Provision for off-street parking.
  4. Provision for outdoor material storage.
  5. Provision for a septic sewer facility.

#### PROPOSED CONCEPT PLAN

- A. The applicant is not proposing any changes to the site. The change is solely to the permitted use of the site within the existing Zoning district.
- B. The applicant has submitted a project narrative.
- C. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, Bullock Pen Water District, Hebron Fire Protection District, and the Kentucky Transportation Cabinet requesting comments pertaining to the request. Those responding replied that they had no issue with the proposal.

#### STAFF COMMENTS

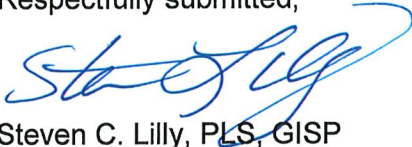
- A. Prior to 2020, Section 1031 of the Zoning Regulations, provided a detail list of Principally Permitted Uses. The 2020 Zoning Regulations update consolidated several of those uses. "Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles" was a previous separate use that was consolidated into the current use category of "Construction Sales and Service".
- B. The submitted Concept Development Plan indicates continued use of the existing site. The applicant's narrative states that they intend to utilize the existing site for a commercial building automation firm specializing in HVAC control technologies and will have four full-time employees. The narrative states that in the future the applicant would like to fence the property and add a carport.
- C. The proposal will need to be evaluated for not only the applicant's intended use, but also for potential future uses permitted in the Construction Sales and Service definition.

#### CONCLUSION

- A. The request for the proposed change of concept development plan needs to be

evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Articles 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Steven C. Lilly, PLS, GISP  
Planner

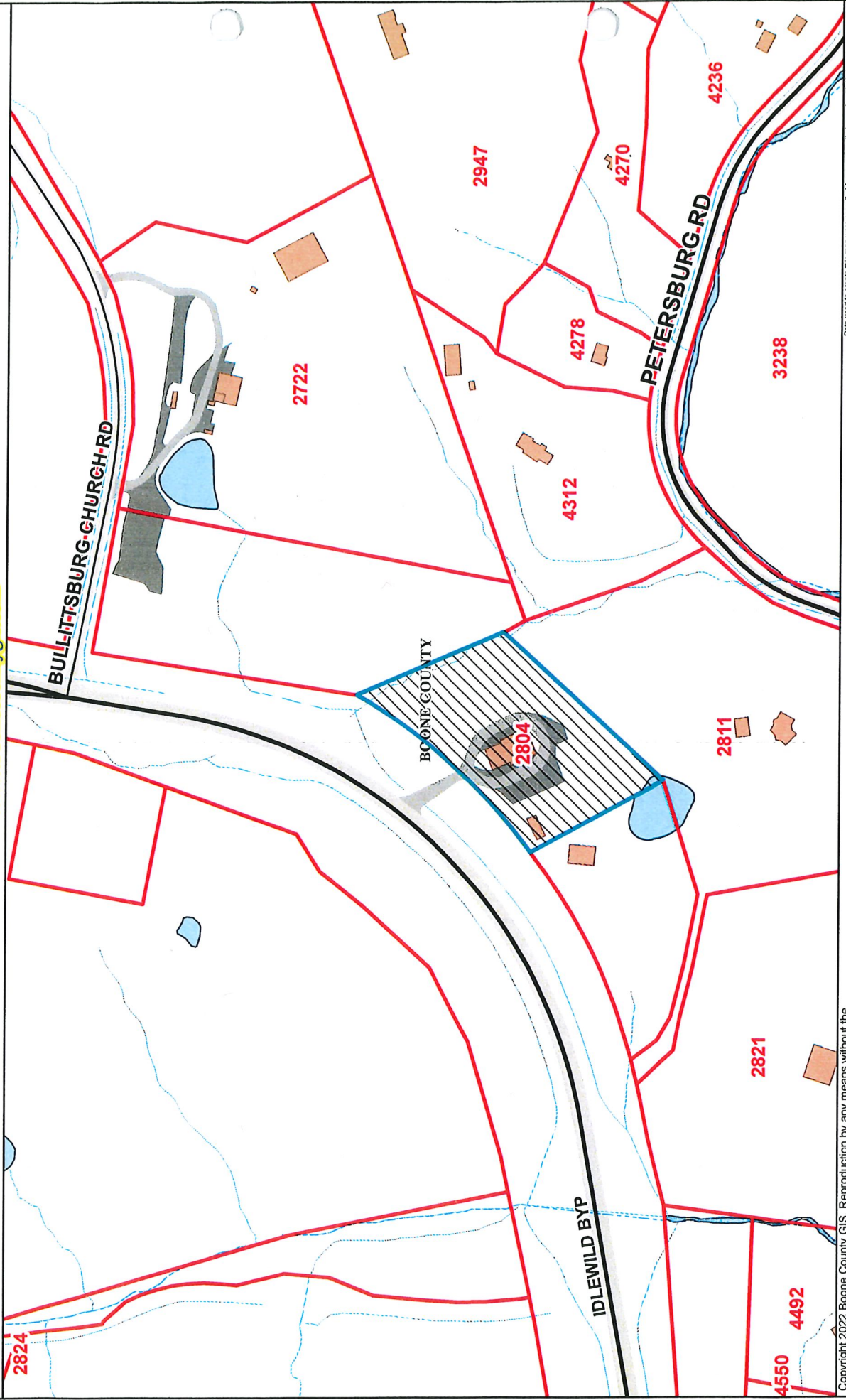
SCL/ss

Attachments:

- \*Vicinity Map
- \*Aerial Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Existing Approved Concept Development Plan
- \*Approved Site Plan
- \*Application
- \*Project Narrative
- \*Concept Development Plan

# VICINITY MAP

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



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

# AERIAL MAP

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



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Created by Esri. This map was compiled from sources that comply with National Map Accuracy Standards. Boone County GIS is not responsible for the accuracy of the information provided by this map. This map should be used for general planning purposes only.

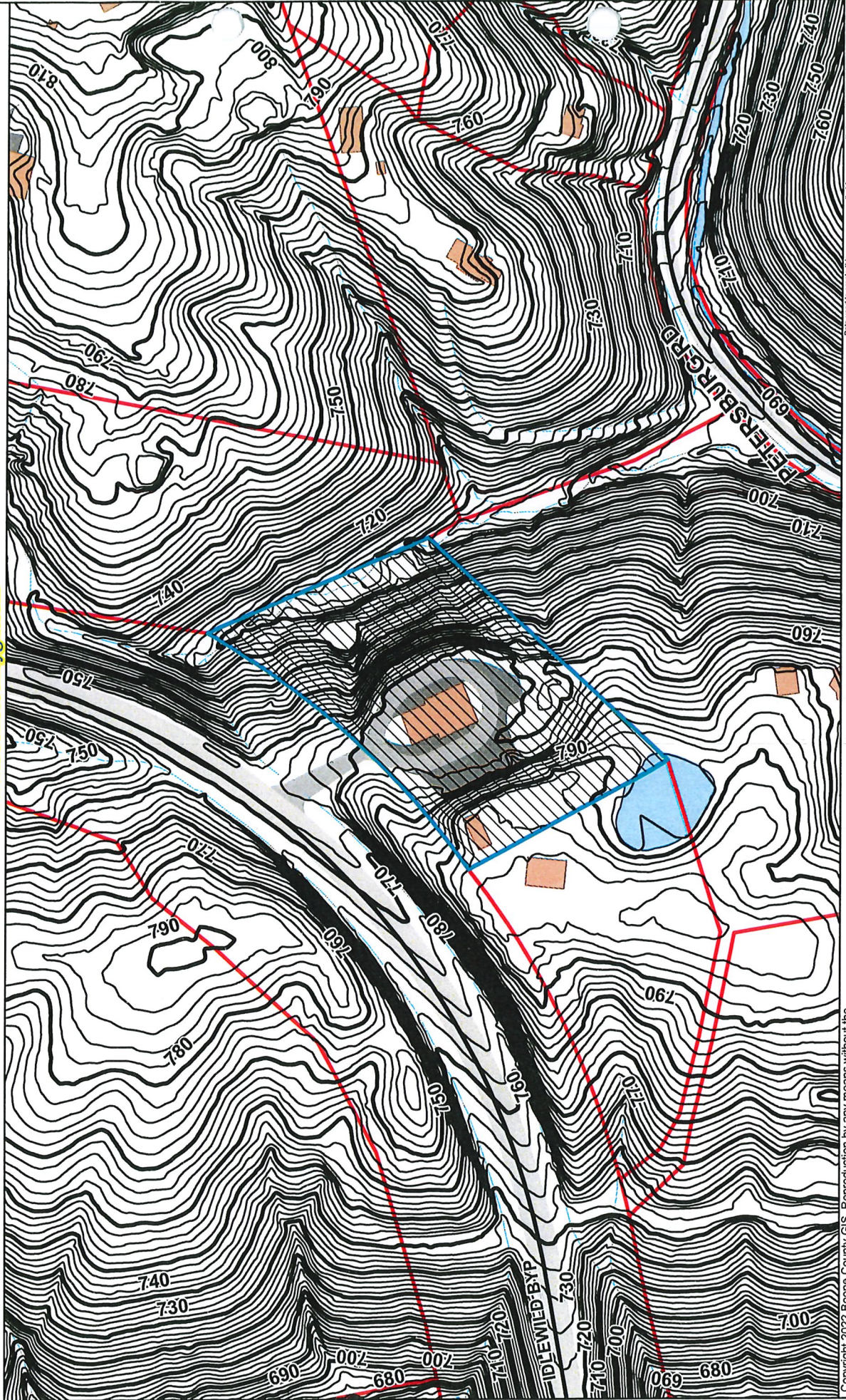


**Boone County GIS - Putting Northern Kentucky on the Map**

Map Document: 3/22/2022

# TOPOGRAPHICAL MAP

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



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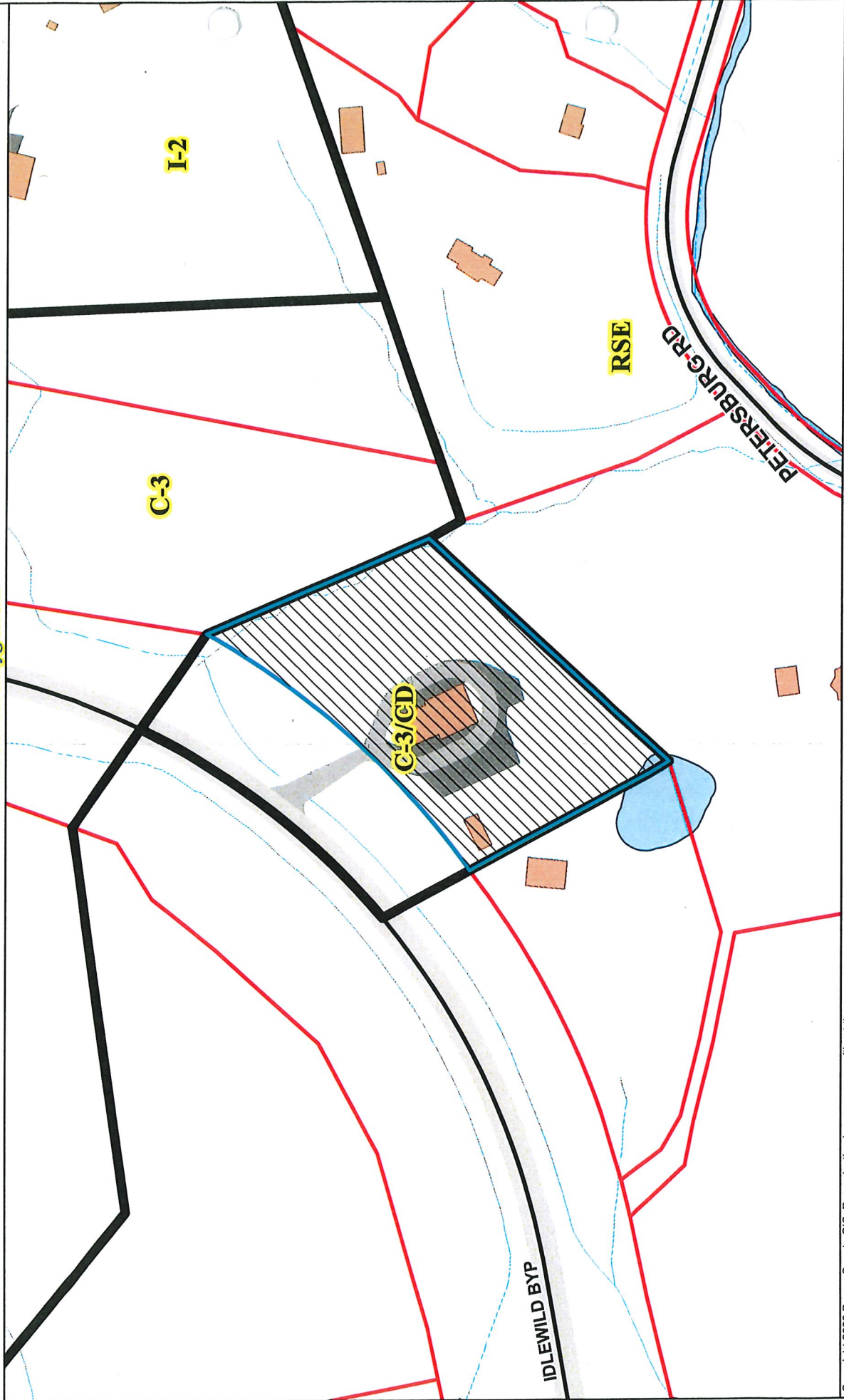
0 100 200 400 600 800 Feet

1 inch = 200 feet

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

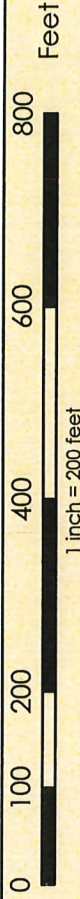
# ZONING MAP

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



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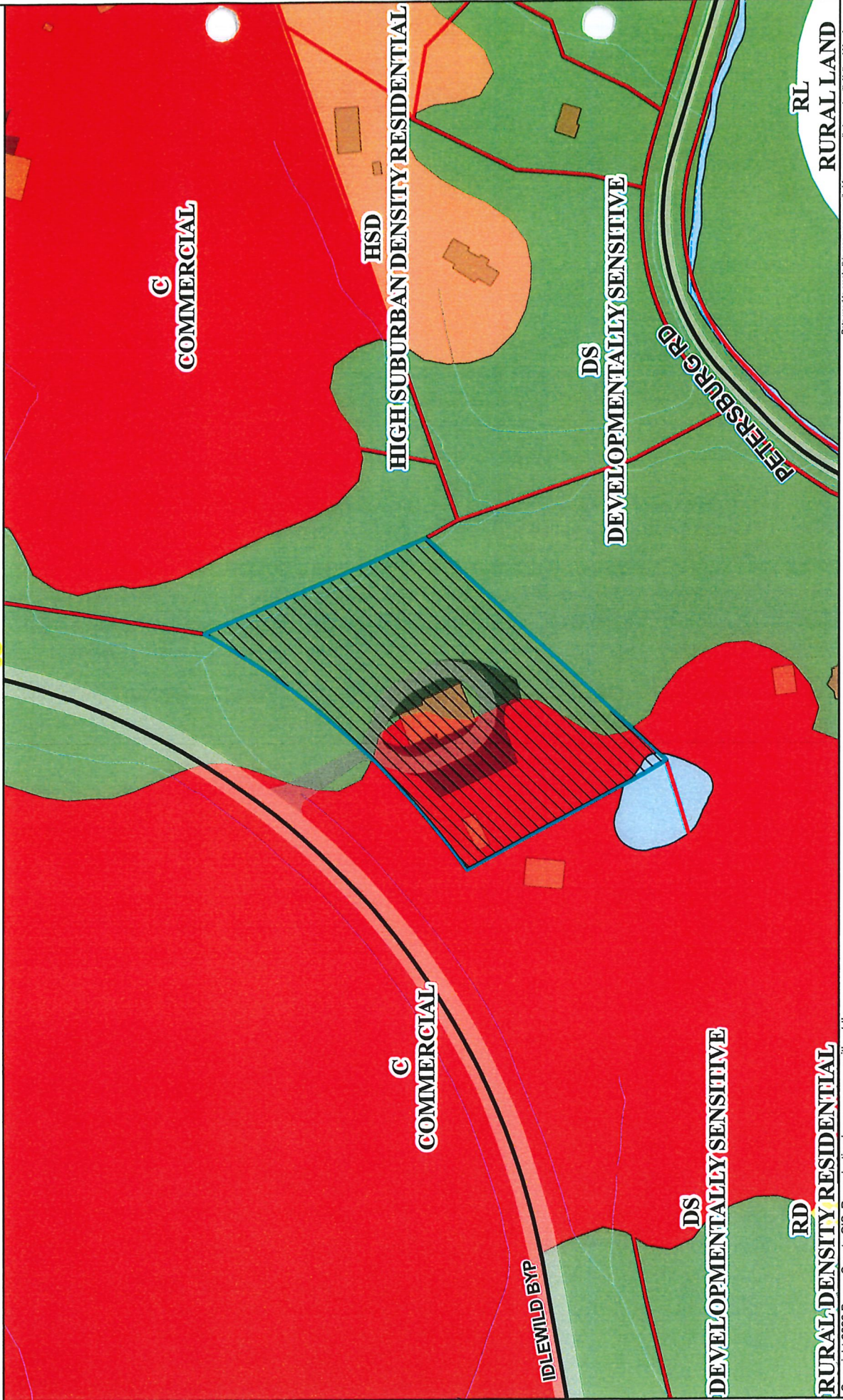
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



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

# 2040 FUTURE LAND USE MAP

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



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



\* With Condition

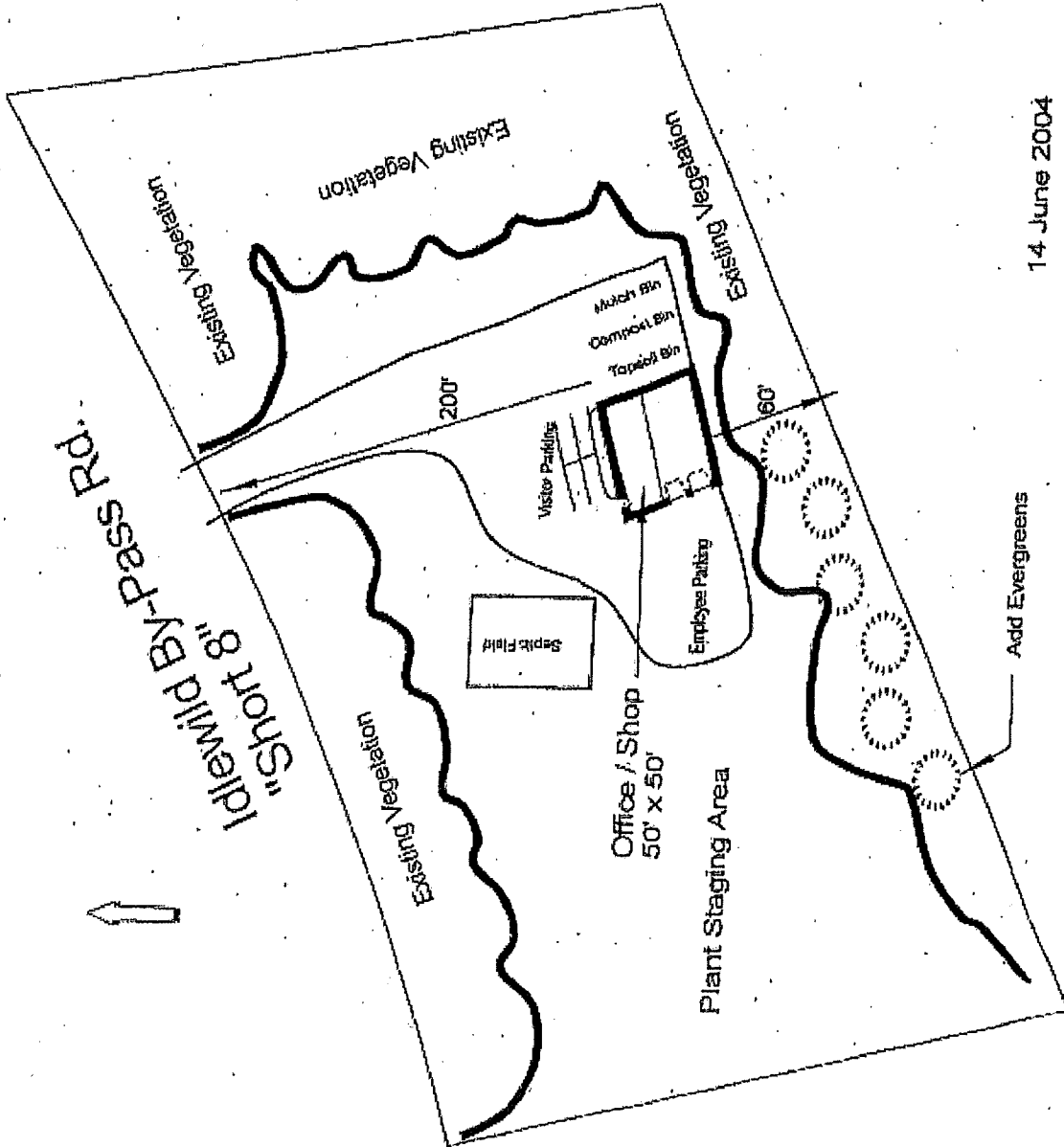
**APPROVED**

Staff: *MT*

Date: 9-15-04

Boone County  
Planning Commission

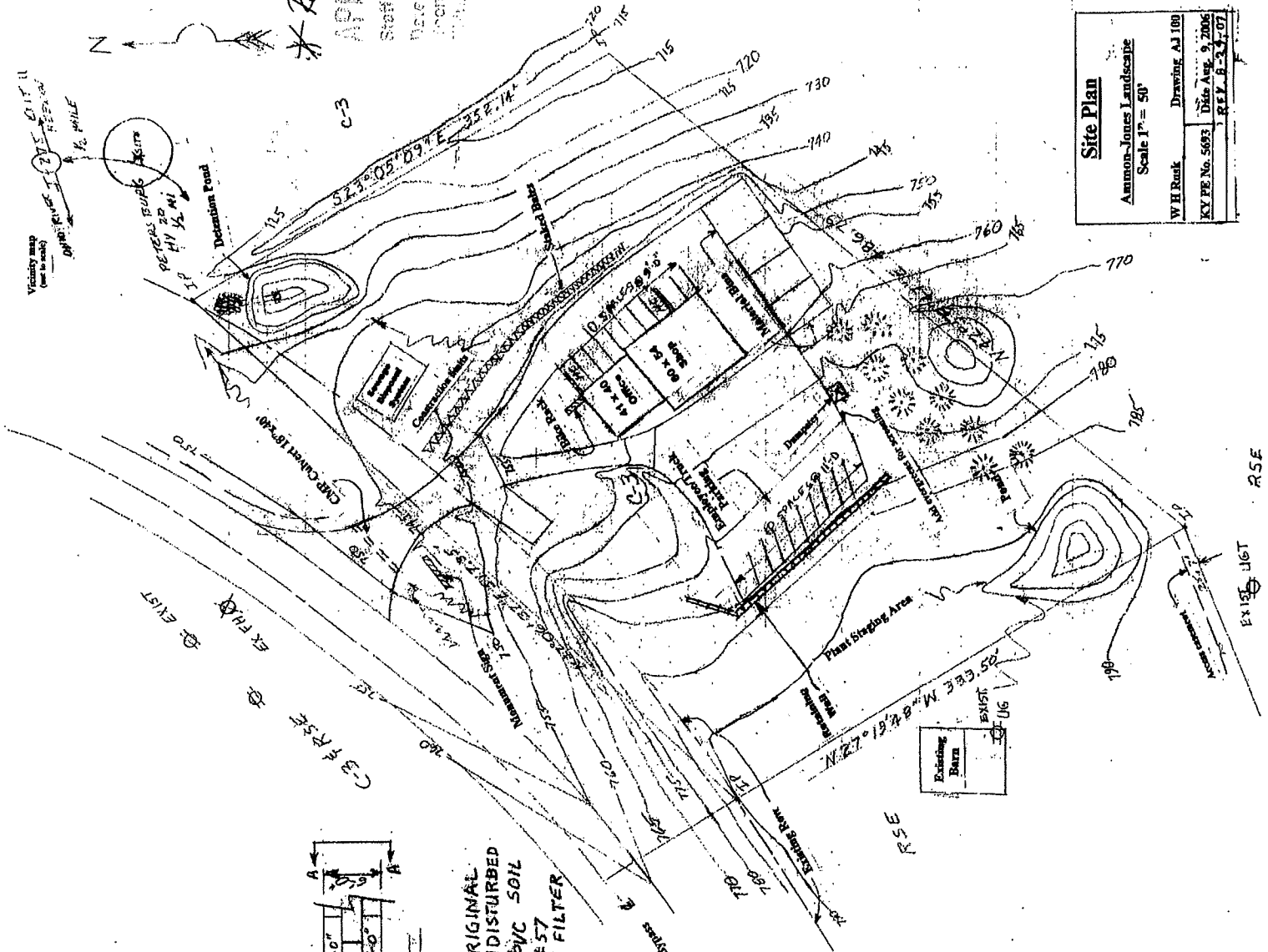
Concept Development Plan  
AMMON-JONES LANDSCAPE, LLC  
Proposed Location of new Office  
2811 Idlewild By-Pass Rd.  
Parcel "C"  
Petersburg, KY



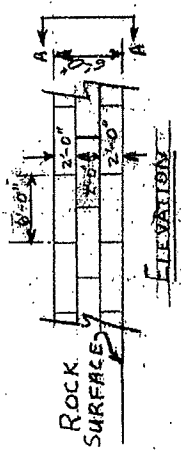
14 June 2004

\* Revised  
 APPROVED  
 Staff [Signature]  
 Date 8/31/07  
 KYING COUNTY  
 Planning Commission

**Site Plan**  
 Annon-Jones Landscape  
 Scale 1" = 50'  
 W H Rank Drawing AJ 100  
 KY PE No. 5693 Date Aug. 9, 2006  
 REF. B-24-07



Construct retaining wall as shown using 18" x 24" precast concrete blocks, 6" tall x 18' long, use 4" pvc to provide strapping with #57 limestone filter behind the block. Precast block weight=3500#. Provide lime sand leveling course over existing rock and dry stack blocks against non-disturbed earthen vertical wall. Block wall have 6" rebar and #5 rebar lifting handles.



ORIGINAL UNDISTURBED  
 LIME SAND  
 4" PVC SOIL  
 IN #57  
 ROCK FILTER  
 ON ROCK BASE  
 SECTION AA



**SITE PLAN NOTES:**

Location of site: The site of the proposed project is a 3.63 acre tract, southeast of KY 200, fronting on the south side of Interstate 75 near Road 18.4 miles east of the intersection with Ky. Hwy. 20.  
 Description of site and work included: The site is a vacant parcel, which is mostly covered with trees and vegetation except where the proposed landscape office & shop will be located. It is proposed to include construction of a detention pond, landscape office & shop, concrete driveway, pond, parking facilities & sanitary facilities.

Construction: Retainers and retaining walls as directed by KDOT, to provide access to site.  
 A dumpster will be located as shown on site plan.  
 Sealed bales will provide erosion control and reduce sediment. In addition, the detention pond will be one of the first items constructed to further control sediment and erosion while project is being constructed. The detention pond will be sized for 100 year storm. The detention pond will also be a credit of the northwest corner of the property.  
 A pond will be constructed to provide irrigation during drought conditions.

The contractor will exercise good workmanship and follow all safety and technical standards in executing the work shown on the Site Plan. Precast sorting of the site is C-3, which allows for a landscape facility.  
 Access from Rattlesburg Church Road on Rt. 20 is not feasible and KDOT has indicated access will be allowed after view of an encroachment permit.

Original topo shows on separate sheet-scale 1"=100'

**Site Drainage Calculations**  
 Pre Conditions  
 1/3 Grass  
 2/3 Trees and shrubs  
 Assumed C= .3 for grass, trees & shrubs  
 Post Conditions  
 3/10 acre of grass, 1/10 acre concrete driveway,  
 1/10 acre pond, 4/10 acre concrete parking, material blue & roof  
 Average C= 0.75  
 Q = CIA  
 Q Pre = (3)(4.1)(0.9)  
 Q Post = (0.75)(4.1)(0.9)

30 Min Detention required = 30 (60) = 1800 seconds  
 Vol Detention Req = (2.77) - (1.11) (1800)  
 = 2944 cu ft  
 Vol Available = L x W x D  
 = 50 x 30 x 2.5  
 = 3750 cu ft  
 1.8 1/3 more than 100 year storm

**CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION**

**R E C E I V E D**  
89508  
NOV 21 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. Type of review (check one):
  - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
  - Change in an Approved Concept Development Plan
  - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
  - Long Range Planning Committee Review (as stated in the Union Town Plan)
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  - Zoning Administrator Review (as stated in the Mall Road District Study)
  - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)
  
2. Name of Project: Office Space
3. Location of Project: 2804 Kiewit Bypass, Petersburg, KY 41080
4. Total Acreage of Project: 3.4310
5. Current Zoning of Property: C3-
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):  
R-04-020
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: \_\_\_\_\_
8. Proposed Use(s) (specify each use):  
Construction Sales and Service
9. Proposed Building Intensities (specify for each building):  
No Change
10. Have you submitted a Concept Development Plan:  Yes  No
11. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
12. Current Owner: MACS Property, LLC  
Address: 3057 Caribou Dr.  
Petersburg KY 41080  
City State Zip Code  
Phone Number: 859-912-0198 Fax Number: n/a  
Email: jhunt@thomascontrolservice.com
13. Applicant: Jillian Hunt

Address: Same

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number: Same Fax Number: \_\_\_\_\_

Email: Same

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

15. \_\_\_\_\_  
Deed Book \_\_\_\_\_ Page Number \_\_\_\_\_ Group Number \_\_\_\_\_

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

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

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

- |   |   |
|---|---|
| <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  |   |

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

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:  
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on February 22, 2023

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

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

December 13, 2023

Boone County Planning Commission  
2950 Washington Street  
Burlington, KY 41005

RE: Intended Use of Property at 2804 Idlewild Bypass, Petersburg, KY

Commissioners,

My spouse and I formed MACS Property, LLC to purchase the commercial property at 2804 Idlewild Bypass in November of 2023. Our intent is to use the property to operate our primary business Thomas Control Service, LLC (TCS). I have applied to change the approved Concept Development Plan to support this use and want to provide context to assist in your review of my request.

TCS is a commercial building automation firm specializing in HVAC control technologies. We have been in operation since 2015 and serve clients throughout Northern KY, Greater Cincinnati, and in other parts of the country. We help our clients in managing their facilities and achieving increased energy efficiency, lower O&M costs, improved indoor air quality, and occupant comfort.

TCS intends to use the commercial site as a central office for its team of four full-time employees. As a technology-related service firm, we have team members working in the field and onsite. Standard business hours onsite will be between 7AM and 5PM, Monday through Friday. The facility will be used for meeting space, individual workspaces and in-door storage for materials and equipment. The outdoor paved lot will be used for storing fleet vehicles and larger equipment such as enclosed and gooseneck trailers.

No major site changes are planned. There are a couple of minor future improvements anticipated for the site, including:

- Addition of fencing and a carport for outdoor stored equipment and vehicles.
- Removal of an existing greenhouse structure.

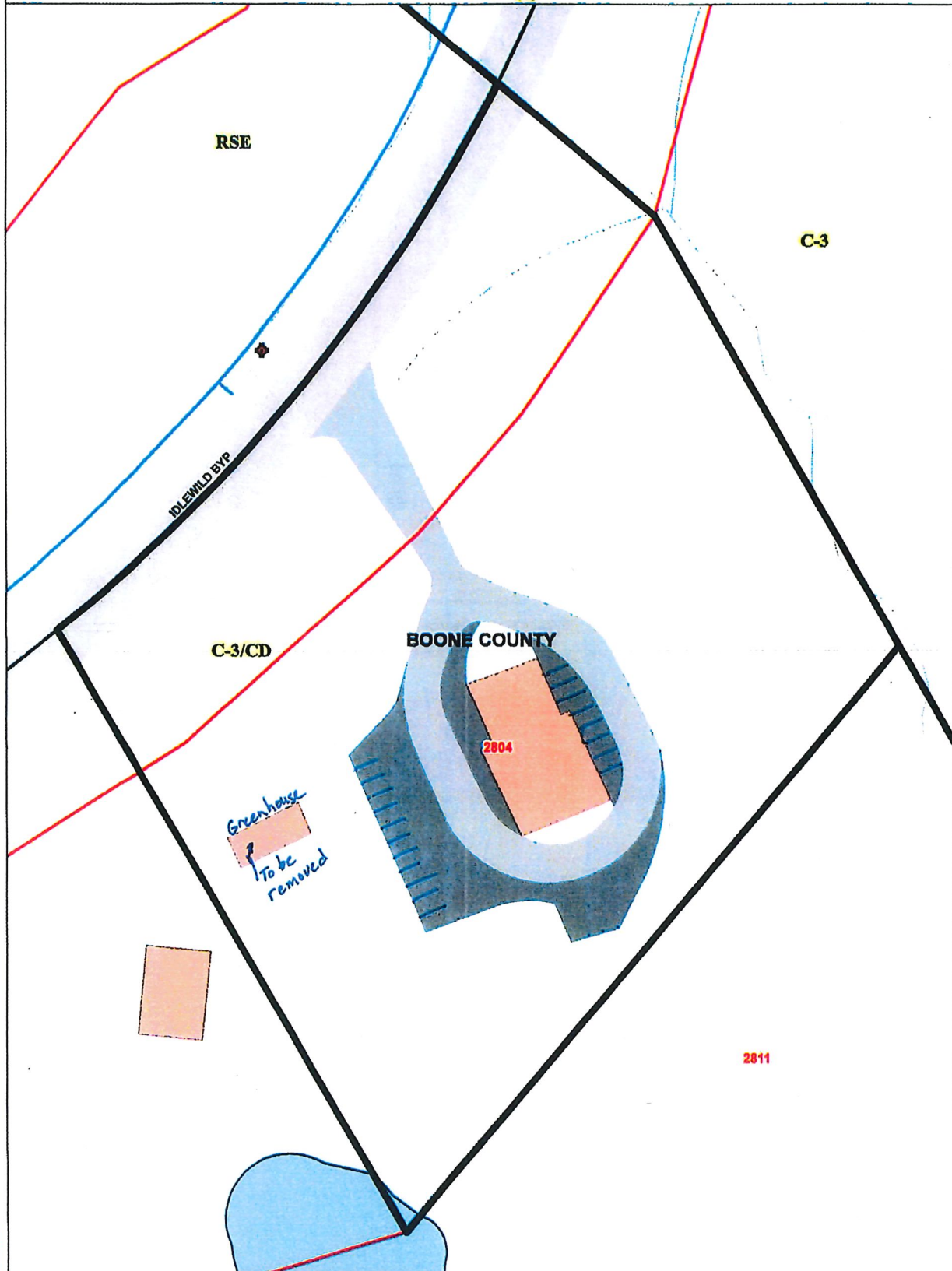
Please reach out should you have any question or need additional information. Thank you for your consideration of my application.

Sincerely,

Jill Hunt, Owner  
MACS Property, LCC  
3057 Caribou Drive  
Petersburg, KY 41080

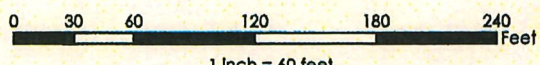
# Boone County GIS Map

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



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



1 Inch = 60 feet



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

Map Created: 3/20/2022

State Plane Kentucky North NAD 83  
ArcMap Document (\*.mxd)

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** David Hincks, Chairman

**DATE:** January 18, 2024

**RE:** 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.

**APPROVAL**

## REMARKS:

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

## FINDINGS OF FACT:

1. The Committee concluded that the proposed use is consistent with the previously approved use for the site and is therefore reasonable and appropriate.
  - a. Prior to 2020, Section 1031 of the Zoning Regulations, provided a detailed list of Principally Permitted Uses. "Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles" was a previous separate use that was consolidated with the 2020 Zoning Regulations update into the current use category of "Construction Sales and Service".
  - b. Construction Sales and Service is a principally permitted use within the existing C-3 zoning district.
2. The Committee concluded that the proposed Change of Concept Development Plan is consistent with the intensity of the previous approval.
  - a. The submitted Concept Development Plan indicates continued use of the existing commercial building and parking for a commercial building automation firm specializing in HVAC control technologies.

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**

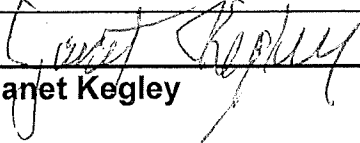
TO: Boone County Planning Commission  
FROM: David Hincks, Chairman  
DATE: January 17, 2024

## REMARKS:

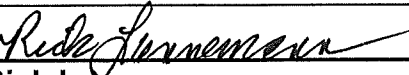
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, David Hincks, Chairman,  
Steve Lilly, Staff**


1. 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.

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

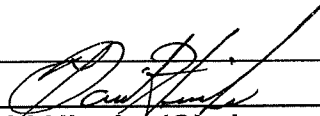
\_\_\_\_\_  
**Corrin Gulick**  
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**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 4 FOR PROJECT \_\_\_\_\_ ABSENT  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Steve Harper, Temporary Presiding Officer  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the second item on the Agenda at 9:05 p.m.

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

2. 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.

Staff Member, Steve Lilly, referred to his PowerPoint presentation (See Staff Report). The 3.4 acre site is located on the south side of Idlewild Bypass. It is approximately 550 feet south of Bullittsburg Church Road. Mr. Lilly showed photographs of the site. A 5,500 square foot commercial building exists on the site. It has 520 feet of road frontage along the Idlewild Bypass. The site has been graded for the existing building. There are steep slopes along the east side of the property. The site is zoned C-3 subject to an approved Concept Development Plan. Mr. Lilly described the surrounding zoning. The 2040 Future Land Use Map designates the area for Commercial (C) and Developmentally Sensitive (DS) uses. Pages 2-5 of the Staff Report outlines the appropriate sections from the Boone County Comprehensive Plan. He showed the approved Concept Development Plan that was originally approved in September, 2004. The Plan showed a landscape company with an office, shop area, parking and some outside storage areas. It was approved with one condition of not allowing any other C-3 uses other than the landscaping business/garden and landscaping sales/lawn furniture including equipment/vehicles. Mr. Lilly also presented the approved Site Plan showing 28 off-street parking spaces, a building, outside material bins, a sewer system, a detention system and a retaining wall. Mr. Lilly showed photographs of the site. The applicant has provided a project narrative that is attached to the Staff Report. The applicant is requesting the property be used for construction sales and services as a permitted use. The company will use the building for a team of 4 full time employees. The company is a building automation firm specializing in HVAC control technologies. The applicant would like to make some improvements to the property – fence the site and a carport to store equipment and vehicles. They will remove the existing greenhouse on the property. Staff sent a letter to various agencies and those who responded stated that they had no problems with the proposal. Prior to 2020, Section 1031 of the Zoning Regulations provided a detail list of permitted uses. The uses allowed on the site have been consolidated as a result of the 2020 Zoning Update. The use today is classified as construction sales and services. The proposal should be evaluated based upon the applicant's use and any other uses permitted or classified under construction sales and services.

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

Ms. Jill Hunt, applicant, stated that she partially owns MACS Property, LLC. That company owns the site in question. She and her husband, Aaron, are residents of Petersburg. They bought the building to operate their small business, which has been around since 2015. They serve clients in Northern Kentucky, Cincinnati and other parts of the United States. Her company helps other

companies manage their commercial facilities for indoor air quality, occupant comfort and energy reduction costs. It is an office as the actual work occurs offsite.

Chairman Rolfsen asked if there were any comments or questions in favor of or against the request?

Ms. Lynn Gorz, 2811 Idlewild Bypass, stated that she purchased the property in question in 1973. She sold the property almost 20 years ago to David Jones for a wholesale landscaping company. His employees went to various job sites. She can't see the property because of a large buffer of evergreens. She mentioned the proposed use and how it is described as a service use under the current code. She felt the new neighbors have exactly the same plan. It won't change the traffic patterns as they go to job sites instead of coming to the property for retail sales.

Chairman Rolfsen asked what happened to the landscaping business? Ms. Gorz replied that she didn't know. It just closed up.

Ms. Ann Lightner, 2865 Anson Lane, stated that she was originally undecided about the proposal. She is for the development. A lot of land has already been allocated for commerce in Boone County. She stated that Boone County residents should be given a priority on their property when pursuing a zone change. The applicant fits this description. We should also give consideration to Boone County or Northern Kentucky business owners. Graves Road is just down the street and the County has provided much space to develop a business. The Petersburg exit is the last exit in Boone County and she loves it.

Mr. Jeff Taylor stated that he owns the commercial property at the corner of Idlewild Road and KY 20. He also lives in Boone County about one half mile from the site. It is a good business to go on the site. It will be less of an impact than was previously there. The project should be approved.

Mr. Dan Wright, 3678 Akin Lane, stated that he didn't want the area to be like Richwood. The pictures showed trees, churches and small businesses. It was a small tree business before and wasn't open all day. Would the proposed use allow commercial traffic? He asked what happens if the proposed business owner walks away from the site? Do we get a recycling center? He would like to keep it like it is today. What stops an adjoining property owner from doing the same thing? What is the worst thing that can go in there? He likes small businesses but likes the idea of buying in a commercial area and not a tree farm and converting it. There are plenty of areas outside of Petersburg for this use.

Ms. Gail Pille, 3495 Feeley Road, stated that she is neither for or against the request. She doesn't know the project growth for the business. She always takes the KY 20 exit. She never drives KY 18, Richwood Road, Mt. Zion Road or goes to Union or Hebron because of traffic. She would hate

to see the growth around Petersburg. She is not against 4 employees but may be against 40 employees. Amazon is the worst thing that happened to Boone County.

Mr. Ron Collier, 2774 Stevens Road, stated that he and his Dad grew up in Petersburg. He is concerned about the commercial zoning and the HVAC business. It would get bigger.

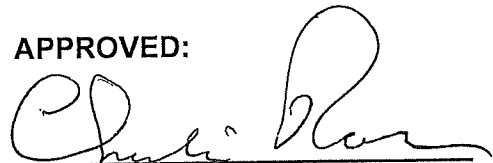
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Mr. Costello inquired about outside storage of equipment and materials? Ms. Hunt replied there is a back lot for fleet vehicles and some large equipment/trailers. That area would be fenced in at a later date. All materials will be stored indoors. It is mostly hardware, software and wiring. The landscaping company has been moving out since the summer of 2023.

Mr. Lunnemann asked Staff to clarify that the request is not a Zone Change but rather a Change in a Concept Development Plan? Mr. Lilly replied that it is not a zone change request. It will stay as C-3 zone but with a potential new use that falls under the construction sales & service use. It would be a restricted use.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 17, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on February 7, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:37 p.m.**

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**COMMISSION MEMBERS PRESENT:**

Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
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Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Steve Turner

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Mr. Steve Harper, Temporary Presiding Officer  
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Mr. Dale Wilson

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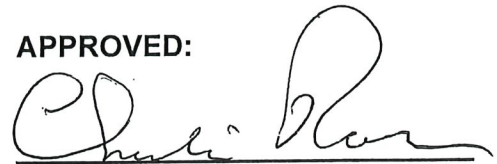
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**APPROVED:**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
FEBRUARY 7, 2024  
7:00 P.M.**

---

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's February 7, 2024 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  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Pamela Goetting  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the January 17, 2024 Business Meeting and Public Hearings. He asked if there were any comments or corrections?

**Mr. Szurlinski moved to approve the Minutes as presented. Mr. Hincks 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 January 4, 2023 and February 7, 2024.

**EXPENSES:**

Accounting Fees	2,701.33
Attorney Fees	4,600.00
Auto Expense	32.40
Consultant/Professional Svcs Fees	4,473.75
Filing Fees (CLURS)	650.00
GIS Operations	823.88
Legal Ads/Recruitment	471.98
Miscellaneous Expense	186.50
Office & Board Meeting Supplies	1,006.95
Office Equipment / Expense	309.99
Office/Liability Insurance	527.32
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	359.00
Professional Development	<u>1,070.00</u>

**TOTAL: \$ 17,713.10**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 8,582.00
Health/Dental/Life/LTD	17,834.17
Retirement – BCPC Portion	21,839.71
Salaries – Staff Expenses	117,977.82
Salaries – BCPC & BOA	<u>1280.00</u>

**TOTAL: \$ 167,513.70**

**GRAND TOTAL: \$ 185,226.80**

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. Mrs. Kegley seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

**ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCE,  
Janet Kegley, Chairwoman, Michael Schwartz, Staff**

1. 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.

Staff Member, Michael Schwartz, read the Committee Report, which recommended denial/disapproval based upon Findings of Facts for the Zoning Map Amendment and Change in Concept Development Plan and Approval of the Variance request with 2 Conditions. The Committee vote was 4-1 to deny the Zoning Map Amendment and Change in Concept Development Plan and to approve the Variance.

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

Mr. Jeff Baumgarth, Myers Cooper, stated that there were many back and forth discussions at the two Committee meetings. He asked Staff to distribute the proposed conditions that his company agreed to from the Committee meetings (see Exhibit A). He noted that the front two-thirds of the development is already zoned C-3 with no use restrictions and he has voluntarily removed 48 uses from the C-3 zoning district. The biggest hurdle for the Committee was the proposed restrictions of franchise fast food style uses. Even though the definition is subjective, their compromise was to allow only one of those types of restaurants with a drive-thru on one of the pads. Interstate traffic would have to drive down Richwood Road and use the roundabout to get to the site. It wouldn't be convenient for highway travelers. They did complete a traffic study and it showed there was excess capacity on Grand National Boulevard. The County Engineer reviewed and agreed to the methodology of the Study. In addition, there was a provision to provide access to the adjoining 30 acres to the west, thus granting access to Grand National Boulevard. They agree to provide an easement subject to agreeable terms since there are no plans for the property next door. He stated that they were in agreement with all other conditions and asked the Board to approve the project.

Mr. Costello noted that the conditions mentioned by the applicant were not prepared by Staff. They were sent to Staff on Monday before the Business Meeting. Mr. Schwartz stated that they don't exactly represent what they took discussed at the Committee meeting. The proposed

conditions prepared by the applicant are contrary to our normal procedure.

Ms. Geri Miracle, 118 West Maple Avenue, stated that she and her husband own the property to the west of the site. She asked about the Variance request. She is totally and completely opposed to a 15 foot Variance. These buildings will be too close to her property and to the rental house on her property. She currently has no plans to sell the property. She expressed a concern about the rear view of the buildings facing her property. There is usually a lot of garbage. Since they don't know who will be going into the buildings, then they really don't know what they will look like. Mr. Schwartz explained that normally a 30 foot buffer is required next to Ms. Miracle's property. The applicant wants to reduce it to 15 feet.

Mr. Scott Kramer, 579 Winchester Drive, stated that he is against the development because the roundabout won't be able to handle the commercial traffic. There is no way someone can prevent interstate traffic from going to the proposed uses. It could be a bar. We put the bar up front and the school in the back. He is proud of the subdivision and the schools.

Seeing no further comment, **Mr. Lunneman moved, by Resolution to the Boone County Fiscal Court, to recommend denial of the Zoning Map Amendment and Change in Concept Development Plan and approval of the Variance with the 2 Conditions. Mr. Hincks seconded the motion.**

Mrs. Kegley asked if the developer was willing to put in a public street with sidewalks to the neighboring property? Mr. Baumgarth responded that their preference was for an easement. It is too early to determine the language for that easement. Mrs. Kegley thought differently from the Committee meeting. She is going to change her vote to no because she thought there was a commitment for one restaurant and a road with sidewalks, a curb and gutters. The connection will help determine future development along Richwood Road. It needs to be a public connection and it may not happen immediately. It needs to be there because of limitations of left turns on Richwood Road.

Ms. Gulick stated that she voted for denial in Committee. It just wasn't traffic but a culmination of things. It sets a precedent for development along Richwood Road. It is located in a corner of a highly visible roundabout. It has to look nice and operate well. There was no vision of what it might look like. The applicant mentioned marketing the property to large corporations. She didn't want large corporations to decide how the neighborhood would look.

Mr. Hincks agreed with Ms. Gulick's comments. The project really didn't serve the local residents but other people traveling through the area. There was a lot of resistance to the design of the project.

Chairman Rolfsen stated that Richwood is in dynamic flux right now. There are projects that have been approved but not yet built. There is a new truck stop that isn't open yet. He thought it was too soon to submit an application. Is the interstate ramp functioning properly? Not knowing what is going in there is difficult. It could be a disaster for the area.

Mrs. Steele asked if it was going to be one or two votes. Mr. Costello replied one vote. Mrs. Kegley stated that should the Fiscal Court overturn the denial by the Planning Commission, then the Variance would automatically be approved.

Mrs. Kegley notes that it would then it would be in place – the Variance and the fence to screen the development. There will be a four foot wall and an 8 foot high fence in the area. There will be protection for the neighbor. If the Fiscal Court denies the entire application, the Variance would go away since the property was not rezoned and the Change in Concept Development was denied.

Mr. Wilson asked Mr. Lunnemann whether his motion was based upon the Findings of Fact and the Committee Report? Mr. Lunnemann responded yes and Mr. Hincks also agreed.

**At this time, Chairman Rolfsen asked the Board to vote on the original motion made by Mr. Lunnemann and seconded by Mr. Hincks. The vote to deny/disapprove the Zoning Map Amendment and the Change of Concept Development Plan passed unanimously as well as approval of the Variance request subject to two conditions.**

Mr. Wilson reminded the audience that the Planning Commission takes final action on only the Variance. The Fiscal Court takes action on the Zoning Map Amendment and the Change in Concept Development Plan.

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, David Hincks, Chairman, Steve Lilly, Staff**

2. 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.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts for the Zoning Map Amendment. It was recommended unanimously for approval by a 4-0 vote with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Mr. Hincks voting for the project.

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

Ms. Jill Hunt, applicant, stated that she was available to answer any questions.

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. Mr. Szurlnski seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Todd Morgan, Staff**

3. Request of Turfway Commons Trust, per Eric Fegan (applicant/owner) for a Change of Concept Development Plan for an approximate 10.3 acre area located at 4999 Houston Road, Florence, Kentucky, which is currently zoned Commercial Two/Planned Development/Houston-Donaldson Study Corridor (C-2/PD/HDO).

The submitted request is to allow a portion of the existing building to be used for office, retail, recreation, or warehousing and distribution uses.

**ZONING MAP AMENDMENT, Steve Lilly, Staff**

4. Request of **Asbury Development, LLC (applicant) for PMM Properties, LLC (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential Two (SR-2); and (2) a Variance reducing the minimum side yard setbacks for all proposed lots from five (5) feet minimum on one side and fifteen (15) feet total of both sides to five (5) feet minimum on both sides, for an approximate 3.6 acre area located at the terminus of Asbury Way, having a Parcel Identification Number (PIDN) of 047.00-00-031.00, Boone County, Kentucky. The request is for a zone change and variance to allow the development of sixteen (16) detached single-family residential dwellings.

**ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Lilly, Staff**

5. Request of **Atlantic Sign Company (applicant) for Newman's Tractor Sales (owner)** for a Zoning Map Amendment for a Special Sign District, for an approximate 7.3 acre area located at 2841-2885 Verona Mudlick Road, Boone County, Kentucky, which is currently zoned Commercial Services/Planned Development (C-3/PD). The submitted request is to allow the installation of a freestanding sign having a height of ninety-five (95) feet and a sign area of one hundred ninety-six (196) square feet.

**CONCEPT DEVELOPMENT PLAN/ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Michael Schwartz, Staff**

6. Request of **Anchor Properties, per Nate Stark (applicant) for BRG Hebron Station, LLC, per BRG Realty Group, LLC (owner)** for: (1) a Concept Development Plan; and (2) a Zoning Map Amendment for a Special Sign District, for an approximate 4.1 acre area located along the east side of North Bend Road, between Cougar Path and Petersburg Road, approximately five hundred (500) feet north of Cougar Path, and being part of the parcel having a Parcel Identification Number of 047.00-00-119.04, Boone County, Kentucky, which is currently zoned Commercial Two/Planned Development (C-2/PD). The submitted request is to allow: (1) the construction of a convenience store with gasoline pumps and an eating and drinking establishment; and (2) to allow alternative signage.

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

7. Request of **Philip and Christie Hartman (applicant/owner)** for a Zoning Map Amendment from Recreation (R) to Recreation/Planned Development (R/PPD) for an approximate 36.05 acre area located at 2560 Camp Farm Road and a portion of 2575 Camp Farm Road, Boone County, Kentucky. The request is for a zone

change to allow the permitted uses within the R district as well as a reception hall, catering facility, the production of handmade objects or packaged food for sale, and the addition of a single-family dwelling, a barn, or a greenhouse.

**ZONING MAP AMENDMENT, Todd Morgan, Staff**

8. Request of **Viox and Viox, per Eric Ball (applicant) for Danny Lee and Deborah Delph (owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Suburban Residential One (SR-1) for an approximate 38.5 acre area located at 6056 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow the retention of an existing detached single-family residential dwelling and the development of five (5) additional detached single-family residential dwellings.

Mr. Richardson moved to schedule the Public Hearings for Items #3, #4 and #5 on March 6, 2024 at 7:30 p.m. in the Fiscal Courtroom Mrs. Kegley seconded the motion and it passed unanimously. Dr. Clark moved to schedule the Public Hearings for Items #6, #7 and #8 on March 20, 2024 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.

H. **EXECUTIVE DIRECTOR'S REPORT:**

- No Report

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)

Chairman Rolfsen asked for the status of the Committee assignments. Mr. Costello replied that it will be concluded by the end of this week.


K. OKI REPORT: (Randy Bessler)  
No Report

L. OTHER:

M. ADJOURNMENT:

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mrs. Kegley seconded the motion and it passed unanimously. The meeting was adjourned at 7:43 P.M.**

APPROVED

 (FOR)

---

Charlie Rolfsen  
Chairman

Attest:



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Kevin P. Costello, AICP  
Executive Director

Exhibit A – List of Potential Conditions prepared by Jeff Baumgarth, Myers-Cooper

Boone County Planning Commission:

The subject property is zoned C-3 and the development plan submitted meets the requirements of the County zoning code with the exception of the setback variance request. A zone change for the rear portion of the site is proposed for the benefit of County planning and zoning management. Due to the requirement for Concept Plan review a variety of additional conditions have been suggested by the Zoning Committee. We have strived to agree to as many of the conditions as we could in order to gain Planning Commission support. The following summarizes the conditions we have agreed to:

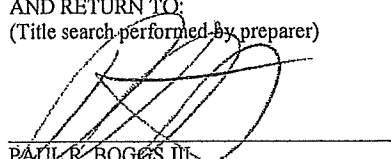
- 1) The development shall prohibit the 48 uses detailed in the application as eliminated from the C-3 permitted use list.
- 2) There shall be only one eating establishment that provides drive through or pick up service lane(s).
- 3) At the time the adjacent property to the West of the site develops, an access easement along the proposed driveway, between Grand National Boulevard and the Western property line of the site will be negotiated to address access, repairs & maintenance, and recorded at such time that property owner has applied for approval of a development plan to Boone County.
- 4) A six foot (6') high privacy fence shall be constructed along the west property line of the site, beginning at the southern end of the northernmost retaining wall and running along the property line a distance of approximately 150'.
- 5) Landscaping shall meet the minimum requirements of the zoning regulations, with the exception of the Buffer Yard width along the west property line where the proposed Variance is being granted. The Grand National Rd. frontage will be considered the "front yard" for each building.
- 6) The centerline of the proposed driveway shall align with the centerline of Davis Lane.
- 7) The property owner will grant Boone County rights for sidewalk maintenance along the existing 25' easement area previously granted to the Steeplechase Subdivision.
- 8) Building design shall meet the following requirements:
  - Individual components on building facades, such as windows, doors, projections, placement of design details, and changes in footprint, rooflines and forms, materials, and colors, shall also be proportionate to one another and balanced on the overall structure.
  - Main building entrances shall be emphasized in the facade design.

FEBRUARY 5, 2024

- The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a highly textured, fluted, or unit masonry appearance. These materials shall have an integral color. Architectural grade metals such as Alucobond or Longboard type products are also permitted. Glass curtain walls used in conjunction with these materials are also permitted. Other materials such as EIFS/stucco, wood or cement board siding, glass block, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas.
- Only architectural grade materials shall be used for exterior surfaces. Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU, vinyl or aluminum siding will not be permitted.
- Materials for any pitched roof shall be architectural grade, three-dimensional shingles or tiles, slate, or standing seam metal.
- Color schemes shall use at least two colors to highlight building features and details, create contrast, and to avoid monotony and starkness in the overall building design. A consistent color scheme shall be provided on all facades so that the appearance of a rear or service side of the building is minimized.
- All mechanical equipment shall be screened. Ground mounted equipment shall be screened either with landscaping or enclosed with an enclosure structure which uses similar materials, colors, and design detailing compatible with the principal building. If roof mounted on a flat roof building, the equipment shall be screened by a parapet wall or mansard.
- Loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards. Garbage storage areas and accessory structures shall be placed in the side or rear yard only, excluding corner side yards. Garbage storage areas shall be enclosed per the requirements of SECTION 3151 of the zoning regulations. Additionally, garbage enclosure structures and accessory structures shall be constructed with the similar materials, colors, and design detailing compatible with the principal building.
- Retaining walls shall be constructed of brick, architectural grade CMU, concrete which is formed to have a unit masonry appearance, or segmental retaining wall blocks. Plain faced CMU and/or materials with a painted finish are not permitted.

# SUPPORTING INFORMATION

THIS INSTRUMENT PREPARED BY  
AND RETURN TO:  
(Title search performed by preparer)

  
PAUL R. BOGGS III  
JSB ATTORNEYS, PLLC  
334 Beechwood Rd. Suite 303  
Ft. Mitchell, KY 41017

This transfer is NOT exempt from transfer tax.

#### GENERAL WARRANTY DEED

This Deed of Conveyance is made and entered into this 6<sup>th</sup> of November 2023, by and between DAVE & SHIRLEY, LLC, a Kentucky Limited Liability Company (hereinafter "Grantor") and MACS Property LLC, a Kentucky Limited Liability Company, (hereinafter "Grantee").

Property Address: 2804 Idlewild By-Pass Road, Burlington, Kentucky 41005  
Grantor Mailing Address: 2141 Burlington Pike, Burlington, Kentucky 41005  
Grantee Mailing Address: 3057 Caribou Drive Petersburg, KY 41080  
In care of address: 3057 Caribou Drive Petersburg, KY 41080

#### WITNESSETH

For and in consideration of the sum of \$485,000.00 and other good and valuable consideration paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, Grantor, DAVE & SHIRLEY, LLC, a Kentucky Limited Liability Company, hereby SELLS and CONVEYS unto the Grantee, MACS Property LLC, a Kentucky Limited Liability Company, the following described real estate located in Boone County, Kentucky.

Group: 200  
PIDN: 015.00-00-023.05

Located in Boone County, Kentucky, lying on the south side of the Idlewild By-Pass Road approximately 0.4 miles east of Kentucky Highway 20 and is more particularly described as follows:

Beginning at an iron pin (set) in the south right-of-way line of the Idlewild By-Pass Road, 140.00 feet as measured radial and parallel to the centerline of the existing pavement and 170.00 feet as measured radial and parallel to the centerline of a proposed four lane highway, at the common corner of Ken Gorz (Deed Book 198, page 404) and William Moore (Deed Book 221, page 50); thence with the common line of Gorz and Moore S 23~05~09 E 352.14 feet to an iron pin (set); thence S 42-58-47 W 486.79 feet to an iron pin (set); thence N 27~1948 W 333.74 feet to an iron pin (set) in the south right-of-way line of the Idlewild By-Pass Road; thence with a curve to the left having a radius of 1211.74 feet, an arc distance of 521.36 feet and a chord bearing and distance of N 42-06-33 E 517.35 feet to the point of beginning containing 3.4310 acres and being subject to all rights-of-way and easements of record.

Also with the right-of-use of an access easement which is more particularly described as follows:

Beginning at POINT "B" in the south right-of-way line of the Idlewild By-Pass Road as shown on the attached plat, said point being S 63-59-37 W 402.~ feet and S 7547-29 W 102.25 feet along said right-of-way line from the westerly most corner of the above described 3.4310 acre tract; thence S 34-15~39 E 72.34 feet to an iron pin (set); thence S 57-4-1-30 E 56.95 feet to an iron pin (set); thence S 73-24-55 E 119.68 feet to an iron pin (set); thence S 76-00-55 E 152.92 feet to an iron pin (set), hereinafter referred to as POINT "C"; thence S 05-00-00 W 20.24 feet to an iron pin (set); thence N 76-00-55 W 156.72 feet to an iron pin (set); thence N 73-24-55 W 120.93 feet to an iron pin (set); thence N 76-1346 W 68.26 feet to an iron pin (set); thence N 40-35-3 1 W 108.10 feet to an iron pin (set) in the south right-of-way line of the Idlewild By-Pass Road; thence with a spiral curve to the left subtended by a 55.49 feet chord on a bearing of N 7 848-08 E to the point of beginning.

Also with the right-of-use of a 25.00 feet wide access easement which is more particularly described as follows:

Beginning at the above described POINT "C"; thence N 76-00-55 W 52.81 feet to a point; thence N 75-43-56 E 311.03 feet to a point; thence S 27-19-48 E 25.66 feet to a point; thence S 75-43-56 W 270.31 feet to the point of beginning.

This description was prepared from a new survey made by Timothy R. McNeely, L.S. 2030, June, 1996.

SOURCE OF TITLE: Being all of the same property conveyed to DAVE & SHIRLEY, LLC, a Kentucky Limited Liability Company by Deed from David Jones and Shirley Jones, husband and wife, dated May 31, 2006 and recorded June 1, 2006 at Deed Book D916, Page 762, of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the PRIVILEGES and APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said MACS Property LLC, a Kentucky Limited Liability Company, in fee simple with COVENANTS OF GENERAL WARRANTY except conditions, restrictions, and easements of record, if any.

IN WITNESS WHEREOF, the said Grantor DAVE & SHIRLEY, LLC, a Kentucky Limited Liability Company, has hereunto set it hand, this 6<sup>th</sup> day of November 2023.

GRANTOR:

DAVE & SHIRLEY, LLC,  
a Kentucky Limited Liability Company

By: [Signature]  
Print Name: DAVID J. JONES

COMMONWEALTH OF KENTUCKY  
COUNTY OF KENTON

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 6<sup>th</sup> day of November 2023 by the Grantee, DAVE & SHIRLEY, LLC, a Kentucky Limited Liability Company, by and through David Jones, its duly authorized representative to be his/her and its voluntary act and deed.

P. B. Bland  
Notary Public  
Comm. Expires: 2/1/24  
Notary ID: KYNP41355

CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantors, DAVE & SHIRLEY, LLC, a Kentucky Limited Liability Company, and the Grantees, MACS Property LLC, a Kentucky Limited Liability Company, do hereby certify pursuant to KRS Chapter 382 that the above-stated consideration in the amount of \$485,000.00 is the true, correct, and full consideration paid for the aforescribed property.

GRANTOR:

DAVE & SHIRLEY, LLC,  
a Kentucky Limited Liability Company

By: [Signature]  
Print Name: DAVID J. JONES

GRANTEE:

MACS Property LLC,  
a Kentucky Limited Liability Company

By: [Signature]  
Print Name: Jillian Hunt

COMMONWEALTH OF KENTUCKY  
COUNTY OF KENTON

The foregoing consideration certificate was subscribed, sworn to, and acknowledged before me this 6<sup>th</sup> day of November 2023 by the Grantor, DAVE & SHIRLEY, LLC, a Kentucky Limited Liability Company, by and through David Jones its duly authorized representative to be his/her and its voluntary act and deed.

[Signature]  
Notary Public  
Comm. Expires: 2/1/26  
Notary ID: KYNP41355

COMMONWEALTH OF KENTUCKY  
COUNTY OF KENTON

The foregoing consideration certificate was subscribed, sworn to, and acknowledged before me this 6<sup>th</sup> day of November 2023 by the Grantee, MACS Property LLC, a Kentucky Limited Liability Company, by and through Jillian Hunt, its duly authorized representative to be his/her and its voluntary act and deed.

[Signature]  
Notary Public  
Comm. Expires: 2/1/26  
Notary ID: KYNP41355

24-003

**ORDINANCE 2024-08**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING A 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.**

**WHEREAS**, the Boone County Planning Commission received a request for a Change of 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, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the Change of Concept Development Plan.

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

**Section One**

That the request for a Change of Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved for a Commercial Services (C-3) zone for an approximate 3.4 acre area located at 2804 Idlewild Bypass, Boone County, Kentucky. The real estate, which is the subject of this request for a Change of Concept Development Plan and is more particularly described in DEED BOOK: 916, PAGE NO: 762 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

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

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

**Section Three**

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

First Reading the 5<sup>th</sup> day of March 2024

Second Reading the 19<sup>th</sup> day of March 2024

Adopted this 19<sup>th</sup> day of March 2024

Yes 4 No 0



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

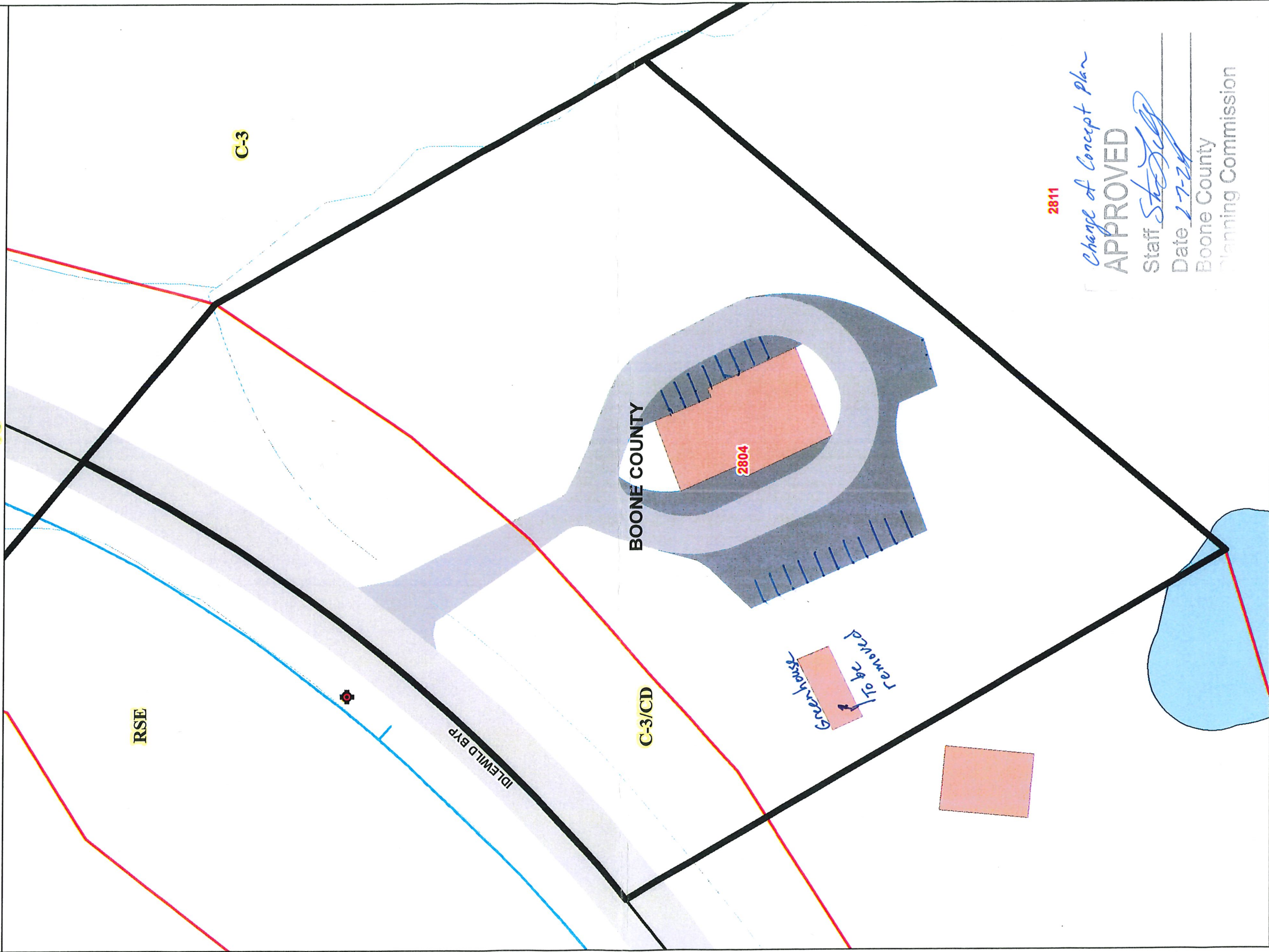
ATTEST:



Shona Schulkers,  
Fiscal Court Clerk

# Boone County GIS Map

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



2811

*Change of Concept Plan*

APPROVED

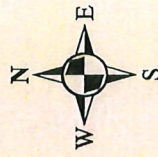
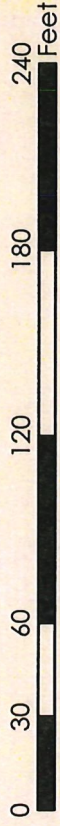
Staff *Stacy*

Date *1-7-24*

Boone County  
Planning Commission

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

Map Created: xx/xx/2022

Scale: Boone County North, MO, 1985  
ArcMap Document \*.mxd