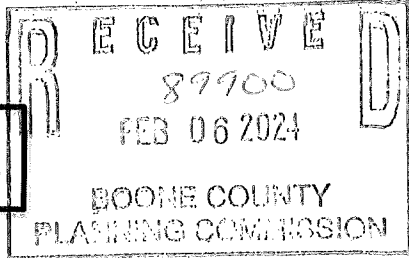


**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**



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: 6056 Burlington Pike Zone Change
2. Location of Project: 6056 Burlington Pike
3. Total Acreage of Project: 38.526
4. Current Zoning of Property: I-3
5. Proposed Zoning of Property (classification being requested): SR-1
6. Proposed Use(s) (specify each use):
Property is to be divided into 6 lots for single family residential housing.
7. Proposed Building Intensities (specify for each building):
All buildings will be single family residences.
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: Danny Lee & Deborah Delph
Address: 6056 Burlington Pike
Burlington Kentucky 41005
City State Zip Code
Phone Number: 859-393-8800 Fax Number: _____
Email: dandelph@bwc.com
10. Applicant: Viox & Viox
Address: 466 Erlanger Road
Erlanger Kentucky 41048
City State Zip Code
Phone Number: 859-727-3293 Fax Number: _____
Email: eball@vioxinc.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1 single family residence

12. 209 / 368 549 / 95 2023
Deed Book Page Number Group Number

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

14. Have you submitted a Concept Development Plan: Yes No

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

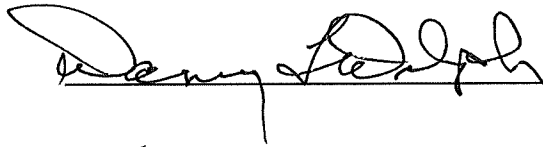
- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

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

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

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 12/31/2024

Property Owner's Signature:



Applicant's Signature:



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

1. Date Received: 2/10/24 Fee Received: \$2193.89 Receipt #: 89900
2. Number of Copies Received: _____
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

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

EXHIBIT

“A”

STAFF REPORT

#3

Request of **Viox and Viox, per Eric Ball (applicant) for Danny Lee and Deborah Delph (owner)** for a Zoning Map Amendment from Industrial Three (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.

March 20, 2024

REQUEST

The submitted request is to rezone the approximate 38.5-acre area located at 6056 Burlington Pike from Industrial Three (I-3) to Suburban Residential One (SR-1) to allow the retention of a single-family residential dwelling and the development of five (5) additional single-family residential dwellings.

The submitted Concept Development Plan shows the property would be divided into six (6) lots and the 25' wide access easement (pre-existing private road) that would serve them. The plan also has a flood plain legend. The five proposed houses are shown out of regulated floodplains.

Legend

Blue – 100 Year Floodplain - Regulated

Green - 500 Year Floodplain - 0.2% Chance Flood Hazard Area — Non-Regulated

White – Outside the 500 Year Floodplain - Non-Regulated

PERTINENT HISTORY

- A. The subject property has been zoned I-3 since 1980.
- B. A 1987 Conveyance Plat for the adjoining properties (6058 and 6060 Burlington Pike) show the limits of a 25' access easement that exists on the Delph property.

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 402 O. (6) of the Boone County Subdivision Regulations states “there is no limitation on the number of permissible buildable lots that may be subdivided on private roads that were existing as of March 4, 1998.”

SITE CHARACTERISTICS

- A. The approximate 38.5 acre site has 10.66 feet of road frontage on KY 18 and 465.3 feet of frontage along the Ohio River. The property contains a single-family residential dwelling and access is provided from an approximate 13' wide gravel driveway that's located within a 25' wide access easement. This driveway is approximately 2,200 feet long and contains a turn-off that provides access to two other single-family residential dwellings. Boone County GIS shows that Willoughby Creek and a small part of a quarry pond are located in the eastern part of the site. A large culvert exists on both sides of the driveway where the creek exists. Significant portions of the property are also located within the 100 year and 500 Floodplain (see the Concept Development Plan and legend). Significant deciduous tree lines along the southern and eastern parts of the site.

ADJACENT LAND USES AND ZONES

North: Morrow Gravel (I-3)

South: Morrow Gravel (I-3), Single-Family Dwellings (I-3 and SR-1/SC), and Burlington Pike

East: Morrow Gravel (I-3), KY 18, and Belleview Cemetery (SR-1/SC)

West: Ohio River

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 2).
 3. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics, Goal A, Objective 4).
 4. 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).
 5. 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).

6. Land use planning should recognize and protect natural systems (streams, wetlands, forests, etc.) essential to safety, health, economic stability, and overall quality of life (Environment Goal A).
 7. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design (Environment Goal A, Objective 2).
 8. Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment Goal A, Objective 6).
 9. Existing infrastructure and services such as water, stormwater, wastewater, gas, electric, communication lines, and emergency and municipal services shall be utilized efficiently. The phasing of proposed development may be one way of addressing significant impacts on existing infrastructure and services (Public Facilities Goal A, Objective 1).
 10. Public sanitary sewer systems shall be encouraged. Opportunities for regional stormwater management system(s) shall be examined and developed if appropriate (Public Facilities Goal A, Objective 6).
 11. Fire stations shall be located near or along major arterials with adequate ingress and egress and without barriers such as hills, rivers, flooding land, railroad tracks, and general traffic congestion (Public Facilities Goal A, Objective 14).
 12. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
- B. The Our Boone County Plan 2040 Future Land Use Plan designates the site for industrial (I) uses. This future land use classification is defined as “manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.”
- C. The Land Use Plan Element of Our Boone County Plan 2040, includes the following passages which relate to the general area:
1. The river bottoms in this section contain prime agricultural land and existing gravel extraction sites. New extraction operations should be confined to sites adjacent to existing operations between KY 20 and the Ohio River. The redevelopment of former gravel extraction sites may be suitable for river related recreational uses accompanied by self-contained clustered residential development. The hillsides should remain largely wooded, while the more level areas can continue to support agriculture. This area includes some of the county’s best farmland. The river bottom areas generally have poor road accessibility, although industries involved in processing bulk products could locate there to make use of river barge transportation. Future development or expansion of these industries should occur with sensitivity to the residential, recreational, and agricultural potential of the river

bottom area, especially near Woolper Creek. Upon the disuse of existing sand and gravel operations, reclamation should occur (Land Use, Description and Purpose of Land Use Maps, 9 Belleview/McVille, page 115).

2. This section of Boone County contains the small communities of Belleview and McVille and is primarily composed of river bottom area. The gravel extraction operations to the north of Belleview should remain, but should not extend east of KY 20, or adjacent to existing or planned recreation sites. The southern portion of this area, where mineral extraction has been concluded, should be considered for development as a river oriented recreational area, or wildlife habitat as part of the reclamation process (Land Use, Description and Purpose of Land Use Maps, 9 Belleview/McVille, page 116).
3. Belleview and McVille proper should function as neighborhood centers for the surrounding area. The communities in this general area of Boone County have experienced some growth, in the form of the Kelly School in Belleview and the firehouse. Additional new local-scale commercial services may develop; existing buildings should be restored or replaced to meet the towns' residential and commercial needs. The cemeteries on KY 18 will hinder any development in that area, thus any growth should occur south or east of the towns. Overall, this section should experience slow residential growth along the major roads of the area, with neo-traditional residential or continuing agricultural uses on the river bottoms. Any commercial development in this area should occur within the town centers of Belleview and McVille and not along the roadways outside the towns. These two towns present an excellent opportunity for residential to expand in a neo-traditional manner, as described for Petersburg. This development must carefully be carried out so that typical subdivision development does not alter the character of the area. With proper development in this fashion, the towns can become centers of activity for western Boone County (Land Use, Description and Purpose of Land Use Maps, 9 Belleview/McVille, page 116).

D. The following passages from the Environment Element relate to the request:

1. Floodplains – Figure 2.1 depicts the 100-year floodplain identified by FEMA, which correspond to areas flooded by the 1937 Flood. While the 1937 Flood was the highest recorded on the Ohio River, it is not the worst that could occur. Significant floods have also occurred in 1883, 1884, 1913, 1945, 1964, 1997, and 2018. U.S. Army Corps of Engineers studies of the Ohio River Basin indicate that critical combinations of storms and runoff can be anticipated in the future. Flood control structures do not alleviate all flood zone hazards; dams can increase high water levels upstream, alter the natural channel through which a flooding pattern would be expected, or alter the water table and underground drainage pattern serving local areas.

In Boone County, the lands designated as flood zones include primarily bottom lands along the Ohio River and its major tributaries. Minor tributaries flood more frequently as the percentage of impervious surface increases in each watershed. Portions of the upper Gunpowder, Woolper, Elijah's Creek, and Mud Lick watersheds frequently experience flooding. The most extensive flood zone area is

the lower East Bend Bottom at the mouth of Gunpowder Creek. Spots of moderate flood hazard are found downstream from small dammed lakes scattered throughout the county.

Floodplains are not suitable for permanent urban uses. These areas must also be protected from adjacent urban improvements which may alter drainage patterns and volumes. SD1 has conducted watershed characterization reports in an attempt to quantify the impacts of impervious area on the condition of each stream. This information can be used for planning purposes. GIS can also be used to plan infrastructure and help in emergency efforts. The Boone County Building Department administers the National Flood Insurance Program (NFIP) locally, which enables communities to buy insurance protection from losses due to flooding and is an alternative to disaster assistance.

2. In Boone County, prime agricultural land, wooded hillsides, and stream corridors attract new residents, but can be easily impacted by new development. Special corridor studies should be conducted on a continuing basis to consider natural areas in Boone County for innovative development design, conservation, recreation, or preservation. Future development in the county should utilize environmentally sound design principles. Boone County needs to place a value on the mitigation of environmental impacts of development.

STAFF COMMENTS

- A. The Zoning Map Amendment application was submitted because single-family residential dwellings are not permitted in the I-3 zone. The existing house on the property is currently nonconforming but would become a conforming use if the application is approved.
- B. Staff would like the applicant or property owner to address the following:
 1. The zone change criteria.
 2. Is the intent of the application to subdivide off lots for other family members? If so, how many family members have expressed a desire to build on the property?
 3. Could the number of buildable lots be reduced to lessen potential environmental impacts?
 4. Would the property owner be willing to upgrade the first 20' of the driveway entrance to a concrete or asphalt surface to lessen the chance of gravel being carried into the KY 18 right-of-way?
- C. On March 13, 2024, the Boone County Board of Adjustment approved a Change in Nonconforming Use application for the adjoining property at 6058 Burlington Pike. The approval allowed a 5,300 square foot, 3-bedroom single-family residential home to be constructed in the same location as a previous home. The application was required because the property is zoned I-3.

- D. Staff sent out an agency email regarding the zone change request and received comments back from Belleview McVille Fire Protection District, Northern Kentucky Health Department, County Engineer, Division of Water, Kentucky Transportation Cabinet, Boone County Building Department, and Boone County Water District. These comments are attached to the Staff Report.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map needs to be amended if the request is approved.

Respectfully submitted,

Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/ss

Attachments:

- *Ste Vicinity Map
- *Concept Development Plan
- *Zoning Map
- *2040 Future Land Use Map
- *Topographical Map
- *Topographical Map with Floodplains and Wetlands
- *2020 Aerial Map
- *2/27/24 Email from Chief Eric Campbell, Belleview-McVille Fire Protection District
- *3/7/24 Email from Justin Hancock, Northern Kentucky Health Department
- *3/8/24 Email from Robert Franxman, County Engineer
- *3/8/24 Email from Matthew Gross, Division of Water
- *3/12/24 Email from Linzy Brefeld, KY Transportation Cabinet
- *3/12/24 Email from Mark Martin, Boone County Building Department
- *3/13/24 Email from Mike Rouse, Boone County Water District
- *Application

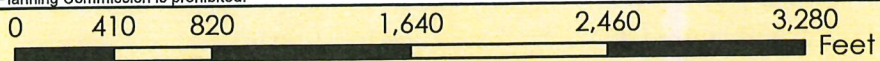
SITE VICINITY MAP

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1 inch = 800 feet



Boone County GIS - Putting Northern Kentucky on the Map



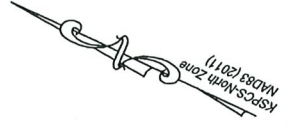
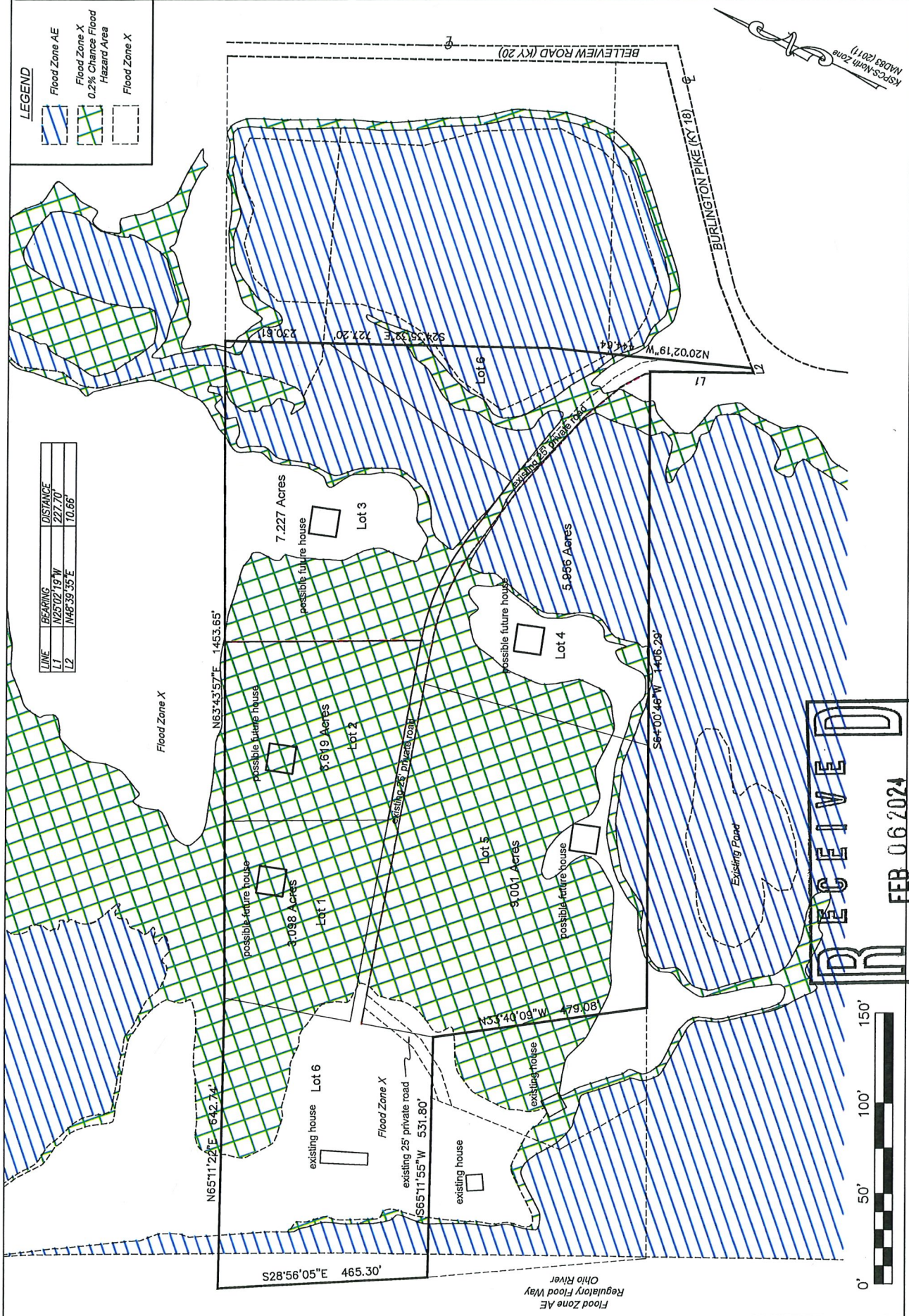


Project No:	Checked:
Date:	Ref:
1/30/2024	EMB
Sheet:	1

LEGEND

	Flood Zone AE
	Flood Zone X
	0.2% Chance Flood Hazard Area
	Flood Zone X

LINE	BEARING	DISTANCE
L1	N25°02'19" W	221.70'
L2	N48°39'35" E	10.66'



RECEIVED

FEB 06 2024

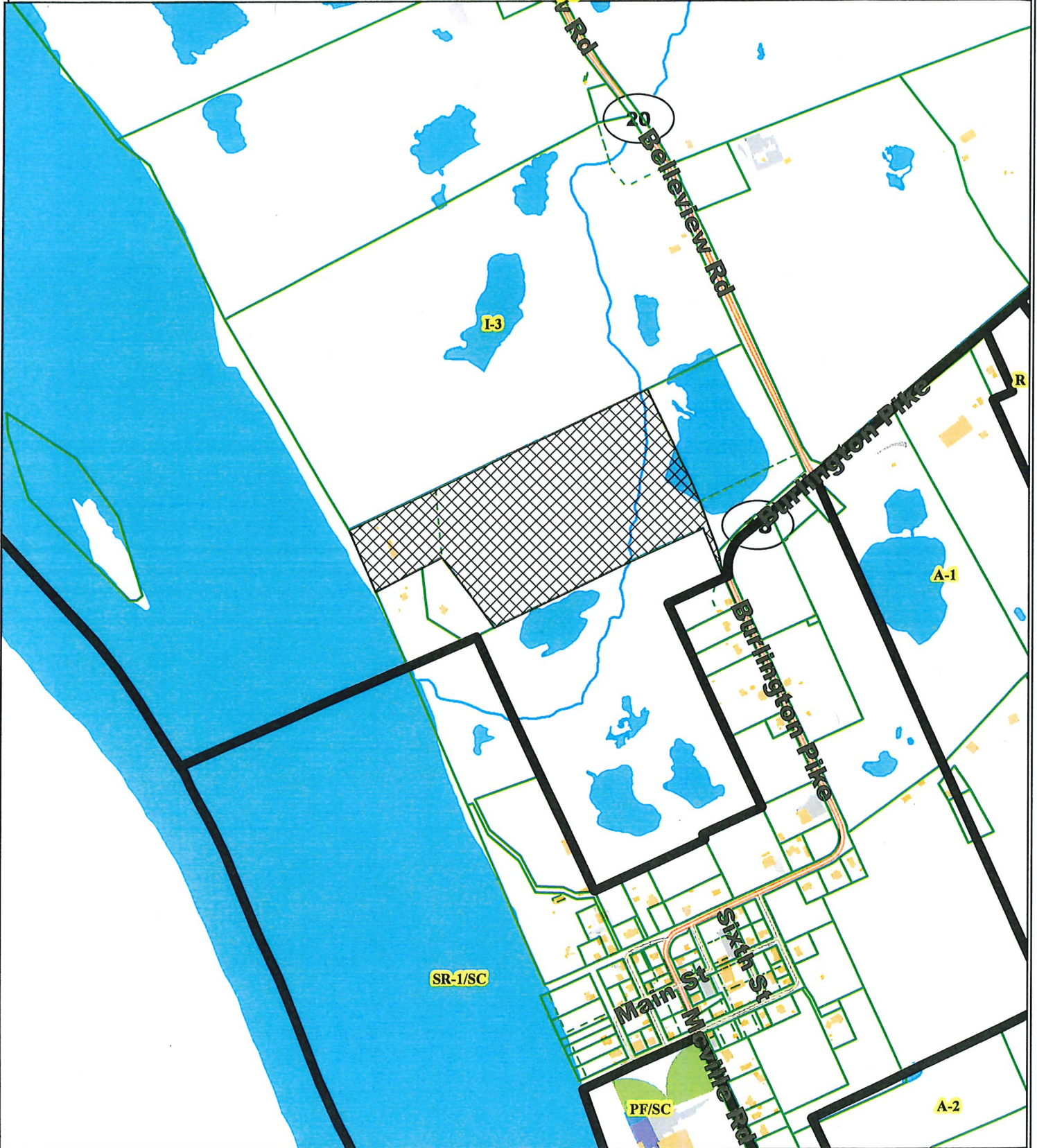
**BOONE COUNTY
 PLANNING COMMISSION**



Flood Zone AE
 Regulatory Flood Way
 Ohio River

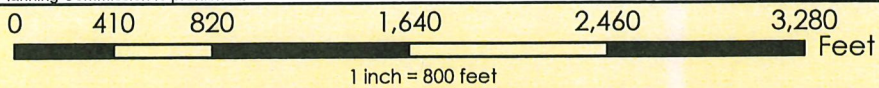
ZONING MAP

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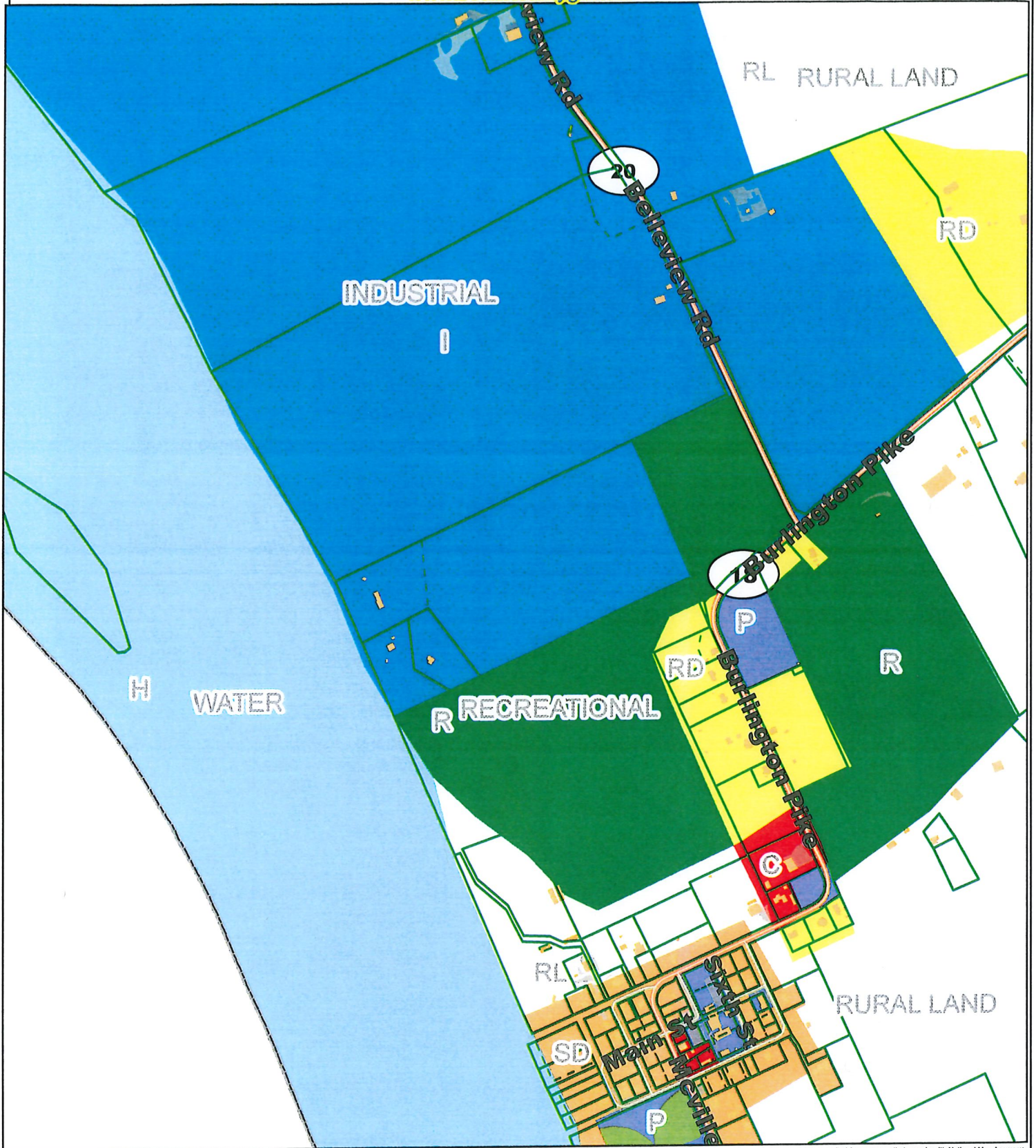
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Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

2040 FUTURE LAND USE MAP

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0 410 820 1,640 2,460 3,280 Feet

1 inch = 800 feet



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Map Created: xx/xx/2020

Map File: E:\work\2020\2040.mxd
ArcMap Document: *.mxd

TOPOGRAPHICAL MAP

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

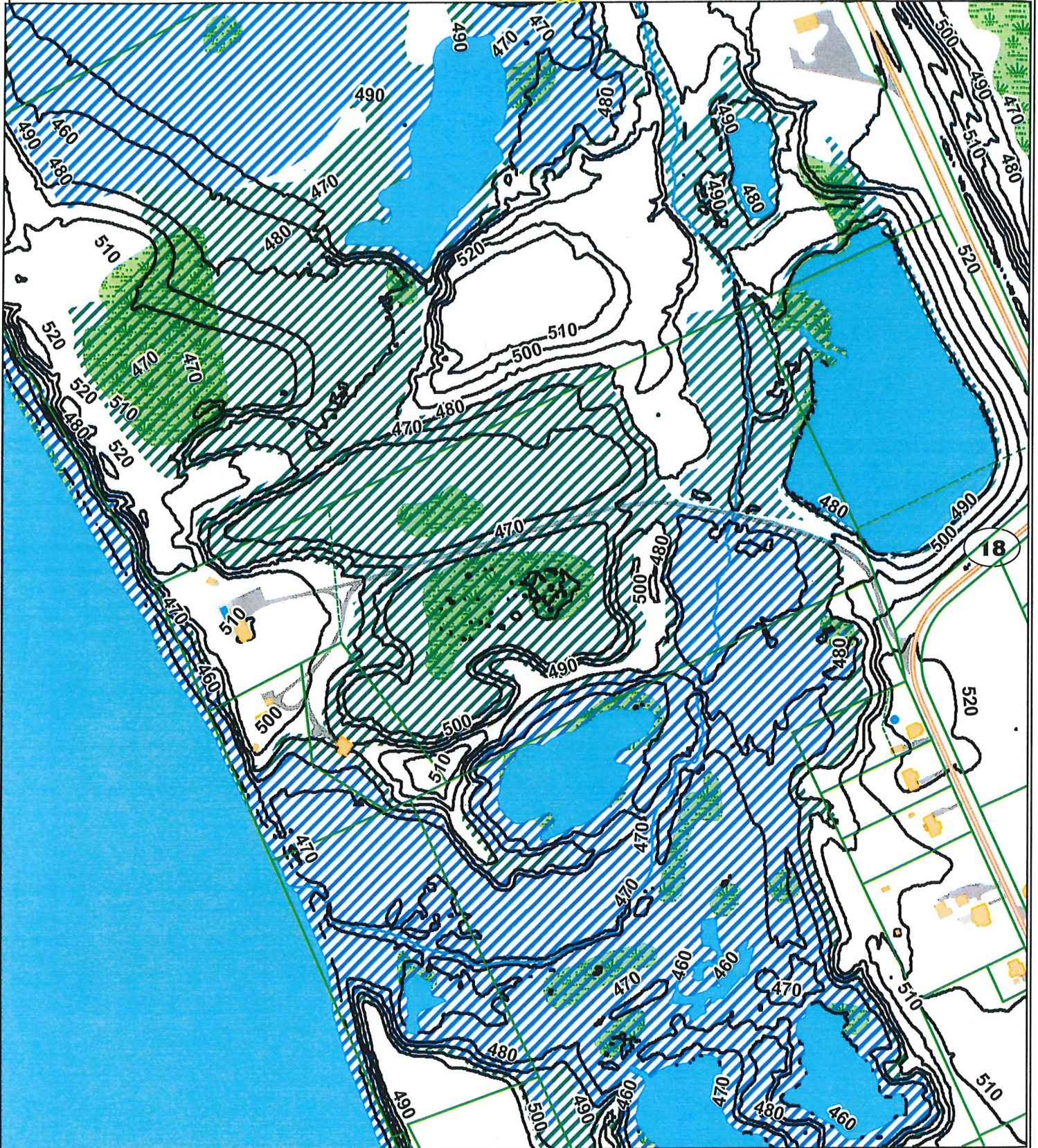


Map Created: xxjov2020

Map File: Kentucky 2020 24.5 145
ArcMap Document (*.mxd)

TOPOGRAPHICAL MAP WITH FLOODPLAINS & WETLANDS

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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



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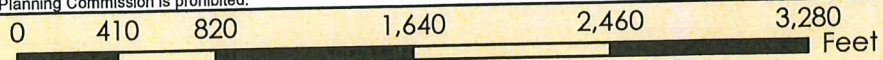
2020 AERIAL MAP

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Map File Path: \\gis\mxd\2020\2020_Aerial_Map.mxd
ArcMap Document: *.mxd

Map Created: xx/xx/2020

Todd Morgan

From: Eric Campbell <bmfpd11@gmail.com>
Sent: Tuesday, February 27, 2024 11:46 AM
To: Todd Morgan
Subject: Re: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

EXTERNAL MESSAGE

Todd,

With the county water coming through that area and it being zoned as a Subdivision. I'd like to see a few fire hydrants installed back that road. Have a good day

On Tue, Feb 27, 2024 at 9:05 AM Todd Morgan <TMorgan@boonecountyky.org> wrote:

All,

A Zoning Map Amendment application has been submitted to change the zoning of the subject 38.526 acre property from Industrial Three (I-3) to Suburban Residential One (SR-1) to allow the retention of a single-family residential dwelling and the development of five additional single-family residential dwellings. Access to the dwellings would be provided from the existing 25' wide private road that connects to Burlington Pike and house at 6056 Burlington Pike. A copy of the submitted Concept Development Plan is attached and it shows the proposed house locations and flood zones.

The public hearing for this request has been scheduled for 3/20/24, at 7:00 P.M. Please let me know if you have any comments by 3/12/24.

Thanks for your help.

Todd K. Morgan, AICP

Senior Planner, Zoning Services

Boone County Planning Commission

(859) 334-2196

Todd Morgan

From: Justin Hancock <justin.hancock@nkyhealth.org>
Sent: Thursday, March 07, 2024 4:09 PM
To: Todd Morgan
Subject: Re: FW: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

EXTERNAL MESSAGE

Todd,

Thank you for contacting the Northern Kentucky Health Department. It was nice talking with you today. Per our conversation, I have attached a link to 902 KAR 10:085 - the Kentucky on-site sewage disposal systems regulation. Please see Section 1. Definitions (3) where the regulation discusses "areas subject to flooding damage".

<https://apps.legislature.ky.gov/law/kar/titles/902/010/085/>

Our office has conducted one septic site evaluation on the above referenced property in December of 2023. This specific site evaluation was deemed provisionally suitable to allow for a septic system for a residential home. Please keep in mind that each proposed home on this development will require its own septic site evaluation. If deemed suitable for septic, each home will then require its own individually permitted septic system. As for our departments determination if an area subject to flooding damage is suitable for septic, this is determined by the septic site evaluation process (shallow water table encountered, etc.) and by other public agencies designations of an area being deemed a flood plain that would directly contradict the wording in Section 1 of the above referenced regulation.

As for other agencies, it may also be beneficial to check with the local branch of the Kentucky Division of Water to get their departments insight if this hasn't already been done. The Florence branch can be reached at (859) 525-4923.

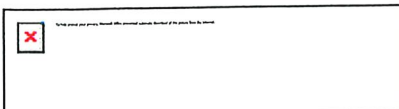
If our office can be of any other assistance, do not hesitate to reach out.

Kind regards,

Justin Hancock, REHS
Environmental Health Manager

Northern Kentucky Health Department
New address: 8001 Veterans Memorial Drive Florence, KY 41042
Office: 859-363-2022 | Fax: 859-578-7871

justin.hancock@nkyhealth.org



Todd Morgan

From: Robert Franxman
Sent: Friday, March 08, 2024 12:12 PM
To: Todd Morgan
Subject: RE: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

Todd,

No comments.

Thanks,
Rob

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Tuesday, February 27, 2024 9:05 AM
To: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>; Robert Franxman <rfranxman@boonecountyky.org>; Mark Martin <mmartin@boonecountyky.org>; bmfpd11@gmail.com
Cc: Matthew Webster <mwebster@boonecountyky.org>; Matthew Dowling <mdowling@boonecountyky.org>
Subject: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

All,

A Zoning Map Amendment application has been submitted to change the zoning of the subject 38.526 acre property from Industrial Three (I-3) to Suburban Residential One (SR-1) to allow the retention of a single-family residential dwelling and the development of five additional single-family residential dwellings. Access to the dwellings would be provided from the existing 25' wide private road that connects to Burlington Pike and house at 6056 Burlington Pike. A copy of the submitted Concept Development Plan is attached and it shows the proposed house locations and flood zones.

The public hearing for this request has been scheduled for 3/20/24, at 7:00 P.M. Please let me know if you have any comments by 3/12/24.

Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Todd Morgan

From: Gross, Matthew (EEC) <Matthew.Gross@ky.gov>
Sent: Friday, March 08, 2024 1:36 PM
To: Todd Morgan
Subject: RE: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

EXTERNAL MESSAGE

Todd,

The proposed house sites as shown in that drawing are all out of the regulatory floodplain (Zone A or Zone AE). Some of those lots do contain property that is part of the regulatory floodplain. If they wanted to deposit material, construct a house, or any other structure in the areas that are part of the regulatory floodplain, then they would need to submit an application for a Stream Construction permit to the DOW. Part of the application is the requirement for review and signature by the local Floodplain Coordinator, so I usually recommend that folks go there first, since they can get assistance with the application process, the public notice requirements, floodplain maps, and other technical assistance. Once they complete and submit the application, it is reviewed by Floodplain staff in our Central office in Frankfort. After review, the applicant will typically receive either a permit, a letter stating a permit is not required, or a request for further information.

Here is the link to our webpage with all the information, forms, and points of contact: <https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Pages/UnderstandYourFloodHazards.aspx>

Feel free to contact me if you have any further questions or need any more assistance.

Matthew B. Gross
Environmental Control Supervisor
Division of Water – Florence Regional Office
8020 Veteran’s Memorial Drive, Suite 110
Florence, KY 41042
Office Main: (859) 525-4923
Direct Line: (502) 782-8887
Cell: (859) 760-6650
Fax: (859) 525-4157
E-Mail: Matthew.Gross@ky.gov

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Friday, March 8, 2024 11:25 AM
To: Gross, Matthew (EEC) <Matthew.Gross@ky.gov>
Subject: FW: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Matthew,

Please see the attached Concept Plan and description below and let me know what the Kentucky Division of Water would require if a house was proposed in the flood plain.

Todd Morgan

From: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Sent: Tuesday, March 12, 2024 8:28 AM
To: Todd Morgan
Subject: FW: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

EXTERNAL MESSAGE

Todd,

Our only comment on this one is that they have a really wide entrance throat which makes it look like a large pull-off at their entrance. We would like to see it cleaned up.

Thanks!

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Tuesday, February 27, 2024 9:05 AM
To: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>; Robert Franxman <rfranxman@boonecountyky.org>; Mark Martin <mmartin@boonecountyky.org>; bmfpd11@gmail.com
Cc: Matthew Webster <mwebster@boonecountyky.org>; Matthew Dowling <mdowling@boonecountyky.org>
Subject: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

All,

A Zoning Map Amendment application has been submitted to change the zoning of the subject 38.526 acre property from Industrial Three (I-3) to Suburban Residential One (SR-1) to allow the retention of a single-family residential dwelling and the development of five additional single-family residential dwellings. Access to the dwellings would be provided from the existing 25' wide private road that connects to Burlington Pike and house at 6056 Burlington Pike. A copy of the submitted Concept Development Plan is attached and it shows the proposed house locations and flood zones.

The public hearing for this request has been scheduled for 3/20/24, at 7:00 P.M. Please let me know if you have any comments by 3/12/24.

Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Todd Morgan

From: Mark Martin
Sent: Tuesday, March 12, 2024 12:53 PM
To: Todd Morgan
Cc: Paul Stephenson; Darren Kerfoot; Brandon Marksberry; Mark Brant
Subject: FW: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

Todd,

I have conferred with Alex VanPelt with the Kentucky Division of Water, regarding these proposed lots and he has the same concerns I have regarding the elevation of the proposed lots in comparison with the base flood elevations of the adjacent AE zones (100-year floodplains). Persons purchasing any of the proposed lots should be aware of the risks involved with developing in this area. In addition, water quality permits may be required from the Kentucky Division of Water and the Corps of Engineers if the wetlands shown on the Boone County GIS maps are disturbed.

See comments below from Mr. VanPelt.

Mark E Martin, CBO
Assistant Chief Building Official

Boone County Building Department
2950 Washington St.
Burlington, KY 41005
TEL (859) 334-2218
<http://www.boonecountyky.org>

From: VanPelt, Alex (EEC) <Alex.VanPelt@ky.gov>
Sent: Monday, March 11, 2024 2:52 PM
To: Mark Martin <mmartin@boonecountyky.org>
Cc: Brandon Marksberry <bmarksberry@boonecountyky.org>; Coe, David (EEC) <david.coe@ky.gov>; Vogeler, Samantha N (EEC) <samantha.vogeler@ky.gov>
Subject: RE: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

EXTERNAL MESSAGE

Mark,

After reviewing the FIRMs for the site and looking at the attachments you sent me, it doesn't appear that this project would require a state or a local floodplain permit for any future development. Much of these proposed lots would be within the 0.2% chance floodplain (500-year floodplain), but permits are not required

for the state level for projects in these zones. If the county has anything in their local ordinance allowing or requiring permits in the 0.2% floodplain a local one may be required.

I do see the wetland areas shown on the topography image you sent, so that may trigger a 404/401 permit for wetlands. I've CC'd Sam Vogeler on this email so she or her staff can give you more information regarding that.

With all of that being said, some of these proposals make me a bit concerned. The ground topography shows that the 1% chance flood would not impact this area, but bigger floods can and do occur. The Base Flood Elevation (BFE) only shows a couple feet from the river overtopping the high point between the 1% area and these sites (along the private road) and flooding this entire area. Added to that the fact that the ground elevations of these areas range between 460'-470' for much of these lots, with the BFE for this area being 484.5'. This means that IF the road is overtopped, these sites will have up to 20' of water inundating them. This is something that everyone should be aware of and the developer should be made aware of the moderate to elevated flood risk for these proposed sites.

If you or the developer has any questions about this, let me know and we can discuss. Thanks.



Alex VanPelt, CFM

KY NFIP Coordinator

Phone: 502-782-7120

Email: alex.vanpelt@ky.gov

300 Sower Blvd
Frankfort, KY 40601

www.watermaps.ky.gov/RiskPortal



From: Mark Martin <mmartin@boonecountyky.org>

Sent: Tuesday, March 5, 2024 12:34 PM

To: VanPelt, Alex (EEC) <Alex.VanPelt@ky.gov>

Cc: Brandon Marksberry <bmarksberry@boonecountyky.org>

Subject: FW: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Alex,

I left a phone call regarding this property earlier today. The FIRM map shows most of this area as being in the 0.2% Annual Chance Flood Hazard area, but most of the area is nearly 15 feet below the adjacent BFE. These are old gravel pits to each side of the existing drive; I am not sure if these are drained somehow or if most of the rainwater is absorbed into the ground.

Find attached a Zone Change Concept Plan that was submitted to our Planning and Zoning Commission and a snip from the counties GIS showing the elevations of the property.

Cordially,

Mark E Martin, CBO
Assistant Chief Building Official

Boone County Building Department
2950 Washington St.
Burlington, KY 41005
TEL (859) 334-2218
<http://www.boonecountyky.org>

From: Todd Morgan <TMorgan@boonecountyky.org>

Sent: Tuesday, February 27, 2024 9:05 AM

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Cc: Matthew Webster <mwebster@boonecountyky.org>; Matthew Dowling <mdowling@boonecountyky.org>

Subject: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY

All,

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Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Todd Morgan

From: miker@boonewater.com
Sent: Wednesday, March 13, 2024 2:32 PM
To: Todd Morgan
Subject: FW: Zoning Map Amendment Application for 6056 Burlington Pike, Boone County, KY
Attachments: Delph - Concept Plan.pdf; KY 18 Phase 2.pdf

EXTERNAL MESSAGE

Todd,

This is phase 2 of KY18 project and we are waiting on 2 easements and the encroachment permit from the state, once we have these items it will go out to bid. We are hopeful it will be under construction by late summer.

See attached.

Thanks,
Mike

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

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

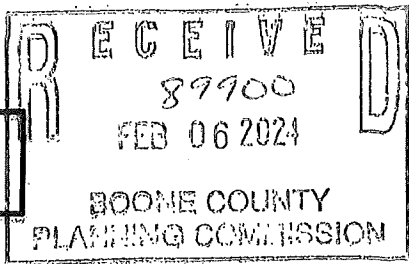
Mike,

Please see the email below regarding the proposed zone change at 6056 Burlington Pike. Can you provide me with an update on the rural water project and when public water would be located in the right-of-way adjoining this property? I would also be interested to know how far the closest fire hydrant will be from the subject driveway.

Thanks for your help.

Todd K. Morgan, AICP

**ZONING MAP AMENDMENT
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: 6056 Burlington Pike Zone Change
2. Location of Project: 6056 Burlington Pike
3. Total Acreage of Project: 38.526
4. Current Zoning of Property: I-3
5. Proposed Zoning of Property (classification being requested): SR-1
6. Proposed Use(s) (specify each use):
Property is to be divided into 6 lots for single family residential housing.
7. Proposed Building Intensities (specify for each building):
All buildings will be single family residences.
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: Danny Lee & Deborah Delph
Address: 6056 Burlington Pike
Burlington Kentucky 41005
City State Zip Code
Phone Number: _____ Fax Number: _____
Email: _____
10. Applicant: Viox & Viox
Address: 466 Erlanger Road
Erlanger Kentucky 41048
City State Zip Code
Phone Number: 859-727-3293 Fax Number: _____
Email: eball@vioxinc.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1 single family residence

12. 209 549 2023
 Deed Book Page Number Group Number

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

14. Have you submitted a Concept Development Plan: Yes No


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

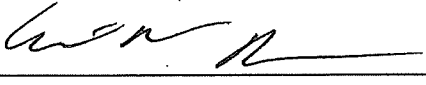
- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input type="checkbox"/> Northern Kentucky Health Department |
| <input type="checkbox"/> Cincinnati Bell | <input type="checkbox"/> Owen Cooperative Electric, Inc. |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1 |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Kentucky Division of Water | |
| <input type="checkbox"/> Kentucky Transportation Cabinet | |

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

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

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 12/31/2024

Property Owner's Signature:  _____

Applicant's Signature:  _____

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman

DATE: April 17, 2024

RE: Request of Viox and Viox, per Eric Ball (applicant) for Danny Lee and Deborah Delph (owner) for a Zoning Map Amendment from Industrial Three (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.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and conditions:

FINDINGS OF FACT

1. The existing zoning classification of Industrial Three (I-3) is inappropriate and the proposed zoning classification of Suburban Residential One (SR-1) is appropriate based on the following:
 - A. The subject property has been zoned I-3 since 1980 and has not been mined since that time.
 - B. The subject property already contains a single-family residential dwelling.
 - C. Three adjoining properties to the south contain or will contain single-family residential dwellings.
 - D. On March 13, 2024, the Boone County Board of Adjustment approved a Change of Non-Conforming Use application for the adjoining property at 6058 Burlington Pike. The approval allowed a 5,300 square foot, 3-bedroom single-family residential home to be constructed in the same location as a previous home. The application was required because the property was zoned I-3.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Viox & Viox, Inc./Danny Lee and Deborah Delph

April 17, 2024

Page 2

CONDITIONS

The Committee has concluded the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County Plan 2040 and Article 3 (Amendment) of the Boone County Zoning Regulations. The Committee also concluded the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with the condition.

1. A maximum of three buildable lots shall be permitted on the 38.5-acre site. This condition allows the existing house to be retained and two new buildable lots to be created.

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.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks
Mrs. Janet Kegley
Mr. Eric Richardson
Mrs. Jackie Steele, Secretary/Treasurer

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

Chairman Rolfsen introduced the third item on the Agenda at 8:56 p.m.

ZONING MAP AMENDMENT, Todd Morgan, Staff

3. 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.

Staff member, Todd Morgan, referred to his PowerPoint presentation (see Staff Report). The site is 38.5 acres located at 6056 Burlington Pike. The request is to rezone the site from Industrial Three Surface Mining (I-3) to Suburban Residential One (SR-1). A Concept Development Plan was submitted with the request showing an existing single-family house and the development of 5 additional single family residential dwellings. All of the houses would be accessed by an existing private road that connects to Burlington Pike. There are already two other family houses located in the area that are not part of the request. They use the same driveway for access. The drawing showed the 100 and 500 year flood limits. The white areas are outside the 500 year flood limits. Mr. Morgan described the surrounding land uses as well as surrounding zoning which includes a SR-1/SC zoning district as well as photographs of the site. The existing gravel road is 13 feet wide. The Future Land Use Map designates the site for Industrial (I) use. The site has been zoned I-3 since 1980. The 25 foot access easement serves as a private road. The applicant needs the zone change to build the additional houses. The Staff Report includes the criteria for granting a zone change as well as references to the Comprehensive Plan (Pages 2-5). Staff would like the applicant or property owner to address the following: 1) The zone change criteria identified in the Staff Report. 2) Is the intent of the application to subdivide off lots for other family members? If so, how many family members have expressed a desire to build on the property? 3) Could the number of buildable lots be reduced to lessen potential environmental impacts? 4) Would the property owner be willing to upgrade the first 20' of the driveway entrance to a concrete or asphalt surface to lessen the chance of gravel being carried into the KY 18 right-of-way? It should be noted that on March 13, 2024, the Boone County Board of Adjustment approved a Change in Nonconforming Use application for the adjoining property at 6058 Burlington Pike. It would allow the applicant to rebuild the existing house. Staff sent out an agency email regarding the zone change request and received comments back from Belleview-McVille Fire Protection District, Northern Kentucky Health Department, County Engineer, Division of Water, Kentucky Transportation Cabinet, Boone County Building Department, and Boone County Water District. These comments are attached to the Staff Report.

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

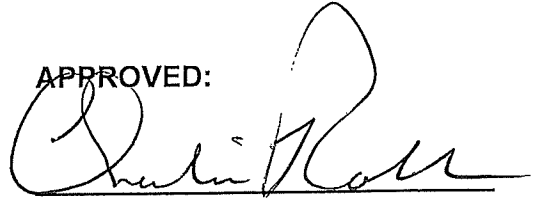
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Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions? Seeing no one, Chairman Rolfsen asked if the Commissioners

had any questions or comments? He noted that the chances of getting gravel onto KY 18 is zero unless it is in the tires. He has seen the property previously. It would be expensive to concrete for very few trips.

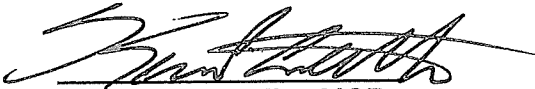
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 3, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 17, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:09 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

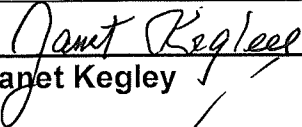
TO: Boone County Planning Commission
FROM: Rick Lunnemann, Chairman
DATE: April 3, 2024

REMARKS:

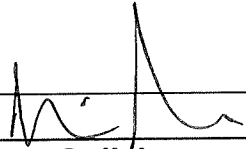
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Todd Morgan, Staff

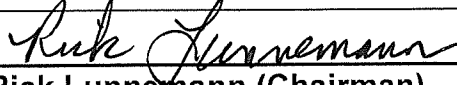
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Janet Kegley
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

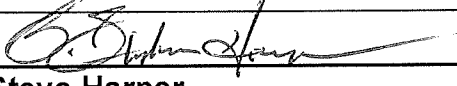


Corrin Gulick
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____



Rick Lunnemann (Chairman)
For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

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



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

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

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

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

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
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Mr. Dale Wilson

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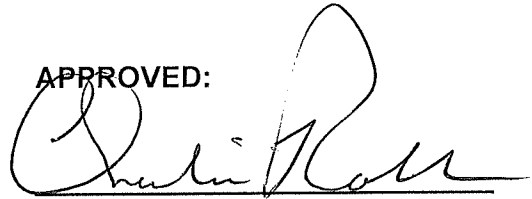
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APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
APRIL 17, 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 17, 2024 Business Meeting.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Eric Richardson
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Ms. Jenna LeCount, AICP, Director, Community Development Services
Mrs. Bridget Striker, Preservation Planner
Mr. Todd K. Morgan, AICP, Senior Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the April 3, 2024 Business Meeting and Public Hearings. He asked if there were any comments or corrections?

Seeing none, Mrs. Goetting moved to approve the Minutes as presented. Dr. Clark seconded the motion and it carried unanimously.

D. ACTION ON PLAN REVIEWS

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

1. 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.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Concept Development Plan and Zoning Map Amendment. It was recommended unanimously for approval with a 4-0 vote with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gulick voting in favor of the request. The applicant and owner has signed off on the Conditions. Chairman Rolfsen asked if Staff had a picture of what the building will look like? Mr. Schwartz showed an updated version of the building. Faux windows were added on the east, north and south sides and an additional Condition included the west side. Awnings were also added.

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

Mr. Wocher stated that they accept the Conditions. Both retail buildings will be open in 2025.

Seeing no further comment, **Mr. Harper moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Change in Concept Development Plan and Zoning Map Amendment based upon the Findings of Fact and Conditions outlined in the Committee Report. Ms. Gulick seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Corin Gulick, Chairwoman, Michael Schwartz, Staff

2. Request of Philip and Christie Hartman (applicant/owner) for a Zoning Map Amendment from Recreation (R) to Recreation/Planned Development (R/PD) 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.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment. It was

recommended unanimously for approval with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gulick voting in favor of the request. The applicant/owner has signed the Condition Letter

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

Dr. Hartman stated that he agreed with all of the Conditions and the Committee Report. Everything seems reasonable and he is excited about making this part of Boone County more useable again.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment based upon Findings of Fact and 5 Conditions outlined in the Committee Report. Mrs. Kegley seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Todd Morgan, Staff

3. 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.

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

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

Mr. Danny Delph, owner, thanked everyone and everything seems to be falling into place to move forward.

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment based upon the Findings of Fact and Condition outlined in the Committee Report. Mr. Szurlinski seconded the motion and it passed unanimously.**

E. Executive Director's Report:

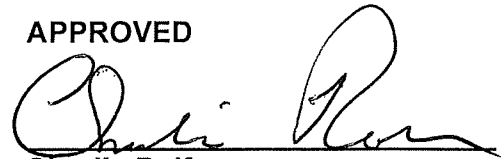
No Report

F. Other:

G. 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 7:21 P.M.

APPROVED



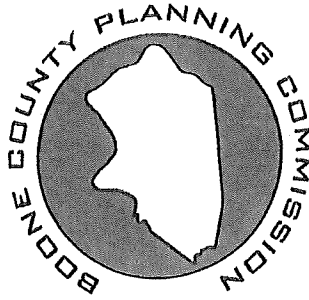
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

April 8, 2024

Danny Lee & Deborah Delph
6056 Burlington Pike
Burlington, KY 41005

Re: Request of **Viox and Viox, per Eric Ball (applicant) for Danny Lee and Deborah Delph (owner)** for a Zoning Map Amendment from Industrial Three (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.

Dear Mr. and Mrs. Delph,

The following represents the recommended condition of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their April 3, 2024 meeting. Please sign the appropriate lines at the end of this letter if you are in agreement with the condition. Please return the original letter to the Boone County Planning Commission office by April 16, 2024.

CONDITION

1. A maximum of three buildable lots shall be permitted on the 38.5-acre site. This condition allows the existing house to be retained and two new buildable lots to be created.

Sincerely,

Todd K. Morgan, AICP
Senior Planner


TKM/ss

Danny Lee and Deborah Delph/6056 Burlington Pike
April 8, 2024

Page 2

AGREEMENT

I, Danny Lee Delph, hereby agree to the condition of approval for the Zoning Map Amendment application, which is referenced on the first page of this letter.

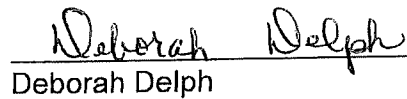


Danny Lee Delph

4-9-24

Date

I, Deborah Delph, hereby agree to the condition of approval for the Zoning Map Amendment application, which is referenced on the first page of this letter.



Deborah Delph

4/9/2024

Date

That JAMES R. HUEY AND MARY E. HUEY, his wife

for and in consideration of THIRTY FIVE THOUSAND AND NO/100 (\$35,000.00) DOLLARS to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

DANNY LEE DELPH AND DEBORAH E. DELPH, his wife, for and during their joint and natural lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of Burlington;

County of Kenton and Commonwealth of Kentucky, to-wit:

Group No. 2023

Present Street Address 2138 Bellevue Road, Burlington, Kentucky Plat No. None

Mailing Address Same

Located South of Kentucky #20 and northwest of Kentucky #18 and lying on the Ohio River, Boone County, State of Kentucky and more particularly described as follows:

Beginning at the most westerly corner of the grantors' property on the bank of the Ohio River at Markland Pool Stage; thence from said place of beginning along the northerly boundary line of the grantors' property, North 62-30 East, 642.7 feet to a point; thence departing from said boundary line along a new division line, South 18-02 East, 300.4 feet to a point here and after referred to as Point A; thence continuing South 18-02 East, 170.2 feet to a point; thence South 62-30 West, 531.8 feet to a point on said river bank at said pool stage; thence up stream of said river, North 31-38 West, 465.3 feet to a point, the place of beginning, containing 6.25 acres.

Also a right of way and easement for the purposes of ingress and egress to and from the above described property, 25.0 feet in width, the centerline of which is described as follows:

BEGINNING at the above described Point A; thence North 71-52 East, 976.0 feet to a point; thence South 79-53 East, 506.0 feet to a point; thence South 60-00 East, 216.0 feet to a point; thence South 20-51 East, 245.0 feet more or less to the northwesterly right of way line of Kentucky #18. Subject to a flowage easement in favor of the United States of America.

Being the same property conveyed to the Grantors herein by Deed dated the 25th day of August, 19 48 and recorded in Deed Book 92, page 113 of the Boone County Clerk's Records at Burlington, Kentucky.

PROPERTY TRANSFER TAX PAID \$ Waiver
 DEED JERRY W. ROUSE, CLERK DR

KNOW ALL MEN BY THESE PRESENTS:

That GILBERT WAINSCOTT and DOROTHY WAINSCOTT, his wife, as Grantors for and in consideration of ONE DOLLAR (\$1.00), the natural love between parent and child, and other valuable consideration, to them paid by the Grantees herein, the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said Grantees, DANNY L. DELPH and DEBORAH E. DELPH, his wife, for and during their joint lives with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:

RETURN TO Grantee Mailing Address: 6058 Burlington Pike, Burlington, Kentucky 41005

Present Street Address: same

GROUP NO. 2023

Located on the west side of Kentucky No. 18 south of Kentucky No. 20 and on the northeast side of the Ohio River, Boone County, State of Kentucky, and more particularly described as follows:

BEGINNING at a northeast corner of the grantor's property, the same being the most southerly corner of the property now owned by Virgil Brunner, in the west right of way line of Kentucky No. 18; thence from said place of beginning along the said right of way line, South 48 West, 10.6 feet to a point; thence departing from said right of way line, North 26-30 West, 227.7 feet to a stone near a small drain; thence South 62-30 West, 1914 feet to a point on the Ohio River; thence up said river at low water mark, North 31-0 West, 482 feet or a sufficient distance to reach the southerly line of a 6.25 tract of land conveyed by the grantors herein, the same extended westwardly; thence along said southerly line of said 6.25 acre tract, North 62-30 East, 550 feet, more or less to an iron pipe; thence North 18-02 West 470.06 feet to an iron pipe in the northwesterly boundary line of the grantors' property, the same being the northeast corner of said 6.25 acre tract; thence North 62-30 East 1560 feet or a sufficient distance to reach the most northerly corner of the grantors' property marked by an anchor post; thence South 31-15 East, 727.2 feet to a walnut tree; thence South 21-30 East, 444.8 feet to a point, the place of beginning, containing 37.3 acres, more or less.

Subject to all right of ways and easements of record or in existence.

THERE IS EXCEPTED HEREFROM, that parcel, containing 1.716 acres more or less, conveyed by Gilbert Waincott and Dorothy Waincott, husband and wife, to Marvin R. Hicks and Kimberly Hicks, then husband and wife, by Deed dated April 21, 1978 and recorded in Deed Book 244, Page 135 of the Boone County Clerk's records at Burlington, Kentucky, and the 25' wide easement for ingress and egress over and through the foregoing described 37.3 acre tract.

This conveyance is exempt from transfer tax as a transaction from parent to child.

The property conveyed herein is subject to an existing mortgage to Boone State Bank from Gilbert Waincott and Dorothy Waincott dated August 24, 1978 and recorded in Mortgage Book 242, Page 265 of the Boone County Clerk's records at Burlington, Kentucky.

Instrument of writing from GILBERT WAINSCOTT and DOROTHY WAINSCOTT to DANNY L. DELPH and DEBORAH E. DELPH, was this 2 day of July, 1987 produced to me, certified as above and lodged for record at 4:04 o'clock P. M.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

1987. Given under my hand this 2 day of July.

JERRY W. ROUSE

CLERK

BY: Shelley Amant D.C.

Easement Creation

DEED

Know All Men By These Presents:

CLERK'S OFFICE
SHORT FORM
DEED

Property Transfer Tax Paid \$
Jerry W. Fouse, Clerk *B. G. Gentry*

That GILBERT WAINSCOTT AND DOROTHY WAINSCOTT, his wife

for and in consideration of ONE DOLLAR (\$1.00) AND OTHER VALUABLE CONSIDERATIONS to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

MARVIN R. HICKS AND KIMBERLY HICKS, his wife, for and during their joint and natural lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of Bellevue; Boone County of ~~Kentucky~~ and Commonwealth of Kentucky, to-wit: Group No. 2023
Present Street Address Bellevue Road Plat No. None
Mailing Address _____

Situated in Boone County, Kentucky, Group No. 2023, and lying approximately 2000' northwest of Ky. 18, being part of the original tract of 37.3 acres more or less owned by Gilbert Waincott and recorded in Deed Book 225, Page 154 of the Boone County Clerk's Records at Burlington, Kentucky and is described as follows: BEGINNING at the southeast corner of a tract of 6.25 acres owned by Danny Delph and corner to the original tract of the grantor. thence along a series of lines partitioning the property of the grantor S 36° 22' E 479.07' to a point in the south line of the grantor's original tract, thence leaving said line and continuing along said division N 76° 37' W 387.0'; N 6° 40' W 235.45' to a point in the south line of Danny Delph's tract and in the line of the grantor, thence along said line N 62° 30' E 135.00' to the point of beginning containing 1.716 acres and subject to the legal rights-of-ways and easements of record and in existence.

Also a right-of-way and easement, 25 feet in width, for the purpose of ingress and egress to, through and from the above described tract and is described along its centerline as follows: BEGINNING at the northeast corner of the above described tract and corner to Danny Delph, thence N 1° 40' W 177.50'; N 71° 52' E 926.0'; S 79° 53' E 506.0'; S 60° 00' E 216.2'; S 20° 51' E 245.0' to Ky. 18.

Being the same property conveyed to the Grantors herein by Deed dated the 30th day of November, 1970, and recorded in Deed Book 225, page 154 of the Boone County Clerk's Records at Burlington, Kentucky.

This is an exempt transaction - parent to child. The fair cash value is \$3,500.00

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

MARVIN R. HICKS AND KIMBERLY HICKS, his wife, for and during their joint and natural lives with the remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantor s their heirs, executors and administrators, HEREBY COVENANTING with the grantee s their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

Tim R. McNeely
 REGISTERED LAND SURVEYOR
 2592 BELLEVUE RD.
 BURLINGTON, KY, 41005
 TELEPHONE 555-6497

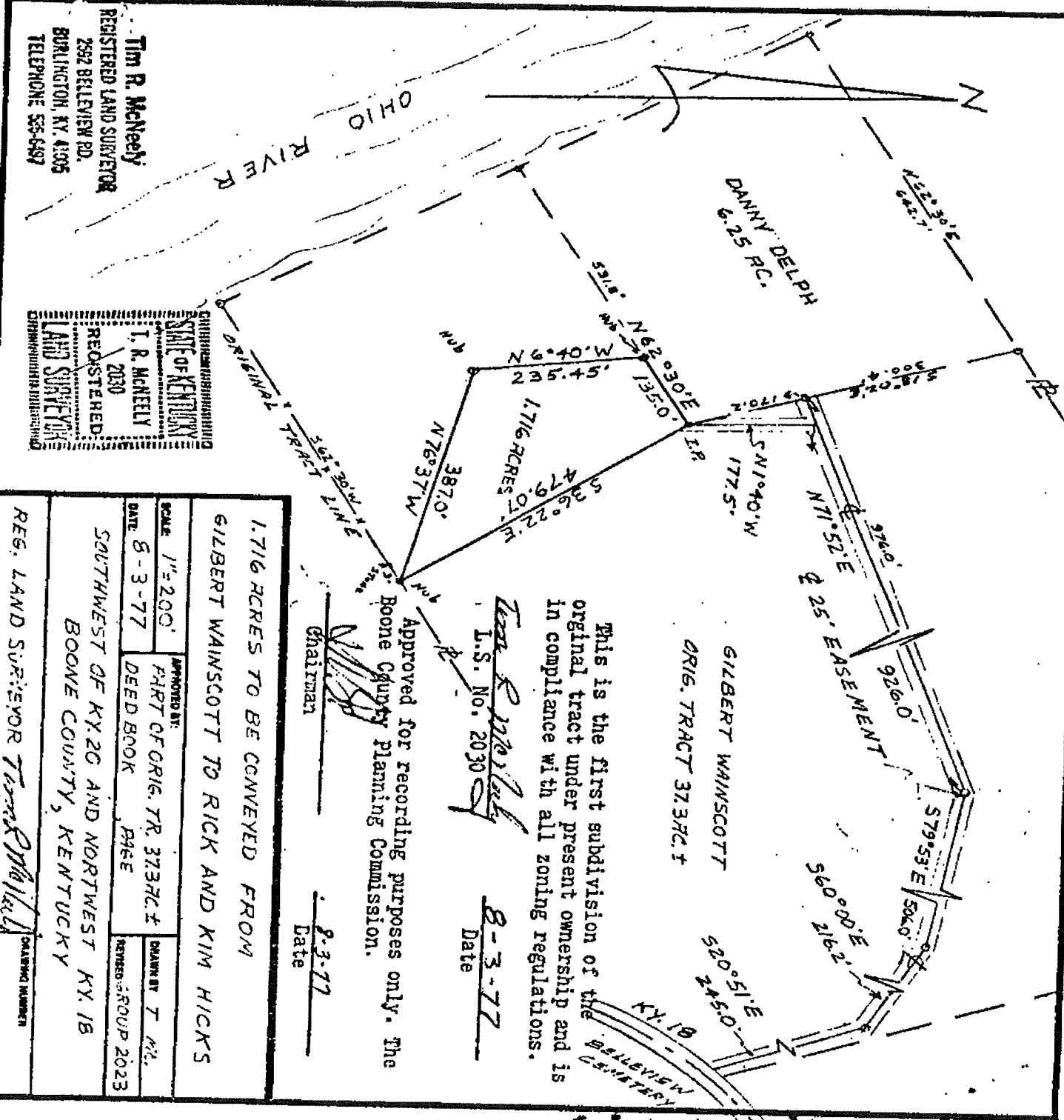
STATE OF KENTUCKY
 REGISTERED
 LAND SURVEYOR
 T. R. McNEELY
 2030

1.716 ACRES TO BE CONVEYED FROM		GILBERT WAINSCOTT TO RICK AND KIM HICKS	
SCALE: 1"=200'	APPROVED BY:	DRAWN BY T. R. Mc.	
DATE: 8-3-77	PART OF ORIG. TR. 373 AC ±	REVISED GROUP 2023	
	DEED BOOK PAGE		
SOUTHWEST OF KY. 20 AND NORTHWEST KY. 18			
BOONE COUNTY, KENTUCKY			
REG. LAND SURVEYOR <i>Tim R. McNeely</i>		DRAWING NUMBER	
I.S. No. 2030		1-40	

Approved for recording purposes only. The
 Boone County Planning Commission.
 Chairman _____ Date 8-3-77

Tim R. McNeely
 L.S. No. 2030
 Date 8-3-77

This is the first subdivision of the
 original tract under present ownership and is
 in compliance with all zoning regulations.



IN WITNESS WHEREOF, The said Grantors GILBERT WAINSCOTT AND DOROTHY WAINSCOTT, his wife

hereunto set their hands, this 21st day of April in the year 1978

STAMPS

Stamp area containing signatures of GILBERT WAINSCOTT and DOROTHY WAINSCOTT.

State of Kentucky
County of ~~Kenton~~ Boone

The foregoing instrument was acknowledged before me this 21 day of April, 1978

GILBERT WAINSCOTT AND DOROTHY WAINSCOTT, his wife

Notary Public section with signature of L. W. Hicks and commission expiration date of 5/2/78.

COMMONWEALTH OF KENTUCKY,
BOONE ~~KENTON~~ COUNTY
JERRY W. ROUSE

SCT.

I, ~~JERRY W. ROUSE~~ Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of writing from GILBERT WAINSCOTT AND DOROTHY WAINSCOTT, his wife

to MARVIN R. HICKS AND KIMBERLY HICKS, his wife

was this day presented to me in my office, certified as above, and this day left for record at 9:00 A. M. Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office. Given under my hand this 26th day of April in the year 1978

By Brenda Cooper Clerk
JERRY W. ROUSE
D. C.

WARRANTY DEED

From GILBERT WAINSCOTT AND DOROTHY WAINSCOTT, his wife

TO MARVIN R. HICKS AND KIMBERLY HICKS, his wife

Acknowledged _____ Clerk

D. C.

Left for Record 4/26/78
9:00 A.M.
See: 5.6.78

Recorded in Deed Book No. 244 Page 135

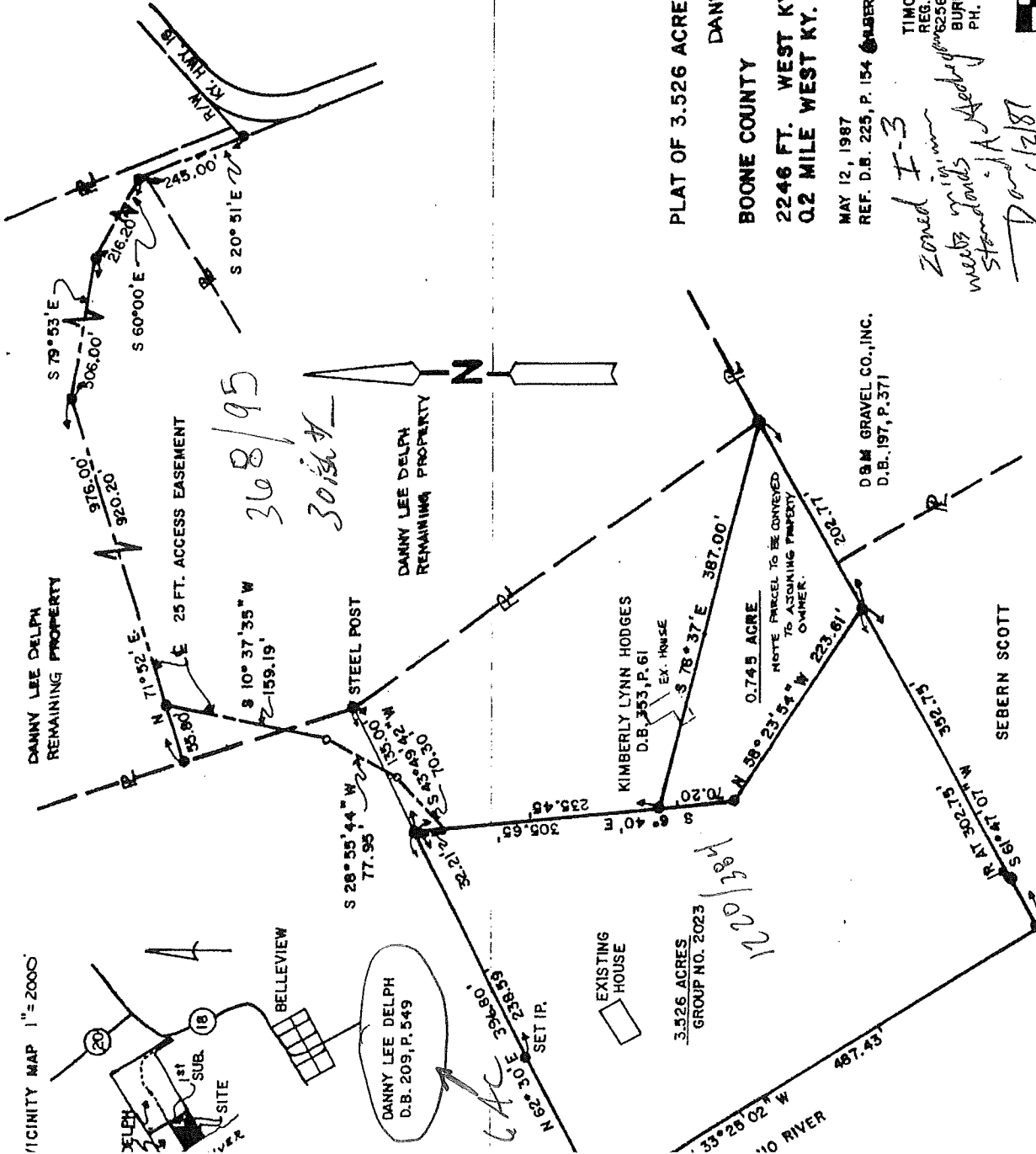
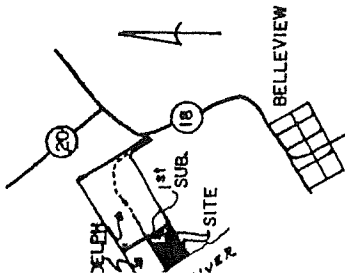
GENERAL INDEX GROUP Index Clerk

This Deed Prepared By

JAMES G. WOLTERMANN
ADAMS, BROOKING & STERNER
421 Garrard Street
Covington, Kentucky 41011

Ret: Boone State

1/1 CINCINITY MAP 1" = 2000'



SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME, THE DISTANCES SHOWN HEREON HAVE BEEN ADJUSTED FOR CLOSURE, THIS PLAT AND SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES, THE BASIS OF THE BEARINGS WAS THE DEED OF RECORD
THE PARCELS SHOWN HEREON REPRESENT THE FIRST AND SECOND SUBDIVISIONS OF THE ORIGINAL PROPERTY UNDER PRESENT OWNERSHIP.

Timothy R. McNeely
KY. R.L.S. NO. 2030
DATE 5-12-87

APPROVAL

APPROVED FOR RECORDING THE TRANSFER OF PROPERTY ONLY BY THE BOONE COUNTY PLANNING COMMISSION.

David W. Martin
CHAIRMAN
DATE 6/9/87

PLAT OF 3.526 ACRES & 0.745 ACRE TO BE CONVEYED BY
BOONE COUNTY
DANNY LEE DELPH
2246 FT. WEST KY. HWY. 18
0.2 MILE WEST KY. HWY. 20
KENTUCKY

SCALE - 1" = 100'
F.B. 1-40



MAY 12, 1987
REF. D.B. 225, P. 154 (ALBERT WANSKOTT - PREVIOUS OWNER)

TIMOTHY R. McNEELY
REG. LAND SURVEYOR
6256 MAIN ST.
BURLINGTON, KY. 41005
PH. 586-6497



*Zoned F-3
wetlands in riparian
streambeds
David W. Martin
6/3/87*

D.B.M. GRAVEL CO., INC.
D.B. 197, P. 371

NOTE: 1/2" REBAR AND CAP STAMPED "LS 2030"

ORDINANCE 2024-13

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH A CONDITION, FOR A 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.

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

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

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with a condition, this Zoning Map Amendment being a zone change 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 real estate which is the subject of this request for a Zoning Map Amendment in a Industrial Three Surface Mining (I-3) zone is more particularly described in DEED BOOK: 209, PAGE NO: 549 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

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

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

Section Three

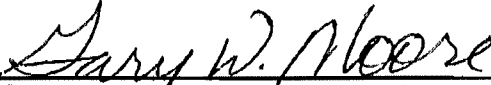
This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 21st day of May 2024

Second Reading the 4th day of June 2024

Adopted this 4th day of June 2024

Yes 4 No 0


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

ATTEST:

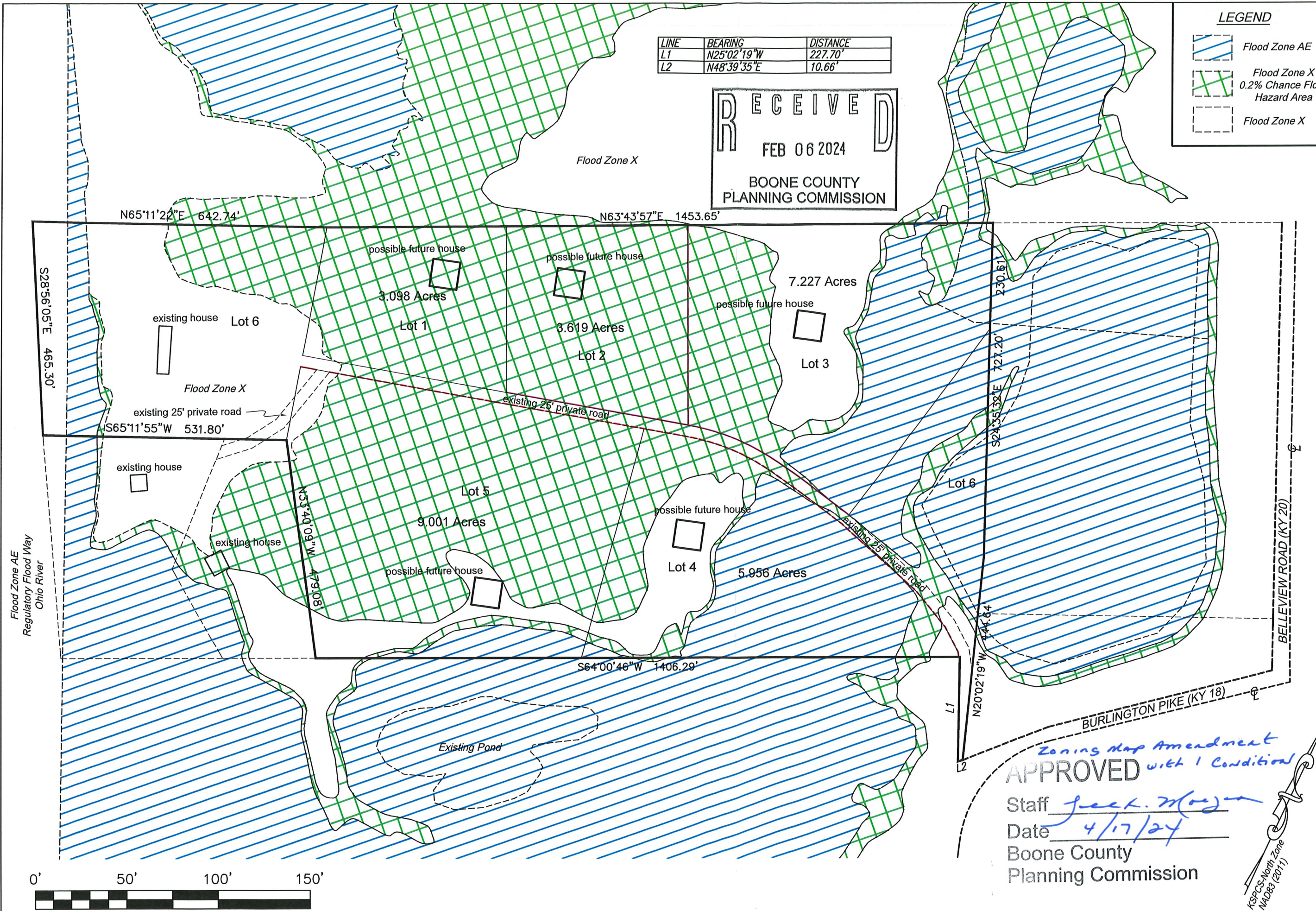

Shona Schulkers,
Fiscal Court Clerk

LINE	BEARING	DISTANCE
L1	N25°02'19"W	227.70'
L2	N48°39'35"E	10.66'

R E C E I V E D
 FEB 06 2024
 BOONE COUNTY
 PLANNING COMMISSION

LEGEND

- Flood Zone AE
- Flood Zone X
0.2% Chance Flood Hazard Area
- Flood Zone X



Zoning Map Amendment
APPROVED with 1 Conditional
 Staff Jessie Morgan
 Date 4/17/24
 Boone County
 Planning Commission

KSP-CIS-North Zone
 NAD83 (2011)

VIOX & VIOX

W

Civil Engineers, Surveyors, and Landscape Architects
 466 Erlanger Road • Erlanger, Kentucky 41018
 602 Lila Avenue • Milford, Ohio 45150
 Ph Erlanger (859)727-3293 • Ph Milford (513)576-1000
 www.vioxinc.com

ZONE CHANGE CONCEPT PLAN
 6056 Burlington Pike
 BOONE COUNTY, KENTUCKY
 CONCEPT PLAN

Project No:	Checked:
Date: 1/30/2024	Ref: EMB
Sheet:	
1	