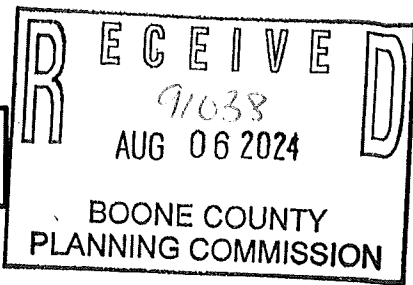


**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Type of review (check one):
 - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (as stated in the Union Town Plan)
 - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
 - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
 - Zoning Administrator Review (as stated in the Mall Road District Study)
 - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)

2. Name of Project: BS NKY Properties
3. Location of Project: 3005 Verona-Mudlick Road
4. Total Acreage of Project: 2.065 Acres
5. Current Zoning of Property: C-3
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: _____
8. Proposed Use(s) (specify each use):
~~Outdoor storage for farm equipment~~

9. Proposed Building Intensities (specify for each building):

10. Have you submitted a Concept Development Plan: Yes No
11. Are you applying for any of the following (check all that apply):
 - Conditional Use Permit
 - Variance
12. Current Owner: BS NKY Properties
Address: 3005 Verona-Mudlick Road
Verona KY 41092
City State Zip Code
Phone Number: 859-414-1756 Fax Number: _____
Email: Mattnke@outlook.com

13. Applicant: Steve Berling

1671 Park Road - Suite One

Address: _____

Fort Wright

Kentucky

41011

City

State

Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: steveberling@fuse.net

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____

15. 1161 914 2084
Deed Book Page Number Group Number

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

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


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

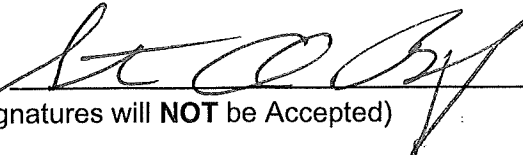
- Boone County Building Department
- Boone County Public Works Department
- Boone County Water District
- Cincinnati Bell
- Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport)
- Duke Energy
- Florence Public Services Department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

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

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

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on October 17th 2024

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

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

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

1. Date Received: 8/10/24 Fee Received: \$ 3657.30 Receipt #: 91038
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): 8/6/24
5. Staff Reviewer: *[Signature]*
6. Committee Chairperson: David Hineks
7. Scheduled Public Hearing Date: 9/4/24
8. Boone County Planning Commission Action: _____ Date of Action: 10/16/24

- Approved
- Approved with Conditions
- Denial
- Other

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

#4

Request of **Steve Berling (applicant)** for **BS NKY Properties (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. The request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.

September 4, 2024

REQUESTS

- A. The submitted request is for a Change in an Approved Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business.
- B. The second request is for a Variance reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet.
- C. The third request is for a Variance reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.
- D. The submitted Concept Development Plan indicates the following improvements:
 - a. Additional concrete paved storage area in both the front and rear of the existing building.
 - b. A 3,186 sq. ft. gravel storage area to the west of the existing parking lot.
 - c. A 24,146 sq. ft. gravel storage area to the east of the existing parking lot.

RELATIVE SITE HISTORY

- 1994 On February 14, 1994, the Boone County Planning Commission approved a Conveyance Plat creating the approximate 2.06-acre parcel of land.
- 1994 On June 29, 1994, the Boone Fiscal Court adopted Ordinance Number 920.276, approving a zoning map amendment from RS to C-3. The Concept Development Plan showed an approximately 8500-square-foot building providing retail and glass replacement. (R-94-010-A).
- 1994 On December 21, 1994, the Boone County Planning Commission approved a Major Site Plan for the site.

- 1999 On December 13, 1999, the Boone County Planning Commission approved a Minor Site plan to allow a small building addition.
- 2023 On September 22, 2023, a violation letter was sent out for site improvements to the property without proper approval.

SITE CHARACTERISTICS

- A. The site contains 2.06 acres and has approximately 400 feet of frontage along Verona Mudlick Road (KY 14).
- B. The site has an approximately 8,400 square foot commercial building that is served by an asphalt driveway single curb cut on Verona Mudlick Road.
- C. Topographically, the site has been graded for the existing building and parking areas. The eastern portion of the site slopes down to a drainage swale running along the existing tree line.

ADJACENT LAND USES AND ZONING

North:	Agricultural land (C-3)
South:	Vacant land (RS)
East:	Single Family Residence (RS)
West:	Vacant land (RS)

APPLICABLE REGULATIONS

- A. Section 311 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements of Article 3.
- B. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- C. The Planning Commission should evaluate the variance as it relates to the Variance criteria as stated in Section 251 of the Boone County Zoning Regulations.

Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

2. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

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

- D. Section 1003 of the Boone County Zoning Regulations states that the purpose of the Commercial Services district is to provide, control, and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display, and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in ARTICLE 11. Such districts will generally be organized around regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from arterial roads. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting, and other spaces and improvements as possible.
- E. Section 505.3 of the Boone County Zoning Regulations identifies Garden and landscape sales including equipment and vehicles and the sale and leasing of new and used recreational vehicles as principally permitted uses in the C-3 district.
- F. Section 3154 of the Boone County Zoning Regulations states that the purpose of the section is to regulate permanent or on-going outside storage, display, and/or loading areas in accordance with the following standards:
1. Sales, leasing, or rental display areas for vehicles such as recreational vehicles, trucks, and automobiles, are considered to be parking areas by these regulations and are subject to all applicable site plan requirements for parking areas including landscaping requirements and the parking area requirements of ARTICLE 33.
 2. Outside storage, display, and loading areas shall be located in the side or rear yard only, except in Industrial districts where they may also be located in the front yard and corner side yard. Outside storage, display, and loading areas shall not be located within areas that are required to be landscaped per ARTICLE 36.
 3. In all zoning districts where outside storage, display, and loading areas are permitted, except for Industrial districts, such areas shall be screened and enclosed with a wall structure constructed of decorative masonry (excluding plain faced concrete blocks), EFIS, stucco, or other material which is the same or compatible with the texture and color of the materials of the principal building, excluding metal siding, wood fencing, or any type of link or wire fencing

regardless of whether or not slats are used. The solid wall enclosure structure shall be high enough to screen the materials or products which are kept within the enclosure, although the area of the walls that are above the height of the materials or products contained within the structure, and any gates, may be constructed of architectural grade metal or wrought iron type fencing (excludes metal siding, wood fencing, and any type of link or wire fencing or gates). The solid wall enclosure structure shall adjoin, and be attached to, the principal building on the site.

- G. Section 3314.A of the Boone County Zoning Regulations states that all parking and loading spaces, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface.

Section 3314.G states that exceptions to the above requirement shall be determined by the Zoning Administrator upon written request of an applicant.

- H. Table 32-2 and Sections 3620 of the Boone County Zoning Regulations require a street frontage buffer to be a minimum of 10' in width.
- I. Table 36-1 of the Boone County Zoning Regulations require Buffer Yard C to be installed between a developing C-3 property and an adjoining RS property.
- J. Table 36-2 of the Boone County Zoning Regulations provides the following options for Buffer Yard C:

	60' Wide Option	30' Wide Option
Evergreens Per 100'	10	10
Large Trees Per 100'	8	8
Large Shrubs Per 100'	35	15
6' Berm, Fence, or Wall Required	No	Yes

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial uses which is described as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
 - a. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

- b. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 - c. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment, Goal A, Objective 7).
 - d. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
 - e. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
 - f. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
 - g. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).
- C. The following Future Land Use Development Guidelines from Our Boone County Plan 2040 relate to the application:
- 1. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved (Land Use, Future Land Use Development Guidelines, Utilization of Existing Vegetation and Topography, page 95).
 - 2. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact (Land Use, Future Land Use Development Guidelines, Buffering, page 95).
 - 3. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways (Land

Use, Future Land Use Development Guidelines, Landscaping, page 96).

4. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor (Land Use, Future Land Use Development Guidelines, Design, Signs, and Cultural Resource Preservation, page 97).
- E. Verona Mudlick is a state-maintained arterial street providing for two-way traffic within two driving lanes.

EXISTING CONCEPT PLAN

- A. The existing approved Concept Plan includes the following:
1. Construction of an approximately 8,500-square-foot commercial building.
 2. A curb cut from Verona Mudlick Road.
 3. Provision for off-street parking.

PROPOSED CONCEPT PLAN

- A. The applicant has submitted a site plan showing the existing conditions for the site. The proposed Change of Concept Plan is an attempt to bring the site back into conformity within the existing Zone.
- B. The submitted Concept Plan shows a 24,146 square-foot gravel expansion west of the building and asphalt parking area. Another 3,188 square-foot gravel expansion was done on the east side of the asphalt parking lot. Concrete paved areas have been constructed along the front and rear of the existing building.

STAFF COMMENTS

- A. Section 3314.A of the Boone County Zoning Regulations states that the outdoor storage areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface.
- Does the applicant plan to pave the outdoor storage areas?
- B. Section 3154 of the Boone County Zoning Regulations regulates permanent or ongoing outside storage, display, and/or loading areas. Outside storage, display, and loading areas are required to be located in the side or rear yard only and enclosed with a wall structure that provides screening.
- Staff would like the plan to indicate the proposed uses for the outdoor storage

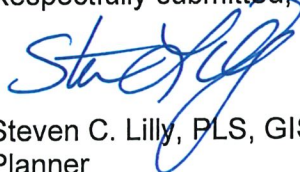
area for further evaluation. What areas will be for new equipment sales? Is there material stored on the site? Is equipment dropped off for service located in a certain area?

- C. A landscaping plan was not submitted. Should the variances be granted, is it the intent that the required planting material will be utilized within the reduced buffer yards?
- D. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, Bullock Pen Water District, and the Verona Fire District requesting comments pertaining to the request. Those responding replied that they had no comments on the proposal.

CONCLUSION

- A. The request for the proposed change of concept development plan needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Articles 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Steven C. Lilly, PLS, GISP
Planner

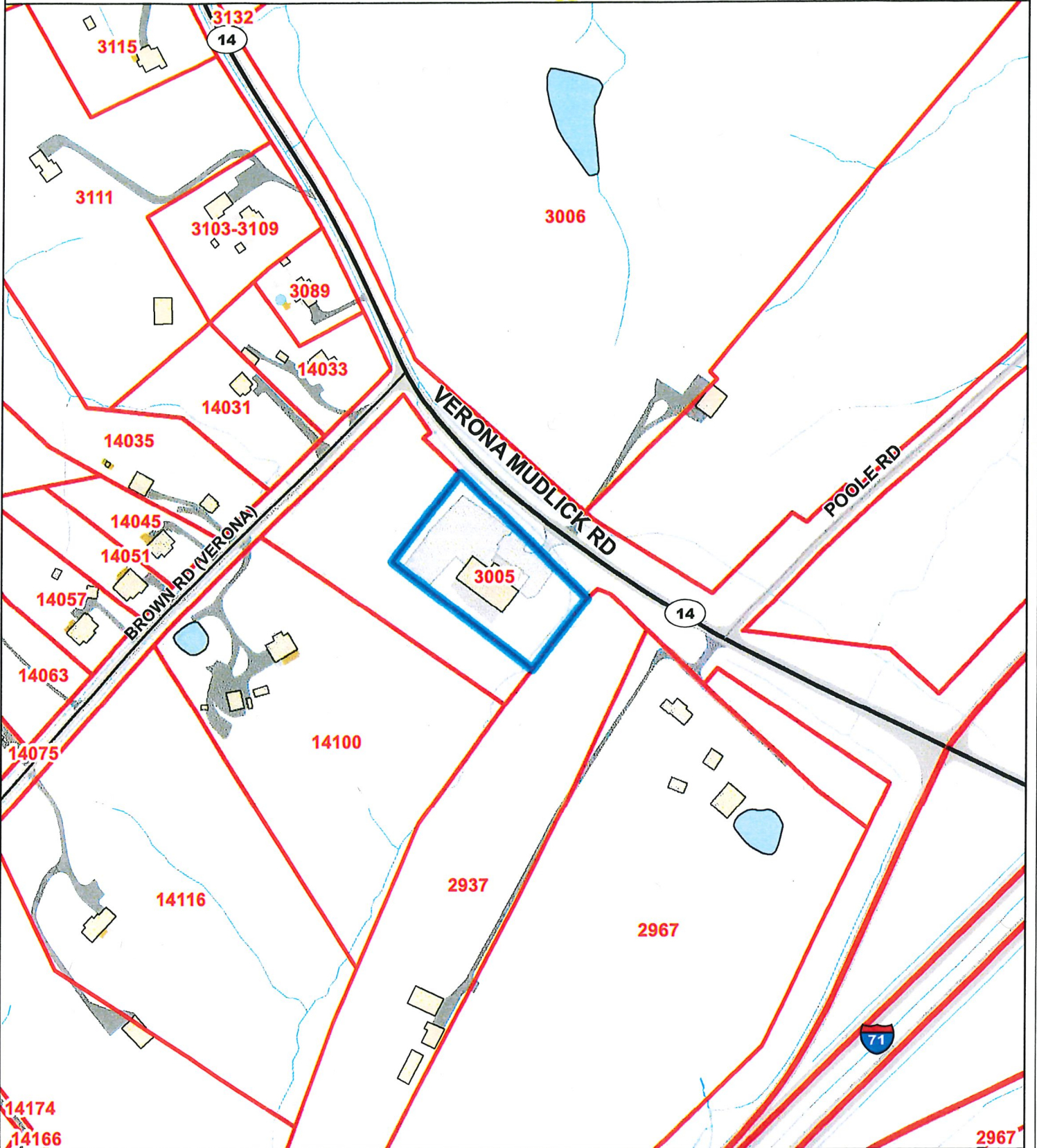
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Attachments:

- *Vicinity Map
- *2016 Aerial Map
- *2020 Aerial Map
- *2023 Aerial Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *Existing Approved Concept Development Plan
- *Application
- *Concept Development Plan

Vicinity Map

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0 150 300 600 900 1,200 Feet

1 inch = 300 feet



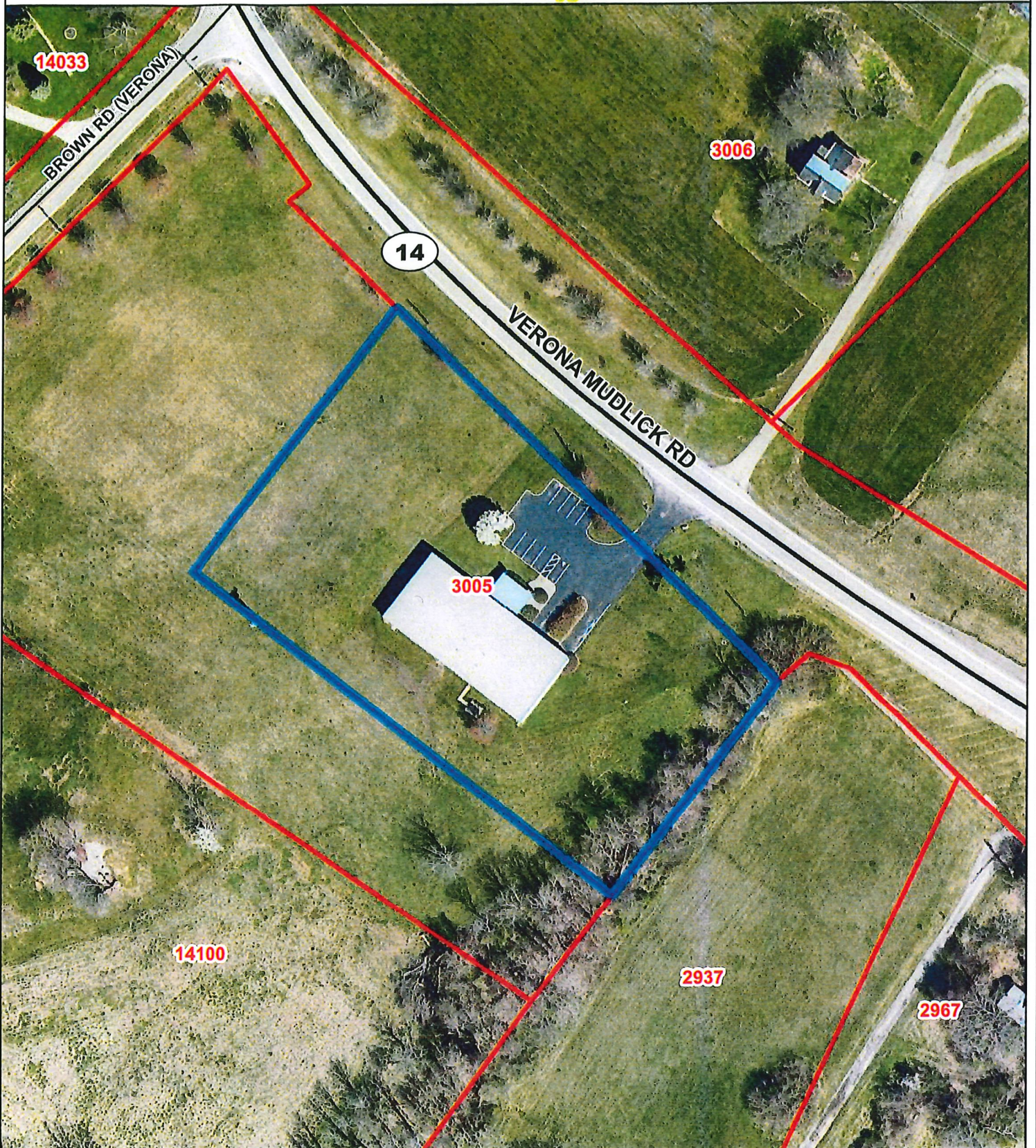
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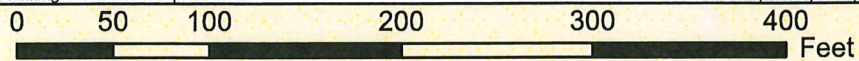
2016 Aerial Map

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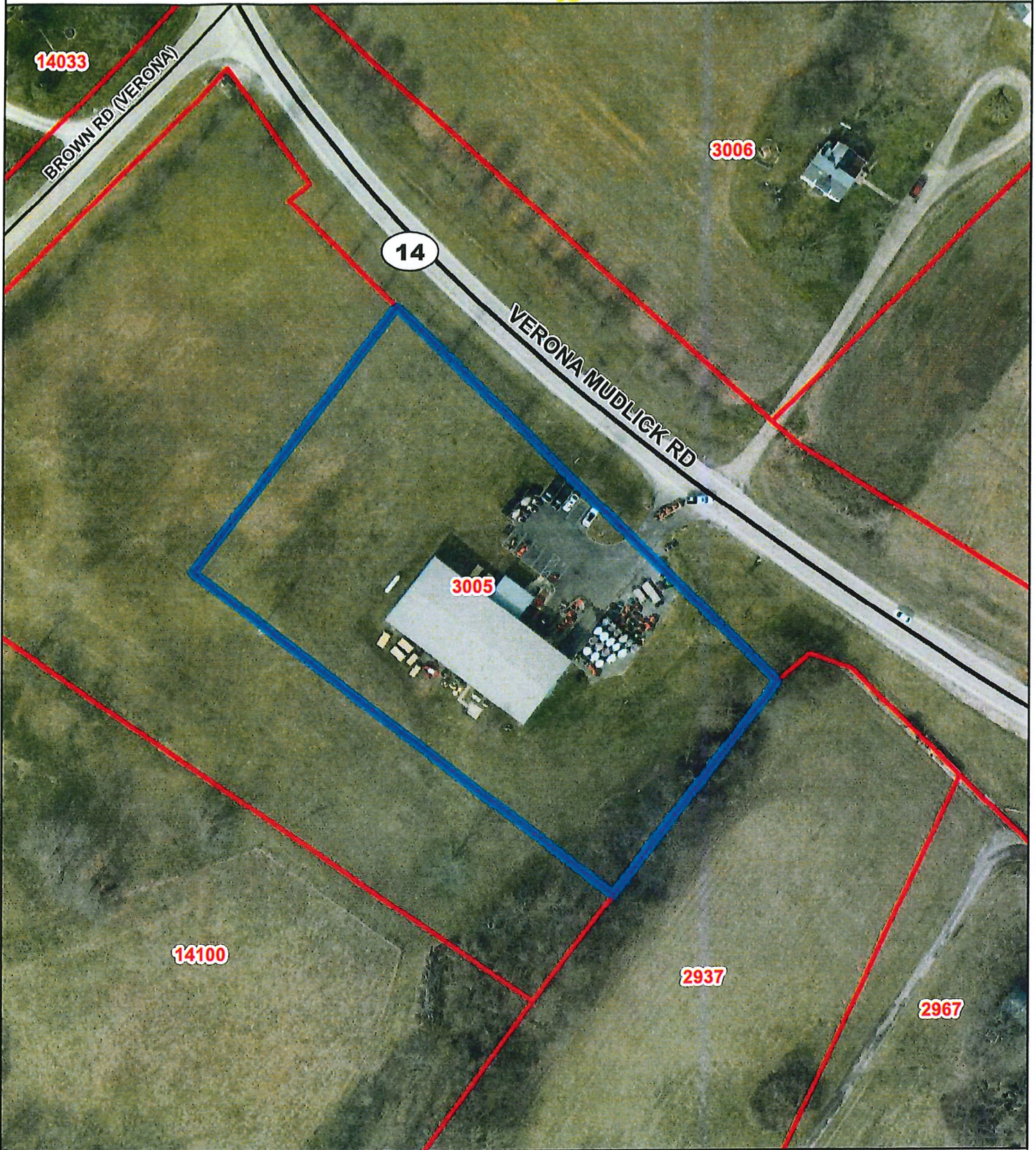


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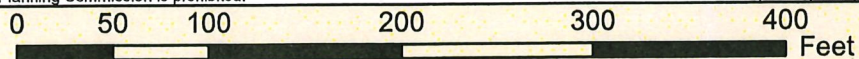
2020 Aerial Map

www.boonecountygis.com



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1 inch = 100 feet



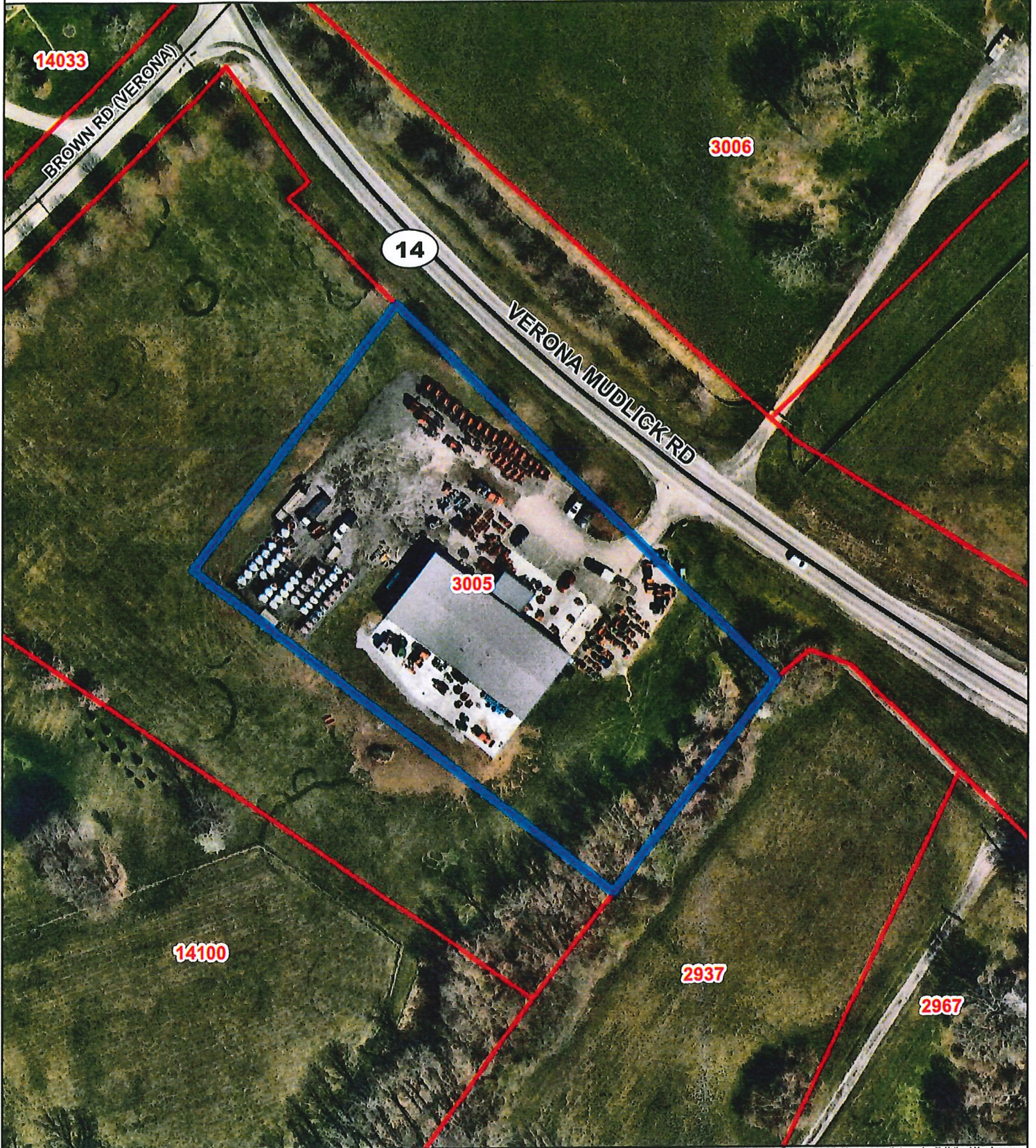
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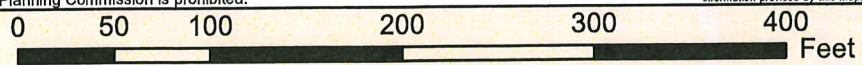
2023 Aerial Map

www.boonecountygis.com



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1 inch = 100 feet

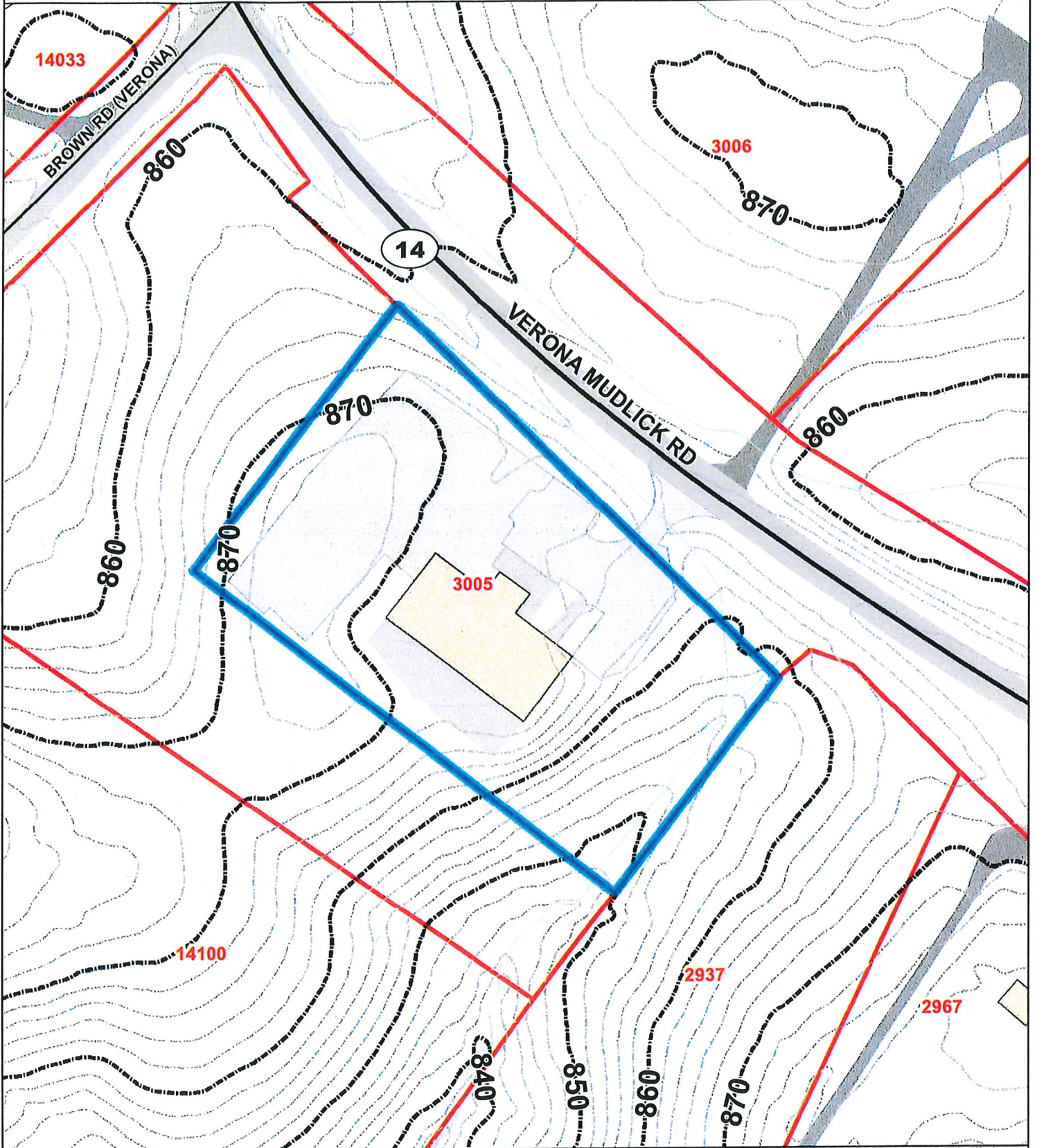


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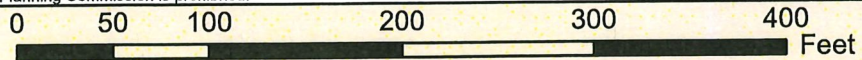
Topographic Map

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1 inch = 100 feet

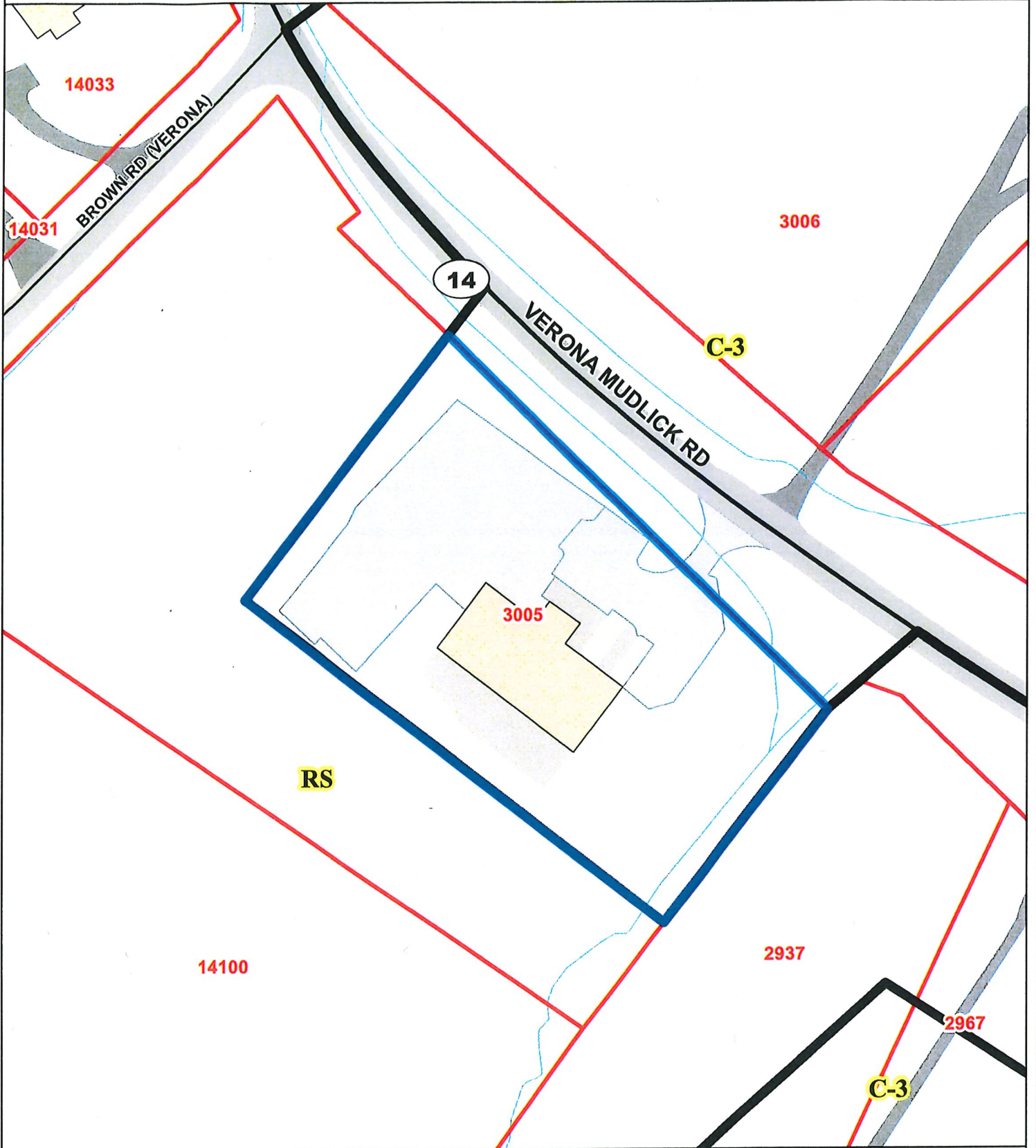


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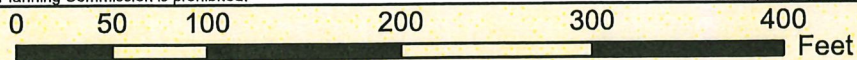
Zoning Map

www.boonecountygis.com



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1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Date: 08/14/2024 10:10:15 AM
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2040 Future Land Use Map

www.boonecountygis.com

14033 RD
RURAL DENSITY
RESIDENTIAL

BROWN
RD (VERONA)

RL
RURAL
LAND

RL
RURAL
LAND

3006

14

VERONA MUDLICK RD

C
COMMERCIAL

3005

14100 RL
RURAL
LAND

2937

2967

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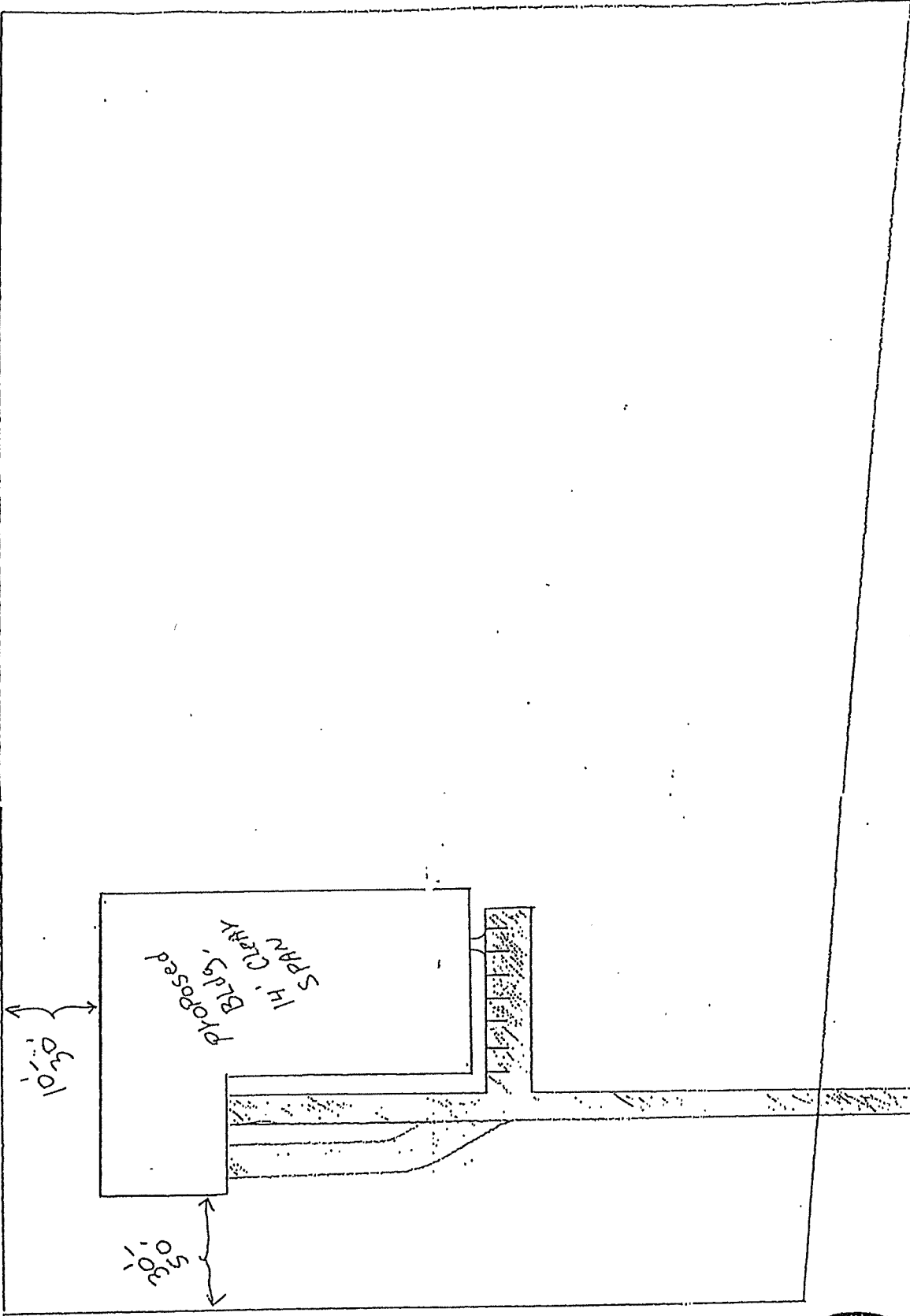
1 inch = 100 feet



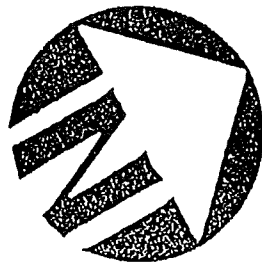
Boone County GIS - Putting Northern Kentucky on the Map

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ArcMap Document: *mxd

400'

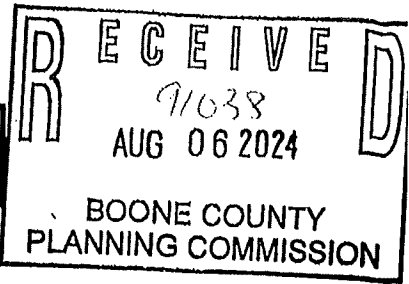


218'



Sheet #4
 Concept Plan
 1994 - Approved
 Concept Plan

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Type of review (check one):
- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (as stated in the Union Town Plan)
 - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
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 - Zoning Administrator Review (as stated in the Mall Road District Study)
 - Zoning Administrator Review (as stated in the I-275/Graves Road Interchange Study)

2. Name of Project: BS NKY Properties
3. Location of Project: 3005 Verona-Mudlick Road
4. Total Acreage of Project: 2.065 Acres
5. Current Zoning of Property: C-3
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable): _____

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: _____

8. Proposed Use(s) (specify each use):
Outdoor storage for farm equipment

9. Proposed Building Intensities (specify for each building):

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

11. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance

12. Current Owner: BS NKY Properties

Address: 3005 Verona-Mudlick Road

Verona KY 41092
City State Zip Code

Phone Number: 859-414-1756 Fax Number: _____

Email: Mattnke@outlook.com

13. Applicant: Steve Berling

Address: 1671 Park Road - Suite One
Fort Wright Kentucky 41011
City State Zip Code
Phone Number: 859-331-9191 Fax Number: 859-344-7422
Email: steveberling@fuse.net

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: _____
15. 1161 914 2084
Deed Book Page Number Group Number

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

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

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

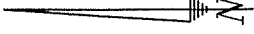
- Boone County Building Department
- Boone County Public Works Department
- Boone County Water District
- Cincinnati Bell
- Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport)
- Duke Energy
- Florence Public Services Department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

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

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on October 17th 2024

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

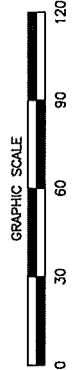
ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



3006 VERONA MUDLUCK ROAD
MUD LICK FARM LLC
DEED BOOK:1194 PAGE:207

PIDN: 056.00-00-009.01
OLD LEXINGTON PIKE LLC
DEED BOOK:903 PAGE:317

2937 VERONA MUDLUCK ROAD
THOMAS AND PAULA ARMSTRONG
DEED BOOK:801 PAGE:598
PIDN: 056.00-00-011.01

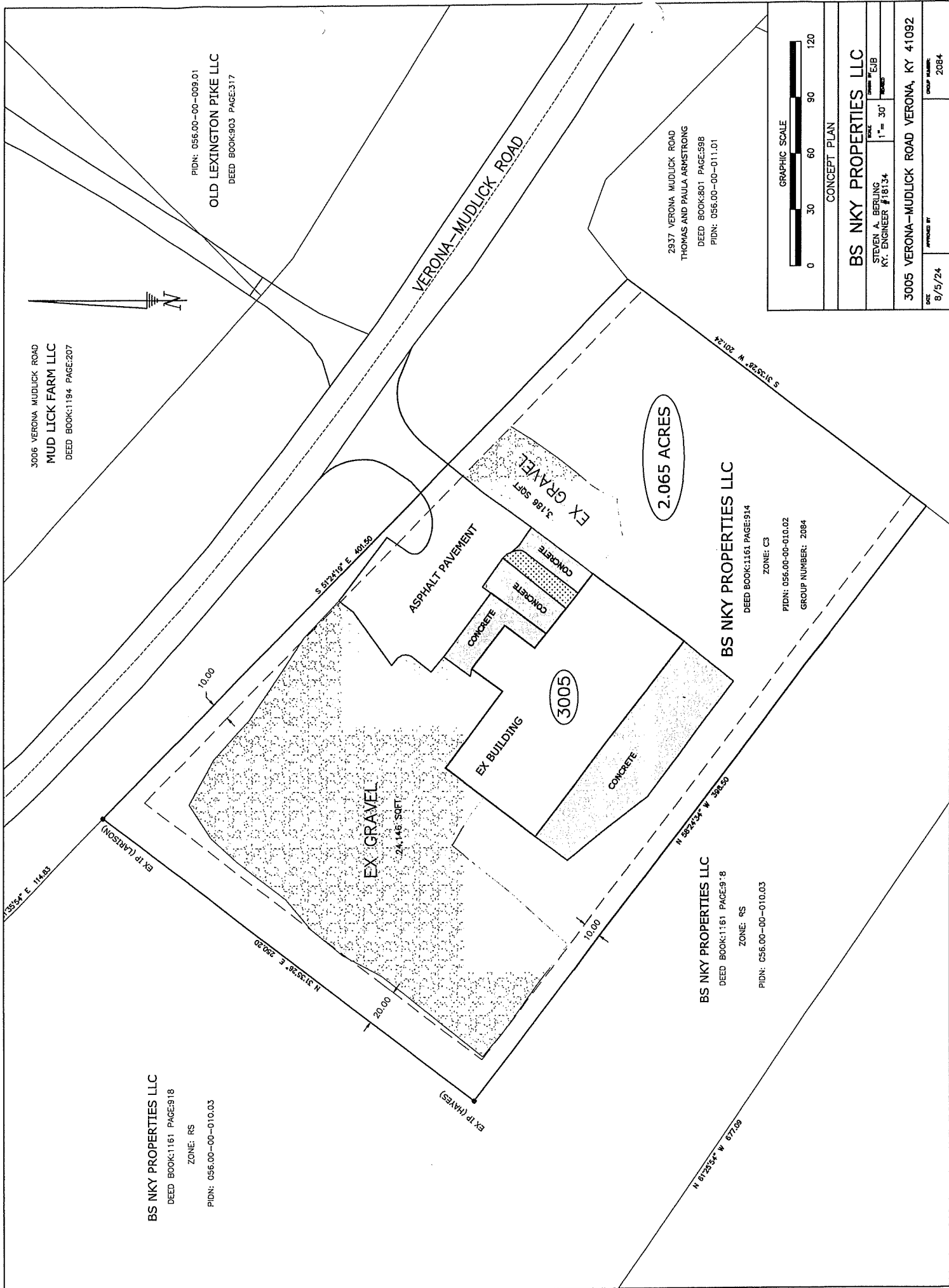


CONCEPT PLAN

BS NKY PROPERTIES LLC

STEVEN A. BERJING
KY. ENGINEER #18134
DATE: 8/5/24
APPROVED BY: [Signature]

3005 VERONA-MUDLUCK ROAD VERONA, KY 41092
GROUP NUMBER: 2084



BS NKY PROPERTIES LLC
DEED BOOK:1161 PAGE:918
ZONE: RS
PIDN: 056.00-00-010.03

BS NKY PROPERTIES LLC
DEED BOOK:1161 PAGE:918
ZONE: RS
PIDN: 056.00-00-010.03

BS NKY PROPERTIES LLC
DEED BOOK:1161 PAGE:914
ZONE: C3
PIDN: 056.00-00-010.02
GROUP NUMBER: 2084

2.065 ACRES

3005

EX GRAVEL
24,146 SQFT

EX GRAVEL
3,188 SQFT

ASPHALT PAVEMENT

CONCRETE

CONCRETE

CONCRETE

EX BUILDING

CONCRETE

095°54' E 114.83
EX TP (LANTSON)

N 31°35'28" E 290.20

S 57°24'18" E 401.50

N 92°24'54" W 598.50

N 87°25'54" W 671.28

10.00

20.00

10.00

S 55°32'45" W 201.24

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: David Hincks, Chairman

DATE: October 16, 2024

RE: Request of **Steve Berling (applicant)** for **BS NKY Properties (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. The request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.

REMARKS:

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

ZONING MAP FINDINGS OF FACT

1. The Committee concluded that the proposed Change in Concept Development Plan is consistent with the Our Boone County Plan 2040 Future Land Use Plan Map which identifies the site for Commercial uses which is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The submitted Concept Development Plan shows an expansion of the Northern Kentucky Equipment business which specializes in the sale and maintenance of outdoor equipment.

2. The Committee concluded that the existing use shown on the Change in Concept Plan is both reasonable and appropriate within the existing C-3 Zoning District.

Section 505.3 of the Boone County Zoning Regulations identifies Garden and landscape sales including equipment and vehicles and the sale and leasing of new and used recreational vehicles as principally permitted uses in the C-3 district.

3. The Committee concluded that the Change in Concept Development Plan is consistent with several Our Boone County Plan 2040 Goals and Objectives.

- a. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
- b. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
- c. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses. (Economy Goal B).
- d. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and maintained buffer spaces between the business use and other land uses. (Economy Goal B, Objective 1).
- e. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking. (Economy Goal B, Objective 3).

CONDITIONS

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

1. The approval shall be based on the revised Concept Development Plan that was reviewed at the September 18, 2024, Zone Change Committee meeting, unless modified by other conditions below.
2. That the arborvitae plantings be extended a minimum of halfway down the southwest property boundary and also along the northwest property boundary to the extent of the inventory storage and trailer parking area as shown on the plan.
3. That the gravel be reduced along the southwest property line to provide a minimum of a 20 foot wide landscape buffer.
4. That any excess tires or material located in the rear of the existing building be stored within a 6 foot tall privacy fence area as indicated on the plan.

VARIANCE FINDINGS OF FACT

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

1. The proposed variances do not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the

requirements of the zoning regulations. In making this finding, the Committee concluded the strict application of the landscaping buffer yard requirements would deprive the applicant of the reasonable use of the land or create an unnecessary hardship.

2. The proposed variances are being requested as part of a Change in Concept Development Plan. Since the requested variance is part of, and being reviewed in light of, the proposed Change in Concept Development Plan, it is the decision of this committee that the proposed variances should only be approved and be in effect if the Change in Concept Development Plan is approved by the legislative body.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

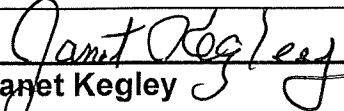
TO: Boone County Planning Commission
FROM: David Hincks, Chairman
DATE: September 18, 2024

REMARKS:

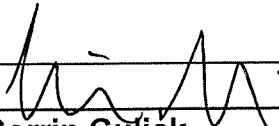
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

CHANGE OF CONCEPT DEVELOPMENT PLAN, David Hincks, Chairman, Steve Lilly, Staff


2. Request of **Steve Berling (applicant)** for **BS NKY Properties (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. The request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.



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

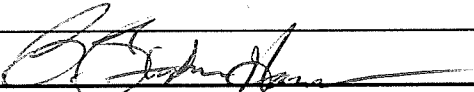


Corrin Gulick
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



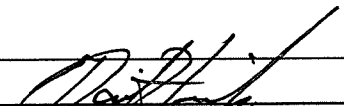
Rick Lunnemann
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

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



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

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



David Hincks (Chairman)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

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

TOTAL: _____ DEFERRED 5 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting

Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Ms. Corrin Gulick, Vice Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the second item on the Agenda at 9:45 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

4. Request of **Steve Berling (applicant)** for **BS NKY Properties (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. The request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.

Staff member, Steve Lilly, referred to his PowerPoint presentation (see Staff Report). The site is located at 3005 Verona-Mudlick Road on the south side of the roadway just northwest of Poole Road. Mr. Lilly described the proposed Concept Development Plan. It reflects what is out on the site today. It represents existing conditions. The Variance requests are located along the southwest and northwest property lines. Typically, it would be Buffer Yard C. The applicant wants to reduce the buffer yard from 60 feet to 10 feet and to 30 feet as well as 3 feet along the front yard. Mr. Lilly explained the zoning history of the site. In 1994, a zone change was approved as C-3 to allow an 8,500 square foot commercial building. He reviewed a series of photographs showing the expansion of the business without review or approval. In 2023, a violation letter was sent out to the applicant. The request is to try to bring the project back into conformance. Mr. Lilly described the adjacent zoning of residential and commercial. The 2040 Future Land Use Map designates the site for Commercial (C) use. He showed some photographs of the site and adjoining neighbors. Most of the site is gravel. He wanted to know if the applicant was going to pave it? He asked if the applicant could identify areas on the site that will be used for sales or storage. Will any of the outside storage areas be screened by a wall or a fence? Also, will the applicant provide the appropriate landscaping in the reduced buffer yard?

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

Mr. Steve Berling, Engineer, stated that he prepared an as built drawing due to the owner being in violation. The owner would like to keep the gravel because of the type of equipment he stores on the site. He owns all of the property around the business. However, a neighbor can see the site.

Mr. Matt Sand, owner, stated that the property is being leased to Northern Kentucky Equipment, which he owns. They have large, heavy trucks drop off equipment and sometimes tear up the areas while turning around. The photographs showed a lot of inventory. They don't have as much anymore. There is no plan to expand the site. They have 8 employees now.

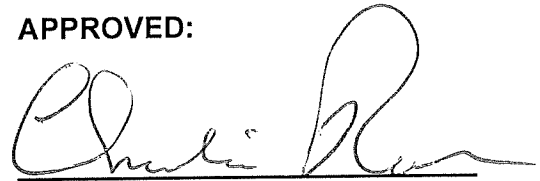
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

Ms. Sandy Aseere, 14100 Brown Road, stated that she is not adjacent to the equipment place but it is in direct view of the property. She objects to the Variances and wants buffering because she doesn't like to look at the used equipment, tires, barrels, etc. Chairman Rolfsen asked Ms. Aseere how she wanted to resolve the issue? Ms. Aseere replied that she didn't know because of the topography. Mr. Berling offered to increase the buffer to 20 feet instead of 10 feet with evergreens. Maybe put the trees closer to the building. He will bring a landscaping plan to the Committee Meeting showing all of the uses.

Chairman Rolfsen asked if the Commissioners had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 18, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on October 2, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 10:04 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
OCTOBER 16, 2024
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:02 p.m. and welcomed the audience to the Planning Commission's October 16, 2024 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Kathy Clark
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the September 18, 2024 Business Meeting and the October 2, 2024 Public Hearings. He asked if there were any comments or corrections?

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

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between September 5, 2024 and October 2, 2024.

EXPENSES:

Accounting Fees	942.00
Attorney Fees	4,800.00
Consultant/Professional Svcs Fees	11,460.00
Filing Fees	900.00
Legal Ads/Recruitment	469.83
Miscellaneous Expense	155.00
Office & Board Meeting Supplies	1,724.75
Office Equipment / Expense	331.39
Postage Expense	502.25
Printing/Pub/Dues/Subscriptions	100.00
Professional Development	<u>397.32</u>

TOTAL: \$ 21,782.54

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,023.34
Health/Dental/Life/LTD	17,872.93
Retirement – BCPC Portion	18,726.86
Salaries – Staff Expenses	96,479.09
Salaries – BCPC & BOA	<u>1,540.00</u>

TOTAL: \$ 141,642.22

GRAND TOTAL: \$ 163,424.76

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

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT - Rick Lunnemann, Chairman, Michael Schwartz, Staff

1. Request of **LDG Multifamily LLC (applicant)** for **Joyce Robinson Foundation, Inc. (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential Two (UR-2) for an approximate 19 acre area located at 10637 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow for the development of a 312 unit multi-family residential development with on-site amenities and a Variance increasing the height of a fence along the rear property line from six (6) feet to eight (8) feet.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Zoning Map Amendment and Variance. The applicant/owner has signed the Condition Letter agreeing to the six conditions. The Committee vote was unanimous by the five Committee Members.

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

Mr. David Johnson, attorney for the applicant, stated that he agreed with the Committee's recommendation. He is available to answer any questions.

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment and Variance based upon the Committee Report and Findings of Fact and Conditions. Mr. Schwenke seconded the motion.**

Chairman Rolfsen asked the applicant how he was going to tie into the public sanitary sewer? Ms. Michelle Bollman, Viox & Viox, Inc. replied that she has been working with the Kentucky Transportation Cabinet on an easement to connect to the existing public sewer owned by SD1. That is the preferred route. Also, they are working with the adjoiner to the north. If that doesn't work out, they have spoken to SD1 to install a public pump station on the south side.

Mr. Bob Schwenke expressed a concern about lower income housing at that location with children that don't have adequate transportation. There is no public transportation by the site. What about TANK providing service? There are no sidewalks on U.S. 25. There is no lighting along Dixie Highway. He has trouble voting for the request. There are a lot of warehouses and truck traffic along Dixie Highway.

Chairman Rolfsen inquired about amenities like a playground for kids? Mr. Brett Budd from LDG Communities, stated they will have amenities such as a playground and club house/fitness center along with a resident service room. Mr. Budd replied that it is affordable housing and limited to 60% income. Most of their residents have transportation because it is considered a rural area.

Chairman Rolfsen stated that it was shocking that the School Board did not respond or comment on the proposal considering it had 3 bedroom units. Those types of units usually have more than 2.1 kids per unit in lower income housing. There was no opposition to the project and it backs up to a rest area. Mr. Johnson noted that a bus Park & Ride is located at Mt. Zion Road. Mr. Schwenke thought the project needs a sidewalk along Dixie Highway.

Chairman Rolfsen stated that he has been hearing about the widening of Dixie Highway for decades. People will walk towards Mt. Zion Road and Richwood Road and there is no sidewalk.

Seeing no further discussion, Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mr. Schwenke. The vote found all by Mr. Schwenke voting in favor of the request. The motion passed by a vote of 12 in favor and 1 against (Mr. Schwenke).

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

2. Request of **Sinkula Investments (applicant)** for **Mt. Zion MHC LP (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Commercial Four (C-4), including the following variances: (1) reducing the Buffer Yard A width from ten (10) feet to two (2) feet along Lakeside Drive; and (2) reducing the Buffer Yard A width from ten (10) feet to two (2) feet along the west property line, for an approximate 1.2 acre area located at the southwest corner of the intersection of Mt Zion Road and Lakeside Drive, including the properties at 10013, 10017, 10021, 10025, 10029, and 10033 Lakeside Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the development of an eating and drinking establishment with drive-through service.

Mrs. Kegley moved to defer the request until the December 4, 2024 Business Meeting. Mr. Lunnemann seconded the motion and it passed unanimously.

CHANGE OF CONCEPT DEVELOPMENT PLAN - David Hincks, Chairman, Steve Lilly, Staff

3. Request of **Steve Berling (applicant)** for **BS NKY Properties (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. The request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions for the Change in Concept Development Plan and Variances. The owner has signed the Condition Letter. Mr. Lilly reminded the Board that the Planning Commission takes final action on the Variances.

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

Mr. Steve Berling, applicant, stated that he was present to answer any questions.

Seeing no further comment, **Mr. Hincks moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Change in Concept Development Plan and Variances based upon the Committee Report and Findings of Fact and Conditions. He noted that the Committee addressed the neighbor's concern about an adequate buffer. Mrs. Kegley seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT - Corrin Gulick, Chairwoman, Michael Schwartz, Staff

4. Request of **Charter Commercial, LLC (applicant) for Delaware Crossing, LLC (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 44 acre area located at 1841 Holbrook Lane and at the terminus of Lariat Way, including the property having a Parcel Identification Number (PIDN) of 050.00-00-001.05, Boone County, Kentucky. The request is for a zone change to allow for the development of 139 attached single-family residential dwellings and 157 multi-family residential dwellings.

Staff Member, Michael Schwartz, read the Committee Report, which recommended denial based upon Findings of Facts of the Zoning Map Amendment.

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

Mr. Pat Manger, applicant, referred to his PowerPoint presentation He showed color renderings of two types of products they planned to build on the site – patio homes (two bedroom ranch type) and a multi-family development. The overall plan is to connect sidewalks to local parks. The Map Amendment complies with the overall Goals and Objectives (Items #1,3,4,5,6 and 7) as well as Goal A of the Demographic Element. It is also consistent with the Environmental Section, Natural and Cultural Resources Element, Economy, Public Facilities and Transportation. The major changes in the area are the Airhub, DHL and Mazak. In regard to the social side, there is the recent NKADD Housing Study and discussion about a housing shortage. The traffic study has been completed. The conclusion was that there could be a sight impact on the existing road network. No improvements are required at the intersection of Cannondale and Camp Ernst Road. The connection to Lariat Way, etc. were previously approved as well as with Holbrook and Trevino. It is nothing new. It can happen today.

Mr. Jeff Schafer, 6501 Cannondale Drive, stated that concerns over this development are numerous. It doesn't meet the criteria in evaluating the Zoning Change request to putting 300 rental units with an established single family community. They applicant has completely disregarded the residents. There will be 2,100 trips daily plus delivery trucks, etc. and will cause major safety concerns. Instead of 25 single family homes, the applicant wanted to put in 157 one bedroom apartments. There is no traffic light at Camp Ernst Road. There can't be one because it will result in a useless roundabout. What about the additional strain on schools? Baby Boomers are not looking at one bedroom apartments. The project would result in 700 people in an area that is approved only for SR-1. The residential streets were built for only 200 people. What is the environmental impact of the increased density? The proposed project will impact their property values. In March, 2017, he paid a lot premium to Brookstone. If he would have known about future apartments, he would not have purchased his lot. He would not be here tonight if it wasn't for the neglect of the community by the developer. The community should have been finished. For the past 4 years, they has been no salesman or model home even though other homes were

being built in the area. There has not been a finished street or sidewalks in the past 7 years. There has not been an HOA meeting in the last 3 years. There is a pattern of mismanagement - Brookstone Homes, Madeira Place, LLC, Delaware Crossing, LLC and Charter Companies. In 2022, there was a conveyance plat done and it is stamped that the southern 24 acres of this lot in and of itself is non-buildable. Is that true? Mr. Schwartz replied yes, unless it is attached to another parcel that has road frontage or a public street is built on the property.

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

Ms. Gulick stated that she voted no on the request because she has a serious concern about the connection to KY 237. If this was approved previously and she voted for it, she was wrong because the proposal takes streets that were local and makes them operate as a collector. That can create driver expectations and safety concerns. The Traffic Impact Study does take into consideration traffic that uses the route as a cut through. Additional traffic from KY 237 and Oakbrook will use these streets in the subdivision. Only 3 years out, there is a significant decrease in the level of service turning left. It is already a "D" level service. A driver will accept a small gap to turn into traffic. It creates a safety concern. A traffic signal will cause more problems for the roundabout traffic. Because of this, she will vote no.

Chairman Rolfsen stated that the only thing that has changed in Boone County is the phase "affordable housing." What does it mean? Developers continue to use it to save Boone County. Why aren't Campbell and Kenton counties doing anything about it?

Chairman Rolfsen asked for a vote on the original motion made by Ms. Gulick to deny the request and seconded by Mrs. Kegley. The motion to deny the request passed unanimously.

ZONING TEXT AMENDMENTS - Rick Lunnemann, Chairman, Michael Schwartz, Staff

5. Request of the **Boone County Planning Commission Technical/Design Review Committee** to consider a Zoning Text Amendment modifying the definitions of "Electric Vehicle Charging Station, Public" and "Gasoline Filling Station".

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts for the Zoning Text Amendment.

Seeing no further comment, **Mrs. Goetting moved, by Resolution to the Boone County Fiscal Court, City of Florence, City of Union and City of Walton to recommend approval of the Zoning Text Amendment based upon the Committee Report and Findings of Fact. Mr. Turner seconded the motion and it passed unanimously.**

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

6. Microtel Inn & Suites – 7490 Woodspoint Drive

Mr. Steve Lilly presented the request. The applicant wants to repaint the building. He showed what the building looks like now and with the paint work completed. The Committee met prior to

the Business Meeting and recommended approval with one condition – the yellow stripe will be removed. It is LED lighting that is related to signage.

Mr. Lunnemann moved to approve the request with one condition. Mr. Hincks seconded the motion and it passed unanimously.

G. EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, explained that it was time to renew the subscription for aerial photography. He referred to his September 30, 2024 memo to the Board. The total cost for 2 flights, etc., is \$32,591 for FY 2024-2025. This amount is in the current Planning Commission budget and a map shows the flight area. Mr. Steve Gay explained the coverage area. **Mrs. Steele moved to authorize Mr. Costello to sign a contract with NearMap not to exceed \$32,591 according to the terms outlined in the memo. Mrs. Goetting seconded the motion and it passed unanimously.**

H. 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

I. CHAIRMAN'S REPORT: (Charlie Rolfsen)

Chairman Rolfsen announced the birth of this third grandchild.

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

K. ADJOURNMENT:

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Harper seconded the motion and it passed unanimously. The meeting was adjourned at 8:00 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

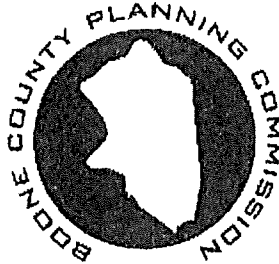
EXHIBIT A
(legal description of 2.06 AC)

PIDN: 056.00-00-010.02

Group No.: 2084

Being Lot 1, laying along Walton Verona Road (State Route 14) and John Myers corner and being more particularly described as follows:

Beginning at a common property corner located in the southerly right-of-way line of State Route 14 and John Myers northwest property corner. Thence S 31° 35' 26" W along the common property line with John Myers, 218.00 feet to an Iron Pin and corner to Lot 1; thence N 58° 24' 34" W along the rear of Lot 1, 400.00 feet to an Iron Pin and corner to Lot 1; thence N 31° 35' 26" E along Lot 1, 234.67 feet to an Iron Pin and corner to Lot 1; thence southeastwardly with the arc of a curve to the left, having a radius of 4102.96 feet, for a distance of 200.46 feet to a point, the long chord of said arc bearing S 54° 37' 37" E, 200.44 feet to said point; thence southeastwardly with the arc of a curve to the left, having a radius of 4102.96 feet, for a distance of 200.05 feet to the point of beginning, the long chord of said arc bearing S 57° 25' 24" E 200.03 feet to said point of beginning. Contains 2.06 acres.



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

September 19, 2024

Matt Sand
BS NKY Properties LLC
3005 Verona Mudlick Road
Verona, KY 41092

RE: Request of **Steve Berling (applicant)** for **BS NKY Properties (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. The request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.

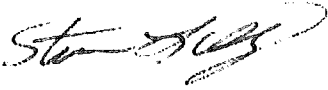
Dear Mr. Sand:

The following represents the recommended conditions of approval for the above-referenced application as discussed by the Planning Commission at their September 18, 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 the original letter to the Planning Commission's office no later than September 30, 2024.

CONDITIONS:

1. The approval shall be based on the revised Concept Development Plan that was reviewed at the September 18, 2024, Zone Change Committee meeting, unless modified by other conditions below.
2. That the arborvitae plantings be extended a minimum of halfway down the southwest property boundary and also along the northwest property boundary to the extent of the inventory storage and trailer parking area as shown on the plan.
3. That the gravel be reduced along the southwest property line to provide a minimum of a 20 foot wide landscape buffer.
4. That any excess tires or material located in the rear of the existing building be stored within a 6 foot tall privacy fence area as indicated on the plan.

Sincerely,



Steven C. Lilly, PLS
Planner, Zoning Services

SCL/ss

AGREEMENT

We, the property owner of the approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change of Concept Development Plan.



BS NKY Properties LLC (Owner)

9/19/2024

Date

35

ORDINANCE 2024-35

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING A REQUEST, WITH CONDITIONS, OF STEVE BERLING (APPLICANT) FOR BS NKY PROPERTIES (OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES (C-3) DISTRICT, FOR AN APPROXIMATE 2.06 ACRE AREA LOCATED AT 3005 VERONA-MUDLICK ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for: a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. Specifically, the request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet, Boone County, Kentucky, which is more particularly described below; and

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

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

Section One

That the request for a Change of Concept Development Plan which is more particularly described below shall be and is hereby approved, with Conditions, for a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. Specifically, the request is for a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and corresponding variances, finally approved by the Boone County Planning Commission subject to approval of the Change in Concept Plan by the Boone County Fiscal Court, reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet, Boone County, Kentucky. The real estate, which is the subject of this request for a Change of Concept Development Plan and Variances is more particularly described in DEED BOOK: 1161, PAGE NO: 914 (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 Change of Concept Development Plan and corresponding variances, finally approved by the Planning Commission subject to approval of the Change in Concept Plan by the Fiscal Court, 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 1."

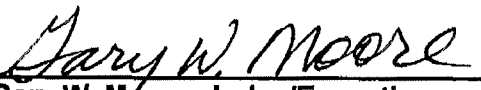
Section Three

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

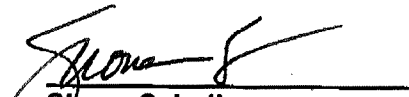
First Reading the 19th day of November 2024

Second Reading the 3rd day of December 2024

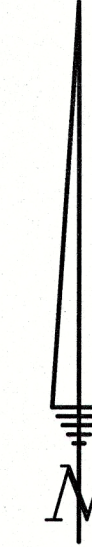
Adopted this 3rd day of December 2024 Yes 4 No 0


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

ATTEST:


Shona Schulkers,
Fiscal Court Clerk

3006 VERONA MUDLICK ROAD
 MUD LICK FARM LLC
 DEED BOOK:1194 PAGE:207



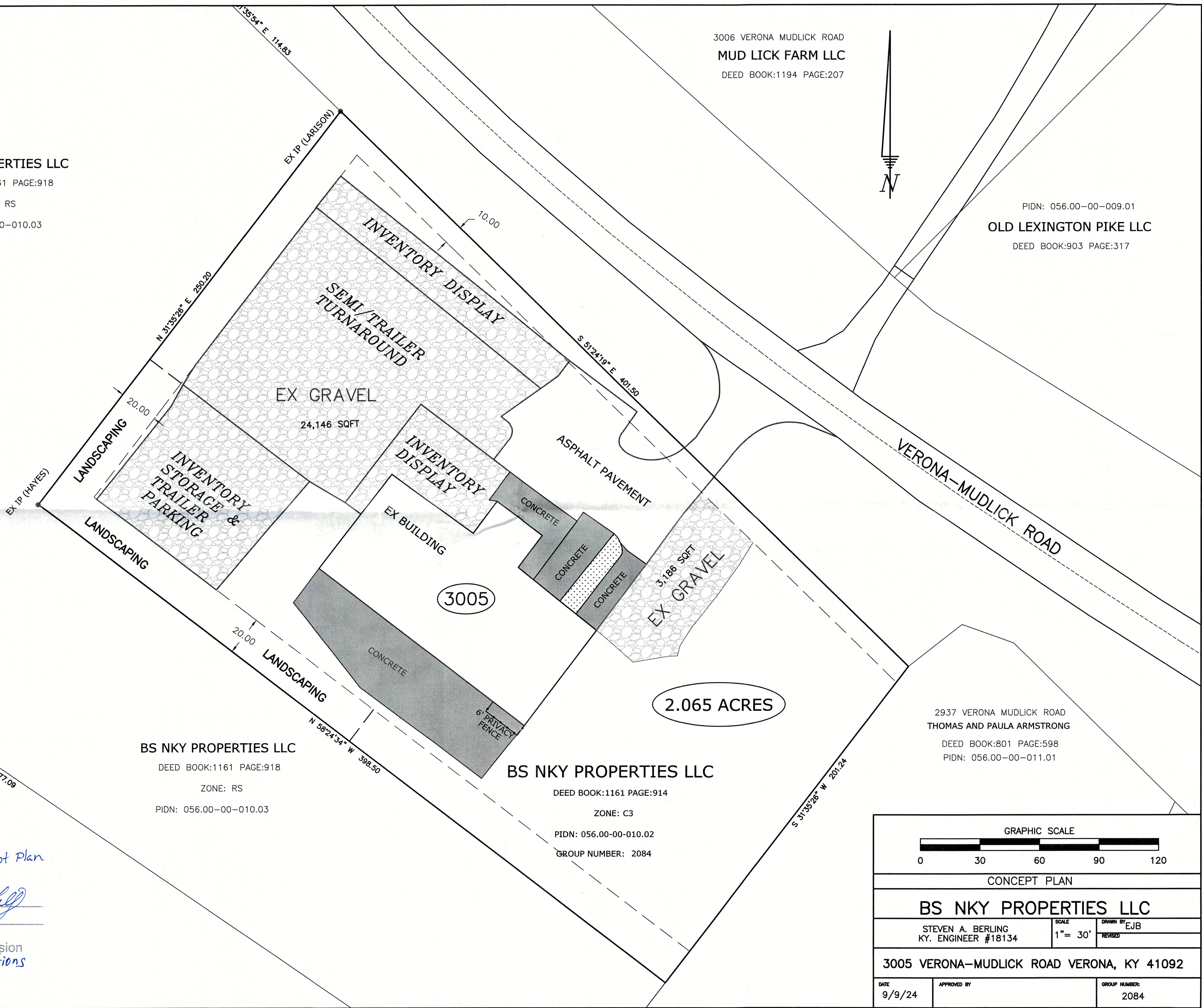
PIDN: 056.00-00-009.01
 OLD LEXINGTON PIKE LLC
 DEED BOOK:903 PAGE:317

BS NKY PROPERTIES LLC
 DEED BOOK:1161 PAGE:918
 ZONE: RS
 PIDN: 056.00-00-010.03

BS NKY PROPERTIES LLC
 DEED BOOK:1161 PAGE:918
 ZONE: RS
 PIDN: 056.00-00-010.03

BS NKY PROPERTIES LLC
 DEED BOOK:1161 PAGE:914
 ZONE: C3
 PIDN: 056.00-00-010.02
 GROUP NUMBER: 2084

2937 VERONA MUDLICK ROAD
 THOMAS AND PAULA ARMSTRONG
 DEED BOOK:801 PAGE:598
 PIDN: 056.00-00-011.01



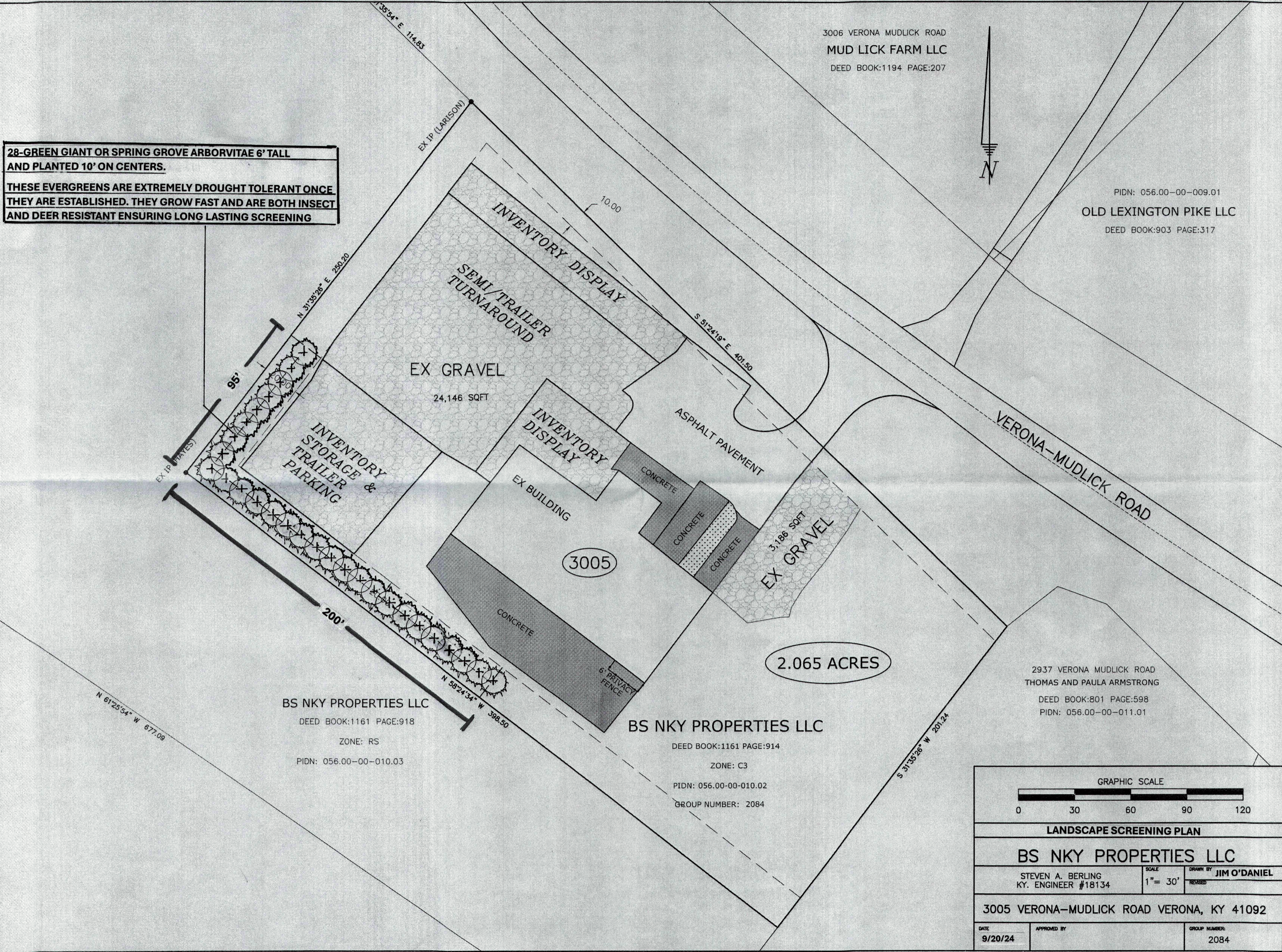
Change in Concept Plan
 APPROVED
 Staff *Stan Gelf*
 Date *10-16-24*
 Boone County
 Planning Commission
 * *with Conditions*

GRAPHIC SCALE		
0 30 60 90 120		
CONCEPT PLAN		
BS NKY PROPERTIES LLC		
STEVEN A. BERLING KY. ENGINEER #18134	SCALE 1" = 30'	DRAWN BY EJB REVISED
3005 VERONA-MUDLICK ROAD VERONA, KY 41092		
DATE 9/9/24	APPROVED BY	GROUP NUMBER 2084

3006 VERONA MUDLICK ROAD
 MUD LICK FARM LLC
 DEED BOOK:1194 PAGE:207

PIDN: 056.00-00-009.01
 OLD LEXINGTON PIKE LLC
 DEED BOOK:903 PAGE:317

**28-GREEN GIANT OR SPRING GROVE ARBORVITAE 6' TALL
 AND PLANTED 10' ON CENTERS.**
**THESE EVERGREENS ARE EXTREMELY DROUGHT TOLERANT ONCE
 THEY ARE ESTABLISHED. THEY GROW FAST AND ARE BOTH INSECT
 AND DEER RESISTANT ENSURING LONG LASTING SCREENING**



N 61°25'54" W 677.09

BS NKY PROPERTIES LLC
 DEED BOOK:1161 PAGE:918
 ZONE: RS
 PIDN: 056.00-00-010.03

BS NKY PROPERTIES LLC
 DEED BOOK:1161 PAGE:914
 ZONE: C3
 PIDN: 056.00-00-010.02
 GROUP NUMBER: 2084

2937 VERONA MUDLICK ROAD
 THOMAS AND PAULA ARMSTRONG
 DEED BOOK:801 PAGE:598
 PIDN: 056.00-00-011.01

GRAPHIC SCALE		
0 30 60 90 120		
LANDSCAPE SCREENING PLAN		
BS NKY PROPERTIES LLC		
STEVEN A. BERLING KY. ENGINEER #18134	SCALE 1" = 30'	DRAWN BY JIM O'DANIEL
3005 VERONA-MUDLICK ROAD VERONA, KY 41092		
DATE 9/20/24	APPROVED BY	GROUP NUMBER 2084