

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
89895
FEB 06 2024
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: ASBURY DEVELOPMENT
2. Location of Project: THE SOUTH TERMINOUS OF ASBURY WAY, HEBRON, BOONE COUNTY KY
3. Total Acreage of Project: 3.60 ACRES
4. Current Zoning of Property: SR-1 (SUBURBAN RESIDENTIAL ONE)
5. Proposed Zoning of Property (classification being requested): SR-2 (SUBURBAN RESIDENTIAL TWO)
6. Proposed Use(s) (specify each use):
SINGLE-FAMILY DEVELOPMENT FOR 16 NEW LOTS AT THE SOUTHERN TERMINOUS OF ASBURY WAY
7. Proposed Building Intensities (specify for each building):
4.44 UNITS PER ACRE - SINGLE-FAMILY RESIDENTIAL LOTS ACCORDING TO SR-2, REQUESTING A VARIANCE FOR A REDUCTION OF THE SIDE YARD SETBACKS FROM 5' TOTALING 15' TO 5' TOTALING 10'
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: PMM PROPERTIES LLC
Address: 5661 SNYDER LANE
PETERSBURG KENTUCKY 41080
City State Zip Code
Phone Number: 859-240-1029 Fax Number: _____
Email: _____
10. Applicant: ASBURY DEVELOPMENT LLC
Address: 189 WEBER LANE
FLORENCE KENTUCKY 41042
City State Zip Code
Phone Number: 859-384-2006 Fax Number: _____
Email: LEE@POTTERHOUSEGROUP.COM
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

12. 1098 311 2010
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):

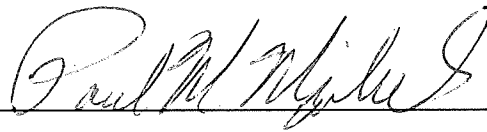
- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> Boone County Building Department | <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

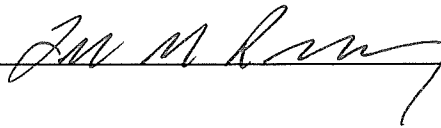
17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

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 _____

Property Owner's Signature:



Applicant's Signature:



EXHIBIT

“A”

STAFF REPORT

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.

March 6, 2024

REQUESTS

- A. The first request is a zoning map amendment for an approximate 3.6 acre area from SR-1 to SR-2 to allow a subdivision for sixteen (16) single-family residences.
- B. The second request is for 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.

PERTINENT SITE HISTORY

1. The site has been zoned SR-1 since the adoption of the 1980 zoning ordinance.
2. Ridgefield Subdivision began development in 1994 with the most recent Final Plat approval being on January 2, 2008.
3. A Conveyance Plat was approved on November 20, 2023, by the Boone County Planning Commission conveying a 0.2211 acre non-buildable parcel from PMP Properties LLC to Darlene Carr.

SITE CHARACTERISTICS

- A. The approximate 3.6-acre area is located at the terminus of Asbury Way.
- B. Asbury Way is a 25-foot wide public street within a 50-foot wide right-of-way.
- C. Public water and sanitary sewer are available at the terminus of the existing street.
- D. The perimeter of the site is wooded and the rest is vacant.
- E. Topographically, the site slopes north to south at an average grade of 4%.

- F. The south half of the site is within the 55 day/night noise level of the Cincinnati/Northern Kentucky International Airport.

ADJACENT LAND USES AND ZONES

North: Single Family Homes (SR-1)
South: Single Family Homes (SR-1)
East: Single Family Homes (SR-2/CD)
West: Single Family Homes (SR-1)

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 302 of the Boone County Zoning Regulations states that at the time of filing an application for a zoning map amendment, an applicant may also request a dimensional variance for the same development.
- C. Article 40 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- D. The Planning Commission should evaluate the variance as it relates to the Variance criteria as stated in Section 204 of the Boone County Zoning Regulations. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
2. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

- E. Section 904 of the Boone County Zoning Regulations states that the purpose of the Suburban Residential Two district is to provide a more compact, but essentially single-family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.
- F. Section 505.2 and Table 5-3 of the Boone County Zoning Regulations principally permit Single Family Dwelling Units in an SR-2 zoning district.
- G. Table 31.1 of the Boone County Zoning Regulations provides the following requirements for the SR-2 zone:

ZONING DISTRICT	MINIMUM LOT SIZE (SQ. FT.)	MINIMUM FRONTAGE	MINIMUM YARD SETBACKS:		
			FRONT:	REAR:	SIDE:
SR-2	detached s.f.: 6,500	50'	30'	30'	5' min./15' total #15

- H. Section 402 (N) of the Boone County Subdivision Regulations provides the requirements for street connections to adjoining tracts or areas and states that deadend streets of a temporary nature and street connections with adjoining undeveloped tracts shall be required by the Commission.

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for Suburban Density Residential uses.
 1. Suburban Density Residential is described as single-family housing of up to four units per acre.

- B. The Land Use Plan Element of Our Boone County Plan 2040, includes the following passages, which relates to the request:
1. "The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development. Further Urban Residential uses planned behind the Hebron Commercial Mart development must utilize a site design that pays attention to building orientation and landscaping in order to enable an adequate visual transition from KY 20 and into older single-family areas to the north. These established residential neighborhoods will eventually be surrounded by commercial, industrial, and higher density residential development, and need some degree of visual protection. The commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses. The planned Urban Residential uses should not develop until adequate elementary school space is available. Small roads in the area are not suitable for serving subdivision or industrial traffic and must be upgraded or bypassed in such developments." (Land Use, Description And Purpose Of Land Use Maps, 7 Hebron, page 111).
 2. "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." (Future Land Use Development Guidelines, Utilization of Existing Vegetation and Topography, page 95).
 3. "Different residential development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists (or is planned) to support the development. Fluctuations in the economy and housing market should be considered when evaluating uses and design of developments." (Future Land Use Development Guidelines, Development Layout, Lot Sizes, and Setbacks, page 95).
 4. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed

projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible" (Future Land Use Development Guidelines, Buffering, pp. 95-96).

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

7. 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. Utility lines should be placed underground wherever possible, and junction boxes screened from public view (Future Land Use Development Guidelines, Design, Signs, and Cultural Resource Preservation, pg. 97).

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

1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
2. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
3. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
4. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
5. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density. (Demographics Goal B, Objective 4).
6. Airport noise levels shall be considered when new residential development is proposed near the Airport (Demographics Goal B, Objective 5).
7. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area,

- with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).
8. An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).
 9. 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).
 10. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).
 11. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops. (Transportation Goal B, Objective 6).
- D. Asbury Way is a county-maintained local street providing for two-way traffic within two driving lanes. There are sidewalks located along both sides of the street. The posted speed limit is 25 MPH.

CONCEPT PLAN

- A. The applicant is proposing the following:
1. An extension of Asbury Way for approximately 300 feet and terminating with a cul-de-sac.
 2. Sixteen (16) new single-family homes with an overall intensity of approximately 4.5 dwelling units per acre.
 3. Provision for sidewalk, water, sanitary, and storm sewer including a detention pond near the southwest corner of the property.

STAFF COMMENTS

- A. Since this is a Concept Development Plan submittal, a complete evaluation against the zoning regulations and the subdivision regulations was not conducted. However, based on this preliminary evaluation, the proposed plan substantially meets the requirements of the zoning regulations and the subdivision regulations.
- B. The proposed Concept Development Plan does not provide access to adjoining property. The applicant has provided a letter from the adjacent owner stating that they are not in favor of a stub street ending at their property and that they have no intention of selling the property.
- C. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, Boone County Water District, Hebron Fire Department, Boone County School District, and SD1 requesting comments pertaining to the requests. These comments are attached to the Staff Report.

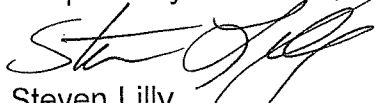
STAFF CONCERNS

1. The plan does not show the existing vegetation line for the site. Will any of the existing vegetation be retained along the exterior boundary lines?
2. The proposed detention pond has an outlet structure located at the property corner. Staff has a concern regarding the placement of the headwall and being able to provide adequate run-off protection.

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. The 2040 Future Land Use Map will need to be amended if the request is approved.
- B. The request for the proposed Variance needs to be evaluated by the Boone County Planning Commission in terms of Kentucky Revised Statute (KRS) 100.243, Article 2 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,


Steven Lilly
Planner, Zoning Services

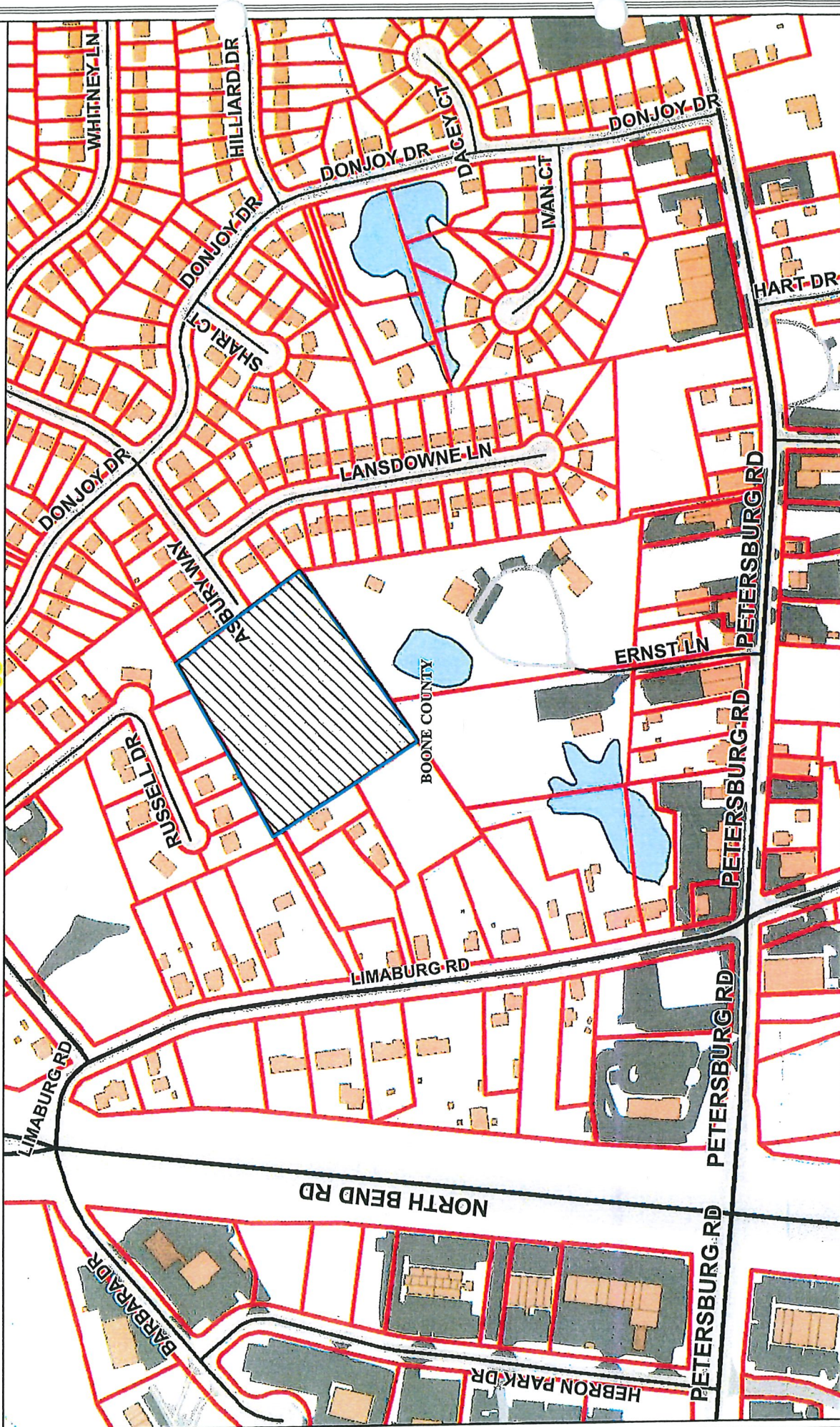
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Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Noise Contour Map
- * Application
- *Materials Submitted by the Applicant
- *Concept Development Plan
- * Inter-departmental emails

Vicinity Map

www.boonecountygis.com



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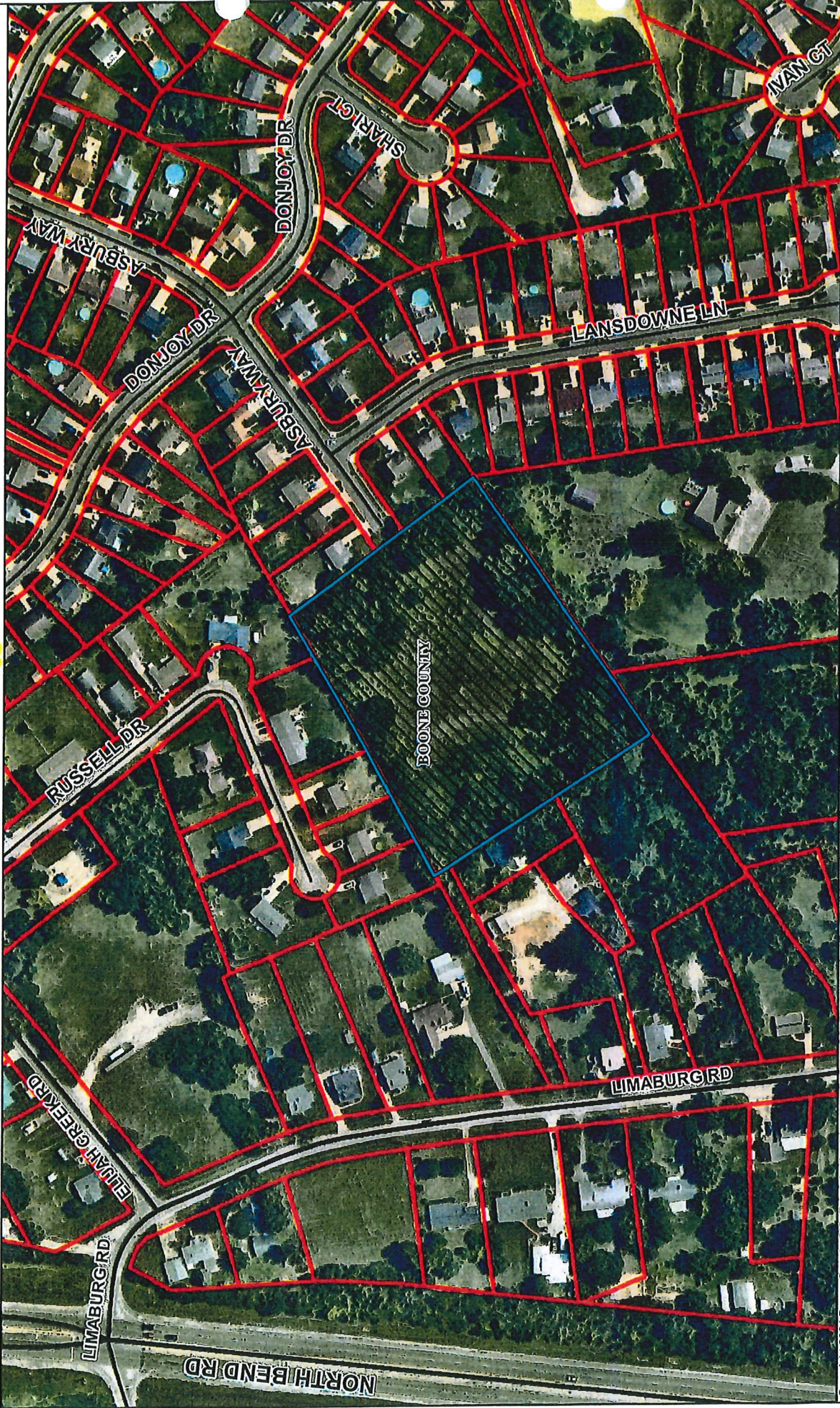
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Boone County GIS - Putting Northern Kentucky on the Map

Aerial Map

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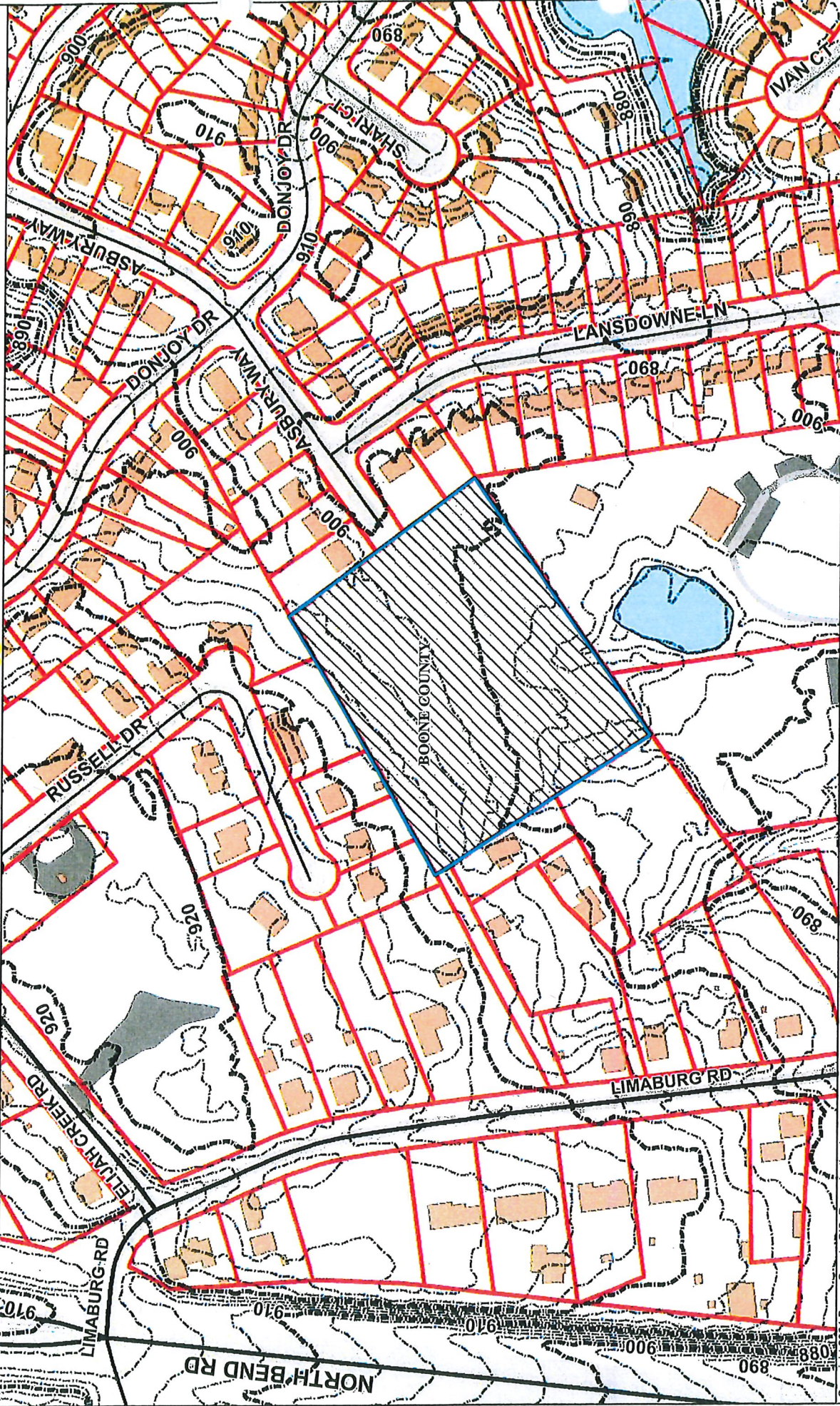
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Topographical Map

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0 100 200 400 600 800 Feet

1 inch = 200 feet

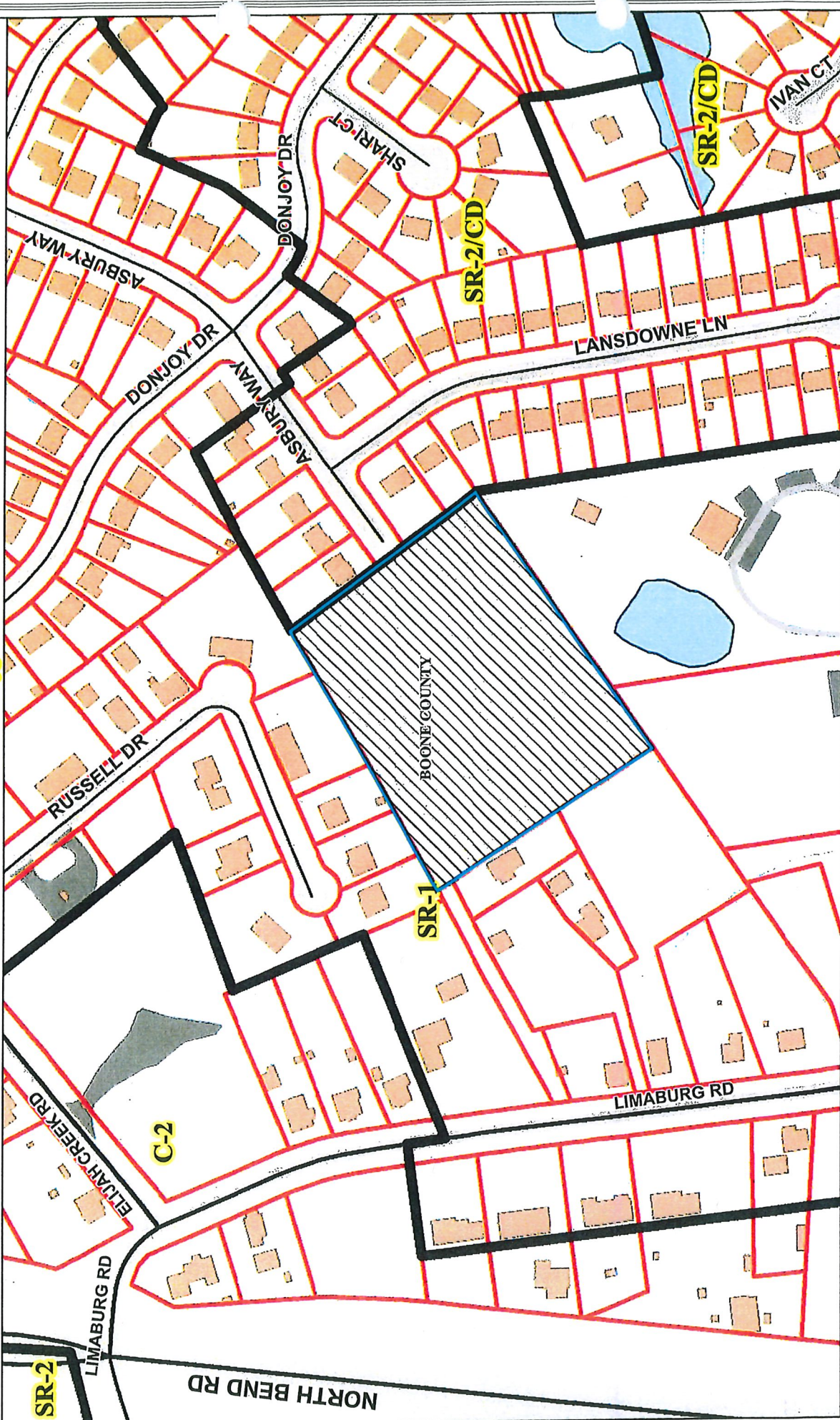


Map Document: 2024/2/24

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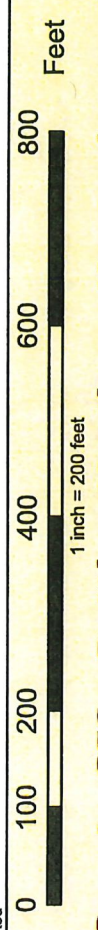
Zoning Map

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2040 Future Land Use Map

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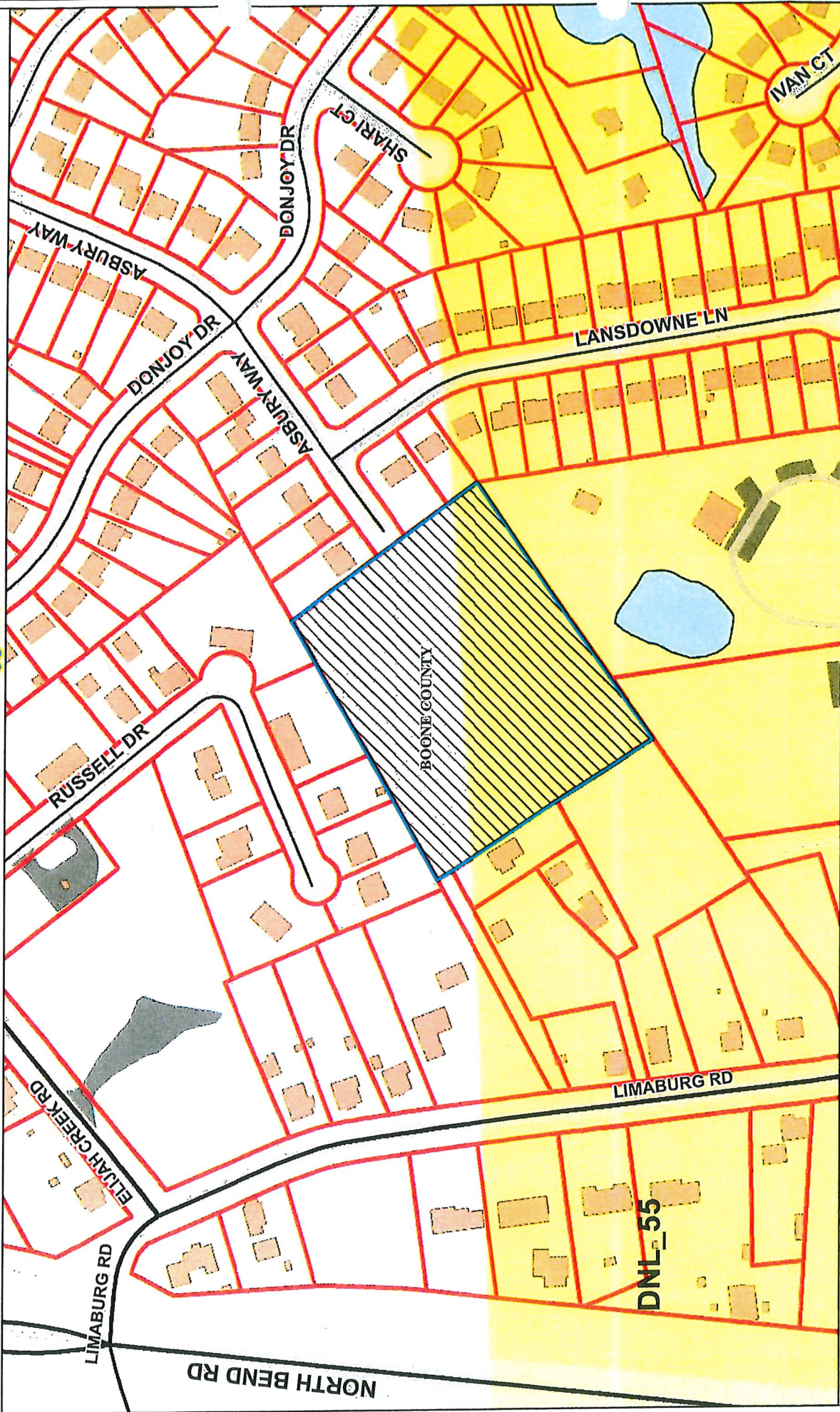


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Map Created: 02/22/2024

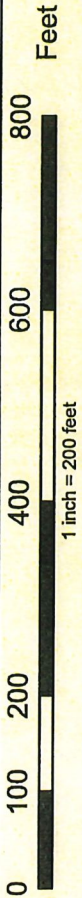
Noise Contour Map

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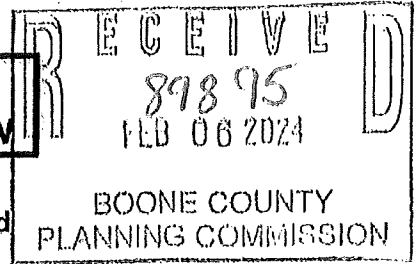
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9. Current Owner: PMM PROPERTIES LLC
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PETERSBURG KENTUCKY 41080
City State Zip Code
Phone Number: 859-240-1029 Fax Number: _____
Email: _____
10. Applicant: ASBURY DEVELOPMENT LLC
Address: 189 WEBER LANE
FLORENCE KENTUCKY 41042
City State Zip Code
Phone Number: 859-384-2006 Fax Number: _____
Email: LEE@POTTERHOUSEGROUP.COM
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

3
PC Return to:
Bridge Trust Title Group
7000 Houston Road
Bldg 400, Ste 40
Florence, KY 41042
859-371-6311

RETURN TO:

Deed-Warranty

THIS DEED, made this **October 13, 2017**, by and between **Margaret F. Reusch, Successor Trustee of The Paul B. Altemuehle Trust dated April 20, 2004**, of 10746 Clearlake Way, Independence, Kentucky 41051, party of the first part; and **PMM Properties, LLC**, a Kentucky limited liability company, of 5661 Snyder Lane, Petersburg, Kentucky 41080, party of the second part.

WITNESSETH: That, for a valuable consideration in the amount of **FOUR HUNDRED FORTY THOUSAND AND 00/100 DOLLARS (\$440,000.00)**, the receipt of which is hereby acknowledged, the party of the first part hereby conveys unto the party of the second part, in fee simple, with covenant of General Warranty, the following described property in Boone County, Kentucky, to wit:

The in-care-of address to which the property tax bill may be sent to:
PMM Properties, LLC, 5661 Snyder Lane, Petersburg, KY 41080

Property Address: 2952 Ernst Lane, Hebron, KY 41048

Tax/Parcel ID: Group: 2010

PIDN: 047.05-00-032.00 - TRACT NO. ONE:

Located generally about 200 feet North of Kentucky State Highway # 20 in the Village of Hebron and described thus: **BEGINNING** at the north common corner of the 2 plus or minus acres tract of the Lions Club purchase from Ernst, with the general houndary tract of 5 acres, more or less, of Ray Ernst's in the old "Quick" line; thence with the East line of said Lions Club tract S 10-30 E 323.4 feet to the northeast corner of the end of a 25 foot width street known as Cross Street; thence with the east line of said street S 11-10 E 214.3 feet to a point; thence N 89-55 E 321 feet to a point; thence with the west line of the old Carder dower tract N 11 W 752 feet to a stake and corner post; thence with a portion of the old "Quick" line S 52-45 W 349.2 feet to the place of beginning containing 4.67 acres. The above boundary describes by metes and bounds a tract designated in D.B. 84, Page 952, by abutments.

PIDN: 047.05-00-031.00 - TRACT NO. TWO:

Beginning at a point in the right of way line of the North Bend Road the Northwest corner of the tract purchased from Mamie Bullock and recorded in Deed Book 145, Page 99; thence N 60 E 797.8 feet to a post; thence S 38-19 E 333.0 feet to a post; thence S 54-15 W 468.7 feet to a post; thence N 32-15 W 351.0 feet to a point; thence S 60-20 W 245.9 feet to a point; thence S 10 E 14.0 feet to a point; thence S 65-58 W 125.2 feet to a point in the right of way line of the North Bend Road; thence with said road N 7-14 W 25.6 feet to the beginning.

Being the same property conveyed from Thomas L. Hiance and Agnes L. Hiance, his wife, to Paul B. Altemuehle, single, by Warranty Deed dated August 17, 1977, of record in Deed Book 235, Page 13, in the records for Boone County, KY. And being the same property conveyed from Paul B. Altemuehle, unmarried, to Paul B. Altemuehle, Trustee, u/a dated 20th day of April, 2004, f/h/o, The Paul B. Altemuehle Trust, by Warranty Deed dated April 20, 2004, of record in Book D874, Page 266, in the records for Boone County, KY. The Paul B. Altemuehle Trust Agreement dated April 20, 2004 remains in full force and effect. Paul B. Altemuehle was the Settlor and Trustee. Said Paul B. Altemuehle died on September 9, 2006. Pursuant to Section 6.01 of said Trust, Margaret F. Reusch is appointed Successor Trustee, and pursuant to Section 4.02(a) has power to sell the above property. ✓

The party of the first part further covenants lawful seizing of the estate hereby conveyed, with full power to convey the same, and that said estate is free of encumbrances except restrictions and easements of record, the 2017 State, County, School taxes and all taxes thereafter, which second party hereby assumes and agrees to pay.

The parties hereto state the consideration reflected in this deed is the full consideration paid for the property. The party of the second part joins this deed for the sole purpose of certifying the consideration pursuant to KRS 382.135.

IN TESTIMONY WHEREOF, WITNESS the signature of the parties of the first part and second part.

PARTY OF THE FIRST PART

Margaret F. Reusch

Margaret F. Reusch, Successor Trustee of The Paul B. Altamaha Trust dated April 20, 2004

STATE OF Florida)

COUNTY OF Citrus)

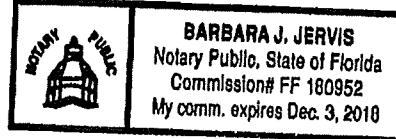
I hereby certify that the foregoing deed and consideration statement was acknowledged and sworn to before me this October 11, 2017, by Margaret F. Reusch, Successor Trustee of The Paul B. Altamaha Trust dated April 20, 2004, party of the first part.

Barbara Jervis

Notary Public

State at Large,

My Commission Expires: 12/3/18



IN TESTIMONY WHEREOF, WITNESS the signature of the parties of the first part and second part.

PARTY OF THE SECOND PART

PMM Properties, LLC
A Kentucky limited liability company

By: *Paul M. Michels*
Paul M. Michels

Its: Member

STATE OF KENTUCKY)

COUNTY OF BOONE)

I hereby certify that the foregoing deed and consideration statement was acknowledged and sworn to before me this **October 13, 2017**, by **Paul M. Michels**, as **member of and on behalf of PMM Properties, LLC**, a **Kentucky limited liability company**, party of the second part.

John R. Derks
Notary Public



JOHN R. DERKS
Notary Public, State of Kentucky
Notary ID# 654851
My Commission Expires May 3, 2020

State at Large, Kentucky

My Commission Expires: 5-3-20

NO TITLE EXAM REQUESTED OF PREPARER
This Instrument Prepared By:

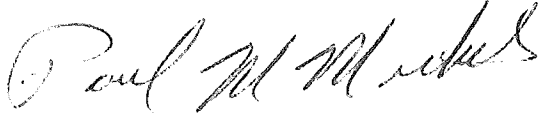
Michael J. Keeney
Michael J. Keeney
Attorney-at-Law
7000 Houston Road, Suite 17
Florence, KY 41042
Tel: (859) 525-1965

Boone County
D1098 PG 313

DOCUMENT NO: 738045
RECORDED ON: OCTOBER 24, 2017 01:47:28PM
TOTAL FEES: \$17.00
TRANSFER TAX: 1448.00
GROUP : 2010
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
BOOK D1098 PAGES 311 - 313

To whom it may concern

My name is Paul Michels (of PMM Properties LLC) and I am the seller of the 3.6 acres that is located behind property at 2952 Ernst Lane, Hebron KY. I am not in favor of having a stub street ending at the rear property line. I have no intentions of selling the property at 2952 Ernst Lane.

A handwritten signature in cursive script that reads "Paul Michels". The signature is written in black ink and is positioned above the printed name.

Paul Michels

Steve Lilly

From: Robert Franxman
Sent: Tuesday, February 27, 2024 9:54 AM
To: Steve Lilly
Subject: RE: Asbury Development - Zoning Map Amendment

Steve,

I did not have any comments on this.

Thanks,
Rob

From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, February 7, 2024 9:08 AM
To: Paul Stephenson <Pstephenson@boonecountyky.org>; Mark Martin <mmartin@boonecountyky.org>; Robert Franxman <rfranxman@boonecountyky.org>; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; Mike Rouse <miker@boonewater.com>; Andrew Ifcic <AIfcic@hebronfire.org>; Andy Aman <aaman@sd1.org>; jison@sd1.org
Subject: Asbury Development - Zoning Map Amendment

Good morning,

We have an application for a Zoning Map Amendment from SR-1 to SR-2. I've attached the submitted Concept Development Plan.

Please review and let me know if you have any comments by Monday, February 26, 2024.

Thanks,

Steven Lilly, PLS
Planner, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

2950 Washington Street, Room 317
Burlington, Kentucky 41005
(P) 859-334-2196 (F) 859-334-2264

Steve Lilly

From: Jared Ison <jison@sd1.org>
Sent: Thursday, February 8, 2024 2:09 PM
To: Steve Lilly; Paul Stephenson; Mark Martin; Robert Franxman; Jenna LeCount; Bridget Striker; Daniel Menetrey; Mike Rouse; Andrew Ifcic; Andy Aman
Subject: Re: Asbury Development - Zoning Map Amendment

EXTERNAL MESSAGE

Steve,

SD1 comments below:

Storm:

1. A Land Disturbance Permit needs to be applied for and obtained, from SD1, for disturbing 1-acre or greater of land and constructing public storm sewer.

Sanitary:

1. A reservation of sanitary sewer capacity needs to be applied for.
2. A Sanitary Sewer Construction Permit needs to be applied for and obtained, from SD1, for construction of public sanitary sewer.
3. New sanitary connection(s) with this project will need to obtain the appropriate sanitary sewer connection permits from SD1.

Plats:

1. All plats with an SD1 easement(s) will need to be reviewed and signed off on by SD1.

Thanks,

Jared Ison
Development Services Coordinator
SD1
1045 Eaton Drive
Ft. Wright, KY 41017
(859)-578-6883

Public Records Notice: I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at (859) 331-2436 or via email to records@sd1.org. Your request will not be forwarded.

From: Steve Lilly <steve.lilly@boonecountyky.org>

Sent: Wednesday, February 7, 2024 9:07 AM

To: Paul Stephenson <pstephenson@boonecountyky.org>; Mark Martin <mmartin@boonecountyky.org>; Robert Franxman <rfranxman@boonecountyky.org>; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; Mike Rouse <miker@boonewater.com>; Andrew Ifcic <Alfcic@hebronfire.org>; Andy Aman <aaman@sd1.org>; Jared Ison

Steve Lilly

From: miker@boonewater.com
Sent: Wednesday, February 7, 2024 1:23 PM
To: Steve Lilly
Subject: ***SPAM*** Asbury Development - Zoning Map Amendment
Attachments: Concept Plan.pdf

EXTERNAL MESSAGE

Steve,

No comments.

Thanks,
Mike

Mike Rouse / Project Manager
Boone County Water District
2475 Burlington Pike
Burlington, Ky. 41005

Office: 859-586-7270
Mobile: 859-991-5104

Good morning,

We have an application for a Zoning Map Amendment from SR-1 to SR-2. I've attached the submitted Concept Development Plan.

Please review and let me know if you have any comments by Monday, February 26, 2024.

Steve Lilly

From: Andrew Ifcic <Alfcic@hebronfire.org>
Sent: Wednesday, February 7, 2024 12:53 PM
To: Steve Lilly
Subject: RE: Asbury Development - Zoning Map Amendment

EXTERNAL MESSAGE

I have no comments on this plan.

Thanks, Andy

Andy Ifcic
Battalion Chief - Fire Marshal
Hebron Fire Protection District
3120 North Bend Road
Hebron, KY 41048
P: 859-586-9009
F: 859-586-9059



From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, February 7, 2024 9:08 AM
To: Paul Stephenson <Pstephenson@boonecountyky.org>; Mark Martin <mmartin@boonecountyky.org>; Robert Franxman <rfranxman@boonecountyky.org>; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; Mike Rouse <miker@boonewater.com>; Andrew Ifcic <Alfcic@hebronfire.org>; Andy Aman <aaman@sd1.org>; jison@sd1.org
Subject: Asbury Development - Zoning Map Amendment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

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Please review and let me know if you have any comments by Monday, February 26, 2024.

Thanks,

Steven Lilly, PLS
Planner, Zoning Services

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Steve Harper, Chair

DATE: March 20, 2024

RE: 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.

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, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the Zoning Map Amendment and Variance requests based on the following findings of fact:

ZONING MAP FINDINGS OF FACT

1. The Committee concluded that the existing classification of Suburban Residential (SR-1) is inappropriate and the proposed SR-2 district, along with the submitted concept development plan, is appropriate.

The concept development plan shows 16 single-family lots served by an extension of Asbury Way. Asbury Way was constructed as part of Ridgefield Subdivision, which is located immediately east of the site in question and is currently zoned SR-2. The proposed SR-2 Zoning District is appropriate and will allow for a consistent development pattern and density, functioning as an extension of the existing subdivision.

2. The Committee concluded that the proposed SR-2 district, along with the concept development plan, is consistent with several Our Boone County Plan 2040 Goals and Objectives.
 - a. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 - b. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - c. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment

- centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
- d. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 - e. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density. (Demographics Goal B, Objective 4).
 - f. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).

VARIANCE FINDINGS OF FACT

The request is in agreement with KRS 100.243 and Section 251 of the Boone County Zoning Regulations for the following reasons:

1. The proposed variance does not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making this finding, the Committee concluded the strict application of the side yard setback would deprive the applicant of the reasonable use of the land or create an unnecessary hardship.
2. The proposed variance is being requested as part of a proposed zoning map amendment with the submittal of a proposed Concept Development Plan. Since the requested variance is part of, and being reviewed in light of, the proposed zoning map amendment and concept development plan, it is the decision of this committee that the proposed variance should only be approved and be in effect if the proposed zoning map amendment is approved by the legislative body.

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: Janet Kegley, Chairwoman
DATE: March 20, 2024

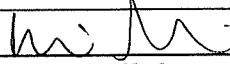
REMARKS:

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.

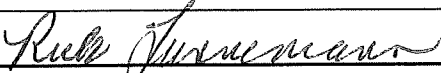
ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Steve Lilly, Staff

3. 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.

Janet Kegley (Chairwoman)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

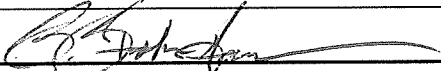


Corrin Gulick
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____



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
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

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

TOTAL: ____ DEFERRED 3 FOR PROJECT 2 ABSENT
 ____ AGAINST PROJECT ____ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
MARCH 6, 2024
7:30 P.M.**

Chairman Rolfsen opened the Public Hearings at 7:30 p.m. and welcomed the audience to the Planning Commission's March 6, 2024 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
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mr. Steve Turner
Mr. Kenny Vaught

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 **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.

Staff member, Steve Lilly, referred to his PowerPoint presentation (see Staff Report). The site in question is 3.6 acres. It is located at the terminus of Asbury Way and south of Russell Drive. It is east of Limaburg Road and north of Petersburg Road. The first request is to rezone the site from SR-1 to SR-2. The second request is a Variance to reduce the minimum side yard setbacks for all lots from 5 feet minimum on one side and 15 feet total on both sides to 5 feet minimum on both sides. The site is currently vacant and has trees located around the perimeter of the parcel. Asbury Way is a public road. Utilities exist at the end of Asbury Way. The topography of the site is relatively flat and generally slopes from the north to the south at a 4% rate. On the western property line, there is an existing drainage channel as well as a small one located to the south. The southern half of the site is in the Airport's 55 DNL noise contour. The current zoning has been in place since 1980. The site is surrounded by single-family homes. Ridgefield Subdivision is located east of the site. This subdivision was rezoned to SR-2 in 2000. Pages 2-3 of the Staff Report include sections from the Zoning Regulations that are pertinent to the zone change request. The 2040 Future Land Use Map designates the site for Suburban Density Residential (SD) land use. It allows up to 4 dwelling units per acre. Pages 3-7 of the Staff Report includes sections from the Comprehensive Plan. The lot size in Ridgefield Subdivision is 50 feet wide and 6,500 square feet in size. Mr. Lilly showed the submitted Concept Development Plan. Sixteen single family lots are planned with the extension of Asbury Way. Stormwater detention is planned for the site. The proposed density is 4.5 dwelling units per acre even though SR-2 zoning allows up to 8 dwelling units per acre. Mr. Lilly showed photographs of the site and adjoining properties.

In terms of Staff Comments, the submitted plan does not show the existing vegetation line for the site. Will any of the existing vegetation be retained during development? Staff also had a concern about the placement of a headwall being close to the property line and thus affecting the adjacent property. The proposed Variance would allow the builder to build a 40 foot wide home versus a 35 foot wide home. The request needs to be evaluated based upon Articles 2 & 3 of the Zoning Regulations and the planned uses in the area.

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

Mr. Jim Bertram, Hrezo Engineering, stated that they will relocate the outlet structure and pull it back from the property line in order to have adequate rip rap. They will keep most of the perimeter trees. They will have to remove some trees in order to extend the public street. The Variance request will allow the developer to offer a larger product.

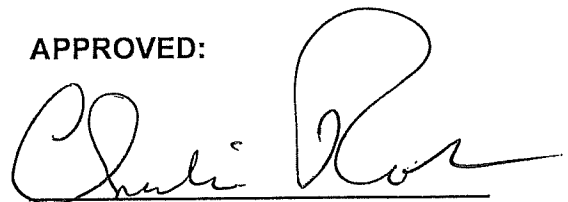
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions? Seeing no one, Chairman Rolfsen asked if the Commissioners had any questions or comments?

Mr. Lunnemann asked if the adjacent subdivision has the 5 foot/5 foot side yard setback? Mr. Bertram responded that he didn't know. He said the houses are comparable in size with the neighboring subdivision. Mr. Lunnemann asked the applicant to confirm it and bring that information to the Committee meeting. Mr. Bertram stated that he has not had any complaints or issues from the neighbors. The land has been vacant for at least 15 years.

Ms. Gulick asked about sidewalks. Mr. Bertram replied that there would be sidewalks on both sides of the street. It will match the existing sidewalks in the subdivision. Mr. Bertram stated that the houses will be the same building products but be bigger than the neighboring subdivision.

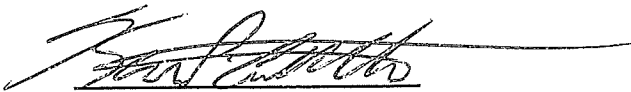
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 20, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 3, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:37 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

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BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
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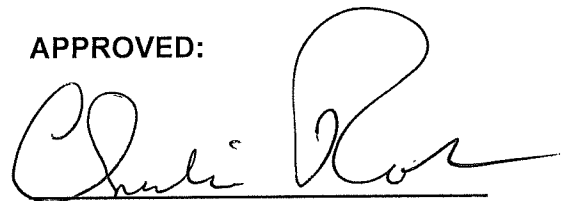
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Mr. Lunnemann asked if the adjacent subdivision has the 5 foot/5 foot side yard setback? Mr. Bertram responded that he didn't know. He said the houses are comparable in size with the neighboring subdivision. Mr. Lunnemann asked the applicant to confirm it and bring that information to the Committee meeting. Mr. Bertram stated that he has not had any complaints or issues from the neighbors. The land has been vacant for at least 15 years.

Ms. Gulick asked about sidewalks. Mr. Bertram replied that there would be sidewalks on both sides of the street. It will match the existing sidewalks in the subdivision. Mr. Bertram stated that the houses will be the same building products but be bigger than the neighboring subdivision.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 20, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 3, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:37 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
APRIL 3, 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 April 3, 2024 Business Meeting. Mr. Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
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
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mr. David Hincks
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the March 20, 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. Richardson 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 March 7, 2024 and April 3, 2024.

EXPENSES:

Accounting Fees	948.50
Attorney Fees	4,600.00
Auto Expense	69.46
Consultant/Professional Svcs Fees	8,920.00
Filing Fees (CLURS)	950.00
Legal Ads/Recruitment	1,114.62
Office & Board Meeting Supplies	1,078.61
Office Equipment / Expense	870.99
Postage Expense	632.79
Printing/Pub/Dues/Subscriptions	710.00
Professional Development	<u>350.00</u>

TOTAL: \$ 20,244.97

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,865.60
Health/Dental/Life/LTD	18,306.50
Retirement – BCPC Portion	27,299.63
Salaries – Staff Expenses	94,497.44
Salaries – BCPC & BOA	<u>1,660.00</u>

TOTAL: \$ 148,629.17

GRAND TOTAL: \$ 168,874.14

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. Goetting seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Corrin Gulick, Chairwoman, Todd Morgan, Staff

1. Request of **Hrezo Engineering Inc, per Jim Bertram (applicant) for Alex Othman (owner)** for: (1) a Change of Concept Development Plan for an approximate 2.62 acre area of the site; (2) a Conditional Use Permit for an approximate 7.52 acre area of the site; and (3) expansion of an existing commercial parking facility for an approximate 2.02 acre area of the site. The site is an approximate 9.54 acre area located at 527-535 Hunter Road and 571-591 Hunter Road, Boone County, Kentucky, which is currently zoned Commercial Services (C-3). The submitted request is to allow the conversion of an approximate 7.52 acre area of the site from commercial parking to a truck stop and to allow the expansion of the existing commercial parking facility on an approximate 2.02 acre area of the site.

Mrs. Steele moved to defer the request until the May 1, 2024 Business Meeting. The next Committee Meeting is scheduled for April 17, 2024 at 5:00 p.m. Ms. Gulick seconded the motion and it passed unanimously.

ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Steve Lilly, Staff

2. 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.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts for the Zoning Map Amendment and the Variance. It was recommended unanimously for approval with a 3-0 vote with Mr. Lunnemann, Mr. Harper and Ms. Gulick voting in favor of the request.

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

Mr. Jim Bertrum, Engineer, stated that he was available to answer any questions.

Seeing no further comment, **Mr. Harper moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment and Variance. Mr. Lunnemann seconded the motion and it passed unanimously.**

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

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for a Change in Concept Development Plan. It was recommended unanimously for approval with Mr. Lunnemann, Ms. Gulick and Mr. Harger voting in favor of the request. The applicant has submitted a signed condition letter.

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

Ms. Crystal Chittenden, co-owner of the site, stated that she was present to answer any questions. Chairman Rolfsen inquired about the dock doors. Mr. Lunnemann replied that the Committee worked through the issue to make sure the applicant would come back through the Design Review process in order to be compliant with the Houston-Donaldson Study. Normally, dock doors are not allowed on the side of the building. That is why the applicant is going through the process. The applicant can paint the dock doors. It is difficult to plant trees in the area to screen the dock doors. It can be painted to match the color of the building/

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the City of Florence, to recommend approval of the Change in Concept Development Plan with Conditions based upon the Committee Report. Mr. Schwenke seconded the motion and it passed unanimously.**

TECHINICAL/DESIGN REVIEW COMMITTEE, Rick Lunnemann, Chairman, Todd Morgan, Staff

4. O'Hara Flex Space Warehouse – 3630 – 3636 O'Hara Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The site is adjacent to the State salt dome. The site is 1.79 acres in size .The use is a flex space warehouse. The application is for a Design Review. The proposed building is 24,000 square feet. Two retaining walls will be built. The applicant is requesting a street frontage landscaping buffer waiver. There will be no roof top mechanicals. The use will be for small building contractor uses. The materials will be CMU and fiber cement. Block Option #1 will be used. The fiber cement will be storm grey. The back of the building will be dark grey metal material siding.

Mr. Lunnemann moved to approve the request as submitted and presented with two conditions – textured block is required as well as the dumpster will use the same block material. Mr. Bessler seconded the motion and it passed unanimously.

NEW BUSINESS

CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

5. Request of **Drury Florence LLC (applicant/owner)** for a Concept Development Plan for an approximate 7 acre area located at 7915 US 42, Florence, Kentucky, which is currently zoned Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO). The submitted request is to allow a density bonus for a previously approved hotel, under the PD regulations, and provide for an outlot for future development.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

6. Request of **Jake's Farm Real Estate Development Company, LLC, per Mark Jacobs (applicant/owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 34.87 acre area located at the southeast corner of the intersection of Richwood Road with Schmidt Lane, including the properties at 731, 733, and 735 Richwood Road, and the properties having Parcel Identification Numbers (PIDN) of 065.01-02-001.00 and 065.01-02-007.00. The request is for a zone change to allow: Option A – 147 residential units within twenty-four (24) buildings, four (4) detached single-family residential dwellings, fifty-six (56) attached single-family residential dwellings within fourteen (14) buildings, and eighty-seven (87) multi-family residential dwellings within six (6) buildings; or Option B – sixty-nine (69) detached single-family residential dwellings.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

7. Request of **SMJ International, on behalf of Tesla, per Aaron Adelman (applicant) for Meijer Stores Limited Partnership (owner)** for a Change of Concept Development Plan in an Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 0.16 acre portion of the approximate 22.48 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change of Concept Development Plan to allow for the expansion of electric vehicle charging stations.

Mrs. Kegley moved to schedule the Public Hearings for Items #5, #6 and #7 on May 1, 2024 at 7:30 p.m. in the Fiscal Courtroom Mrs. Goetting seconded the motion and it passed unanimously.

H. EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, referred to his April 2, 2024 email regarding the Planning Commission's current website. Recently, the County has contacted him to let him know that they are redesigning their website. As a result, the County suggested that we do the same as we have used the same template and platform/host since 2015. Our current website is a third generation website. Revize is the company that is assisting the County in its website upgrade. Mr. Costello referred to a proposal from Revize to update the Planning Commission's website at a total cost of \$9,710.00. It includes an annual maintenance fee of \$2,500.00. The cost includes Revize hosting the site.

Staff didn't allocate funds for this cost this fiscal year. He has negotiated with the County to prepare a potential contract to start the work this fiscal year and then invoice the Planning Commission after July 1, 2024. It will be a 5-6 month project. The new design will be easier to navigate. A committee of Staff members will review content and design to determine what information is meaningful and useful to the public. The Planning Commission had to purchase a new domain name for the website. Mr. Costello asked Board members to forward any ideas or suggestions for the new website. He also mentioned that Boone County GIS has its own website. He offered to give an update on the progress of that project. Chairman Rolfsen noted that a lot of people think that the Planning Commission is a County department because it is on the County website.

Mrs. Steele moved to authorize the Executive Director to execute a contract with Revize for website services not to exceed \$9,710.00 with invoicing occurring after July 1, 2024. Mr. Harper seconded the motion and it passed unanimously.

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:

Mr. Harper moved to appoint Corrin Gulick to the Boone County Transportation Improvement District (TID) Board as the Boone County Planning Commission's representative and forward this appointment to the Boone County Fiscal Court. Mrs. Goetting seconded the motion and it passed unanimously.

M. ADJOURNMENT:

There being no further business to come before the Planning Commission, **Mr. Bessler** moved to adjourn the meeting. **Mr. Turner** seconded the motion and it passed unanimously. The meeting was adjourned at 7:34 P.M.

APPROVED



Charlie Rolfsen
Charlie Rolfsen
Chairman

Attest:



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

SUPPORTING INFORMATION

3
PL
Return to:
Bridge Trust Title Group
7000 Houston Road
Bldg 400, Ste 40
Florence, KY 41042
859-371-6311

RETURN TO:

Deed-Warranty

THIS DEED, made this **October 13, 2017**, by and between **Margaret F. Reusch, Successor Trustee of The Paul B. Altemuehle Trust dated April 20, 2004**, of 10746 Clearlake Way, Independence, Kentucky 41051, party of the first part; and **PMM Properties, LLC, a Kentucky limited liability company**, of 5661 Snyder Lane, Petersburg, Kentucky 41080, party of the second part.

WITNESSETH: That, for a valuable consideration in the amount of **FOUR HUNDRED FORTY THOUSAND AND 00/100 DOLLARS (\$440,000.00)**, the receipt of which is hereby acknowledged, the party of the first part hereby conveys unto the party of the second part, in fee simple, with covenant of General Warranty, the following described property in Boone County, Kentucky, to wit:

The in-care-of address to which the property tax bill may be sent to:
PMM Properties, LLC, 5661 Snyder Lane, Petersburg, KY 41080

Property Address: 2952 Ernst Lane, Hebron, KY 41048

Tax/Parcel ID: Group: 2010

PIDN: 047.05-00-032.00 - TRACT NO. ONE:

Located generally about 200 feet North of Kentucky State Highway # 20 in the Village of Hebron and described thus: **BEGINNING** at the north common corner of the 2 plus or minus acres tract of the Lions Club purchase from Ernst, with the general boundary tract of 5 acres, more or less, of Ray Ernst's in the old "Quick" line; thence with the East line of said Lions Club tract S 10-30 E 323.4 feet to the northeast corner of the end of a 25 foot width street known as Cross Street; thence with the east line of said street S 11-10 E 214.3 feet to a point; thence N 89-55 E 321 feet to a point; thence with the west line of the old Carder dower tract N 11 W 752 feet to a stake and corner post; thence with a portion of the old "Quick" line S 52-45 W 349.2 feet to the place of beginning containing 4.67 acres. The above boundary describes by metes and bounds a tract designated in D.B. 84, Page 952, by abutments.

PIDN: 047.05-00-031.00 - TRACT NO. TWO:

Beginning at a point in the right of way line of the North Bend Road the Northwest corner of the tract purchased from Mamie Bullock and recorded in Deed Book 145, Page 99; thence N 60 E 797.8 feet to a post; thence S 38-19 E 333.0 feet to a post; thence S 54-15 W 468.7 feet to a post; thence N 32-15 W 351.0 feet to a point; thence S 60-20 W 245.9 feet to a point; thence S 10 E 14.0 feet to a point; thence S 65-58 W 125.2 feet to a point in the right of way line of the North Bend Road; thence with said road N 7-14 W 25.6 feet to the beginning.

Being the same property conveyed from Thomas L. Hiance and Agnes L. Hiance, his wife, to Paul B. Altemuehle, single, by Warranty Deed dated August 17, 1977, of record in Deed Book 235, Page 13, in the records for Boone County, KY. And being the same property conveyed from Paul B. Altemuehle, unmarried, to Paul B. Altemuehle, Trustee, u/a dated 20th day of April, 2004, f/b/o, The Paul B. Altemuehle Trust, by Warranty Deed dated April 20, 2004, of record in Book D874, Page 266, in the records for Boone County, KY. The Paul B. Altemuehle Trust Agreement dated April 20, 2004 remains in full force and effect. Paul B. Altemuehle was the Settlor and Trustee. Said Paul B. Altemuehle died on September 9, 2006. Pursuant to Section 6.01 of said Trust, Margaret F. Reusch is appointed Successor Trustee, and pursuant to Section 4.02(a) has power to sell the above property.

The party of the first part further covenants lawful seizing of the estate hereby conveyed, with full power to convey the same, and that said estate is free of encumbrances except restrictions and easements of record, the 2017 State, County, School taxes and all taxes thereafter, which second party hereby assumes and agrees to pay.

The parties hereto state the consideration reflected in this deed is the full consideration paid for the property. The party of the second part joins this deed for the sole purpose of certifying the consideration pursuant to KRS 382.135.

IN TESTIMONY WHEREOF, WITNESS the signature of the parties of the first part and second part.

PARTY OF THE FIRST PART

Margaret F. Reusch
Margaret F. Reusch, Successor Trustee of The Paul B. Altmaehle Trust dated April 20, 2004

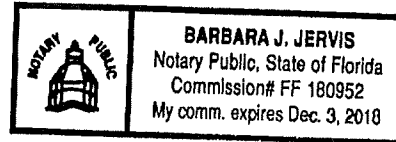
STATE OF Florida)
COUNTY OF Citrus)

I hereby certify that the foregoing deed and consideration statement was acknowledged and sworn to before me this October 11, 2017, by Margaret F. Reusch, Successor Trustee of The Paul B. Altmaehle Trust dated April 20, 2004, party of the first part.

Barbara J. Jervis
Notary Public

State at Large,

My Commission Expires: 12/31/18



IN TESTIMONY WHEREOF, WITNESS the signature of the parties of the first part and second part.

PARTY OF THE SECOND PART

PMM Properties, LLC
A Kentucky limited liability company

By: *Paul M. Michels*
Paul M. Michels

Its: Member

STATE OF KENTUCKY)

COUNTY OF BOONE)

I hereby certify that the foregoing deed and consideration statement was acknowledged and sworn to before me this **October 13, 2017**, by **Paul M. Michels**, as **member of and on behalf of PMM Properties, LLC**, a Kentucky limited liability company, party of the second part.

John R. Derks
Notary Public

State at Large, Kentucky

My Commission Expires: 5-3-20



JOHN R. DERKS
Notary Public, State of Kentucky
Notary ID# 654551
My Commission Expires May 3, 2020

NO TITLE EXAM REQUESTED OF PREPARER

This Instrument Prepared By:

Michael J. Keeney
Michael J. Keeney
Attorney-at-Law
7000 Houston Road, Suite 17
Florence, KY 41042
Tel: (859) 525-1965

Boone County
D1098 PG 313

DOCUMENT NO: 738845
RECORDED ON: OCTOBER 24, 2017 01:47:28PM
TOTAL FEES: \$17.00
TRANSFER TAX: \$440.00
GROUP : 2010
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEEDY CLERK: S. MICHAEL
BOOK D1098 PAGES 311 - 313



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

TO: Boone County Planning Commission Members

FROM: Treva L. Beagle
Manager, Administrative Services

DATE: **May 21, 2024**

RE: Final Action by Legislative Units on Planning Commission Items

CC: Michael Schwartz
Todd Morgan
Steve Lilly
John Harney
Sara Smith
Nicole Dierna

The type of information below will be sent to you on a periodic basis as it is received from the appropriate legislative unit.

<u>Legislative Unit</u>	<u>Name of Project</u>	<u>Type of Request</u>	<u>Action</u>	<u>Date</u>
Boone (BCPC Resolution number 24-006)	Asbury Dev./PMM Properties LLC	ZMA/Variances	Approved	5/21/24

