



12. Deed Book 1212 - 1219 Page 59 - 113 2048A  
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 9/19/24

ORIGINAL Property Owner's Signature: Kimberly Dedden KPD Holdings manager  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

1. Date Received: 7/2/24 Fee Received: \$2447.21 Receipt #: 90830
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: R. Lunnemann
7. Scheduled Public Hearing Date: 8/7/2024
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: 9/4/2024
  - \_\_\_\_\_ Approved
  - \_\_\_\_\_ Approved with Conditions
  - \_\_\_\_\_ Denial
  - Other No Recommendation Due To A Tie Vote (7-7)
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](mailto:plancom@boonecountyky.org)  
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# EXHIBIT

“A”

## STAFF REPORT

#2

Request of **Steve Berling (applicant)** for **BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential development.

August 7, 2024

### REQUEST

- A. The submitted request is to rezone an approximate 28 acre area located along the east side of Gunpowder Road, approximately five hundred fifty (550) feet south of Ridgeview Drive from Suburban Residential One (SR-1) to Urban Residential One (UR-1) to allow the development of a 284 unit multi-family residential complex.

### SITE HISTORY

- 1938-1949 Based on information contained in the Boone County GIS, the building addressed as 9108 Gunpowder Road was constructed.
- 1969-1974 Based on information contained in the Boone County GIS, the building addressed as 9104 Gunpowder Road was constructed.
- 1980 Based on information contained in the Boone County GIS, the site was zoned SR-1.

### APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
  2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
  3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 906.A of the Boone County Zoning Regulations states that purpose of the Urban Residential One district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes to character typical of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban

entities with adequate infrastructure (available or proposed) and accessibility to urban activity centers.

#### SITE CHARACTERISTICS

- A. The approximate 28 acre area is located along the east side of Gunpowder Road, approximately five hundred fifty (550) feet south of Ridgeview Drive.
- B. Approximately 10 acres of the site in question is currently located within the City of Florence and the remaining approximate 18 acres of the site in question is located within Unincorporated Boone County.
- C. The northern portion of the site has approximately two hundred ninety (290) feet of frontage along Gunpowder Road and the southern portion of the site has approximately five hundred sixty (560) feet of frontage along Gunpowder Road.
- D. The site is currently occupied by two (2) detached single-family residential structures and several accessory structures.
- E. Access is currently provided by one (1) curb cut onto Gunpowder Road.
- F. The site slopes upward, front to back, at an average grade of approximately five (5) percent.
- G. The eastern edge of the site is within the 55 day/night noise level of the airport.
- H. The northern portion of the site is heavily wooded.
- I. Water exists within the area via a 16" water main along Gunpowder Road and an 8" water main along Elizabeth Drive.
- J. An 8" sanitary sewer main exists along Elizabeth Drive.

#### ADJACENT LAND USES AND ZONES

North: Single-family residential dwellings (SR-1)  
South: Single-family residential dwellings (SR-1)  
East: Single-family residential dwellings (SR-1)  
West: Good Shepherd Lutheran Church (SR-1) and Plantation Pointe Subdivision and Conservation Park #3 (RPD)

#### RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 "2040 Future Land Use Plan" designates the site for Suburban Density Residential uses, which is described as single-family housing of up to four (4) units per acre.
- 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. [Unincorporated Boone County, City of Union, City of Walton only] (Demographics Goal B, Objective 1).
5. 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. The City of Florence acknowledges the need for affordable housing opportunities, but also desires an equal balance of housing options to maintain a diverse city. [City of Florence only] (Demographics Goal B, Objective 1).
6. 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).
7. 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).
8. 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 6).
9. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical. [Unincorporated Boone County, City of Union, City of Walton only] (Environment Goal A, Objective 7).
10. Development shall utilize existing topography and vegetation (including mature trees) and preserve the existing character of the land. [City of Florence only] (Environment Goal A, Objective 7).
11. 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).
12. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and with the regional multi-modal transportation system (Transportation Goal B, Objective 9).

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

1. The main need of a population base is for safe, sound, and sanitary housing. Meeting this involves considering both housing supply and demand in order to determine what those future needs will be. It is important to forecast housing

growth by areas in order to ensure that an equal balance of options exist to meet the needs of a diverse population. Furthermore, in order for Boone County to retain its youth, the county must provide housing choices that complement the educational opportunities, the current job market, and commercial attractions. Otherwise, an out-migration of the young population will occur. A variety of multi-family housing options should include apartments, townhouses, patio homes, condominiums, nursing homes, and retirement housing all ranging greatly in price per unit to accommodate a wide range of relative affordability. These types of units are increasing in demand beyond the established urban areas such as Florence and should be encouraged to occur in the unincorporated portions of Boone County as viable options for both the building community and the prospective resident, especially as the county's land values rise. Older housing stock that can be rehabilitated without undue effort or expense should be retained and in some cases, incorporated into new subdivision design rather than being demolished. There are concentrations of older housing stock in need of restoration or rehabilitation in many of the older communities like Florence, Belleview-McVile, Burlington, Constance, Hebron, Petersburg, Stringtown, Taylorsport, Union, Verona, and Walton. Home ownership, maintenance, and rehabilitation assistance of older homes in these areas should be incentivized and encouraged through Federal or local grants. New residential development, regardless of the type, should be evaluated for its impact on the county's existing infrastructure and natural environment to ensure that it fits in with existing surrounding development through proper buffering and design. High density developments should be close to thoroughfares and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. A variety of housing opportunities within the established urban (and suburban) areas of Boone County would encourage mixing of different income levels. Most new construction of typical single-family housing should be encouraged to occur within undeveloped areas within the established suburban portion of the county in order to take advantage of existing infrastructure and services already in place and avoid placing strain on the more rural transportation network in the undeveloped portions of the county. Consideration must be given to existing conditions that may affect new development in established areas such as adjoining land uses and proximity to the Cincinnati-Northern Kentucky International Airport where commerce and airplane noise may be an issue.

Established single-family housing areas should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided to ease the transition. Duplexes are often more successful than multi-family housing in blending in with single-family residential surroundings. Therefore, when buffering is minimal between single-family housing areas and proposed multi-family units, an appropriate transitional area of duplexes may be designed. New subdivision development should include design considerations and gradation of lot sizes to lessen the impact on the character of the area. This is particularly true in areas of agricultural zoning and could include larger lots or green space along the main road(s), larger lots or a buffer along adjacent low density residential uses, strategic open space, and detailed attention to the orientation of housing units. The bottom line is that infrastructure partners must work together and correlate improvements in order to ensure capacity and be

sensitive to the surrounding area. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. The density of typical residential developments in Boone County over the past couple of decades has been consistent with the suburban residential densities reflected on the 2035 Future Land Use Map (up to 4 units per acre). However, there is a large segment of the population that desires to live in more rural areas while still having convenient access to centers of commercial, services, and employment activity. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized. If significant large lot residential subdivision development does occur in some of these rural areas, roads and other components of infrastructure will have to be improved. Existing and planned water, stormwater, and sanitary sewer services influence the locations of new residential construction. However, just because one form of public infrastructure exists or has been improved, does not automatically mean the area is ready for suburban development. Other forms of infrastructure may also be needed or improved first. Development phasing is an option to ensure that the timing of a new development corresponds with the provision of adequate infrastructure. In order to support the densities needed to sustain mass transit and to foster new affordable housing options, average minimum densities should be encouraged for mixed-use, planned developments. This would allow a variety of housing types but also enable a logical progression of intensities. The highest residential densities would be in the activity centers of these mixed-use developments and would include neighborhood commercial, employment, public uses, as well as transit stations or stops. (Demographics, Conclusions and Recommendations, Housing Types and Locations, pages 20-21).

2. The demand for more affordable residences, generated by the commercial and industrial employment growth centers, has resulted in the development of many new condominium and apartment complexes. However, attempts at more affordable new construction single-family or apartment developments are often met with localized resistance from the public. Creative site design and architecture can help overcome some of this opposition. Clustered housing or Open Space Subdivisions shall be promoted (via density bonuses) as they enable the development industry and local government to address density concerns and strengthen the sense of community, as well as meet the housing demands of a changing population. Mixed-use, planned developments that can provide a mix of housing options, commercial opportunities, offices, public uses, recreational uses, and multiple transportation options (i.e. transit, pedestrian, park-and-ride) could be one strategy for meeting this demand for higher density. Areas of employment growth in Boone County should experience development pressure for housing options relative in affordability to the jobs and shopping opportunities being created in the area. Manufactured (or modular) homes are an economical alternative to conventional homes and can lower the cost of construction to help offset rising land costs. These manufactured homes have historically been in demand in the

rural, western half of the county. Most manufactured homes are permitted throughout all of Boone County and can occur separately or in a subdivision, unless regulated by private deed restrictions or restrictive covenants. Mobile homes, however, are strictly limited to the few remaining mobile home parks in Boone County or in the Agricultural (A-1) zoning district which is primarily located in the western portion of the county. However, A-1 zoning requires a minimum five acre lot size making this a less economical housing alternative with the increasing land prices. (Demographics, Conclusions and Recommendations, Affordability, page 21).

3. 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).
4. 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).

- D. Gunpowder Road is a state maintained collector street providing for two way traffic within two driving lanes (one lane in each direction). There are no sidewalks along the roadway.

#### RELATIONSHIP TO BOONE COUNTY TRANSPORTATION PLAN

- A. The Boone County Transportation Plan identifies the following project:

1. Project Name: KY 237 (Gunpowder Road) Widening  
Location: KY 536 (Mount Zion Road) to US 42  
Type: Roadway Widening/Relocation/New Facility  
Total Cost: \$11,080,000  
Description: Widen KY 237 (Gunpowder Road) from two to four lanes with multi-use path to improve safety and mobility through central Boone County
2. This project is currently active with the following schedule:
  - a. Design Authorize Date: May 7, 2023
  - b. Right-of-Way Acquisition: 2025
  - c. Utility: 2025
  - d. Construction: 2028

#### STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:

1. Construction of 284 multi-family residential dwelling units within 34 buildings.
2. Access via two curb cuts onto Gunpowder Road.
3. Provision for private drives.
4. Provision for internal sidewalks.
5. Provision for landscape buffer yards.
6. Construction of a public street between Elizabeth Drive and Los Alos Court and 26 detached single-family residential lots (not part of this application).

- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations and Boone County Subdivision Regulations, and offers the following comments (due to the scale of the submitted drawings, a full analysis was not able to be done):

1. Section 3160.B of the zoning regulations provides for design standards for multi-family developments within the City of Florence.

Insufficient information has been submitted to determine compliance with this requirement.

2. Section 3161.C of the zoning regulations states that no building shall exceed forty-five (45) feet in height.

Insufficient information has been submitted to determine compliance with this requirement.

- C. Staff sent out an Agency Memo to the Boone County Building Department, Community Development Division, Boone County Public Works, Boone County Water District, City of Florence, Florence Fire Department, the Kentucky Transportation Cabinet, and SD1.

1. Bridget Striker, Community Development Services Division, replied that the project area includes a pre-1938 farm located at 9108 Gunpowder Road and the house and outbuildings are considered historic and significant to Boone County history. A full architectural survey of the property, including all structures, must be completed by an architectural historian who meets Secretary of Interior's standards.
2. Mike Rouse, Boone County Water District, replied that he had no comments.
3. Mike Bezold, KYTC, replied that they do not have a viable alternate for the reconstruction of the roadway and that they should have something this fall.
4. Randy Childress, Florence Fire Department, replied that he had no comments.
5. Josh Hunt, City of Florence, replied that the City should have the consent to annex the remaining portion of the project area by the week of July 15.
6. Linzy Brefeld, KYTC, replied that a Traffic Impact Study will be required.
7. Rob Franxman, County Engineer, replied that KYTC should comment on the need for a traffic impact study and the developer should be aware of KYTC's project to widen and improve Gunpowder Road.

#### STAFF CONCERNS

1. The applicant needs to address the following issues:
  - a. The statutory finding necessary for a zoning map amendment.
  - b. How the historical farm and structures will be properly documented.
  - c. What, if any, amenities will be provided for the development, given that there will be 284 dwelling units on the site.
  - d. The amount of traffic that will be generated by the proposed development and the impact that will have on Gunpowder Road.
  - e. How the proposed improvements to Gunpowder Road will impact the design of the proposed development.
  - f. Will there be any exterior lighting as part of the proposed development and how that will be treated as it applies to adjacent properties.
  - g. How will stormwater retention/detention be handled.

CONCLUSION

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

Respectfully submitted,



Michael D. Schwartz  
Director, Zoning Services

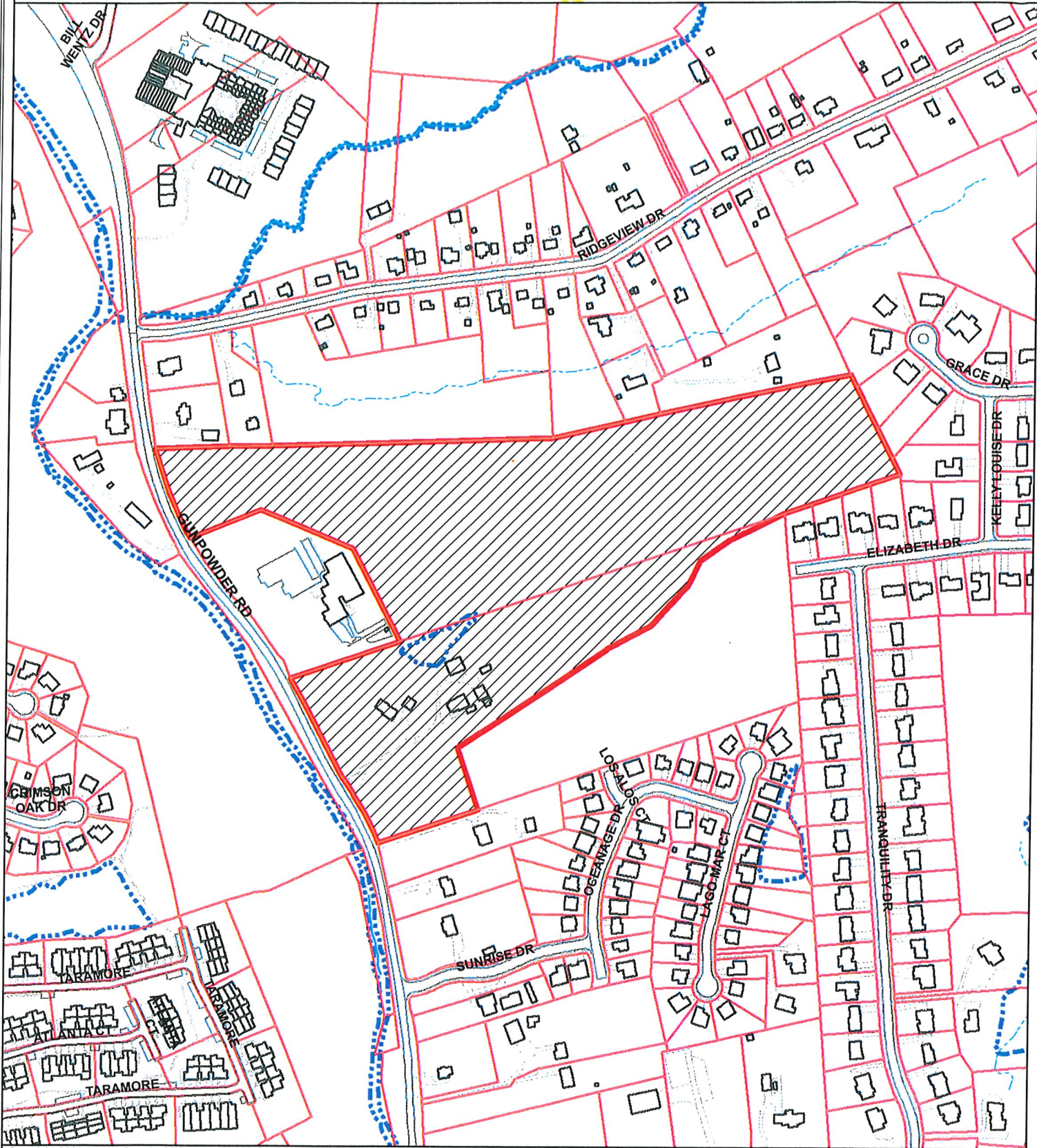
MDS/ss

Attachments:

- \*Vicinity Map
- \*Legislative Boundary Map
- \*Aerial Map
- \*Topographic and Floodplain Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Concept Plan Map
- \*Application
- \*Concept Development Plan

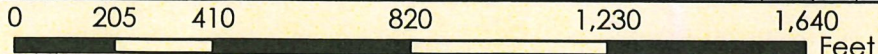
# Vicinity Map

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



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1 inch = 400 feet

Feet

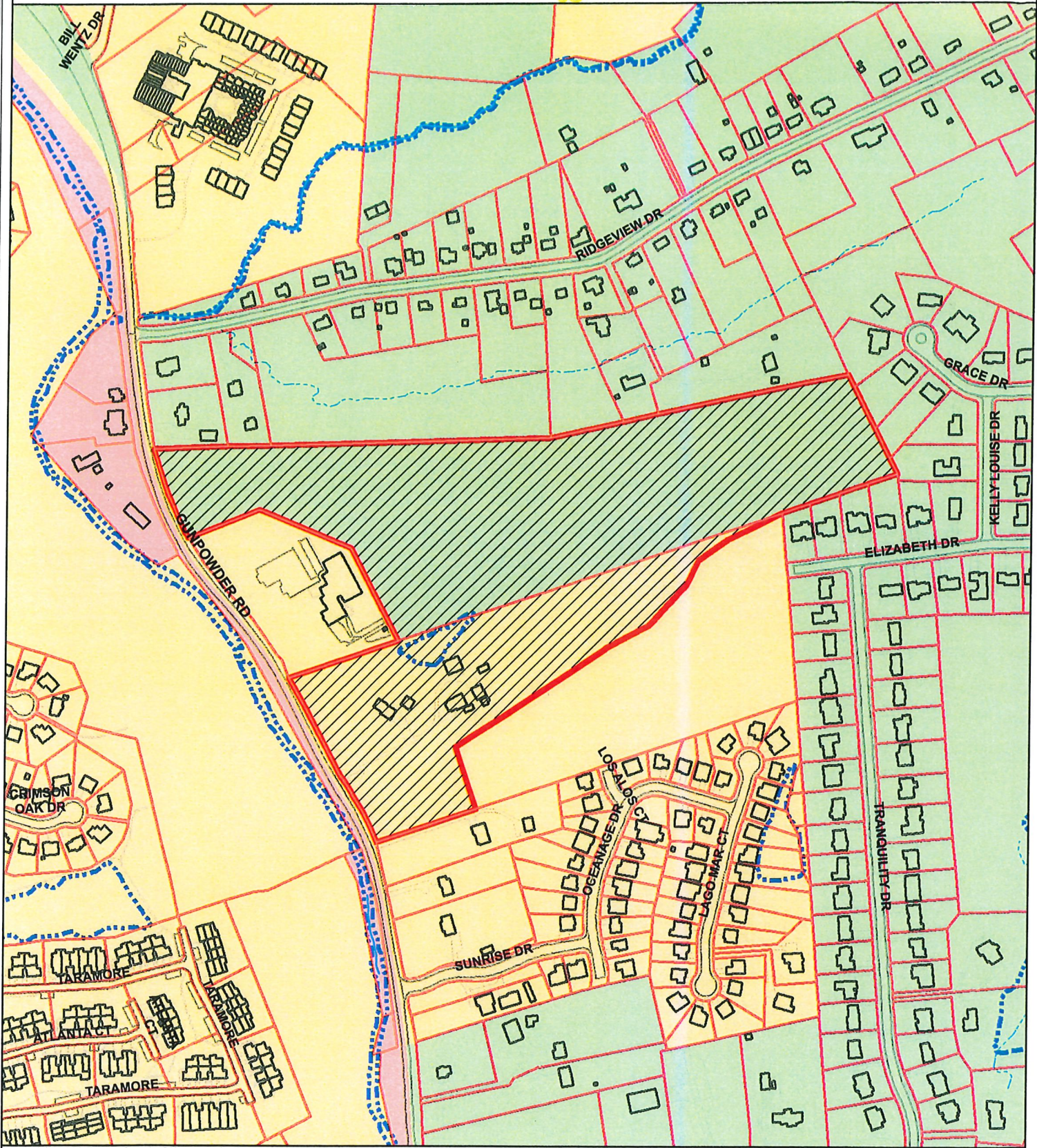


**Boone County GIS - Putting Northern Kentucky on the Map**



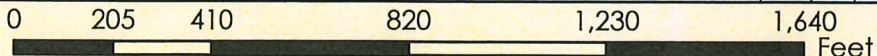
# Legislative Boundary Map

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



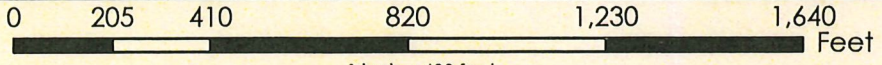
# Aerial Map

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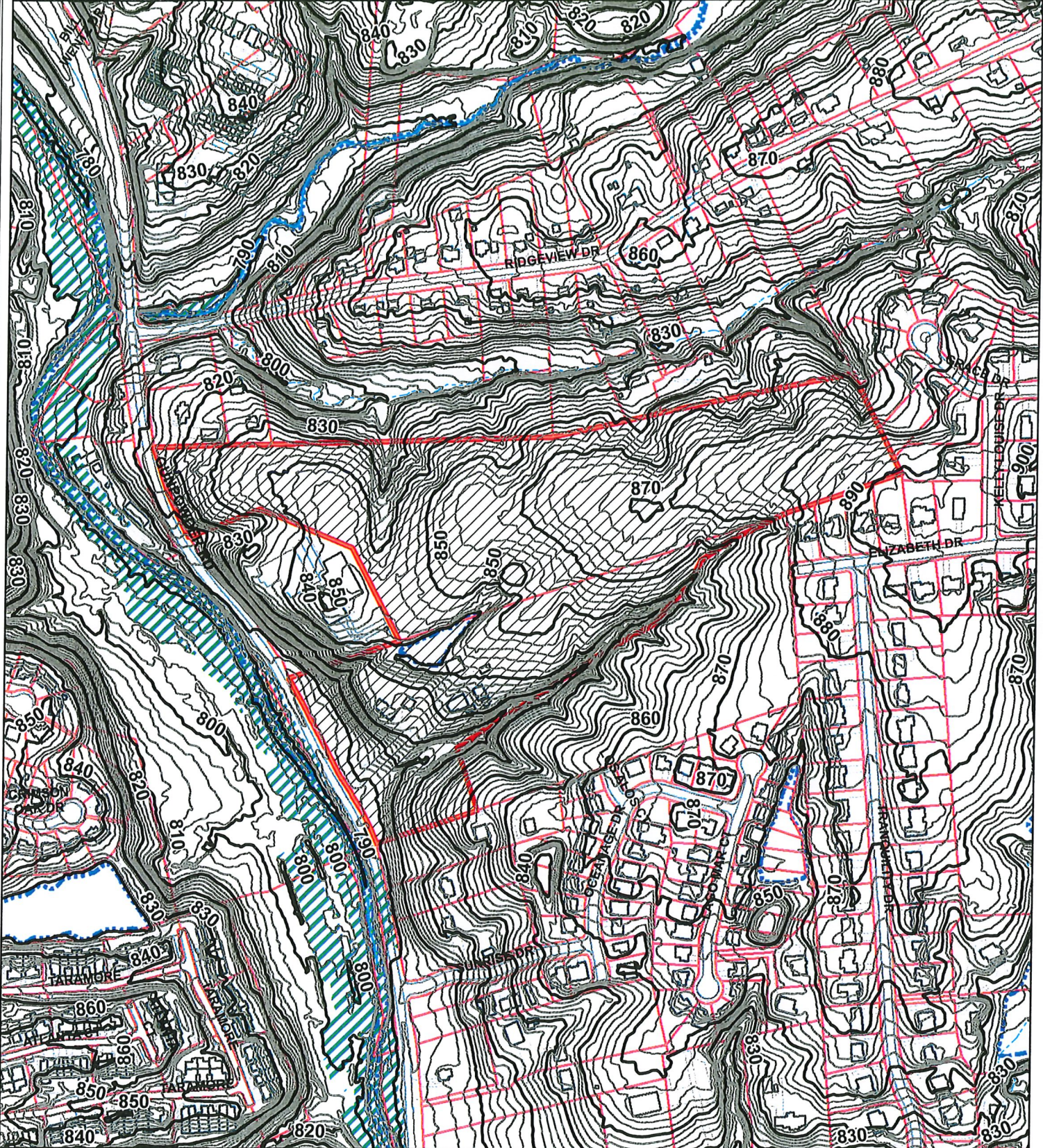


Map Created: xx/xx/2022

Boone County GIS  
ArcMap Document: \*.mxd

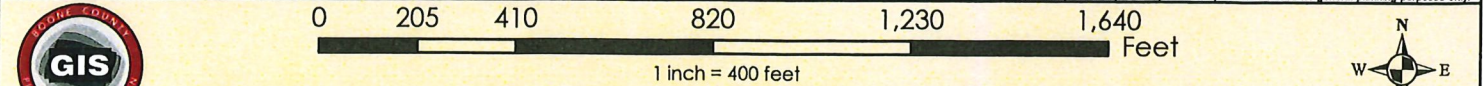
# Topographic and Floodplain Map

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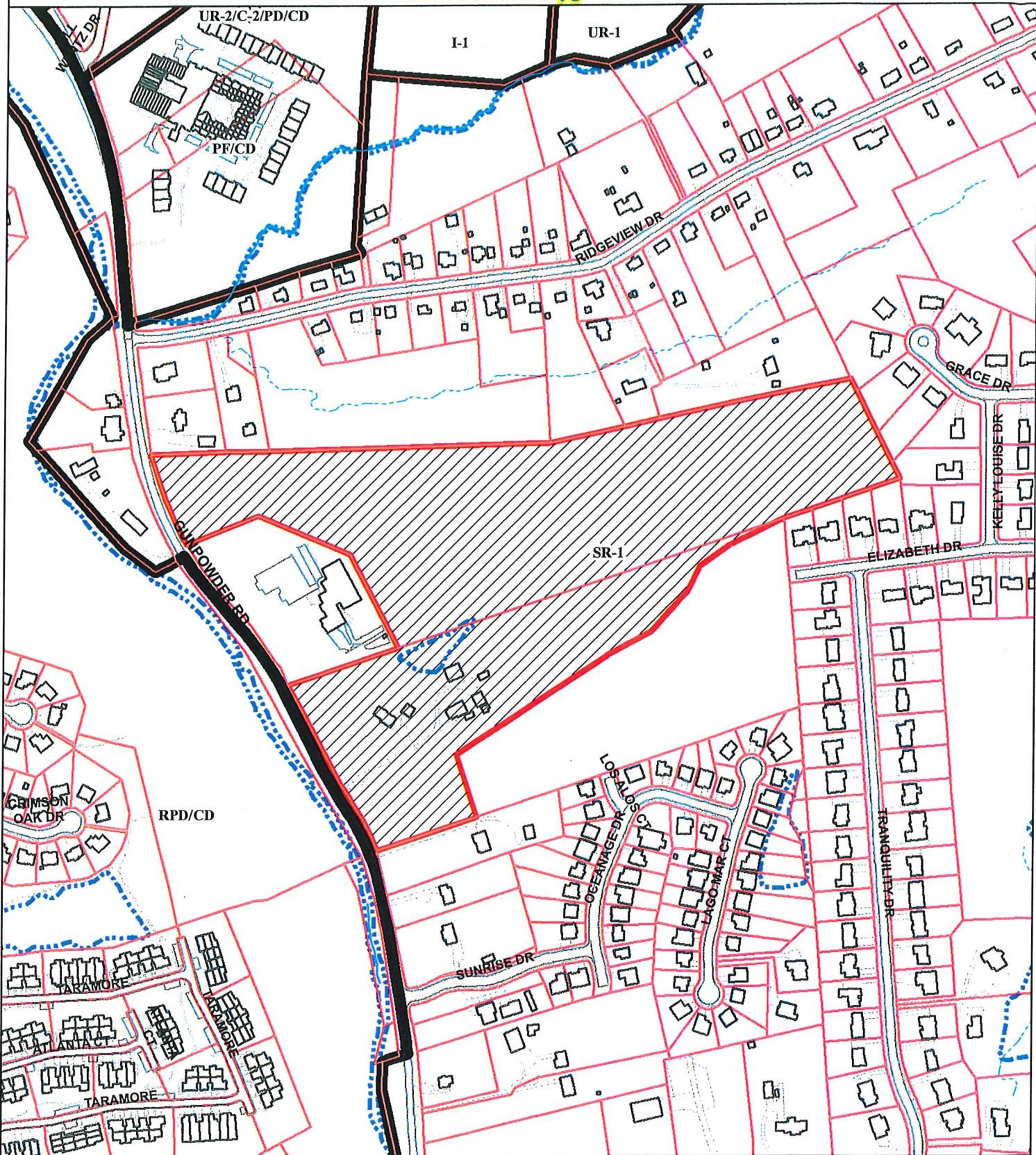
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2022

Map File: E:\boone\GIS\Map\Map 1111  
ArcMap Document: \*.mxd

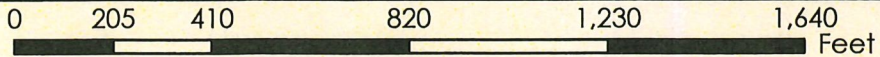
# Zoning Map

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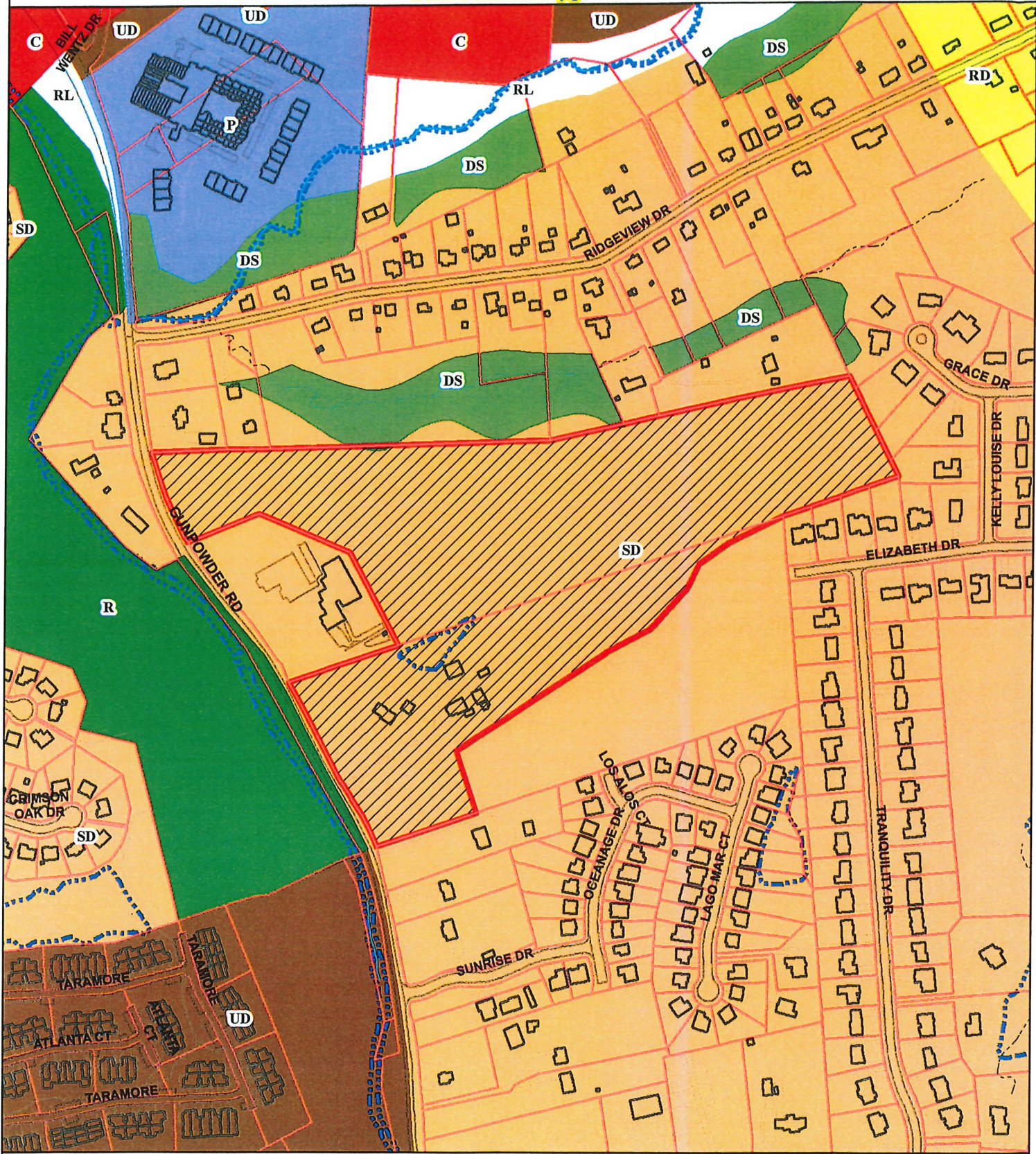


**Boone County GIS - Putting Northern Kentucky on the Map**



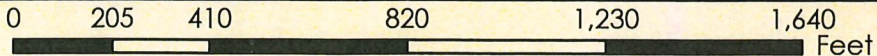
# 2040 Future Land Use Map

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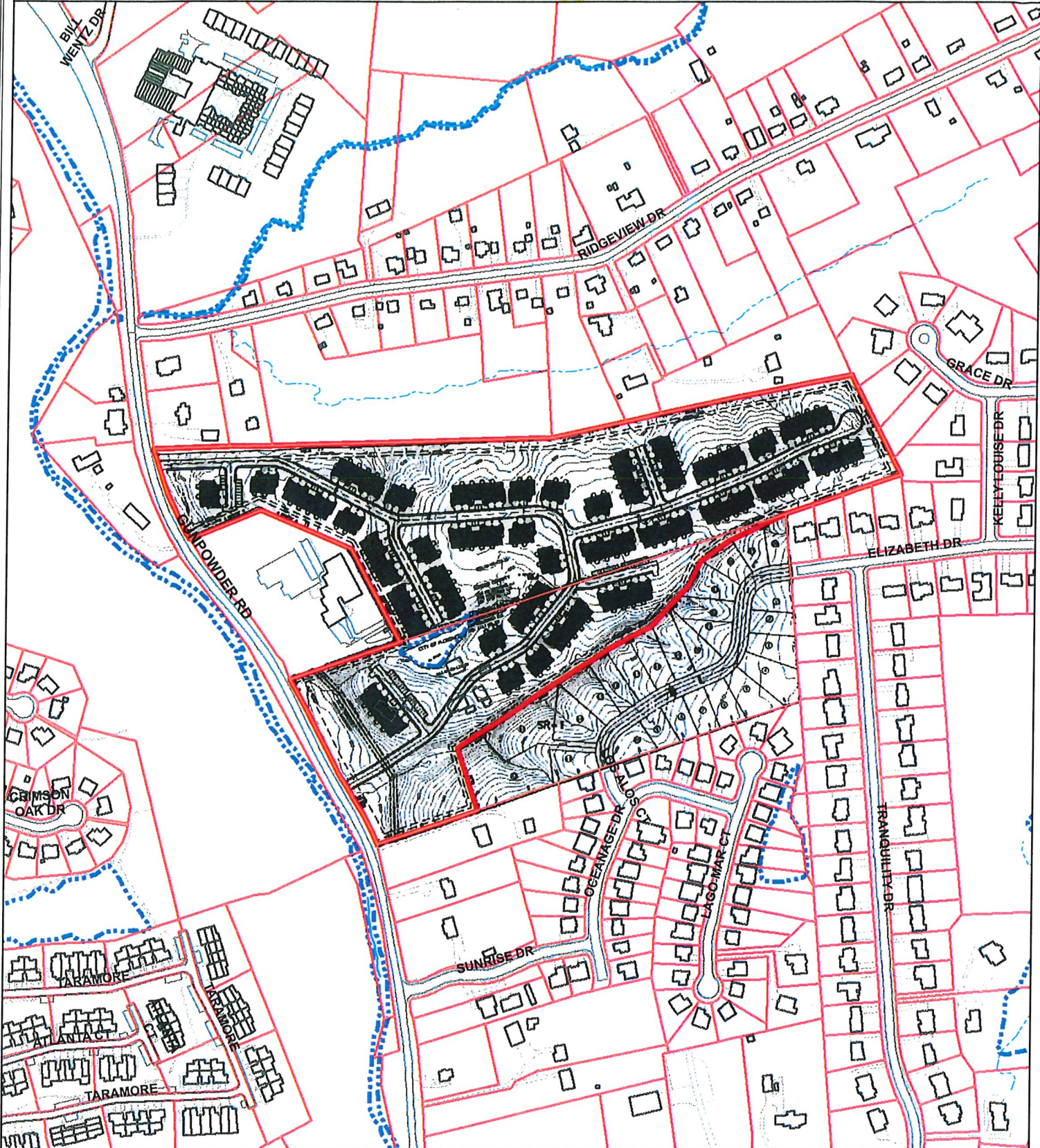


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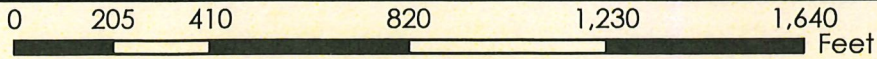
# Concept Plan Map

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**Boone**





12.  Deed Book 1212 - 1219  Page 59 - 113  2048A  
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 9/19/24

ORIGINAL Property Owner's Signature: Timberly Dedden KPD Holdings manager  
J Miller BAB Developer Manager  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

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

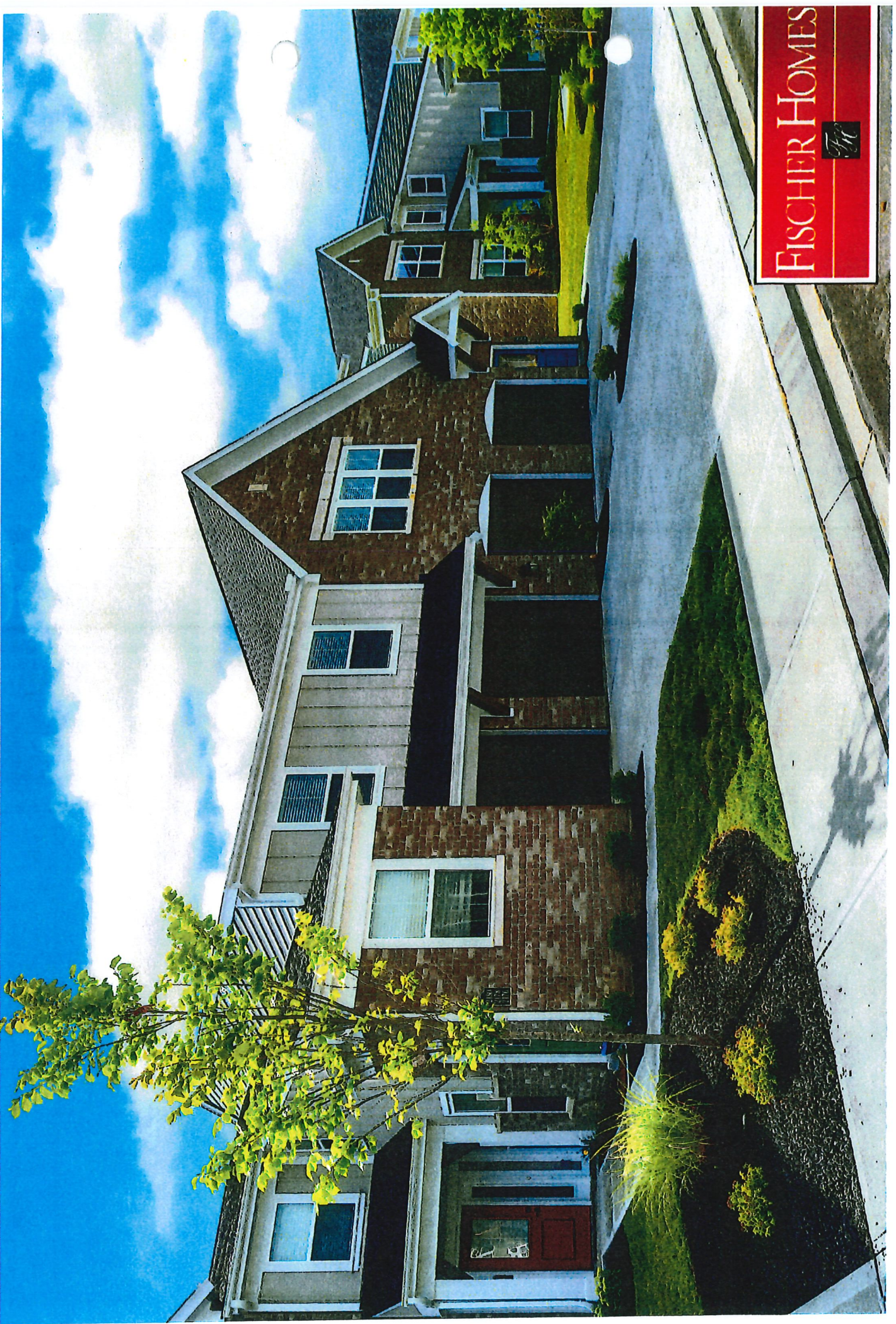
1. Date Received: 7/2/24 Fee Received: \$2,447.21 Receipt #: 90830
2. Number of Copies Received: \_\_\_\_\_
3. Has the following been submitted (check all that apply):
  - Completed Application
  - Concept Development Plan
  - Legal Description
  - Names and Mailing Addresses of Adjacent Property Owners
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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

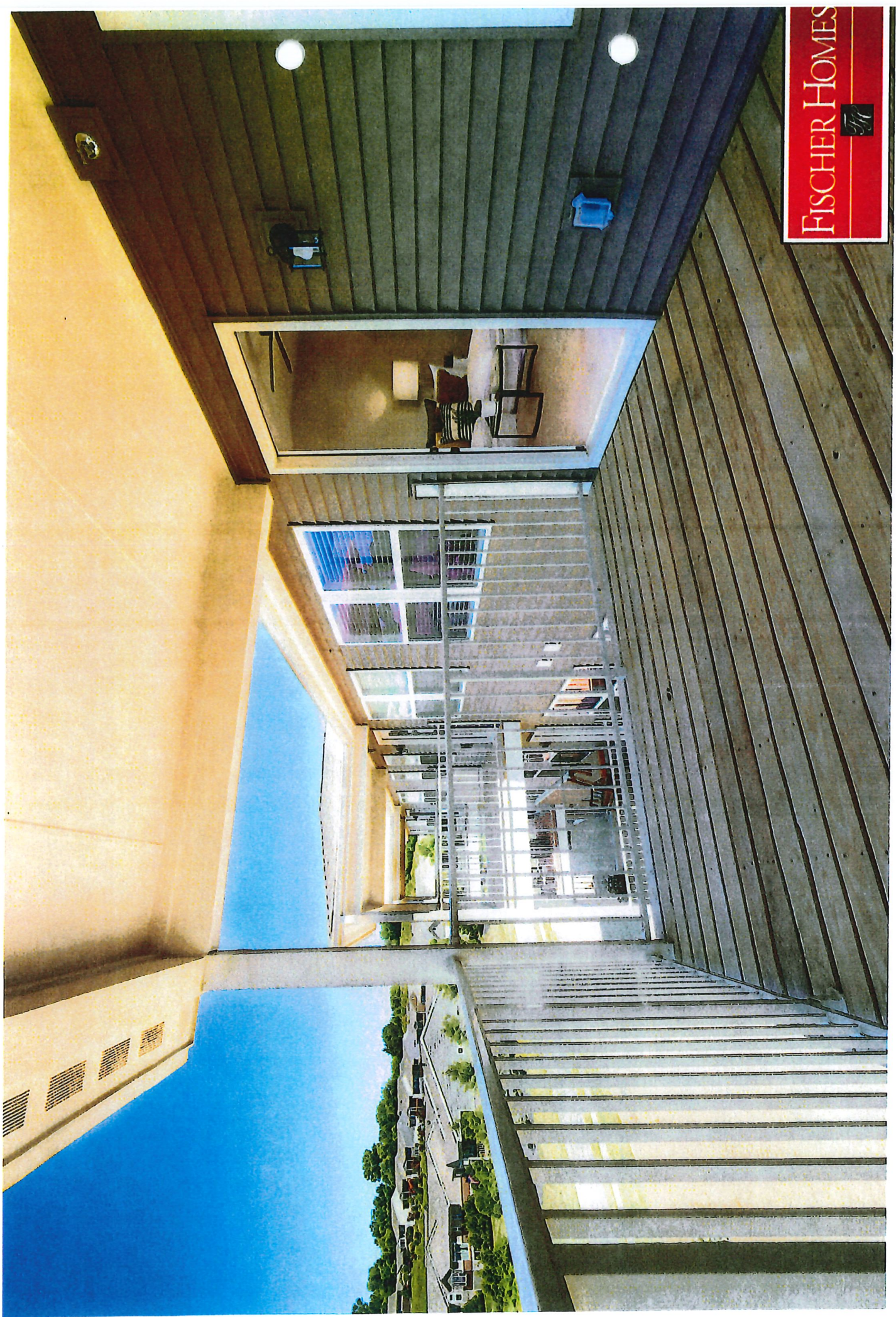




FISCHER HOMES



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# THE WEXNER GALLERY II COLLECTION

1,229 - 1,384 SQFT

1 Story

2 Bedrooms

2 Baths



Promenade Level Design



Family Room



Owner's Suite



Flexible Space

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# THE WEXNER GALLERY II COLLECTION

1,229 - 1,384 SQFT

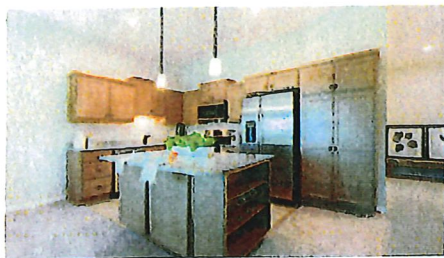
1 Story

2 Bedrooms

2 Baths



**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Covered Deck**

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# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths



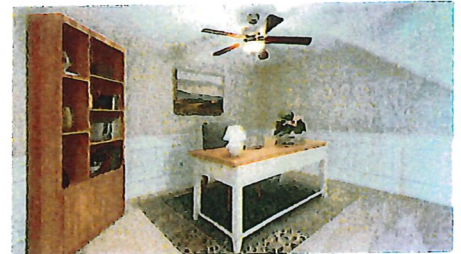
**Veranda Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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FISCHER HOMES



# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths



**Promenade Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths



 Photos, Options, Virtual Tours, & More

**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths



Photos, Options,  
Virtual Tours,  
& More

**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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# THE MONTICELLO GALLERY II COLLECTION

1,326 SQFT

1 Story

2 Bedrooms

2 Baths



Photos, Options,  
Virtual Tours,  
& More

**Veranda Level Design**



**Family Room**



**Owner's Suite**



**Flexible Space**

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FISCHER HOMES



# THE KIMBELL GALLERY II COLLECTION

1,111 SQFT

1 Story

1-2 Bedrooms

2 Baths



Photos, Options,  
Virtual Tours,  
& More

**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Family Room**

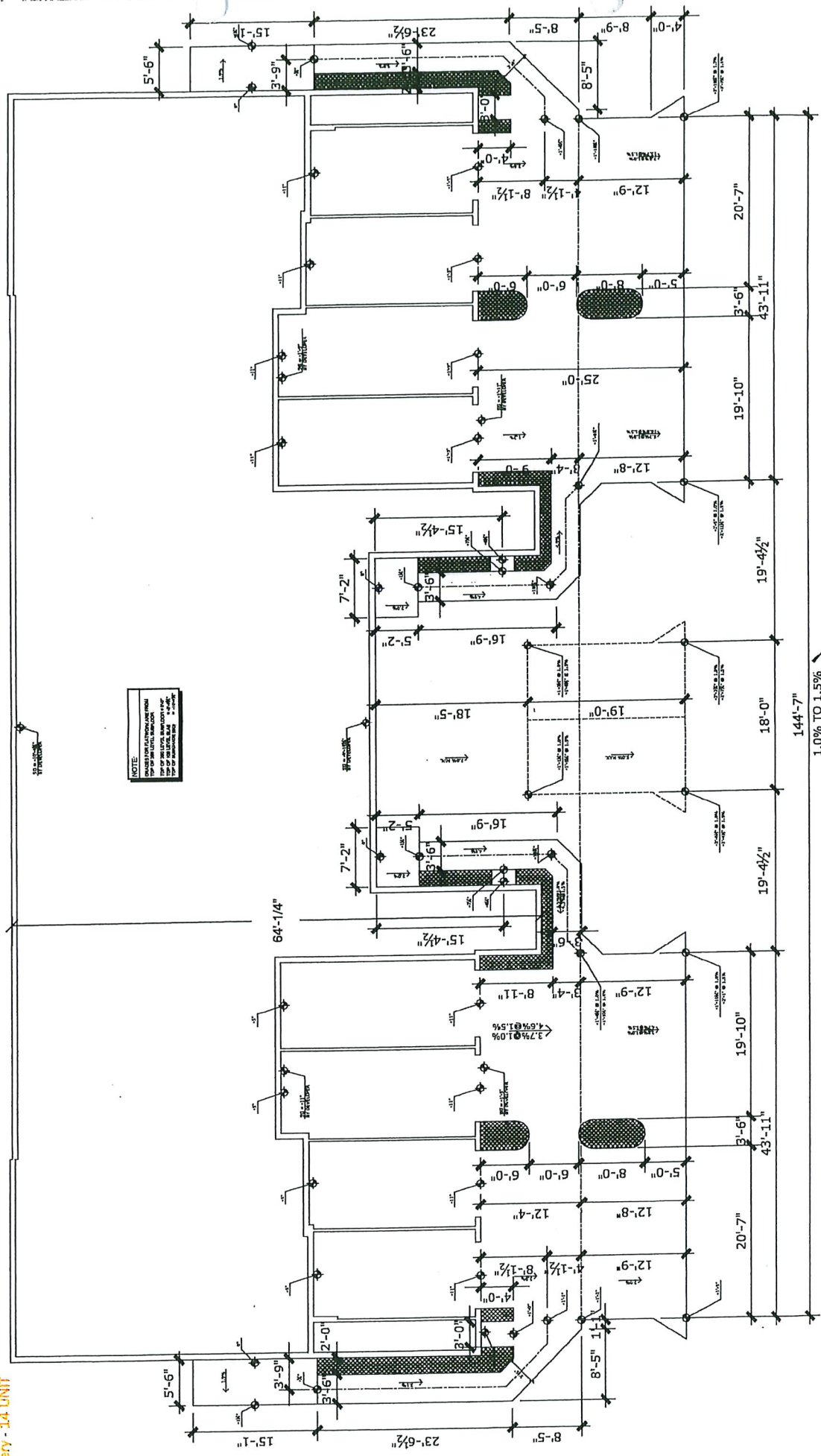
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**Typical Building Dimensioning**  
 Gallery - 14 UNIT



NOTE: THE LOCATION OF THE UTILITY ROOM IS SHOWN IN THE PLAN. THE LOCATION OF THE UTILITY ROOM IS SHOWN IN THE PLAN.

1.0% TO 1.5%  
 CROSS SLOPE

Consensus Development Guidelines and Principles  
 for the Practice Group - Building for the Future  
 Copyright © 2014 by the Practice Group

Page 20  
 Return to Appendix Contents

2014 TOYOTA DRIVE, SUITE 101  
 EVANSTON, ILLINOIS 60120  
 PHONE 847.341.4700  
 WWW.FISHERHOMES.COM

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mr. David Hincks

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the second item on the Agenda at 8:35 p.m.

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

2. Request of **Steve Berling (applicant)** for **BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential development.

Staff member, Michael Schwartz, referred to his PowerPoint presentation (see Staff Report). The request involves rezoning the entire site from SR-1 to UR-1. Approximately 10 acres of the site are located in the City of Florence and the remaining 18 acres are located in Unincorporated Boone County. The site is located along the east side of Gunpowder Road approximately 550 feet south of Ridgeview Drive and it wraps around the Good Shepherd Lutheran Church. The northern portion of the site has approximately 290 feet of road frontage along Gunpowder Road and the southern part has 560 feet of road frontage. The site is currently occupied by 2 single-family detached dwellings and several accessory structures on the southern portion. The northern portion is vacant and heavily wooded. Access is currently located on the southern portion. It is a single access point. Water exists along Gunpowder Road with a 16 inch line, second an 8 inch line along Elizabeth Drive. There is an 8 inch sanitary sewer line along Elizabeth Drive. Mr. Schwartz described the zoning and land use surrounding the site. Pages 1-2 of the Staff Report provide the applicable regulations to the application. The site slopes upward front to back at an average grade of 5%. The area to the west of Gunpowder Road is in the 100 year flood plain of Gunpowder Creek. The Future Land Use Map of Plan 2040 designates the site for Suburban Density Residential (SD) uses – residential uses up to 4 dwelling units per acre. Gunpowder Road is a State maintained roadway. The Boone County Transportation Plan recommends the widening of Gunpowder Road from U.S. 42 to Mt. Zion Road. The construction of this road widening/relocation project is scheduled to occur in 2028. Pages 2-7 of the Staff Report includes portions of the Comprehensive Plan that are relevant to the request. The eastern portion of the site is located in the 55 DNL for airport noise. Mr. Schwartz showed photographs of the site and surrounding properties. The Concept Development Plan shows the construction of 284 multi-family residential units within 34 buildings at an intensity of 9.88 dwelling units per acre. While not part of the submittal, the applicant is showing the remainder of the property as SR-1 in order to connect Elizabeth Drive and Los Alos Court to serve 26 new single-family lots. The site will have two access points and private streets. Mr. Schwartz showed photographs and elevations of the proposed units. Section 3160.B of the Zoning Regulations provides for design standards for multi-family developments within the City of Florence. Insufficient information has been submitted to determine compliance with this requirement. In addition, insufficient information has been submitted to determine compliance with the 45 foot height requirement. Staff sent out an agency memo to various departments for comments. The southern portion of the site includes a pre-1938 farm, a house and outbuildings are considered historic and significant to Boone County history. KYTC replied that the design of the Gunpowder Road widening project will be completed this Fall and Traffic Impact Study will be required. Staff comments are provided on Page 8. The applicant needs to address the following. 1) The statutory finding necessary for a zoning map amendment; 2) How the historical farm and structures will be property documented; 3) What, if any, amenities will be provided for the development, given that there will be 284 dwelling units of the site; 4) The amount of traffic that will be generated by the proposed development and the impact that will have on Gunpowder Road; 5) How the proposed improvements to Gunpowder Road will impact the design of the proposed development; 6) Will there be any exterior lighting as part of the proposed development and how that will be treated as it applies to adjacent properties; and finally, 7) How will stormwater retention/detention be handled.

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

Mr. Steve Berling, applicant, stated that he represents J.J. Miller and Matt Dedden. Originally, both owners bought the property already located in Florence. There is a valley between the condo section and the single-family detached area. He committed to doing an architectural survey of the buildings. He will complete a traffic study even though the State is committed to making improvements. He hasn't been able to obtain the plans for the project. The final width of the road has not been determined. Mr. Berling feels that the site is the last piece remaining along KY 237 for development. The proposed units are based upon a Fischer design. They will provide a maximum 20 foot buffer with the exception of the area near the existing single-family homes. It will have residential street lighting. They will explore what amenities will be included like a clubhouse or pickleball court. They will use the existing lake on the property and provide more for retention/detention. There will be some 3 story buildings with a walkout basement. Most of it is 2 story.

Chairman Rolfsen asked if the developer was willing to change the project based on the road construction project? Mr. Berling responded yes they will talk to Fischer/Drees about a phasing plan until 2028. He will also talk to the church.

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

Mr. Tyler Maschinot, 8941 Gunpowder Road, stated that he lives in a flood zone and he is mandated through his mortgage company to carry flood insurance. His main concern is the risk of additional flooding. Chairman Rolfsen explained that any new development has to detain/retain the storm water it generates for a period of time. It has to be contained. Mr. Maschinot noted that his driveway is at an 11% grade. It is located across the street from Good Shepherd Lutheran Church. Also, it makes sense not to building in an area where the future road will be relocated or widened.

Mr. David Smith, Good Shepherd Lutheran Church, asked what was the timing of the Gunpowder Road improvements? Mr. Schwartz noted that a preliminary design would be completed in the Fall. Mr. Smith asked how will the State communicate it? Mr. Costello responded at a minimum, it will most likely be posted on the KTC website. He wasn't sure if they were going to have community meetings. Ms. Gulick stated that Mr. Smith should contact Mike Bezold at the District 6 office. Mr. Smith asked about coordinating the new access for the development with their existing curb cut. Chairman Rolfsen asked Mr. Berling to investigate it.

Mr. Anthony Burkhart, 9249 Tranquility Drive, asked what happens when the public's questions are not answered. Chairman Rolfsen replied that now is the time to ask questions to get answers. Also, if the plan changes, then another Public Hearing will be held. He inquired about the setback

for UR-1. Is it 30 feet or 20 feet? Mr. Schwartz responded that the building setback is 30 feet. The 20 foot setback refers to the landscape buffer. Mr. Schwartz showed the property line building setback line and buffer yard width line. Mr. Burkhart asked if there was a way to keep the existing buffer rather than tear it down and install a berm and new landscaping to benefit the houses on Tranquility Drive? There are some larger, old trees. He noted that some of the Goals and Objectives refer to retaining the existing natural buffer area. Also, is a turn-around at the end of the street a requirement? It has been stubbed out elsewhere. Could it be redesigned to leave more trees? Mr. Berling responded that the cul-de-sac would sit lower than the lots next door. It will sit about 15 feet lower. They hope to keep some trees but they may remove some and put evergreens in place. Evergreen trees will protect you year round. Mr. Burkhart stressed that the area is almost all single-family detached homes from Mt. Zion Road to U.S. 42. If you give them the UR-1, how do you prevent them from putting in apartments? Can you hold them accountable to leave the woods? The project is fine if it is not apartments and the existing buffer or trees are retained. There will be 71 more students from this project. Ockerman Elementary has a capacity of 750 and they have 751 students enrolled this year. Their capacity is out. Boone County High School has a capacity of 1,069 and they are at 1,246 as of this year. Chairman Rolfsen noted that school redistricting can change those numbers. It is up to the school board to respond. Mr. Burkhart noted that he has a pond in his back yard. That pond is fed by houses along Tranquility Drive and the woods. When it rains, his pond fills up. He feels they may have more flooding problems on Sunnybrook Drive from the proposed development. Mr. Berling noted that the homes on Tranquility Drive were built without detaining or retaining stormwater. It is an older single-family residential subdivision. Stormwater cannot discharge off the site at a faster rate. The property that is already zoned properly will develop first.

Ms. Janet Cowen, 792 Elizabeth Drive, asked for clarification of the area to be rezoned. Mr. Schwartz replied that it is the area for single-family detached homes. That area is not part of the request. It is properly zoned. The request is for condos only.

Mr. Ryan Bottom, inquired about the SD designation? Mr. Schwartz explained that it is Suburban Density Residential (SD) up to 4 units per acre. Mr. Bottom is in favor of the connection and likes the existing SR-1 in the area not the proposed UR-1. Mr. Schwartz read the State statute dealing with the reasons for granting or denying a zone change request. Mr. Bottom also mentioned that the application form submitted did not check any of the agencies they consulted with when submitting the application. There were very few check marks on this application. It is premature to rezone something based upon that fact.

Mr. Jake Boyle, 788 Grace Drive, stated that he has lived in his home his whole life. He asked the Board to stick to the Comprehensive Plan or SR-1. We don't want condos. Weaver Road is full of apartments.

Ms. Michelle Armbrust, 9221 Tranquility Drive, asked why we need to put an urban development in the middle of a suburban residential area – surrounded by single-family homes. UR-1 zoning does not allow multi-family homes. They refer to an exception. When you get past duplexes and

patio homes, you are required to get commercial building permits and not residential. It is a commercial building, not residential. It is not a multi-family area. There is no aspect of urban living.

Ms. Pam Rhoden, 9278 Tranquility Drive, expressed a concern about traffic especially on Weaver Road. Tranquility Drive is like a hamlet. She is concerned about property values with condos nearby. People would be okay with just houses.

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

Ms. Gulick asked if Staff received a response from the School District. Mr. Schwartz replied no.

Mrs. Kegley asked the applicant to state or restate their reason for a zone change? Mr. Matt Dedden replied that it is to accommodate more affordable housing. The units won't be as nice as some of the housing surrounding the property. He doesn't see the project knocking the property values down. It may help versus smaller square footage housing. The condos attract an older group. People from the development will not go through other neighborhoods.

Ms. Gulick inquired about price range? Mr. Dedden responded \$225,000 - \$275,000 for the condos. Mr. Miller noted that the property is in the City of Florence and there is a lot going on in the area. They want to do something different. We need to do more affordable housing. He is willing to work with the State and the church if they want to get rid of their access. They will protect the houses at the end of the street. They will berm the area and save as many large trees as possible. Ms. Gulick asked for more details about the berm at the Committee meeting.

Ms. Sharon Callen, 9211 Kelly Louise Drive, stated that it is all about money. More units mean more money. Drive down Weaver Road for affordable housing. Just keep the same zoning for single-family homes.

Mr. Brandon Bailey, 993 Ridgeview Drive, stated that a 2018 Traffic Study of Gunpowder Road has 2-3 times more traffic accidents than any other two lane road in the State. It can't handle traffic from 284 units. How can you approve the request without knowing what the State will be doing with the road? Chairman Rolfsen replied that we will know the answer to that question later this year. Mr. Bailey asked what if that was delayed? Mr. Costello replied that the Board has stipulated phasing a project based on construction improvements being completed. Chairman Rolfsen explained that a unit can't be occupied until improvements are in place.

Mrs. Kegley proceeded to explain what happens next at the Committee Meeting and the Board will review the record including the testimony.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 21, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 4, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 10:02 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  
SEPTEMBER 4, 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 September 4, 2024 Business Meeting. Chairman 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  
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 Schwartz, Director, Zoning Services  
Mr. Steve Lilly, GISP, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the August 21, 2024 Business Meeting and Public Hearings. He asked if there were any comments or corrections?

**Mrs. Kegley moved to approve the Minutes as presented. Mrs. Goetting 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 August 8, 2024 and September 4, 2024.

**EXPENSES:**

Attorney Fees	5,262.50
Auto Expense	74.62
Consultant/Professional Svcs Fees	1,696.25
Filing Fees	750.00
GIS Operations	25,475.00
Legal Ads/Recruitment	849.47
Miscellaneous Expense	393.61
Office & Board Meeting Supplies	607.00
Office / Equipment Maintenance	2,441.35
Office Equipment / Expense	1,946.89
Postage Expense	1,517.25
Printing/Pub/Dues/Subscriptions	285.00
Professional Development	<u>30.00</u>

**TOTAL: \$ 41,328.94**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 7,369.88
Health/Dental/Life/LTD	19,287.20
Retirement – BCPC Portion	23,505.75
Salaries – Staff Expenses	100,956.39
Salaries – BCPC & BOA	<u>1,485.00</u>

**TOTAL: \$ 152,604.22**

**GRAND TOTAL: \$ 193,933.16**

Mr. Lunnemann 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. Mr. Turner seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Steve Lilly, Staff**

1. Request of **SOCAYR, Inc., per Travis E. Yates (applicant)** for **Sherwood Lakes, LLC (owner)** for a Change of Concept Development Plan in an Urban Residential One (UR-1) district, for an approximate 13.6 acre area located at the terminus of Sherwood Lakes Drive, including the properties having the following Parcel Identification Numbers (PIDN's): 074.00-00-070.08 and 074.00-00-070.01, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow for the development of one hundred sixty-two (162) unit multi-family complex with on-site amenities.

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. The owner and applicant have signed the Condition Letter and the applicant has provided the Planning Commission with an easement and settlement agreement related to access to the property.

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

Mr. Travis Yates, applicant, thanked the Board and said that he is looking forward to completing the project.

Seeing no further comment, **Mrs. Goetting moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Change in Concept Development Plan based upon the Committee Report and Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously.**

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

2. Request of **Steve Berling (applicant)** for **BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential development.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Map Amendment based upon Findings of Facts and Conditions. The Condition Letter has been signed and submitted to the Planning Commission.

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.

Mr. Don Trame, 9204 Kelly Louise Drive, stated that in 1992, Weaver Farm Apartments were built on Weaver Road (264 units on 23 acres). In 1996, the Trails of Saddlebrook were built on Weaver Road (228 units on 23 acres). Since 1992, pedestrians have been walking along Weaver Road both to and from US 42. It occurs during both daylight and at nighttime. There is no shoulder on the road. Pedestrians still walk in the area even with no sidewalks. Pedestrians are walking to commercial businesses and the TANK bus stop in the area. As of 2024, sidewalks have been added to the east side of the road. Urban living is complicated with pedestrian access to these types of services. This is an expectation. It took 30 years to get safe access. Within eight tenths of a mile, there is access to commercial businesses on US 42. Within four tenths of a mile, there are 2 churches. There are no sidewalks or bus stops on Gunpowder Road to access the amenities. Do we really want to drop an urban development into an area that doesn't have access to these services and amenities that are within walking distance to the site? Please consider the safety of the public in your deliberations.

Seeing no further comment, **Mr. Harper moved, by Resolution to the Boone County Fiscal Court and the City of Florence, to recommend approval of the Zoning Map Amendment based on the Committee Report, Findings of Fact and Conditions. Mr. Hincks seconded the motion. Chairman Rolfsen asked the Board if there were any questions or comments?**

Mr. Lunnemann stated that after deliberation of the minutes, the Staff Report and the Committee Meeting, the project was not consistent with the Future Land Use Map because it recommends Suburban Density Residential (SD). The existing SR-1 zoning is appropriate and the proposed UR-1 zoning is inappropriate. The SR-1 zoning is consistent with the recommended Future Land Use classification of SD. That is compatible with what land uses are located in the area – north, south and east of the site. The submitted Concept Development Plan shows multi-family housing at 10 units per acre. This is a 150% increase. For those reasons, he will vote no on the request.

Chairman Rolfsen stated who knows when Gunpowder Road will be widened. It is the worst road in the County. Curves, flooding and no sidewalks. The current zoning is appropriate. The applicant is sort of agreeing with it by putting in the single-family lots. The catch phrase is affordable housing. What does that mean? It depends on how much you make.

Dr. Clark expressed a concern about schools. They are overloaded, especially Boone County High School.

Mr. Berling stated that a Traffic Study is being done and a permit is required by the State for access. They may have to do their own improvements in the first phase.

Mr. Harper stated that the Planning Commission will know later this year of what the design will be for Gunpowder Road. The first phase of the development can't occur until 2 years from now. This type of housing is needed. We need more – 6,000 units in 5 years. The traffic is going directly to Gunpowder Road and not through another neighborhood.

Mr. Berling explained they would do the single-family first and they would not get into any multi-family until 2026. The first phase will only be 55 units.

Mr. Schwartz explained that Phase I will start with the single-family and next phase can't start for 2 years later. All this is reflected in Condition #1.

Mr. Schwenke mentioned that until new Gunpowder Road is built, then the zoning should remain the same. The multi-family shouldn't be built until at least the road is under construction.

**Chairman Rolfsen asked for a vote based on the original motion made by Mr. Harper for approval and seconded by Mr. Hincks. The vote found Mr. Bessler, Mrs. Goetting, Mr. Harper, Mr. Hincks, Mrs. Kegley, Mr. Richardson and Mrs. Steele voting in favor and Mrs. Clark, Mr. Lunnemann, Mr. Rolfsen, Mr. Schwenke, Mr. Szurlinski, Mr. Turner and Mr. Vaught voting no. The vote is 7 in favor and 7 against. The motion fails due to a tie vote.**

Mr. Costello explored the options. The first option is to send the information to the County and to the City of Florence with no recommendation. Another is to reconsider the request possibly changing or adding a condition that would change a vote. A final option is to send the request back to the Committee for reconsideration. The 60 day time limit has been extended to September 19, 2024 only.

Mr. Harper suggested adding a Condition that the multi-family portion could not begin until the improvements to Gunpowder Road begin. The applicant shook his head no.

Mr. Wilson stated that the full Board could still deliberate tonight in terms of adding a condition or vote no on the request or sent it back to the Committee.

Chairman Rolfsen asked if the Staff could read the Findings for Denial. Mr. Schwartz read the Findings for Denial (see Exhibit A).

Mr. Berling offered another possible condition by limiting the number of units to 110-120 units until the State improvements are completed. It would include almost all of Phase 2. It will include both Phase 1 and 2.

Mr. Costello suggested to send the request back to the Committee or forward it with no recommendation.

**Mrs. Kegley moved to send the request back to the Committee. Mrs. Clark seconded the Motion.**

Mr. Berling asked if the Board could send the matter to the Boone County Fiscal Court and the City of Florence with no recommendation?

**Mrs. Kegley moved to withdraw the motion to send it back to the Committee. Mrs. Clark agreed to second it. All members voted yes to have the above motion withdrawn.**

Mr. Lunnemann asked if there was any desire to make a motion to deny the request based on what was read previously? **He moved to deny the request based upon the previous findings. There was no second to Mr. Lunnemann's motion.**

**Mr. Harper moved to send the request to the Boone County Fiscal Court and the City of Florence with no recommendation because of the tie vote. Mr. Bessler seconded the motion. The motion found Mr. Bessler, Mrs. Goetting, Mr. Harper, Mr. Hincks, Mrs. Kegley,**

Mr. Richardson, Mr. Schwenke, Mrs. Steele, Mr. Turner and Mr. Vaught in favor of the motion and Dr. Clark, Mr. Lunnemann, Mr. Rolfsen and Mr. Szurlinski voting no. The motion passed by a vote of 10-4.

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

3. Meijer – Florence – 4990 Houston Road

Staff Member, Steve Lilly, referred to a PowerPoint presentation. The request is for Design Review approval for 3 additional building mounted signs. A “Fresh”, “Pick Up” and a “Home” sign are being proposed. The Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

Mr. Lunnemann moved to approve the request as submitted. Mr. Richardson seconded the motion and it passed unanimously.

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

4. Jerry’s Car Wash – 1100 Bill Wentz Drive

Staff Member, Steve Lilly, referred to a PowerPoint presentation. The request is for Design Review approval for a car wash building. Both the building colors and materials meet Section 1506 of the Zoning Regulations as submitted. The Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

Mr. Lunnemann moved to approve the request as submitted. Mrs. Steele seconded the motion and it passed unanimously.

**NEW BUSINESS**

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

5. Request of **James and Yvonne Finley, Lisa Mason, and Zachary Mason (applicants/owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for an approximate 5.8 acre area located at 3252, 3266, and 3278 Idlewild Road, Boone County, Kentucky. The request is for a zone change to allow for the development of one (1) additional single-family residential dwelling.

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

6. Request of **Steve Berling (applicant)** for **Crestview Lands LLC, per Greg Meyerratken (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Suburban Residential Two (SR-2) for an approximate 2.3 acre area located at 1401 Fountain Drive and including the property having a Parcel Identification Number (PIDN) of 061.00-00-014.00, Boone County, Kentucky. The request is for a zone change to allow the conversion of the existing building into five (5) attached single-family residential dwellings and the construction of a garage building for eight (8) vehicles.

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

7. Request of **Bayer Becker, per Rob Keller (applicant)** for **Bunnell Hill Development Company Inc., per Roger Wells (owner)** for a Change of Concept Development Plan in an Industrial One/Planned Development (I-1/PD) district, for an approximate 11.8 acre area having a Parcel Identification Number (PIDN) of 037.00-00-018.00, and being located along the north and west sides of Conrad Lane, between North Bend Road and Strike The Gold Drive, approximately seven hundred fifty (750) feet east of Strike The Gold Drive, and directly across from Carry Back Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow the development of sixty-eight (68) attached single-family residential dwellings within six (6) buildings.

**Mrs. Goetting moved to schedule the Public Hearings for Items #5, #6, and #7 on October 2, 2024 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.**

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

Mr. Kevin P. Costello, AICP, stated that new Goals and Objectives of the New Comprehensive Plan (Our Boone County – Plan 2045) have been adopted by the four legislative units. The 3 cities have adopted the same version the Planning Commission adopted. While the County added two Objectives. The Fiscal Court had second reading yesterday while the City of Walton had second reading also scheduled for yesterday but couldn't meet so the Goals & Objectives were approved by operation of law.

**I. COMMITTEE REPORTS:**  
No Report

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

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

**L. ADJOURNMENT:**

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Hincks seconded the motion and it passed unanimously. The meeting was adjourned at 8:52 P.M.**

APPROVED



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

Exhibit A – Alternate Zone Change/Concept Plan Committee Report

**EXHIBIT**

**“B”**

*Committee Report read at 9/4/24 Business Meeting. Motion to approve the project resulted in a tie vote. Motion to forward the request to the Boone County Fiscal Court and the City of Florence with no recommendation passed by a vote of 10-4.*

### ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Rick Lunnemann, Chair

**DATE:** September 4, 2024

**RE:** Request of **Steve Berling (applicant)** for **BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential 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 zoning map amendment, along with the submitted concept development plan, is generally consistent with the Demographics Plan Element of the comprehensive plan, Our Boone County Plan 2040, which emphasizes the need for additional affordable housing.

The proposed zoning map amendment, along with the submitted concept development plan, will allow for the development of 284 multi-family residential dwellings.

2. The Committee concluded that the proposed zoning map amendment, along with the submitted concept development plan, is consistent with the following Our Boone County Plan 2040 Goals and Objectives:
  - a. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

- b. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
- c. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs. [Unincorporated Boone County, City of Union, City of Walton only] (Demographics Goal B, Objective 1).
- 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. The City of Florence acknowledges the need for affordable housing opportunities, but also desires an equal balance of housing options to maintain a diverse city. [City of Florence only] (Demographics Goal B, Objective 1).
- e. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical. [Unincorporated Boone County, City of Union, City of Walton only] (Environment Goal A, Objective 7).
- f. Development shall utilize existing topography and vegetation (including mature trees) and preserve the existing character of the land. [City of Florence only] (Environment Goal A, Objective 7).

In making this finding, the Committee notes that the proposed development follows the existing topography and will be constructed on the two ridges of the site. the proposed development will provide housing for a specific socio-economic sector of the population. the proposed development will provide for a housing type that is not generally found in the vicinity of the site, and that the proposed map amendment will allow the development of multi-family residential dwellings, a housing type that is needed within the County.

- 3. 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. Development shall be consistent with the revised Concept Development Plan (8/16/24), which was presented at the Zone Change Committee meeting on August 21, 2024.
- 2. If the portion of the site that is currently located within Unincorporated Boone County is not annexed into the City of Florence, the requested zoning map amendment shall only become final and effective if both Florence City Council and Boone Fiscal Court take action to approve the submitted request.

3. Development shall meet the minimum requirements of the zoning regulations and the subdivision regulations.
4. A full architectural survey of the property, including all structures, shall be completed by an architectural historian who meets Secretary of Interior's standards and submitted with the first Major Site Plan application.
5. A Traffic Impact Study shall be submitted with the first Major Site Plan application.
6. Amenities shall include, at a minimum, a shelter and pool.
7. Phasing of the development shall no less than two (2) year increments, starting with the year of the first phase.
8. The two westernmost buildings in Phase 1 shall be the last to be constructed as part of that phase.
9. Any off-site improvements required by KYTC shall be constructed by the developer, at their expense, and shall be included in the first phase of development.
10. Phase 1 shall not exceed fifty-five (55) dwelling units.

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: Rick Lunnemann, Chairman

DATE: August 21, 2024

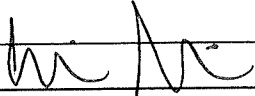
**REMARKS:**

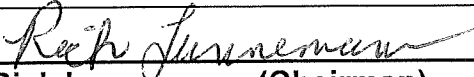
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

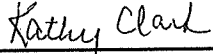
**ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Michael Schwartz, Staff**

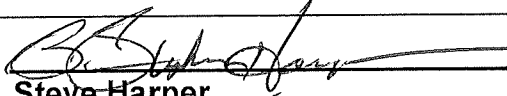
2. Request of **Steve Berling (applicant)** for **BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential development.

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

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

  
\_\_\_\_\_  
**Rick Lunnemann (Chairman)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project   
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Kathy Clark (Alternate)**  
For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Steve Harper**  
For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**David Hincks**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Jackie Steele (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_

**TOTAL:**       DEFERRED      3   FOR PROJECT      1   ABSENT  
                    1   AGAINST PROJECT       ABSTAIN

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
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:**

Mr. David Hincks

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the second item on the Agenda at 8:35 p.m.

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

2. Request of **Steve Berling (applicant) for BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential development.

Staff member, Michael Schwartz, referred to his PowerPoint presentation (see Staff Report). The request involves rezoning the entire site from SR-1 to UR-1. Approximately 10 acres of the site are located in the City of Florence and the remaining 18 acres are located in Unincorporated Boone County. The site is located along the east side of Gunpowder Road approximately 550 feet south of Ridgeview Drive and it wraps around the Good Shepherd Lutheran Church. The northern portion of the site has approximately 290 feet of road frontage along Gunpowder Road and the southern part has 560 feet of road frontage. The site is currently occupied by 2 single-family detached dwellings and several accessory structures on the southern portion. The northern portion is vacant and heavily wooded. Access is currently located on the southern portion. It is a single access point. Water exists along Gunpowder Road with a 16 inch line, second an 8 inch line along Elizabeth Drive. There is an 8 inch sanitary sewer line along Elizabeth Drive. Mr. Schwartz described the zoning and land use surrounding the site. Pages 1-2 of the Staff Report provide the applicable regulations to the application. The site slopes upward front to back at an average grade of 5%. The area to the west of Gunpowder Road is in the 100 year flood plain of Gunpowder Creek. The Future Land Use Map of Plan 2040 designates the site for Suburban Density Residential (SD) uses – residential uses up to 4 dwelling units per acre. Gunpowder Road is a State maintained roadway. The Boone County Transportation Plan recommends the widening of Gunpowder Road from U.S. 42 to Mt. Zion Road. The construction of this road widening/relocation project is scheduled to occur in 2028. Pages 2-7 of the Staff Report includes portions of the Comprehensive Plan that are relevant to the request. The eastern portion of the site is located in the 55 DNL for airport noise. Mr. Schwartz showed photographs of the site and surrounding properties. The Concept Development Plan shows the construction of 284 multi-family residential units within 34 buildings at an intensity of 9.88 dwelling units per acre. While not part of the submittal, the applicant is showing the remainder of the property as SR-1 in order to connect Elizabeth Drive and Los Alos Court to serve 26 new single-family lots. The site will have two access points and private streets. Mr. Schwartz showed photographs and elevations of the proposed units. Section 3160.B of the Zoning Regulations provides for design standards for multi-family developments within the City of Florence. Insufficient information has been submitted to determine compliance with this requirement. In addition, insufficient information has been submitted to determine compliance with the 45 foot height requirement. Staff sent out an agency memo to various departments for comments. The southern portion of the site includes a pre-1938 farm, a house and outbuildings are considered historic and significant to Boone County history. KYTC replied that the design of the Gunpowder Road widening project will be completed this Fall and Traffic Impact Study will be required. Staff comments are provided on Page 8. The applicant needs to address the following. 1) The statutory finding necessary for a zoning map amendment; 2) How the historical farm and structures will be property documented; 3) What, if any, amenities will be provided for the development, given that there will be 284 dwelling units of the site; 4) The amount of traffic that will be generated by the proposed development and the impact that will have on Gunpowder Road; 5) How the proposed improvements to Gunpowder Road will impact the design of the proposed development; 6) Will there be any exterior lighting as part of the proposed development and how that will be treated as it applies to adjacent properties; and finally, 7) How will stormwater retention/detention be handled.

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

Mr. Steve Berling, applicant, stated that he represents J.J. Miller and Matt Dedden. Originally, both owners bought the property already located in Florence. There is a valley between the condo section and the single-family detached area. He committed to doing an architectural survey of the buildings. He will complete a traffic study even though the State is committed to making improvements. He hasn't been able to obtain the plans for the project. The final width of the road has not been determined. Mr. Berling feels that the site is the last piece remaining along KY 237 for development. The proposed units are based upon a Fischer design. They will provide a maximum 20 foot buffer with the exception of the area near the existing single-family homes. It will have residential street lighting. They will explore what amenities will be included like a clubhouse or pickleball court. They will use the existing lake on the property and provide more for retention/detention. There will be some 3 story buildings with a walkout basement. Most of it is 2 story.

Chairman Rolfsen asked if the developer was willing to change the project based on the road construction project? Mr. Berling responded yes they will talk to Fischer/Drees about a phasing plan until 2028. He will also talk to the church.

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

Mr. Tyler Maschinot, 8941 Gunpowder Road, stated that he lives in a flood zone and he is mandated through his mortgage company to carry flood insurance. His main concern is the risk of additional flooding. Chairman Rolfsen explained that any new development has to detain/retain the storm water it generates for a period of time. It has to be contained. Mr. Maschinot noted that his driveway is at an 11% grade. It is located across the street from Good Shepherd Lutheran Church. Also, it makes sense not to building in an area where the future road will be relocated or widened.

Mr. David Smith, Good Shepherd Lutheran Church, asked what was the timing of the Gunpowder Road improvements? Mr. Schwartz noted that a preliminary design would be completed in the Fall. Mr. Smith asked how will the State communicate it? Mr. Costello responded at a minimum, it will most likely be posted on the KTC website. He wasn't sure if they were going to have community meetings. Ms. Gulick stated that Mr. Smith should contact Mike Bezold at the District 6 office. Mr. Smith asked about coordinating the new access for the development with their existing curb cut. Chairman Rolfsen asked Mr. Berling to investigate it.

Mr. Anthony Burkhart, 9249 Tranquility Drive, asked what happens when the public's questions are not answered. Chairman Rolfsen replied that now is the time to ask questions to get answers. Also, if the plan changes, then another Public Hearing will be held. He inquired about the setback

for UR-1. Is it 30 feet or 20 feet? Mr. Schwartz responded that the building setback is 30 feet. The 20 foot setback refers to the landscape buffer. Mr. Schwartz showed the property line building setback line

and buffer yard width line. Mr. Burkhart asked if there was a way to keep the existing buffer rather than tear it down and install a berm and new landscaping to benefit the houses on Tranquility Drive? There are some larger, old trees. He noted that some of the Goals and Objectives refer to retaining the existing natural buffer area. Also, is a turn-around at the end of the street a requirement? It has been stubbed out elsewhere. Could it be redesigned to leave more trees? Mr. Berling responded that the cul-de-sac would sit lower than the lots next door. It will sit about 15 feet lower. They hope to keep some trees but they may remove some and put evergreens in place. Evergreen trees will protect you year round. Mr. Burkhart stressed that the area is almost all single-family detached homes from Mt. Zion Road to U.S. 42. If you give them the UR-1, how do you prevent them from putting in apartments? Can you hold them accountable to leave the woods? The project is fine if it is not apartments and the existing buffer or trees are retained. There will be 71 more students from this project. Ockerman Elementary has a capacity of 750 and they have 751 students enrolled this year. Their capacity is out. Boone County High School has a capacity of 1,069 and they are at 1,246 as of this year. Chairman Rolfsen noted that school redistricting can change those numbers. It is up to the school board to respond. Mr. Burkhart noted that he has a pond in his back yard. That pond is fed by houses along Tranquility Drive and the woods. When it rains, his pond fills up. He feels they may have more flooding problems on Sunnybrook Drive from the proposed development. Mr. Berling noted that the homes on Tranquility Drive were built without detaining or retaining stormwater. It is an older single-family residential subdivision. Stormwater cannot discharge off the site at a faster rate. The property that is already zoned properly will develop first.

Ms. Janet Cowen, 792 Elizabeth Drive, asked for clarification of the area to be rezoned. Mr. Schwartz replied that it is the area for single-family detached homes. That area is not part of the request. It is properly zoned. The request is for condos only.

Mr. Ryan Bottom, inquired about the SD designation? Mr. Schwartz explained that it is Suburban Density Residential (SD) up to 4 units per acre. Mr. Bottom is in favor of the connection and likes the existing SR-1 in the area not the proposed UR-1. Mr. Schwartz read the State statute dealing with the reasons for granting or denying a zone change request. Mr. Bottom also mentioned that the application form submitted did not check any of the agencies they consulted with when submitting the application. There were very few check marks on this application. It is premature to rezone something based upon that fact.

Mr. Jake Boyle, 788 Grace Drive, stated that he has lived in his home his whole life. He asked the Board to stick to the Comprehensive Plan or SR-1. We don't want condos. Weaver Road is full of apartments.

Ms. Michelle Armbrust, 9221 Tranquility Drive, asked why we need to put an urban development in the middle of a suburban residential area – surrounded by single-family homes. UR-1 zoning does not allow multi-family homes. They refer to an exception. When you get past duplexes and

patio homes, you are required to get commercial building permits and not residential. It is a commercial building, not residential. It is not a multi-family area. There is no aspect of urban living.

Ms. Pam Rhoden, 9278 Tranquility Drive, expressed a concern about traffic especially on Weaver Road. Tranquility Drive is like a hamlet. She is concerned about property values with condos nearby. People would be okay with just houses.

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

Ms. Gulick asked if Staff received a response from the School District. Mr. Schwartz replied no.

Mrs. Kegley asked the applicant to state or restate their reason for a zone change? Mr. Matt Dedden replied that it is to accommodate more affordable housing. The units won't be as nice as some of the housing surrounding the property. He doesn't see the project knocking the property values down. It may help versus smaller square footage housing. The condos attract an older group. People from the development will not go through other neighborhoods.

Ms. Gulick inquired about price range? Mr. Dedden responded \$225,000 - \$275,000 for the condos. Mr. Miller noted that the property is in the City of Florence and there is a lot going on in the area. They want to do something different. We need to do more affordable housing. He is willing to work with the State and the church if they want to get rid of their access. They will protect the houses at the end of the street. They will berm the area and save as many large trees as possible. Ms. Gulick asked for more details about the berm at the Committee meeting.

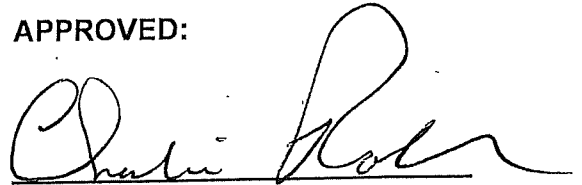
Ms. Sharon Callen, 9211 Kelly Louise Drive, stated that it is all about money. More units mean more money. Drive down Weaver Road for affordable housing. Just keep the same zoning for single-family homes.

Mr. Brandon Bailey, 993 Ridgeview Drive, stated that a 2018 Traffic Study of Gunpowder Road has 2-3 times more traffic accidents than any other two lane road in the State. It can't handle traffic from 284 units. How can you approve the request without knowing what the State will be doing with the road? Chairman Rolfsen replied that we will know the answer to that question later this year. Mr. Bailey asked what if that was delayed? Mr. Costello replied that the Board has stipulated phasing a project based on construction improvements being completed. Chairman Rolfsen explained that a unit can't be occupied until improvements are in place.

Mrs. Kegley proceeded to explain what happens next at the Committee Meeting and the Board will review the record including the testimony.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 21, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on September 4, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 10:02 p.m.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**ALTERNATE ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Rick Lunnemann, Chair

**DATE:** September 4, 2024

**RE:** Request of **Steve Berling (applicant)** for **BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential development.

**REMARKS:**

1. We, the Planning Commission, recommend disapproval of the above referenced Zoning Map Amendment based on the following findings of fact:

**FINDINGS OF FACT:**

1. The proposed zoning map amendment is not consistent with the 2040 Future Land Use Map of the comprehensive plan, Our Boone County Plan 2040, which identifies the site for Suburban Density Residential uses, which is described as single-family housing of up to four (4) units per acre.

The proposed UR-1 district permits multi-family residential dwellings at a maximum intensity of 12 units per acre.

The submitted Concept Development Plan indicates the development of multi-family residential dwellings at an intensity of approximately 10 units per acre.

2. The proposed zoning map amendment is not consistent with the following Goals and Objectives contained in the comprehensive plan, Our Boone County Plan 2040:

- 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).

Areas located to the north, south, and east of the site in question have been developed with detached single-family residential dwellings. The proposed development would introduce multi-family residential dwelling units into the area, contrary to the established development pattern.

- b. 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).

Insufficient information has been submitted to determine what impact the proposed development will have on the existing street system and the 100-year floodplain of Gunpowder Creek.

- c. 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).

The proposed development is not located within a reasonable walking distance of nearby transportation routes and commercial activity, which are located along US 42.

- d. 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 6).

The proposed development will provide for a housing and type and density which is not found within the vicinity of the site in question.

- e. 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).

Gunpowder Road is scheduled to be reconstructed and widened. Preliminary designs for this project have not yet been developed. Construction of the proposed development could jeopardize this roadway project and therefore is premature.

- f. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and with the regional multi-modal transportation system (Transportation Goal B, Objective 9).

Insufficient information has been submitted to determine if the proposed development will have a negative impact on the capacity of Gunpowder Road and the its intersection with US 42 and Mt. Zion Road.

- 3. The existing SR-1 zoning of the site in question is appropriate and the proposed UR-1 zoning for the site is inappropriate.

The existing SR-1 district, which permits detached single-family residential dwellings at a maximum intensity of four (4) units per acre, is consistent with the 2040 Future Land Use Map of the comprehensive plan, Our Boone County Plan 2040, which identifies the site for Suburban Density Residential uses.

The existing SR-1 district provides for a land use and intensity which is compatible with the developed areas located to the north, south, and east of the site in question.

The proposed UR-1 district would allow the development of multi-family residential dwellings at a maximum intensity of twelve (12) units per acre.

The submitted Concept Development Plan indicates the development of multi-family residential dwellings at an intensity of approximately ten (10) units per acre. This represents an increase of 150% over the recommended intensity as outlined in the comprehensive plan.

4. There have been no major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

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.

# **SUPPORTING INFORMATION**

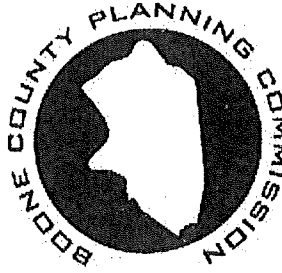
**LEGAL DESCRIPTION  
ZONING MAP AMENDMENT  
FOR  
BBB DEVELOPERS, LLC & KPD DEVELOPERS, LLC PROPERTIES  
GUNPOWDER ROAD  
FLORENCE & UNINCORPORATED BOONE COUNTY, KENTUCKY**

**AMENDMENT FOR ZONE CHANGE  
FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1)  
28.7473ACRES**

Beginning at a point in the east right-of-way line of Gunpowder Road (KY 237), said point being the northwest corner of the BBB Developers, LLC and KPD Holdings, LLC property as described in Deed Book 1219 at Page 113 of the Boone County Clerk's Records at Burlington, Kentucky; thence along the north line of said BBB and KPD property N 88°-07'-14" E a distance of 1181.48 feet to a point, and N 78°-10'-04" E a distance of 926.28 feet to a point in the west line of the Eagles Landing Subdivision, said point being the northeast corner of said BBB and KPD property; thence along the east line of said BBB and KPD property and west line of said subdivision S 26°-05'-46" E a distance of 134.94 to a point, and S 26°-42'-31" E a distance of 200.20 feet to the southeast corner of said BBB and KPD property and corner of said subdivision; thence along the south line of said BBB and KPD property and north line of said subdivision S 70°-59'-20" W a distance of 363.05 feet to the northeast corner of the BBB Developers, LLC and KPD Developers, LLC property as described in Deed Book 1212 at Page 59 of said Records, and corner of said subdivision; thence through said BBB and KPD property (DB 1212 PG 59) S 64°-16'-00" W a distance of 184.60 feet to a point, S 55°-04'-32" E a distance of 111.06 feet to a point, S 24°-49'-45" W a distance of 81.16 feet to a point, S 42°-15'-38" W a distance of 163.56 feet to a point, S 61°-40'-46" W a distance of 144.23 feet to a point, S 55°-54'-25" W a distance of 77.65 feet to a point, S 56°-32'-59" W a distance of 278.68 feet to a point, S 56°-47'-30" W a distance of 182.49 feet to a point, and S 18°-34'-17" E a distance of 196.19 feet to a point in the south line of said BBB and KPD property (DB 1212 PG 59); thence S 71°-25'-06" W along said south line 320.12 feet to a point in said east right-of-way line of Gunpowder Road; thence along said east right-of-way line along a curve to the left having a radius 758.93 feet, an arc distance of 105.97 feet, as subtended by a chord bearing N 25°-59'-14" W a distance of 105.89 feet to a point, N 30°-47'-13" W a distance of 71.37 feet to a point, N 31°-01'-53" W a distance of 62.29 feet to a point, along a curve to the right having a radius of 1,737.20 feet, an arc distance of 92.26 feet, as subtended by a chord bearing N 28°-51'-43" W a distance of 92.25 feet to a point, N 27°01'-42" W a distance of 161.59 feet to a point, N 27°-21'-18" W a distance of 46.26 feet to a point, and N 28°-32'-06" W a distance of 38.85 feet to the northwest corner of said BBB and KPD property (DB 1212 PG 59) and the Good Shepherd Lutheran Church property as described in Deed Book 725 at Page 137 of said Records; thence leaving said east right-of-way line and along the common line of said BBB and KPD property (DB 1212 PG 59) and said Good Shepherd Lutheran Church property N 70°-47'-55" E a distance of 337.33 feet to the southeast corner of

said Good Shepherd Lutheran Church property and corner of said BBB and KPD property (DB 1219 PG 113); thence along the common line of said Good Shepherd Lutheran Church property and said BBB and KPD property (DB 1219 PG 113) N 28°-01'-01" W a distance of 316.00 feet to a point, N 65°-06'-51" W a distance of 298.00 feet to a point, and S 66°-21'-52" W a distance of 228.95 to a point in said east right-of-way line of Gunpowder Road, said point being the northwest corner of said Good Shepherd Lutheran Church and corner of said BBB and KPD property (DB 1219 PG 113); thence along said east right-of-way line and west line of said BBB and KPD property (DB 1219 PG 113); thence along a curve to the right having a radius of 826.73 feet, an arc distance of 69.62 feet, as subtended by a chord bearing N 26°-23'-51" W a distance 69.60 feet to a point, N 22°-50'-44" W a distance of 46.23 feet to a point, N 20°-10'-26" W a distance of 39.39 feet to a point, and along a curve to the right having a radius of 814.55 feet, an arc distance of 113.28 feet, as subtended by a chord bearing N 15°-50'-55" W a distance of 113.18 feet to the Place of Beginning, containing 28.7473 acres of land.

7-01-2024



## **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountkyky.org/pc](http://www.boonecountkyky.org/pc)  
[www.boonecountygis.com](http://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@boonecountkyky.org](mailto:plancom@boonecountkyky.org)

August 22, 2024

Steve Berling  
1671 Park Road, Suite One  
Fort Wright, Kentucky 41011

RE: Request of **Steve Berling (applicant)** for **BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky. The request is for a zone change to allow for the development of a 284 unit multi-family residential development.

Dear Mr. Berling:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their August 21, 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 August 30, 2024.

### CONDITIONS

1. Development shall be consistent with the revised Concept Development Plan (8/16/24), which was presented at the Zone Change Committee meeting on August 21, 2024.
2. If the portion of the site that is currently located within Unincorporated Boone County is not annexed into the City of Florence, the requested zoning map amendment shall only become final and effective if both Florence City Council and Boone Fiscal Court take action to approve the submitted request.
3. Development shall meet the minimum requirements of the zoning regulations and the subdivision regulations.
4. A full architectural survey of the property, including all structures, shall be completed by an architectural historian who meets Secretary of Interior's standards and submitted with the first Major Site Plan application.
5. A Traffic Impact Study shall be submitted with the first Major Site Plan application.
6. Amenities shall include, at a minimum, a shelter and pool.

7. Phasing of the development shall no less than two (2) year increments, starting with the year of the first phase.
8. The two westernmost buildings in Phase 1 shall be the last to be constructed as part of that phase.
9. Any off-site improvements required by KYTC shall be constructed by the developer, at their expense, and shall be included in the first phase of development.
10. Phase 1 shall not exceed fifty-five (55) dwelling units.

Sincerely,



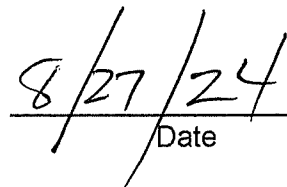
Michael D. Schwartz  
Director, Zoning Services

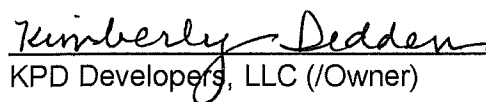
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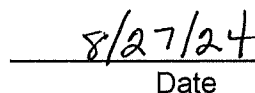
AGREEMENT

We, the property owners/developers of the approximate 28 acre area located along the east side Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.

  
\_\_\_\_\_  
BBB Developers, LLC (Owner)

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
KPD Developers, LLC (Owner)

  
\_\_\_\_\_  
Date

**CITY OF FLORENCE, KENTUCKY  
ORDINANCE O-19-2024**

**AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1) FOR AN APPROXIMATE 28 ACRE AREA LOCATED ALONG THE EAST SIDE OF GUNPOWDER ROAD, INCLUDING THE PROPERTY AT 9104-9108 GUNPOWDER ROAD AND THE PROPERTY HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 062.00-00-120.00, BOONE COUNTY AND FLORENCE, KENTUCKY, TO ALLOW FOR THE DEVELOPMENT OF A 284 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT. (BBB DEVELOPERS LLC/KPD DEVELOPERS LLC)**

**WHEREAS**, the City of Florence, Kentucky, is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

**WHEREAS**, this request came before the Boone County Planning Commission on September 4, 2024, and the Planning Commission voted 7-7, with conditions. As a result of a tie vote, the Planning Commission voted 10-4 to forward the request to the Boone County Fiscal Court and the City of Florence with no recommendation, and

**WHEREAS**, the record of proceedings before the Boone County Planning Commission, including the Minutes of the August 7, 2024, Public Hearing, Staff Report, Zone Change/Concept Plan Committee Report, Zoning Map Amendment and supporting information, have all been reviewed by the City Council for the City of Florence, Kentucky, and

**WHEREAS**, the City of Florence Zone Change Committee has met to review the proposed zoning map amendment and has submitted its recommendation and proposed Findings of Fact and Conditions which are attached hereto as Exhibit "B."

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:**

**SECTION I**

That the request of Steve Berling (Applicant) for BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J.J. Miller (Owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for an approximate 28 acre area located along the east side of Gunpowder Road, including the property at 9104-9108 Gunpowder Road and the property having a Parcel Identification Number (PIDN) of 062.00-00-120.00, Boone County and Florence, Kentucky, to allow for the development of a 284 unit multi-family residential development, in conjunction with proposed annexation of the approximate 28 acre site into the City of Florence, Kentucky, shall be and is hereby approved.

The real estate which is the subject of this request is more particularly described in Exhibit "A," attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the zoning map amendment for this subject property.

## SECTION II

This approval by the City of Florence, Kentucky, through its City Council, shall be subject to the Conditions agreed to by the applicants as set forth in Exhibit "B," a copy of which is attached hereto and incorporated herein by reference. The City of Florence, Kentucky, through its City Council adopts those Findings of Fact as set forth in the Zone Change Committee Report as Exhibit "B."

## SECTION III

If the approval for this zoning map amendment shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.


## SECTION IV

This Ordinance shall be published by posting on the City's internet website.


PASSED AND APPROVED ON FIRST READING THIS 12<sup>th</sup> DAY OF NOVEMBER 2024.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 14<sup>th</sup> DAY OF NOVEMBER 2024.

**APPROVED:**

  
Julie M. Aubuchon, Mayor

**ATTEST:**

  
Melissa Kramer, City Clerk

**LEGAL DESCRIPTION  
ZONING MAP AMENDMENT  
FOR  
BBB DEVELOPERS, LLC & KPD DEVELOPERS, LLC PROPERTIES  
GUNPOWDER ROAD  
FLORENCE & UNINCORPORATED BOONE COUNTY, KENTUCKY**

**AMENDMENT FOR ZONE CHANGE  
FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1)  
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7-01-2024

**CITY OF FLORENCE, KENTUCKY**  
**PLANNING AND ZONING COMMITTEE**

**IN RE:           REPORT AND RECOMMENDATION - REQUEST OF STEVE BERLING (APPLICANT) FOR BBB DEVELOPERS LLC, PER KIMBERLY DEDDEN AND KPD DEVELOPERS LLC, PER J. J. MILLER (OWNERS) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1) FOR AN APPROXIMATE 28 ACRE AREA LOCATED ALONG THE EAST SIDE OF GUNPOWDER ROAD, INCLUDING THE PROPERTY AT 9104-9108 GUNPOWDER ROAD AND THE PROPERTY HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 062.00-00-120.00, BOONE COUNTY AND FLORENCE, KENTUCKY, TO ALLOW FOR THE DEVELOPMENT OF A 284 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT.**

The Committee met in a regular meeting on October 23, 2024, at the Florence Government Center Building to consider the request of Steve Berling (Applicant) for BBB Developers LLC, per Kimberly Dedden and KPD Developers LLC, per J. J. Miller (Owners) for a Zoning Map Amendment. This request came before the Boone County Planning Commission on September 4, 2024 and the Planning Commission voted 7-7 to recommend approval, with conditions. That recommendation failed. As a result of a tie vote, the Planning Commission voted 10-4 to forward the request to the Boone County Fiscal Court and the City of Florence with no recommendation. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including the Minutes of the August 7, 2024 Public Hearing, Staff Report, Zone Change/Concept Plan Committee Report, Zoning Map Amendment, and supporting information. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the Zone Change/Concept Plan Committee Report for approval and that no need exists for an additional hearing before the City Council.

Further, the Committee determined, and the Applicant has agreed, that the recommendation for approval should be confirmed, subject to the conditions attached hereto and incorporated herein (Exhibit "A").

NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the request described above be approved, subject to the conditions attached hereto and incorporated herein (Exhibit "A").
- c. The Committee adopts the Findings of Fact set forth in the attached Exhibit "A" which is incorporated herein.

MEMBERS OF THE COMMITTEE:

  
\_\_\_\_\_

PATRICIA WINGO

  
\_\_\_\_\_

GARY B. WINN

**CITY OF FLORENCE, KENTUCKY**  
**PLANNING AND ZONING COMMITTEE**

**IN RE:** AGREED CONDITIONS – REQUEST OF STEVE BERLING (APPLICANT) for BBB DEVELOPERS LLC, PER KIMBERLY DEDDEN and KPD DEVELOPERS LLC, PER J. J. MILLER (OWNERS) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO URBAN RESIDENTIAL ONE (UR-1) FOR AN APPROXIMATE 28 ACRE AREA LOCATED ALONG THE EAST SIDE GUNPOWDER ROAD, INCLUDING THE PROPERTY AT 9104-9108 GUNPOWDER ROAD AND THE PROPERTY HAVING A PARCEL IDENTIFICATION NUMBER (PIDN) OF 062.00-00-120.00, BOONE COUNTY AND FLORENCE, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE TO ALLOW FOR THE DEVELOPMENT OF A 284 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT.

The Planning and Zoning Committee has recommended and the Property Owners have agreed that the following conditions will apply to the request described above.

1. The site layout, building intensity, and bedroom mix shall follow the revised Concept Development Plan that was submitted to the City of Florence on October 16, 2024, unless modified by other conditions below.
2. The development shall meet the minimum requirements of the zoning regulations and subdivision regulations.
3. The condominium buildings shall be:
  - A. Constructed per Section 3160 of the Boone County Zoning Regulations.
  - B. Two-story buildings. Note – There are some buildings noted on the Concept Development Plan that will have rear basement level walkouts and have a three-story appearance from the rear facade.
4. Although privately maintained, the streets in the condominium portion of the development shall be built to public specifications and contain:
  - A. Cul-de-sacs or turnarounds,
  - B. Streetlights,
  - C. Sidewalks on both sides of all streets.
5. As shown on the Concept Development Plan, amenities shall include, at a minimum, a shelter and an inground pool. The pool shall be enclosed with decorative metal fencing, which has an opacity of 50% or less. The shelter shall contain masonry support columns, which correlate to the condominium buildings, and a standing seam metal roof.
6. Retaining walls constructed in the condominium portion of the development shall use a masonry block which color correlates to the principal material on the condominium buildings.
7. The following use and/or leasing restrictions shall apply to the proposed multi-family portion of the development:
  - A. The development shall be a condominium development and not an apartment

development. All residential units in the condominium development shall be platted through a Condominium Regime Plat process and be assigned individual Parcel Identification Numbers by the Boone County Property Valuation Administrator's Office. Each condominium unit shall be assessed independently for all property tax purposes.

- B. The Developer shall not at any time market, promote, and/or advertise the condominium units "For Lease" or similar language.
  - C. The Developer agrees that customary Homeowners Association ("HOA") documents ("HOA Documents") will be established and recorded in a customary manner. The adopted HOA Documents shall restrict the "leasing" of condominium units consistent with the terms of the condition above. Developer agrees that at no time shall occupancy of condominium units under a Lease agreement exceed ten percent (10%) of the then permitted condominium units within the Development. Developer agrees that it shall adopt, implement, and maintain at all times an accurate record ("Record") of all the condominium units which are being occupied under a Lease arrangement. Developer shall make that Record available for inspection by Florence upon reasonable notice.
8. The following phasing and building construction conditions shall apply to the overall development:
- A. As shown on the revised Concept Development Plan, the overall development shall be built out in five phases (Phase 1 – Phase 5). Construction of the first phase (single-family home area which is not part of the zone change limits) shall be permitted once Improvement Plan and Zoning Permit applications are approved. Building construction in each subsequent condominium phase (Phases 2 – 5) shall be permitted in two-year time increments starting in the year 2026. For the purpose of this condition, the two-year time increment for a given condominium phase shall start once Boone County Building Department issues the first Certificate of Occupancy for a dwelling unit within that phase.
  - B. No more than 55 dwelling units shall be constructed in the development in any given calendar year.
  - C. The two westernmost buildings in Phase 2 shall not be granted Site Plan approval from Boone County Planning Commission until Kentucky Transportation Cabinet finalizes the Gunpowder Road widening plans.
9. A Traffic Impact Study shall be submitted with the first Major Site Plan application which proposes condominium building construction. Any off-site improvements required by Kentucky Transportation shall be constructed by the developer, at their expense, prior to any condominium unit being issued a Certificate of Occupancy from Boone County Building Department.

10. A full architectural survey of the property, including all structures, shall be submitted with the first Major Site Plan application. The architectural survey shall be completed by an architectural historian who meets the Secretary of Interior's standards.

Agreed to this 2/15 day of November, 2024.

BY: J.J. Miller Manager  
BBB Developers, (Title)

COUNTY OF KENTON STATE KENTUCKY

The foregoing instrument was acknowledged before me this 4/15 day of November, 2024, by J.J. Miller, the Manager, on behalf of the company.



Sheila R Purdy  
NOTARY PUBLIC, State at Large  
My Commission Expires: Aug 13, 2028

Agreed to this 4th day of NOVEMBER, 2024.

BY: KIMBERLY P. DEDDEN, MANAGER  
KPD HOLDINGS, LLC (Title)

COUNTY OF Boone STATE Kentucky

The foregoing instrument was acknowledged before me this 4th day of November, 2024, by Kimberly Dedden, the manager, on behalf of the company.

CHARLOTTE L. HALLIBURTON  
NOTARY PUBLIC  
STATE AT LARGE  
KENTUCKY  
COMMISSION # KYNP80307  
MY COMMISSION EXPIRES 9/29/27

Charlotte Halliburton  
NOTARY PUBLIC, State at Large  
My Commission Expires: 9/29/27



**ZONING  
FROM SR-1 TO UR-1**

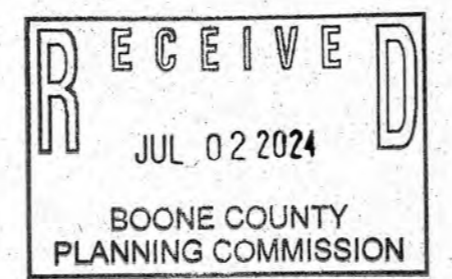
**MULTI-FAMILY DEVELOPMENT**

28.7473 ACRES
34 BUILDINGS
284 UNITS
9.8792 UNITS/ACRE

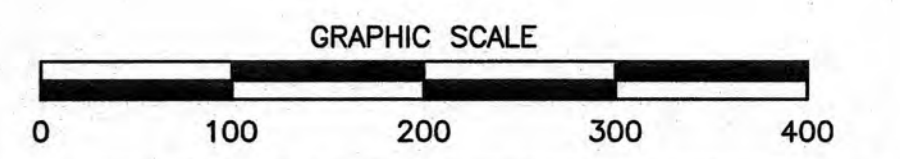
**MULTI-FAMILY DEVELOPMENT**

BUILDING TYPE	5	7	10	14
# BUILDINGS	11	3	18	2
UNITS	55	21	180	28
<b>SUM</b>	<b>284</b>			

9.9036 ACRES IN FLORENCE  
 18.8437 ACRES IN BOONE COUNTY  
 28.7473 ACRES TOTAL



**OWNERS**  
 BBB DEVELOPERS, LLC  
 KPD HOLDINGS, LLC



CONCEPT PLAN		
<b>D &amp; M GUNPOWDER DEVELOPMENT</b>		
STEVEN A. BERLING KY. ENGINEER #18134	SCALE 1"=100'	DRAWN BY EJB
9104-9108 GUNPOWDER ROAD - FLORENCE KY		
DATE 6/28/24	APPROVED BY	DRAWN NUMBER



**FISCHER HOMES**  
*FH*



FISCHER HOMES  
*FH*





# THE WEXNER GALLERY II COLLECTION

1,229 - 1,384 SQFT

1 Story

2 Bedrooms

2 Baths



Photos, Options,  
Virtual Tours,  
& More

**Promenade Level Design**



**Family Room**



**Owner's Suite**



**Flexible Space**

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# THE WEXNER GALLERY II COLLECTION

1,229 - 1,384 SQFT

1 Story

2 Bedrooms

2 Baths




Photos, Options,  
Virtual Tours,  
& More

**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Covered Deck**

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# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths




Photos, Options,  
Virtual Tours,  
& More

**Veranda Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths



Photos, Options,  
Virtual Tours,  
& More

**Promenade Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths




Photos, Options,  
Virtual Tours,  
& More

**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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# THE HAYWARD GALLERY II COLLECTION

1,469 - 1,611 SQFT

1 Story

2 Bedrooms

2 Baths




Photos, Options,  
Virtual Tours,  
& More

**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Private Study**

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# THE MONTICELLO GALLERY II COLLECTION

1,326 SQFT

1 Story

2 Bedrooms

2 Baths



Photos, Options,  
Virtual Tours,  
& More

**Veranda Level Design**



**Family Room**



**Owner's Suite**



**Flexible Space**

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# THE KIMBELL GALLERY II COLLECTION

1,111 SQFT

1 Story

1-2 Bedrooms

2 Baths




Photos, Options,  
Virtual Tours,  
& More

**Summit Level Design**



**Kitchen**



**Owner's Suite**



**Family Room**

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