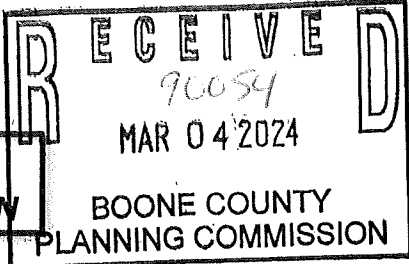


**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**



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: Rivers Pointe Estates
2. Location of Project: 1685 Stahl Road, Hebron, Kentucky 41048
3. Total Acreage of Project: 1.4 Acres(Map Amendment area) Overall Project 336.2 + 1.4= 337.6 acres
4. Current Zoning of Property: RSE
5. Proposed Zoning of Property (classification being requested): SR-3/C-1/O-1/PD/CD
6. Proposed Use(s) (specify each use):
Residential with in 1.4 acre parcel
7. Proposed Building Intensities (specify for each building):
Original PD 23,500 SF of Commercial and or office, 864 Maximum Residential Units on the 337.6 acres
8. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
9. Current Owner: Russell W Markesbery
Address: 1685 Stahl Road
Hebron Kentucky 41048
City State Zip Code
Phone Number: 859-380-0124 Fax Number: _____
Email: _____
10. Applicant: Jay Bayer, Bayer Becker
Address: 209 Grandview Drive
Fort Mitchell Kentucky 41017
City State Zip Code
Phone Number: 859-261-1113 Fax Number: _____
Email: jaybayer@bayerbecker.com
11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____
One house to be removed with project

12. 876 994 2002
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):

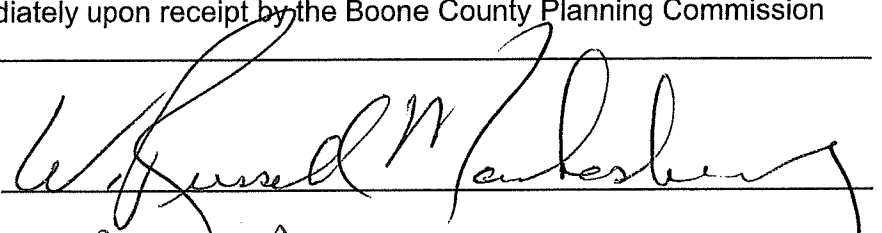
- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input 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

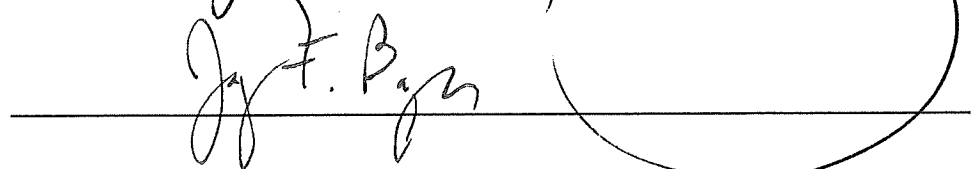
17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

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:



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

1. Date Received: 3/4/24 Fee Received: \$ 2344 Receipt #: 90054
2. Number of Copies Received: ✓
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: J. Kegley
7. Scheduled Public Hearing Date: 4/3/2024
8. Boone County Planning Commission Action: _____ Date of Action: 5/1/2024
 - _____ 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”

Request of **Bayer Becker Engineers, per Jay Bayer (applicant)** for **Toebben Limited (developer)** and **Russell W. Markesbery (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow the site in question to be incorporated into the Rivers Pointe Estates development.

April 3, 2024

REQUEST

- A. The submitted request is to rezone an approximate 1.4 acre area located at 1685 Stahl Road from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) to allow the site in question to be incorporated into the Rivers Pointe Estates development.

SITE HISTORY

- 1969-1974 Based on information contained in the Boone County GIS, a house was built on the site in question.
- 1974-1981 Based on information contained in the Boone County GIS, a pool was installed on the site in question.
- 2010 On October 19, 2010, Boone Fiscal Court adopted Ordinance Number 10-13, changing the zoning of the site in question, as well as the areas surrounding the site in question, from A-1, A-2, and R to SR-3/C-1/O-1/PD, subject to twenty-two (22) conditions (R-10-008-A). The submitted Concept Development Plan included the site in question.

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 1500.A of the Boone County Zoning Regulations states that the Planned Development (PD) district is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other

STAFF REPORT

#1

Request of **Bayer Becker Engineers, per Jay Bayer (applicant)** for **Toebben Limited (developer)** and **Russell W. Markesbery (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow the site in question to be incorporated into the Rivers Pointe Estates development.

April 3, 2024

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appropriate land use factors based upon a proper review.

- C. Section 1506 of the Boone County Zoning Regulations provides criteria for developments within a PD Overlay district.
- D. Section 1509.A of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s). If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (formerly called a "Utilization of an Underlying District), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

EXISTING CONCEPT DEVELOPMENT PLAN

- A. The existing approved Concept Development Plan, which includes the site in question, indicates the following:
 - 1. The site is located within Subarea VII
 - a. Permitted uses include single-family (rear access), townhomes (street access), townhomes (rear access), and multi-family.
 - b. Maximum of 150 units (combination of sub areas VII and VIII).
 - c. Access from the internal street system.
 - d. Emergency access (gated) from Stahl Road.

SITE CHARACTERISTICS

- A. The approximate 1.4 acre area is located approximately four hundred fifty (450) feet northeast of the terminus of Stahl Road.
- B. The site is accessed from a driveway extending from the terminus of Stahl Road.
- C. The site is currently occupied by a detached single-family residential dwelling and a pool.
- D. Topographically, the site is at the end of a ridgetop extending from Stahl Road.

ADJACENT LAND USES AND ZONES

North: Vacant/undeveloped land (SR-3/C-1/O-1/PD)
South: Vacant/undeveloped land (SR-3/C-1/O-1/PD and single-family (RSE)
East: Vacant/undeveloped land (SR-3/C-1/O-1/PD)
West: Vacant/undeveloped land (SR-3/C-1/O-1/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "High Suburban Density Residential" uses, which is described as single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse,

condominium, and zero-lot line development, and also pertains to existing mobile home parks.

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

1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
3. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
4. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics Goal B, Objective 1).
5. 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. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed transportation nodes and shall be designed to establish neighborhoods with a mix of retail, public, and recreational uses (Demographics Goal B, Objective 6).
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).

C. Stahl Road is a county maintained local street providing for two-way traffic within an approximate seventeen (17) foot pavement width. There are no sidewalks along the roadway.

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

1. 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 (Land Use, Future Land Use Development Guidelines, Buffering, pages 95-96).

2. 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
3. The Garrison Creek area has both development and preservation opportunities in the future. This area is unique with its rugged topography, numerous streams, interstate access, Ohio River frontage, and spectacular views. The area is currently limited due to topography, lack of adequate infrastructure (sanitary sewer and water), as well as inferior roads. Parts of the Garrison Creek area should remain intact as open space due to its steep topography which could help buffer development. Much of the land in this area is Developmentally Sensitive (DS) and/or rolling hillsides. There are several overhead utility lines traversing the area and an electric power plant located on the other side of the Ohio River in Indiana. In addition, the I-275/Petersburg Road interchange is located in this section and serves as the first and last interchange in Kentucky and thus, development in this area should strive to be unique in site layout and building design in order to take advantage of as well as preserve the scenic viewsheds from both the top of the ridgetops looking into the Ohio River valley as well as from the Ohio River and I-275 looking into the area.

As evidence by a Duke Site Readiness Study, this area could develop with adequate infrastructure planned and in place. Future office, retail, recreation, or business park uses may be appropriate. Business Park uses with heavy truck

traffic are not appropriate in the area due to the limited design of the interchange and mixture of planned uses and traffic utilizing the interchange. The Commercial and Business Park areas must be accessed exclusively from roadways originating from the interchange. Great care needs to be given to ensure proper buffering and screening of the Business Park uses from the residential component of Traditions Golf Course. The extreme northeast portion of the area could also see Suburban Density Residential with a possible tie-in to the end of Merrell Road if upgraded to handle additional traffic. The river bottoms have development potential for recreation, agriculture, and water related commerce including river transfer docking facilities. Access might need to be by river transport due to limited land base access. The hillsides along the Ohio River should remain intact as a natural open space buffer adjacent to other land uses. The Bullittsburg Baptist Church is on the National Register of Historic Places and every effort should be made to keep it listed in the future as development occurs. Garrison Creek Road is narrow and has many grade changes and parts of it are located next to Garrison Creek and in a floodplain. Development could occur in targeted areas as long as there are planned utility and road improvements. Areas to the west of the interchange will likely have to rely on a new roadway parallel to I-275 unless major improvements occur to Garrison Creek Road.

In conclusion, all necessary infrastructure (roads and utilities) should be planned and be in the process of being constructed for development to take place in this area. This can occur through cooperative and innovative public and private partnerships (Land Use, Description and Purpose of Land Use Maps, Future land Use Geographic Areas, Conclusions and Recommendations, 3) Garrison Creek, page 103).

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the continuation of the existing approved Concept Development Plan.

STAFF CONCERNS

- A. The existing approved Concept Development Plan includes twenty-two (22) conditions. The following conditions should be carried forward if this application is to be approved:
 - 1. The buildings in Areas VII and VIII shall be set back at least fifty (50) feet from the adjoining Flick property, however the buildings in the 5 story multi-family option for Area VIII shall be set back at least 125 feet as shown on the attached plan exhibit. The normal buffer yard planting and width requirements per Article 36 of the Boone County Zoning Regulations shall be followed along this boundary (line 14 on the Landscape Buffer Plan on page 56 of the Concept Development Plan booklet), in addition to retaining the existing vegetation.
 - 2. Areas VII and VIII shall have a combined maximum total of 150 dwelling units.
 - 3. The vehicular connection at the dead end of Stahl Road shall be an emergency access only utilizing grass pavers. This emergency access shall be gated with a

locked gate that can be opened by emergency personnel. This emergency access shall be constructed by the developer within a dedicated right-of-way so that the Fiscal Court can construct a public street connection at a later time if desired. Any proposal by the developer to construct a full access street connection in this alignment in the future must be reviewed and approved through the formal Change of Concept Development Plan process.

4. The design related aspects of the development, including architectural design for the townhouses, multi-family buildings, and village center buildings, building orientation in the village center, signage, landscaping, site design details, and related matters, shall generally follow the text, photos, and graphic exhibits in the Concept Development Plan booklet. Compliance with this condition shall be determined by the Zoning Administrator, who shall review individual proposals in the development for consistency with the thematic and qualitative commitments and representations in the Concept Development Plan booklet.
5. On-street parking within the public right-of-way and/or on private streets to be credited towards the required parking for the multi-family, townhome, and/or commercial/office area (as explained in the Concept Development Plan booklet) shall be provided within a physically defined parking lane that is separate from the moving lanes, with additional pavement width at these points. Examples of this approach are provided on page 15 of the Concept Development Plan booklet.

CONCLUSION

The zoning map amendment request needs to be evaluated by the Boone County Planning Commission and the Boone Fiscal Court in terms of Articles 3 and 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

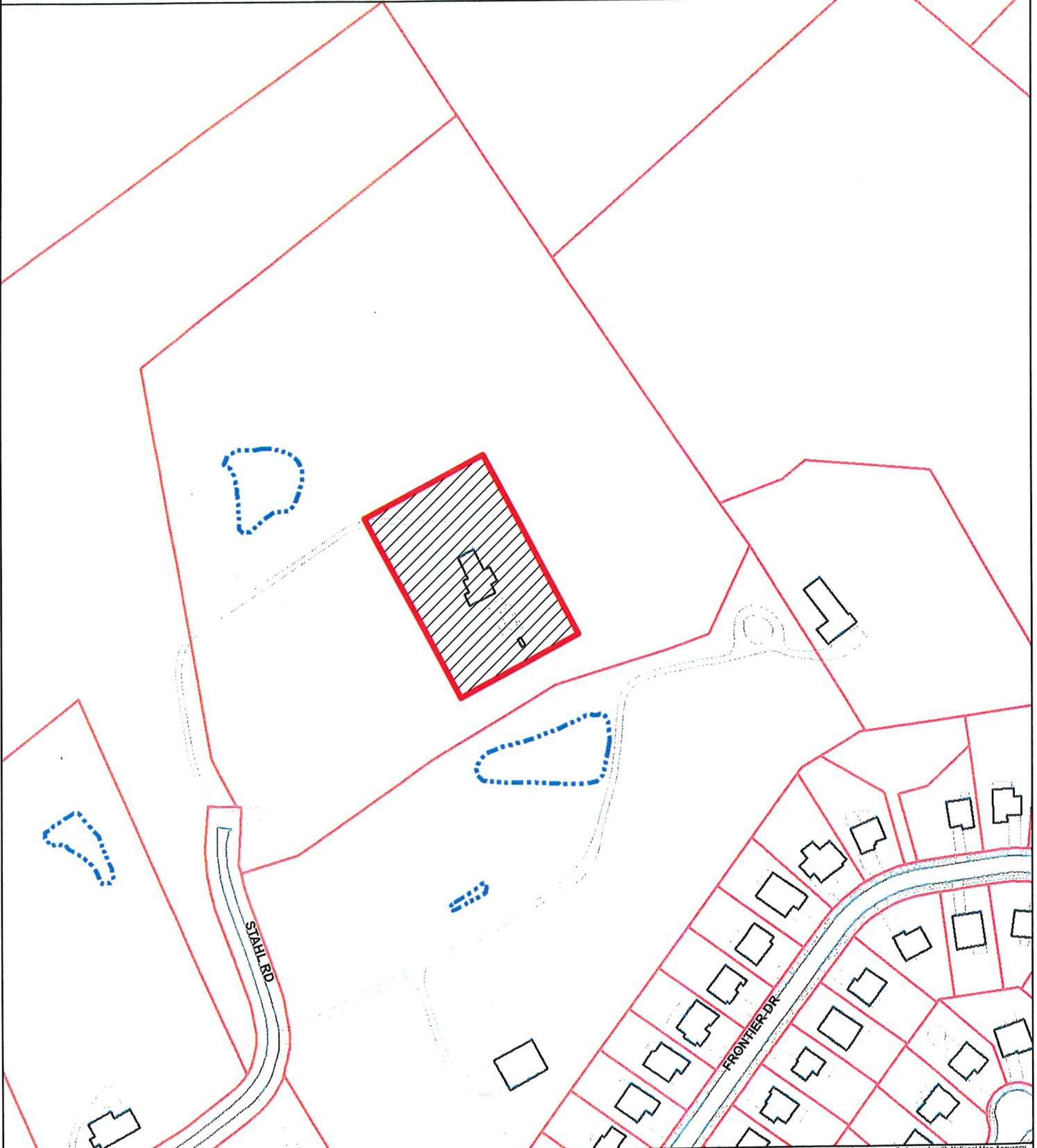
MDS/ss

Attachments:

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

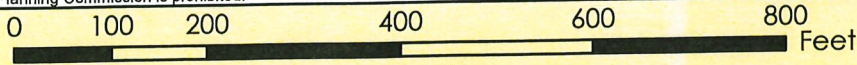
Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



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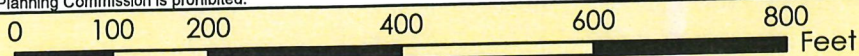
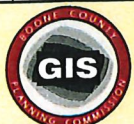
Aerial Map

www.boonecountygis.com



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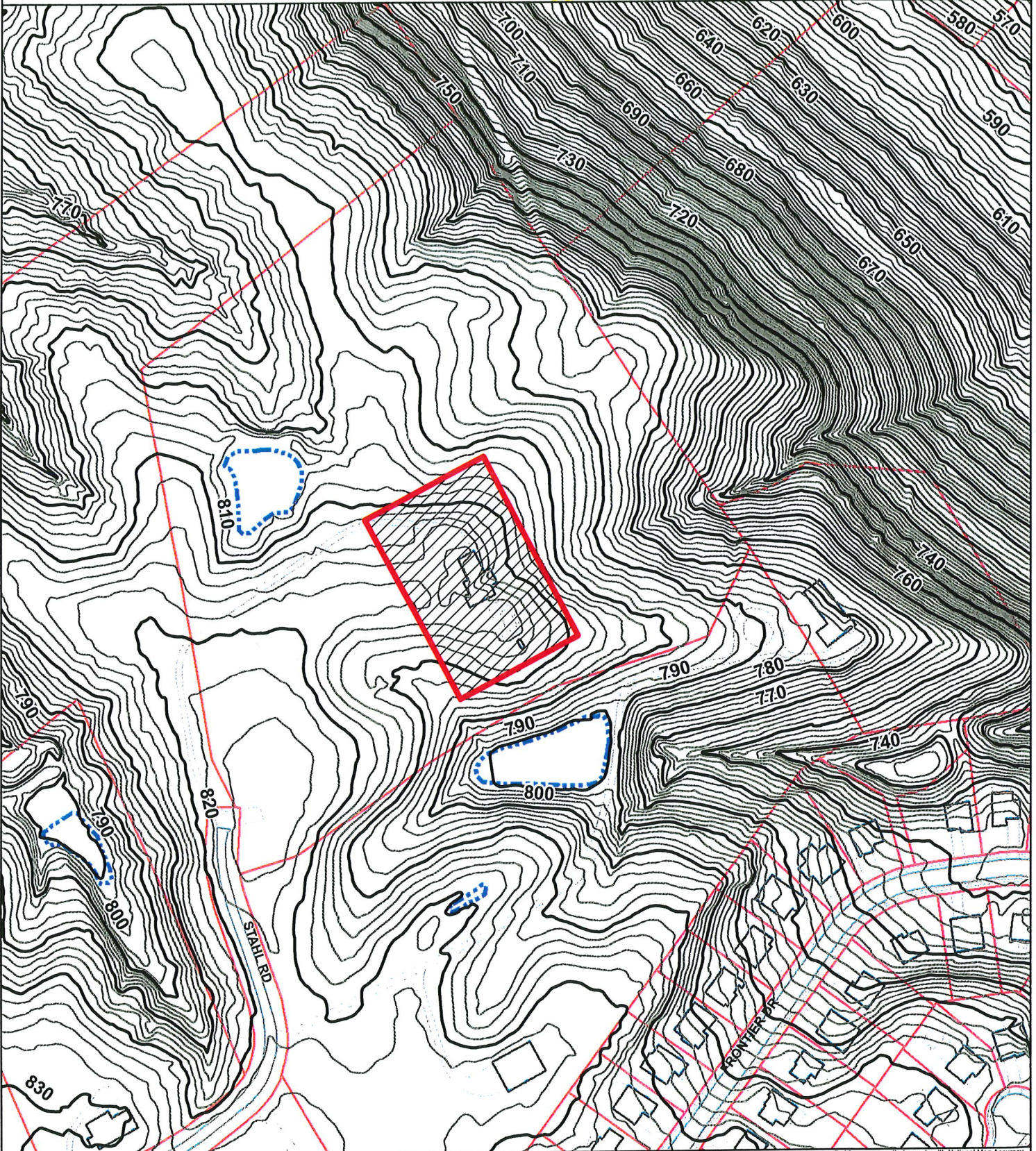
Boone County GIS

Map Created: xx/xx/2022

Photo Plans © Inset by Earth Star 11/01
ArcMap Document: *.mxd

Topographic Map

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

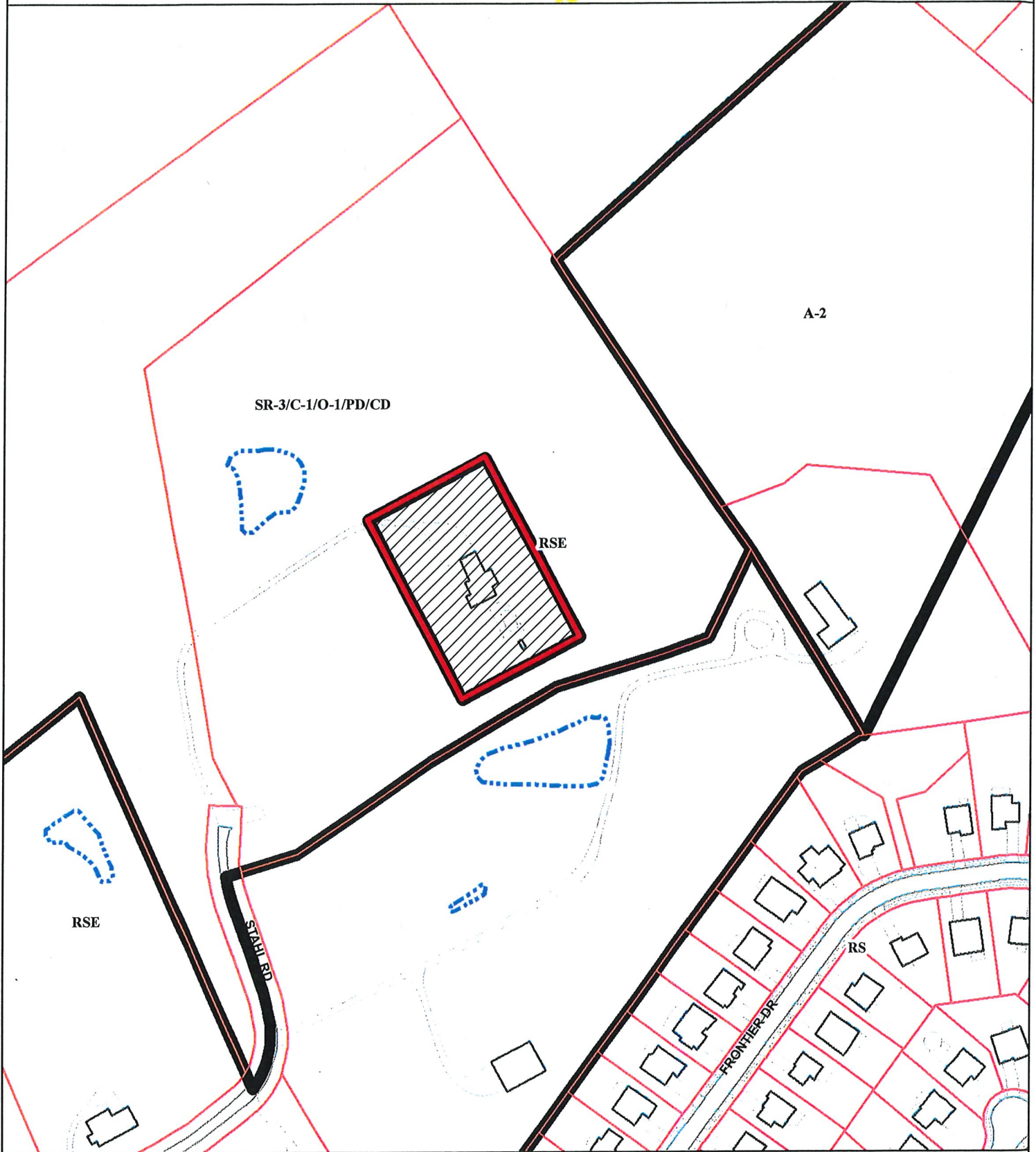


Map Created: xxjxx2022

Boone County GIS
ArchMap Document: *.mxd

Zoning Map

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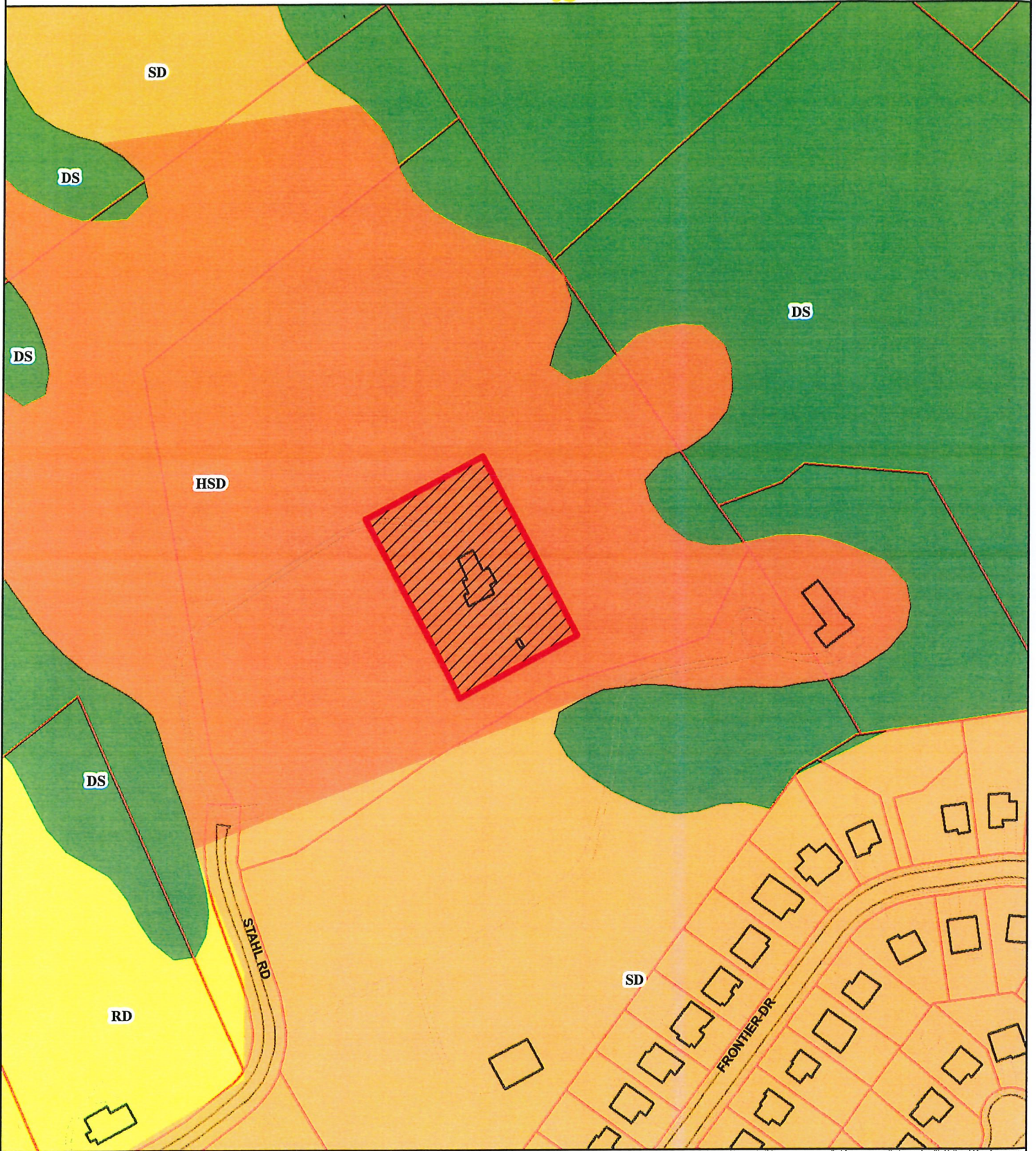
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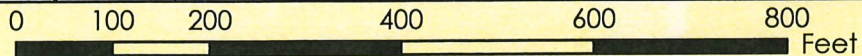
2040 Future Land Use Map

www.boonecountygis.com



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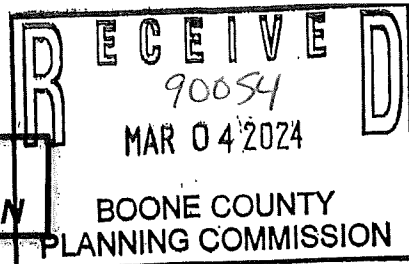


Boone County GIS
ArcMap Document: *.mxd



Denotes possible storm water detention basin location

SITE



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: Rivers Pointe Estates
- 2. Location of Project: 1685 Stahl Road, Hebron, Kentucky 41048
- 3. Total Acreage of Project: 1.4 Acres(Map Amendment area) Overall Project 336.2 + 1.4= 337.6 acres
- 4. Current Zoning of Property: RSE
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- 7. Proposed Building Intensities (specify for each building):
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Email: jaybayer@bayerbecker.com
- 11. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____ One house to be removed with project

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

1. Date Received: 3/4/24 Fee Received: \$ 2344 Receipt #: 90054

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
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12. 876 994 2002
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13. Have you had a pre-application meeting with the BCPC staff: Yes No

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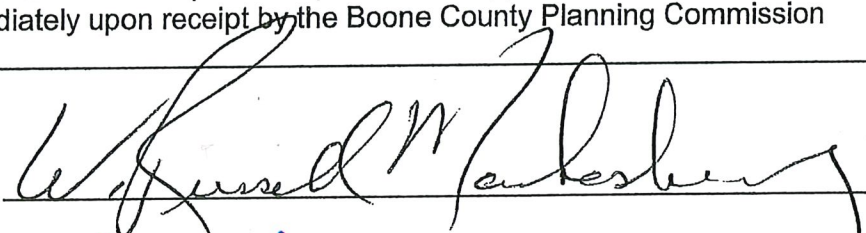
- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input 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

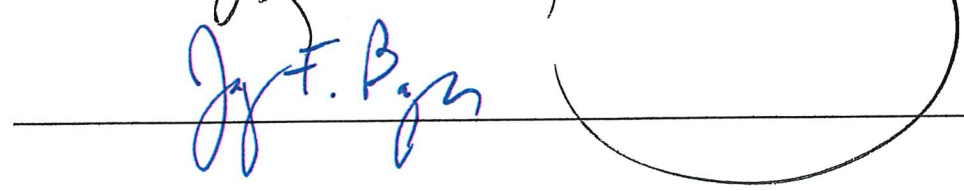
17. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:

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:





RIVERS POINTE

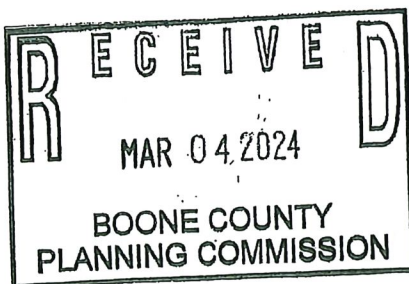
ESTATES

Zoning Application for 1.4-Acre Addition

By



3/5/2024



A pre-application meeting was held at the offices of the Boone County Planning Commission on 2/7/2024. Those in attendance included Michael Schwartz Director of Zoning Services/Zoning Administrator for Boone County Planning Commission, John Toebben of the Toebben Companies, owner and Jay Bayer of Bayer Becker, applicant. Based on the meeting, the Toebben Companies would like to add approximately 1.4 acres of land to the Rivers Pointe Estates project in Hebron Kentucky. Highlights of the request include:

- 1) Original project size 334 acres in 2010. 2.2 acres were added in 2017. Current project area 336.2 acres. Requested area to be added is 1.4 acres. Proposed new total area 337.6 acres.
- 2) Original project total residential units were 864. Proposed new total 864 units.
- 3) Original project zoning SR-3/C-1/O-1/PD/CD. Requested zoning for the 1.4-acre site is the same.

The following pages provide supporting information for the requested zoning map amendment.

Concept Plan

Attached you will find Exhibit A, the original approved Concept Development Plan for Rivers Pointe Estates. The area requested to be added to the project is shown within the white rectangular shape, labeled "Area to be Rezoned" within the South Eastern portion of the Plan. We are asking for a zone change from existing RSE to SR-3/C-1/O-1/PD/CD to match the previously approved Rivers Pointe Estates. We are proposing to commit to all of the prior conditions that were agreed upon with the original rezoning in 2010 and subsequent addition in 2017. *Note: Exhibit A does not include the 2.2 acre added to the project in 2017.*

Attached as Exhibit B, is an enlargement of a portion of the above Concept Development Plan containing the 1.4-acre area to be rezoned. As noted above, no additional units will be added to the overall project of 864 units.

Attached as Exhibit C is a portion of the original Design Guidelines Regulating Plan from 2010 for the permitted uses in the plan subareas. The Toebben Companies are proposing, with this rezoning request, to incorporate the 1.4-acre area into the Area VII designation of the approved Regulating Plan, as highlighted on Exhibit C. Per the chart provided on Exhibit C, under Regulating Plan Area VII, the types of units that are proposed with in the 1.4-acre area may include Single Family Rear Access, Townhome Street Access Including Landominiums, Townhomes Rear Access, and Multi-family buildings. The maximum total number of units within Areas VII and VIII will be limited to 150 units.

General Site Characteristics

The 1.4-acre property to be rezoned has been envisioned to be an addition to the project from early on. The 1.4 acre parcel is under contract to be purchased by the Toebben Companies. The property is located near the eastern end of Stahl Road. The property has access to Stahl Road via an existing access easement and includes an existing house which will be removed with the project.

Transportation Patterns

The 1.4-acre property currently has a driveway for access to Stahl Road. Per the concept plan, the property will be an addition to the Rivers Pointe Estates project with proposed internal public and private roadways with access to North Bend Road via Rivers Pointe Drive. Based on discussion with Michael Schwartz an updated Traffic Impact Study for the project is not required with this application since no additional units are being added to the overall project.

Land Use Characteristics

As shown in the concept plan and noted above the land use proposed for the property is residential. The architecture envisioned for the project will continue to follow the Design Guidelines approved with the original zoning for the overall project. The proposed residential unit types include Single Family (Rear Access), Townhomes (Street or Rear Access) and Multi-Family. The overall units are proposed to remain the same as previously approved.

Utilities and Infrastructure

The Toebben Companies have worked closely with the utility agencies to plan this unique project including the addition of this 1.4-acre parcel. The utilities for the 1.4-acre property will be provided along with the overall project.

Relationship to the Comprehensive Plan

The Boone County Future Land Use Plan places the Rivers Pointe Estates project including the requested 1.4-acre property in Area 4- Hebron North Area. The comprehensive plan has been updated to reflect this proposed master planned project. The property to be rezoned is envisioned to be Urban Density on the Future Land Use Map which follows the proposed Rivers Pointe Estates masterplan. The plan for this 1.4-acre site follows the Future Land Use Map guidance. The proposed zoning will be an addition to the approved Rivers Pointe Estates zoning and project.

Construction Schedule

The Toebben Companies would like to complete design of construction plans for this area of the project and begin construction upon completion of the approval process.

Adjoining Owners

All adjoining property to the proposed 1.4 acre parcel to be rezoned is owned by Toebben Ltd.

Exhibit A



INTRODUCTION TO THE GUIDELINES

Rivers Pointe Estates is intended to be a complete community of streetscapes, houses, trails, open spaces, and landscaping that are based upon timeless design principles. While each home and lot should stand on its own design merit, it is the desire that each individual home or improvement contributes to the overall character of the neighborhood. This close collaboration between timeless community values and individual architectural contributions, along with the harmonious natural setting of Rivers Pointe Estates, can provide compatibility, long term quality and appreciation of value for the overall community and all those involved.

The Design Guidelines for Rivers Pointe Estates provide assistance in establishing community character and properly-designed homes. The Architectural Design Guidelines pertain to all residential and commercial buildings and visually illustrate appropriate massing, proportioning and character. More specific development guidelines establish specific lot types and bulk regulations, landscape standards and signage standards. These more specific guidelines focus on design parameters that differ from current Boone County Zoning regulations.

The Guidelines visually illustrate appropriate design character and elements and are not intended to be subjective value judgements of the images and elements shown, but instead are intended to illustrate, before the design process begins, the intended design character of Rivers Pointe Estates.

Exhibit B

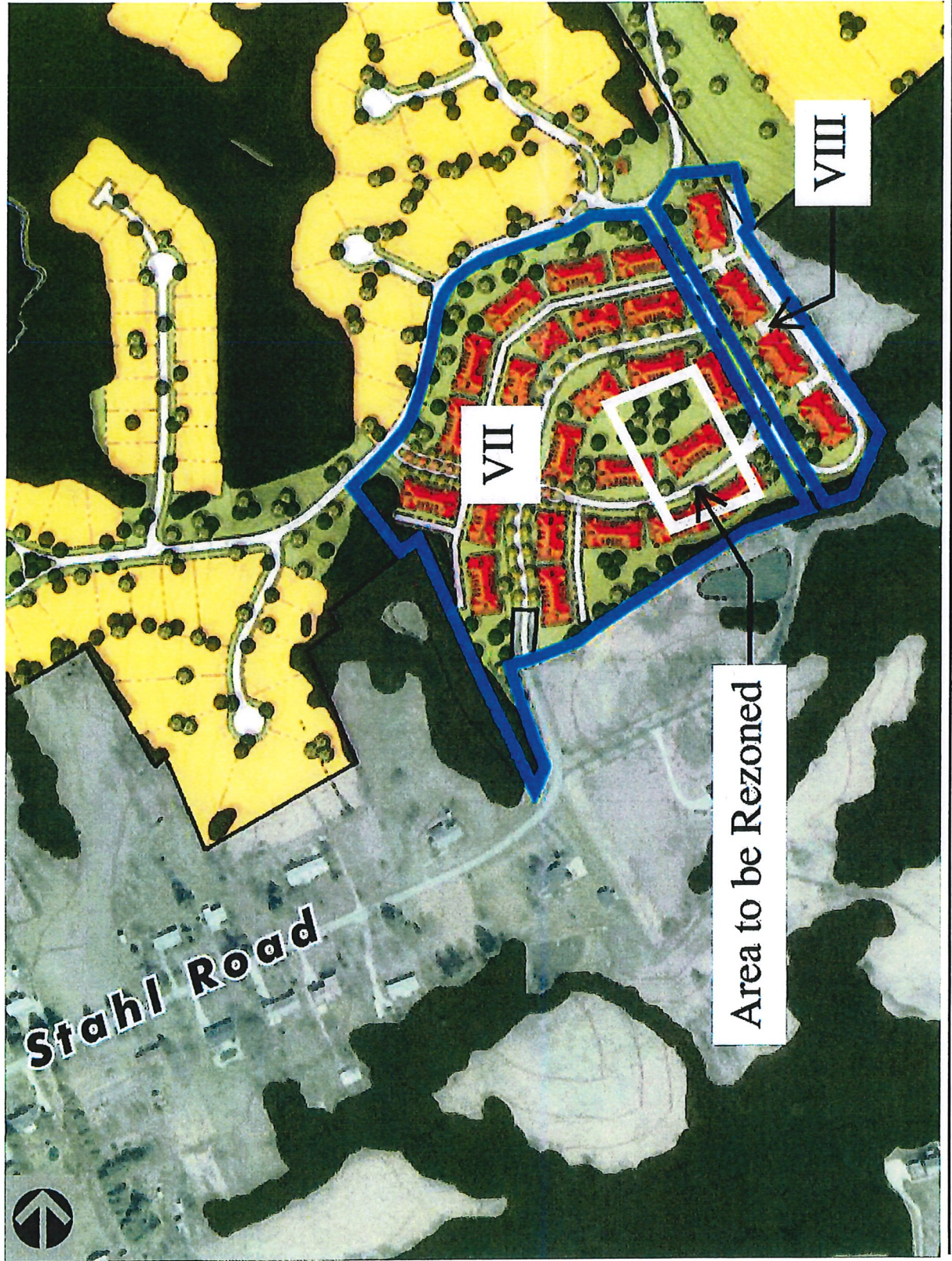
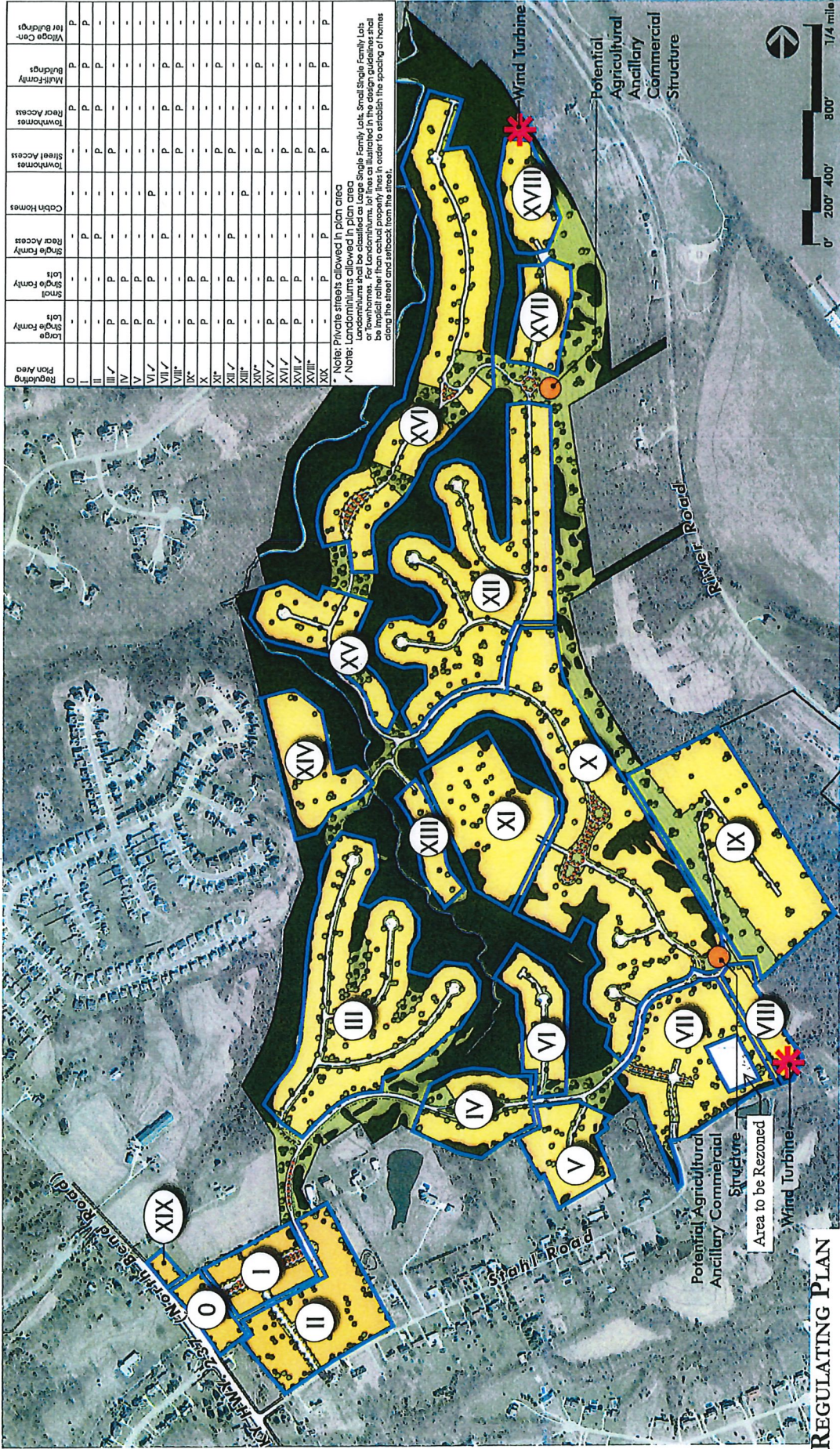


Exhibit C



REGULATING PLAN

Rivers Pointe Estates is designed as a mixed-use community, including diverse housing types, retail/restaurant, and community services and amenities. The individual block layouts within the Regulating Plan are for illustration purposes only. The Regulating Plan and distribution of housing typologies should be flexible to respond to physical site constraints, end-users' needs, community desires and changing market conditions; so long as they meet the intent of the regulations and guidelines within.

The Village Core is intended to accommodate multi-family housing and commercial uses (allowed by the base zoning) with the opportunity for residential, office or community service uses on upper floors above commercial uses. Design Guidelines for village center commercial buildings and a variety of housing types are illustrated on the following pages. These building types are keyed to the Regulating Plan, indicating which types are permitted in each Roman Numerated development

area. Each development area may contain any combination of allowed uses that are keyed to that area, so far as the total unit count for all combined development areas does not exceed a maximum of 864 dwelling units and the total commercial program does not exceed 23,000 square feet.

Regulating Plan Area	Large Single Family Lots	Small Single Family Lots	Single Family Rear Access	Cobble Homes	Townhomes Street Access	Townhomes Rear Access	Multi-Family Buildings	Village Center Buildings
I	-	-	-	-	-	-	-	-
II	-	-	-	-	-	-	-	-
III	-	-	-	-	-	-	-	-
IV	-	-	-	-	-	-	-	-
V	-	-	-	-	-	-	-	-
VI	-	-	-	-	-	-	-	-
VII	-	-	-	-	-	-	-	-
VIII	-	-	-	-	-	-	-	-
IX	-	-	-	-	-	-	-	-
X	-	-	-	-	-	-	-	-
XI	-	-	-	-	-	-	-	-
XII	-	-	-	-	-	-	-	-
XIII	-	-	-	-	-	-	-	-
XIV	-	-	-	-	-	-	-	-
XV	-	-	-	-	-	-	-	-
XVI	-	-	-	-	-	-	-	-
XVII	-	-	-	-	-	-	-	-
XVIII	-	-	-	-	-	-	-	-
XIX	-	-	-	-	-	-	-	-
XX	-	-	-	-	-	-	-	-

* Note: Private streets allowed in plan area
 ✓ Note: Landscaping allowed in plan area
 Note: Large Single Family Lots, Small Single Family Lots and Single Family Rear Access are permitted in this design guidelines shall be treated rather than actual property lines in order to establish the opening of homes along the street and setback from the street.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chair

DATE: May 1, 2024

RE: Request of **Bayer Becker Engineers, per Jay Bayer (applicant) for Toebben Limited (developer) and Russell W. Markesbery (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow the site in question to be incorporated into the Rivers Pointe Estates development.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee concluded that the proposed SR-3/C-1/O-1/PD district, along with the submitted concept development plan, is generally consistent with the Our Boone County Plan 2040 Future Land Use Plan Map which identifies the site for 'High Suburban Density Residential' uses, which is described as single-family and/or attached housing of up to 8 dwelling units per acre.

The proposed SR-3/C-1/O-1/PD district will allow the development of single-family (rear access), townhomes (street access), townhomes (rear access), and multi-family uses as part of the overall River's Pointe Estates subdivision.

2. The Committee concluded that the proposal is in agreement with the following Goals and Objectives:
 - a. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 - b. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - c. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - d. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs (Demographics

- e. Goal B, Objective 1). 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. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed transportation nodes and shall be designed to establish neighborhoods with a mix of retail, public, and recreational uses (Demographics Goal B, Objective 6).
- g. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).

The submitted plan will allow for an integrated residential component with coordinated access, parking, and exterior amenities, as part of the overall River's Pointe Estates subdivision.

3. The Committee concluded the requested proposal is in agreement with the mixed use/pedestrian orientation, compatibility of uses, landscaping, and architecture Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations.
4. The Committee concluded that the requested proposal is consistent with the action taken by Boone Fiscal Court on October 19, 2010 in their adoption of Ordinance Number 10-13.
5. The Committee concluded that those conditions that were part of Ordinance Number 10-13 that are not reflected on the submitted Concept Development Plan should be carried forward as part of this action.
6. The Committee concluded that the attached conditions are necessary to achieve consistency with the Our Boone County Plan 2040. The Committee also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the condition:

CONDITIONS:

1. The buildings in Areas VII and VIII shall be set back at least fifty (50) feet from the adjoining Flick property, however the buildings in the 5 story multi-family option for Area VIII shall be set back at least 125 feet as shown on the attached plan exhibit. The normal buffer yard planting and width requirements per Article 36 of the Boone County Zoning Regulations shall be followed along this boundary (line 14 on the Landscape Buffer Plan on page 56 of the Concept Development Plan booklet), in addition to retaining the existing vegetation.

2. Areas VII and VIII shall have a combined maximum total of 150 dwelling units.
3. The vehicular connection at the dead end of Stahl Road shall be an emergency access only utilizing grass pavers. This emergency access shall be gated with a locked gate that can be opened by emergency personnel. This emergency access shall be constructed by the developer within a dedicated right-of-way so that the Fiscal Court can construct a public street connection at a later time if desired. Any proposal by the developer to construct a full access street connection in this alignment in the future must be reviewed and approved through the formal Change of Concept Development Plan process.
4. The design related aspects of the development, including architectural design for the townhouses, multi-family buildings, and village center buildings, building orientation in the village center, signage, landscaping, site design details, and related matters, shall generally follow the text, photos, and graphic exhibits in the Concept Development Plan booklet. Compliance with this condition shall be determined by the Zoning Administrator, who shall review individual proposals in the development for consistency with the thematic and qualitative commitments and representations in the Concept Development Plan booklet.
5. On-street parking within the public right-of-way and/or on private streets to be credited towards the required parking for the multi-family, townhome, and/or commercial/office area (as explained in the Concept Development Plan booklet) shall be provided within a physically defined parking lane that is separate from the moving lanes, with additional pavement width at these points. Examples of this approach are provided on page 15 of the Concept Development Plan booklet.

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. 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 D. Schwartz, Director, Zoning
Mr. Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:50 p.m.:

ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **Bayer Becker Engineers, per Jay Bayer (applicant) for Toebben Limited (developer) and Russell W. Markesbery (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow the site in question to be incorporated into the Rivers Pointe Estates development.

Staff member, Michael Schwartz, referred to his PowerPoint presentation (see Staff Report). The 1.4 acre area is located 450 feet northeast of the terminus of Stahl Road. On October 19, 2010, the zoning of the adjacent areas were changed from A-1, A-2 and R to SR-3/C-1/O-1/PD for the development of Rivers Pointe Estates. It is a mixture of commercial, attached single family residential, multi-family and detached single family residential over a much larger area. The site is accessed from the existing driveway and a house exists on the property. The subject site is currently zoned RSE. Pages 1 and 2 of the Staff Report provide the pertinent sections of the Zoning Regulations. Mr. Schwartz described the adjacent zoning and land uses. The site is located at the end of a ridgetop extending from Stahl Road. The 2040 Future Land Use Map designates the site for High Suburban Density (HSD) Residential uses. Pages 2-5 of the Staff Report identifies references to the Comprehensive Plan text. Mr. Schwartz showed the existing approved Concept Development Plan for Rivers Pointe Estates. In 2010, the subject site was included as part of the Concept Development Plan but was not rezoned at that time. It was always planned to be a part of the development. It is located in Subarea 7 of the project. It allows either single-family housing, townhomes, or multi-family uses with a maximum of 150 units with access from an internal street system. There was a condition of approval that required an emergency gated access from Stahl Road. Mr. Schwartz showed a photograph of the site. No changes are being proposed to the table. The request is simply to change the current zoning of the parcel to match the current zoning of Rivers Point Estates Subdivision. Pages 5-6 of the Staff Report include the applied conditions that should be carried forward if the Planning Commission should approve the request.

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

Mr. Jay Bayer, applicant, stated that the request is straight forward. In 2010, the developer envisioned having the parcel in question to eventually be part of the development. There is no change in the number of units.

Chairman Rolfsen asked how far built is the subdivision today? Mr. Bayer replied that he anticipates building in the area subject to the zone change this year. The total project was approved at 864 dwelling units. There are 62 homes occupied. Mr. John Toebben stated there are 7 different types of housing planned for the subdivision. Mr. Bayer noted that the request is in agreement with the Comprehensive Plan.

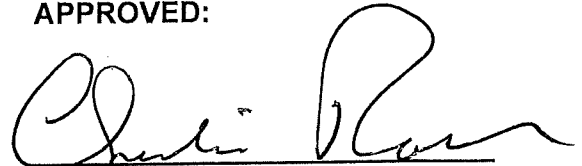
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

Seeing no one, Chairman Rolfsen asked if the Commissioners had any questions or comments?

Ms. Corrin Gulick asked why the parcel wasn't rezoned in 2010? Mr. Bayer responded that Mr. Toebben had a contract with Mr. Markesbury to purchase the property but Mr. Markesbury wanted to live on the property longer.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on May 1, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:59 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: Janet Kegley, Chairwoman

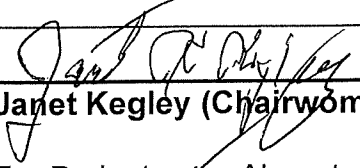
DATE: April 17, 2024

REMARKS:

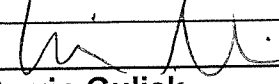
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ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Michael Schwartz, Staff

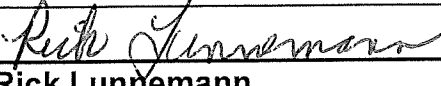
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Janet Kegley (Chairwoman)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

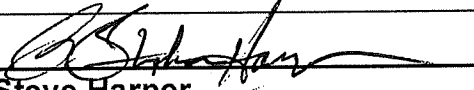


Corrin Gulick
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



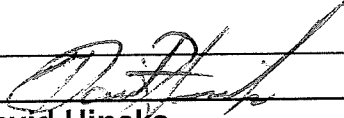
Rick Lunnemann
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

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 5 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

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
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Mr. Kenny Vaught

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Mr. Dale Wilson

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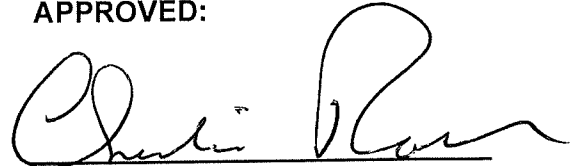
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APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
MAY 1, 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 May 1, 2024 Business Meeting. Mr. Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Rick Lunnemann
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. 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 April 17, 2024 Business Meeting and Public Hearing. He asked if there were any comments or corrections?

Mr. Szurlinski moved to approve the Minutes as presented. Mr. Hincks seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between April 4, 2024 and May 1, 2024.

EXPENSES:

Accounting Fees	919.00
Attorney Fees	5,693.75
Consultant/Professional Svcs Fees	4,512.75
Legal Ads/Recruitment	548.85
Miscellaneous Expense	158.00
Office & Board Meeting Supplies	1,656.06
Office Equipment / Expense	324.97
Postage Expense	1,000.00
Printing/Pub/Dues/Subscriptions	57.00
Professional Development	<u>823.02</u>

TOTAL: \$ 15,693.40

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,865.60
Health/Dental/Life/LTD	18,316.93
Retirement – BCPC Portion	21,839.71
Salaries – Staff Expenses	94,497.44
Salaries – BCPC & BOA	<u>1,745.00</u>

TOTAL: \$ 143,570.25

GRAND TOTAL: \$ 159,263.65

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

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Michael Schwartz, Staff

1. Request of **Bayer Becker Engineers, per Jay Bayer (applicant) for Toebben Limited (developer) and Russell W. Markesbery (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow the site in question to be incorporated into the Rivers Pointe Estates development.

Mr. Bessler left the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment. The proposed Conditions are taken verbatim from the previous 2010 action.

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

Mr. Jay Bayer, applicant, stated that he had nothing to add.

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

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Michael Schwartz, Staff

2. Request of **Kentucky 42, LLC, per Phillip Drees (applicant/owner)** for a Change of Concept Development Plan for an approximate 2.88 acre area located along the southeast side of US 42, between Braxton Drive and Old Union Road, approximately four hundred (400) feet southwest of Braxton Drive, and having a Parcel Identification Number (PIDN) of 063.00-29-003.04, Union, Kentucky, which is currently zoned Commercial Two/Planned Development (C-2/PD). The submitted request is to allow the construction of a 2,200 square foot building for a retail, service, or office use.

Mr. Bessler returned to the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and 10 Conditions, some of which were from the previous application for the Change in Concept Development Plan. Two deal with the freestanding sign. Mr. Schwartz read the two additional conditions.

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

Mr. Phil Drees, applicant, stated that he has nothing to add.

Seeing no further comment, **Mr. Harper moved, by Resolution to the City of Union, to recommend approval of the Change in Concept Development Plan based on the Committee Report, Finding of Fact and Conditions. Mr. Schwenke seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Steve Lilly, Staff

3. Request of **Bodies By Mike, per Chris Deitrichs (applicant/owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for an approximate 1.47 acre area located at 10709 Dixie Highway, including the lot having a Parcel Identification Number (PIDN) of 075.00-00-035.00, Boone County, Kentucky. The request is for a zone change to allow auto repair and a towing and impound lot.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for a Zoning Map Amendment. 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?

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 the Committee Report, Findings of Fact and Conditions. Mr. Hincks seconded the motion and it passed unanimously.**

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

4. 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. Kegley moved to defer the request until the June 5, 2024 Business Meeting. The next Committee Meeting is scheduled for May 15, 2024 at 5:00 p.m. Mrs. Steele seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW COMMITTEE, Rick Lunnemann, Chairman, Steve Lilly, Staff

5. Arhaus Loft – 1336 Hansel Avenue, Suite 100

Staff Member, Steve Lilly, referred to a PowerPoint presentation. The request is for Design Review approval. The site is the former Christmas Tree Shops. The site is zoned C-2/PD/HDO. Mr. Lilly showed photographs of the building. The applicant wants to paint the building from tan to gray for a new tenant – Arhaus Loft. The primary color of the building will be Snowbound along with trim painted Dorian Gray and Gauntlet Gray. He showed a picture of what it would look like. Section 1506 suggests that buildings shall largely use natural colors and use a consistent design treatment on all facades. While the Houston-Donaldson Study addresses building materials and colors. The Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

Chairman Rolfsen asked the applicant if they were going to paint the entire building the same color? Mr. Tom Howard, Anchor Management, responded that they planned to have a more consistent theme eventually as he has one other vacant tenant space and Dick's Sporting Goods. It may not be identical colors but will be complementary. Arhaus is a furniture store.

Mrs. Goetting moved to approve the request as submitted and presented because it meets the architectural criteria as well as the Houston-Donaldson Study. Mrs. Kegley seconded the motion and it passed unanimously.

NEW BUSINESS

CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

6. Request of **Richwood Development LLC, per Milanben Patel (applicant/owner)** for: (1) a Change of Concept Development Plan in a Commercial Services (C-3) district; (2) a Variance reducing the perimeter buffer yard widths from ten (10) feet to zero (0) feet along interior property lines; and (3) a Variance increasing the size of a free standing sign from two hundred (200) square feet to two hundred ten (210) square feet, for an approximate 5.4 acre area located at 460, 468, and 476 Davis Lane, Boone County, Kentucky. The request is for a Change of Concept Development Plan and Variances to allow for the development of an approximate 28,000 square foot commercial complex having five (5) buildings.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

7. Request of **Midland Atlantic Properties, per Clayton Riney (applicant) for KCJA LLC, Roy Smith, Larry and Christina Barnes, and the Kentucky Transportation Cabinet (owners)** for a Zoning Map Amendment from Graves Road – Residential (GR-R) and Graves Road – Commercial (GR-C) to Graves Road - Commercial/Planned Development (GR-C/PD) for an approximate 53 acre area located at the northeast and northwest corners of the intersection of Graves Road with Worldwide Boulevard and including the properties located at 2477

Treetop Lane (portion), 2338 Williams Road (portion), 2355 Water Tower Drive (portion), and properties having the following Parcel Identification Numbers (PIDN's): 035.00-00-072.01, 035.00-00-038.05, 035.00-00-038.01, 035.00-00-061.04, 035.00-00-038.04, and 035.00-00-057.02, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 115,000 square foot commercial complex having six (6) buildings.

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

H. EXECUTIVE DIRECTOR'S REPORT:

- No Report

I. COMMITTEE REPORTS:

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

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

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

L. OTHER:

M. ADJOURNMENT:

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Szurlinski seconded the motion and it passed unanimously. The meeting was adjourned at 7:25 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

Area to be rezoned

Situated in the County of Boone, Commonwealth of Kentucky, located at the Northeast end of Stahl Road approximately 0.62 mile East of Kentucky Highway No. 237 and being part of a 115.16 acre tract conveyed in D.B. 435, Pg. 44 and part of a 7.3467 acre tract conveyed in D.B. 561, Pg. 309, both of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at the Northeast corner of Lot One (1) of the Elam Powers Subdivision as recorded in P.B. 8, Pg. 26, said point also being in the existing Southeast right-of-way line of Stahl Road (50'R/W); thence with the existing Southeast right-of-way line of Stahl Road North $08^{\circ}17'20''$ East, 66.00 feet; thence North $17^{\circ}09'40''$ West, 244.35 feet to a found $\frac{1}{2}''$ iron pin (LS#2030) at the Northwest corner of a 10.1 acre tract conveyed to Flick in D.B. 303, Pg. 102; thence with the South line of the 7.3467 acre tract, the same being the North line of the 10.1 acre tract, North $72^{\circ}31'52''$ East, 82.80 feet to a found $\frac{1}{2}''$ iron pin (LS# 2030); thence North $54^{\circ}48'52''$ East, 244.22 feet; thence North $58^{\circ}42'52''$ East, 92.36 feet; thence through the 7.3467 acre tract North $27^{\circ}58'55''$ West, 72.50 feet to a set iron pin and the TRUE POINT OF BEGINNING:

Thence from the TRUE POINT OF BEGINNING and with a new division line through the 7.3467 acre tract and the 115.16 acre tract North $27^{\circ}58'55''$ West, 304.92 feet to a set iron pin;

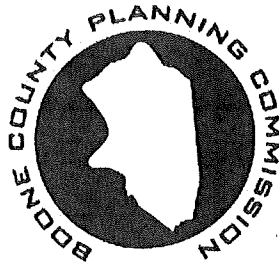
Thence North $62^{\circ}01'05''$ East, 200.00 feet to a set iron pin;
Thence South $27^{\circ}58'55''$ East, 304.92 feet to a set iron pin;

Thence South $62^{\circ}01'05''$ West, 200.00 feet to the TRUE POINT OF BEGINNING.

Containing 1.400 acres of land and subject to all easements and rights-of-way of record.

All set iron pins are $5/8'' \times 30''$ with a plastic cap stamped 3275, 3292, 2916, 3638 unless otherwise noted. The reference meridian Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared from a survey made on May 15, 2004 under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky



BOONE COUNTY PLANNING COMMISSION

www.boonecountky.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@boonecountky.org

April 18, 2024

Jay Bayer
Bayer Becker
209 Grandview Drive
Fort Mitchell, Kentucky 41017

RE: Request of **Bayer Becker Engineers, per Jay Bayer (applicant)** for **Toebben Limited (developer)** and **Russell W. Markesbery (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow the site in question to be incorporated into the Rivers Pointe Estates development.

Dear Mr. Bayer:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their April 17, 2024 meeting. As you verbally agreed to these conditions at that meeting, please so indicate by signing in the space provided at the end of this letter and return it to the Planning Commission's office no later than April 26, 2024.

CONDITIONS

1. The buildings in Areas VII and VIII shall be set back at least fifty (50) feet from the adjoining Flick property, however the buildings in the 5 story multi-family option for Area VIII shall be set back at least 125 feet as shown on the attached plan exhibit. The normal buffer yard planting and width requirements per Article 36 of the Boone County Zoning Regulations shall be followed along this boundary (line 14 on the Landscape Buffer Plan on page 56 of the Concept Development Plan booklet), in addition to retaining the existing vegetation.
2. Areas VII and VIII shall have a combined maximum total of 150 dwelling units.
3. The vehicular connection at the dead end of Stahl Road shall be an emergency access only utilizing grass pavers. This emergency access shall be gated with a locked gate that can be opened by emergency personnel. This emergency access shall be constructed by the developer within a dedicated right-of-way so that the Fiscal Court can construct a public street connection at a later time if desired. Any proposal by the developer to construct a full access street connection in this alignment in the future must be reviewed and approved through the formal Change of Concept Development Plan process.
4. The design related aspects of the development, including architectural design for the townhouses, multi-family buildings, and village center buildings, building orientation in the

village center, signage, landscaping, site design details, and related matters, shall generally follow the text, photos, and graphic exhibits in the Concept Development Plan booklet. Compliance with this condition shall be determined by the Zoning Administrator, who shall review individual proposals in the development for consistency with the thematic and qualitative commitments and representations in the Concept Development Plan booklet.

5. On-street parking within the public right-of-way and/or on private streets to be credited towards the required parking for the multi-family, townhome, and/or commercial/office area (as explained in the Concept Development Plan booklet) shall be provided within a physically defined parking lane that is separate from the moving lanes, with additional pavement width at these points. Examples of this approach are provided on page 15 of the Concept Development Plan booklet.

Sincerely,

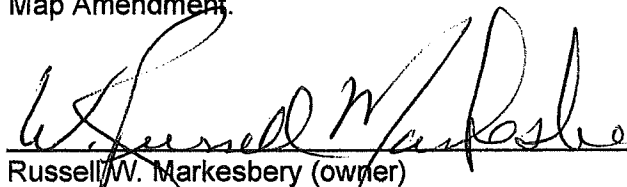


Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

The property owner and developer of the approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky, agrees to the conditions listed herein for the above referenced Zoning Map Amendment.



Russell W. Markesbery (owner)

April 24, 2024
Date



Toebben Limited (developer)

4/24/24
Date

011

ORDINANCE 2024-17

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING WITH CONDITIONS, A REQUEST OF BAYER BECKER ENGINEERS, PER JAY BAYER (APPLICANT) FOR TOEBBEN LIMITED (DEVELOPER) AND RUSSELL W. MARKESBERY (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL THREE/COMMERCIAL ONE/OFFICE ONE/PLANNED DEVELOPMENT (SR-3/C-1/O-1/PD) FOR AN APPROXIMATE 1.4 ACRE AREA LOCATED AT 1685 STAHL ROAD, BOONE COUNTY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 1.4 acre area located at 1685 Stahl Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOK: 876, PAGE NO: 994 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

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

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

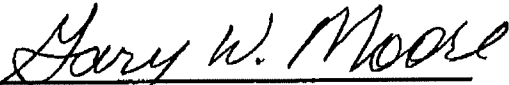
Section Three

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

First Reading the 4th day of June 2024

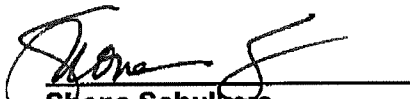
Second Reading the 18th day of June 2024

Adopted this 18th day of June 2024 Yes 4 No 0



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

ATTEST:



Shona Schulkers,
Fiscal Court Clerk

ZONING MAP
AMENDMENT

APPROVED *with conditions*

Staff M. Schwartz

Date 5/1/2024

Boone County
Planning Commission



RIVERS POINTE

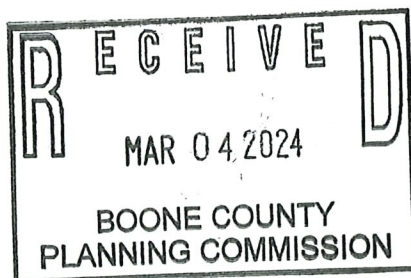
ESTATES

Zoning Application for 1.4-Acre Addition

By



3/5/2024



A pre-application meeting was held at the offices of the Boone County Planning Commission on 2/7/2024. Those in attendance included Michael Schwartz Director of Zoning Services/Zoning Administrator for Boone County Planning Commission, John Toebben of the Toebben Companies, owner and Jay Bayer of Bayer Becker, applicant. Based on the meeting, the Toebben Companies would like to add approximately 1.4 acres of land to the Rivers Pointe Estates project in Hebron Kentucky. Highlights of the request include:

- 1) Original project size 334 acres in 2010. 2.2 acres were added in 2017. Current project area 336.2 acres. Requested area to be added is 1.4 acres. Proposed new total area 337.6 acres.
- 2) Original project total residential units were 864. Proposed new total 864 units.
- 3) Original project zoning SR-3/C-1/O-1/PD/CD. Requested zoning for the 1.4-acre site is the same.

The following pages provide supporting information for the requested zoning map amendment.

Concept Plan

Attached you will find Exhibit A, the original approved Concept Development Plan for Rivers Pointe Estates. The area requested to be added to the project is shown within the white rectangular shape, labeled "Area to be Rezoned" within the South Eastern portion of the Plan. We are asking for a zone change from existing RSE to SR-3/C-1/O-1/PD/CD to match the previously approved Rivers Pointe Estates. We are proposing to commit to all of the prior conditions that were agreed upon with the original rezoning in 2010 and subsequent addition in 2017. *Note: Exhibit A does not include the 2.2 acre added to the project in 2017.*

Attached as Exhibit B, is an enlargement of a portion of the above Concept Development Plan containing the 1.4-acre area to be rezoned. As noted above, no additional units will be added to the overall project of 864 units.

Attached as Exhibit C is a portion of the original Design Guidelines Regulating Plan from 2010 for the permitted uses in the plan subareas. The Toebben Companies are proposing, with this rezoning request, to incorporate the 1.4-acre area into the Area VII designation of the approved Regulating Plan, as highlighted on Exhibit C. Per the chart provided on Exhibit C, under Regulating Plan Area VII, the types of units that are proposed with in the 1.4-acre area may include Single Family Rear Access, Townhome Street Access Including Landominiums, Townhomes Rear Access, and Multi-family buildings. The maximum total number of units within Areas VII and VIII will be limited to 150 units.

General Site Characteristics

The 1.4-acre property to be rezoned has been envisioned to be an addition to the project from early on. The 1.4 acre parcel is under contract to be purchased by the Toebben Companies. The property is located near the eastern end of Stahl Road. The property has access to Stahl Road via an existing access easement and includes an existing house which will be removed with the project.

Transportation Patterns

The 1.4-acre property currently has a driveway for access to Stahl Road. Per the concept plan, the property will be an addition to the Rivers Pointe Estates project with proposed internal public and private roadways with access to North Bend Road via Rivers Pointe Drive. Based on discussion with Michael Schwartz an updated Traffic Impact Study for the project is not required with this application since no additional units are being added to the overall project.

Land Use Characteristics

As shown in the concept plan and noted above the land use proposed for the property is residential. The architecture envisioned for the project will continue to follow the Design Guidelines approved with the original zoning for the overall project. The proposed residential unit types include Single Family (Rear Access), Townhomes (Street or Rear Access) and Multi-Family. The overall units are proposed to remain the same as previously approved.

Utilities and Infrastructure

The Toebben Companies have worked closely with the utility agencies to plan this unique project including the addition of this 1.4-acre parcel. The utilities for the 1.4-acre property will be provided along with the overall project.

Relationship to the Comprehensive Plan

The Boone County Future Land Use Plan places the Rivers Pointe Estates project including the requested 1.4-acre property in Area 4- Hebron North Area. The comprehensive plan has been updated to reflect this proposed master planned project. The property to be rezoned is envisioned to be Urban Density on the Future Land Use Map which follows the proposed Rivers Pointe Estates masterplan. The plan for this 1.4-acre site follows the Future Land Use Map guidance. The proposed zoning will be an addition to the approved Rivers Pointe Estates zoning and project.

Construction Schedule

The Toebben Companies would like to complete design of construction plans for this area of the project and begin construction upon completion of the approval process.

Adjoining Owners

All adjoining property to the proposed 1.4 acre parcel to be rezoned is owned by Toebben Ltd.

Exhibit A

INTRODUCTION TO THE GUIDELINES



Rivers Pointe Estates is intended to be a complete community of streetscapes, houses, trails, open spaces, and landscaping that are based upon timeless design principles. While each home and lot should stand on its own design merit, it is the desire that each individual home or improvement contributes to the overall character of the neighborhood. This close collaboration between timeless community values and individual architectural contributions, along with the harmonious natural setting of Rivers Pointe Estates, can provide compatibility, long term quality and appreciation of value for the overall community and all those involved.

The Design Guidelines for Rivers Pointe Estates provide assistance in establishing community character and properly-designed homes. The Architectural Design Guidelines pertain to all residential and commercial buildings and visually illustrate appropriate massing, proportioning and character. More specific development guidelines establish specific lot types and bulk regulations, landscape standards and signage standards. These more specific guidelines focus on design parameters that differ from current Boone County Zoning regulations.

The Guidelines visually illustrate appropriate design character and elements and are not intended to be subjective value judgements of the images and elements shown, but instead are intended to illustrate, before the design process begins, the intended design character of Rivers Pointe Estates.



Exhibit C



Regulating Plan Area	Large Single Family Lots	Small Single Family Lots	Single Family Rear Access	Cabin Homes	Townhomes Street Access	Townhomes Rear Access	Multi-Family Buildings	Village Center Buildings
0	-	-	-	-	-	P	P	P
I	-	-	P	-	-	P	P	P
II	-	-	P	-	P	P	P	-
III ✓	P	P	-	-	P	-	-	-
IV	P	P	-	-	-	-	-	-
V	P	P	-	-	-	-	-	-
VI ✓	P	P	-	P	-	-	-	-
VII ✓	-	-	P	-	P	P	P	-
VIII*	-	-	-	-	P	P	P	-
IX*	P	P	-	-	-	-	-	-
X	P	P	-	-	-	-	-	-
XI*	-	-	-	-	P	-	P	-
XII ✓	P	P	P	-	P	-	-	-
XIII*	-	-	-	P	-	-	-	-
XIV*	-	-	-	-	P	-	P	-
XV ✓	P	P	-	-	-	-	-	-
XVI ✓	P	P	-	-	P	-	-	-
XVII ✓	P	P	-	-	P	-	-	-
XVIII*	-	-	-	-	P	-	P	-
XIX	-	P	P	-	P	P	P	P

* Note: Private streets allowed in plan area
 ✓ Note: Landminiums allowed in plan area
 Landminiums shall be classified as Large Single Family Lots, Small Single Family Lots or Townhomes. For Landminiums, lot lines as illustrated in the design guidelines shall be implicit rather than actual property lines in order to establish the spacing of homes along the street and setback from the street.

REGULATING PLAN

Rivers Pointe Estates is designed as a mixed-use community, including diverse housing types, retail/restaurant, and community services and amenities. The individual block layouts within the Regulating Plan are for illustration purposes only. The Regulating Plan and distribution of housing typologies should be flexible to respond to physical site constraints, end-users' needs, community desires and changing market conditions; so long as they meet the intent of the regulations and guidelines within.

The Village Core is intended to accommodate multi-family housing and commercial uses (allowed by the base zoning) with the opportunity for residential, office or community service uses on upper floors above commercial uses. Design Guidelines for village center commercial buildings and a variety of housing types are illustrated on the following pages. These building types are keyed to the Regulating Plan; indicating which types are permitted in each Roman Numerated development

area. Each development area may contain any combination of allowed uses that are keyed to that area, so far as the total unit count for all combined development areas does not exceed a maximum of 864 dwelling units and the total commercial program does not exceed 23,000 square feet.