

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

1. Date Received: 11/5/24 Fee Received: \$2,172.47 Receipt #: 91586
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: Steve Lilly
6. Committee Chairperson: Rick Kummerow
7. Scheduled Public Hearing Date: Dec. 4, 2024
8. Boone County Planning Commission Action: _____ Date of Action: 1-8-25
 - 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
plancom@boonecountyky.org
www.boonecountyky.org

EXHIBIT

“A”

STAFF REPORT

#5

Request of **Viox and Viox (applicant)** for **James W. and Jacqueline Turner (owners)** for a Zoning Map Amendment from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky. The request is for a zone change to allow for the creation of two (2) additional building lots.

December 4, 2024

REQUESTS

1. The request is for a zone change for an approximate 37-acre area to Agricultural Estate (A-2). The submitted concept plan shows the intent is to subdivide the southwest corner of 8369 Locust Grove Road. This subdivision will create two new parcels which will be accessed from Annie Hill Lane, an existing private street.

APPLICABLE SITE HISTORY

- 1980 The site has been within the SR-1 and A-1 Zoning District since 1980.
- 1968 A 16 foot wide passway easement was recorded in Deed Book 183, Page 85 which is known as Annie Hill Lane.

SITE CHARACTERISTICS

- A. The developed portion of the site has limited frontage along Locust Grove Road. Access to the existing structures is provided by a shared, twenty foot wide, ingress/egress easement.
- B. The west boundary of the site has approximately 858 feet along Annie Hill Lane.
- C. There are no public utilities available for the proposed lots.
- D. Topographically, the entirety of the site is divided into three areas by two blue-line streams. The proposed lots are relatively flat near Annie Hill Lane and then fall away from the street at an approximate 10% grade.

ADJACENT LAND USES AND ZONES

North, South, and West: Farmland (A-1)
East: Single Family Homes (SR-1)

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use

the following criteria:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 602 of the Boone County Zoning Regulations states that the purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.
- C. Section 602.3 of the Boone County Zoning Regulations states that the maximum intensity of use in Agricultural Estate district shall not be greater than one (1) lot per 80,000 square feet of land.
- D. Table 31.1 of the Boone County Zoning Regulations provides the following requirements for lots created in an A-2 Zoning District:
1. Minimum Lot Area – 80,000 square feet.
 2. Minimum Frontage – 150 feet
 3. Minimum Front Yard Setback – 60 feet
 4. Minimum Rear Yard Setback – 25 feet
 5. Minimum Side Yard Setback – 10 feet
- E. Section 402.O.1 of the Boone County Subdivision Regulations allows for private streets within the A-1, A-2, R, and Planned Development overlay.
- F. Section 402.O.6 of the Boone County Subdivision Regulations states that there is no limitation on the number of permissible buildable lots that may be subdivided on private streets that were existing as of March 4, 1998.

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for Rural Lands (RL) uses which are defined as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.
- B. The Land Use Plan Element of Our Boone County Plan 2040, includes the following passages, which relate to the request:

1. The greatest amount of growth in this section should occur along East Bend Road, mostly in the form of Open Space Design Residential development. The location and number of driveways should be controlled, and where possible, driveways should be shared. This development will require the realignment and improvement of East Bend Road. The small community of Waterloo may receive some limited residential growth as a result of growth in the Belleview and Burlington areas. (Gunpowder Creek Future Land Use Geographical Area, pg. 122).
 2. “Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible” (Future Land Use Development Guidelines, Buffering, pp. 95-96).
- C. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. Mixing of residential and other land uses shall be encouraged where appropriate. (Overall Goal A, Objective 2).
 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 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. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock. (Demographics Goal B, Objective 3).

5. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics Goal B, Objective 4).
6. 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).
7. Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).


STAFF COMMENTS

- A. Staff sent out an Agency Memo to the Boone County Public Works, Boone County Water District, Boone County Schools, Burlington Fire District, and the Northern Kentucky Health District. Comments received have been submitted as attachments.

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The 2040 Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,


Steven Lilly, PLS
Planner, Zoning Services

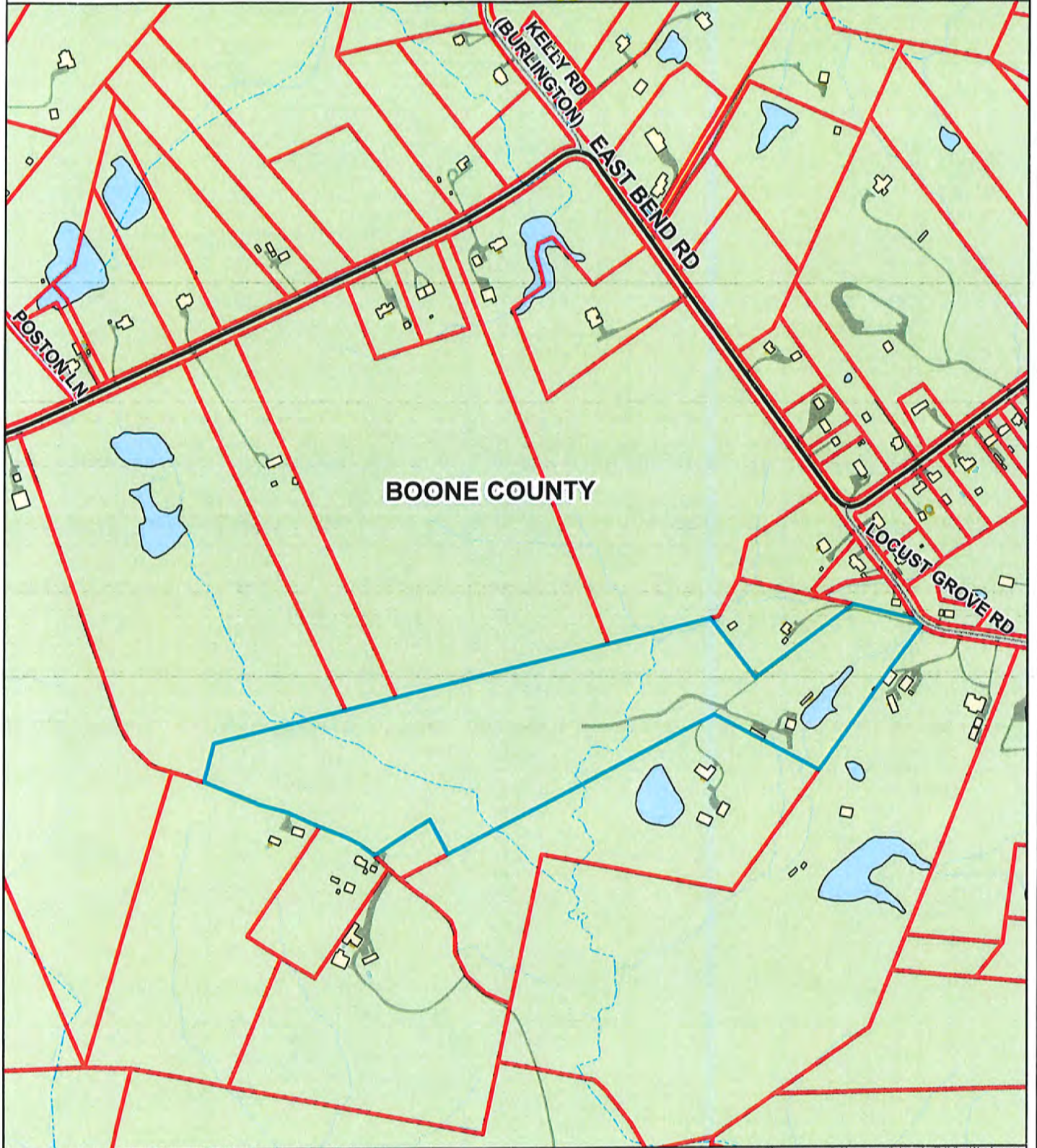
SCL/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- * Application
- *Concept Development Plan
- * Inter-departmental emails

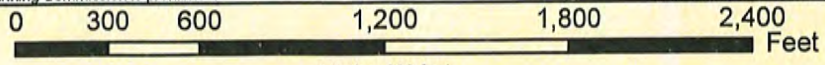
Vicinity Map

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

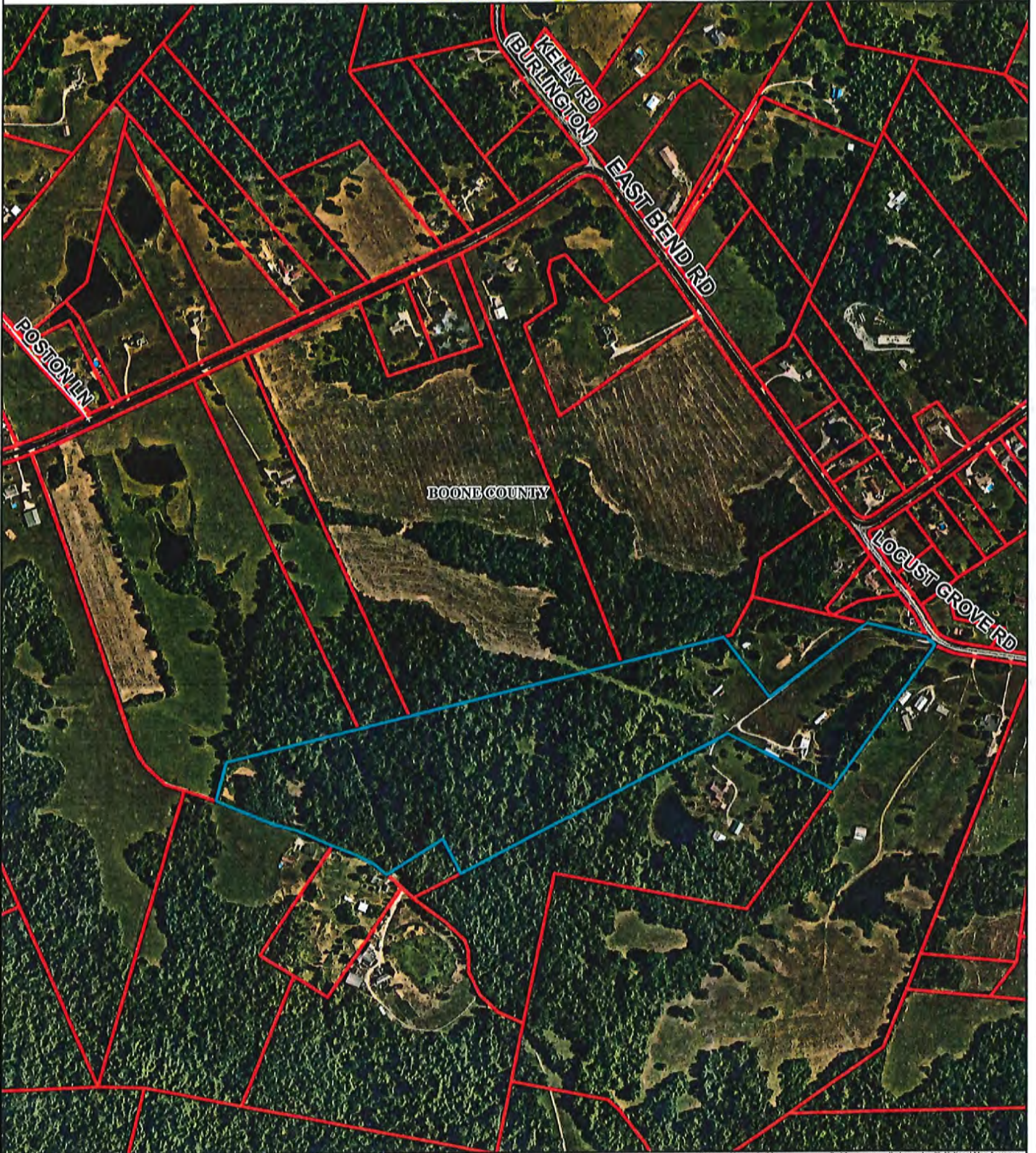


Boone County GIS - Putting Northern Kentucky on the Map

Boone County GIS
ArcMap Document: *.mxd

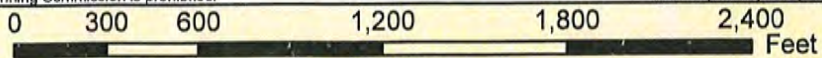
Aerial Map

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1 inch = 600 feet



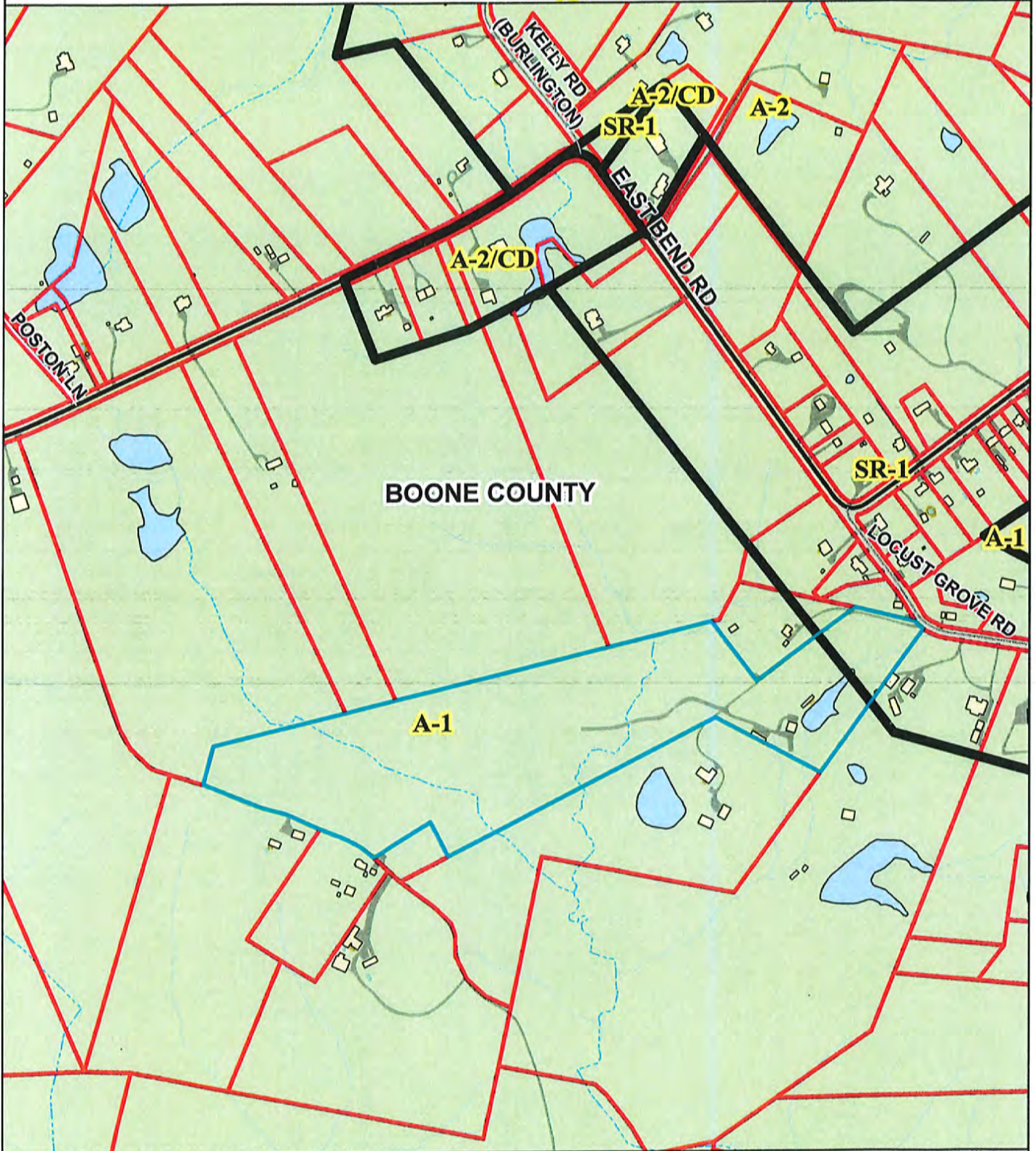
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

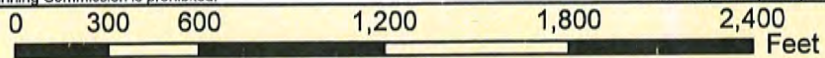
Zoning Map

www.boonecountygis.com



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1 inch = 600 feet



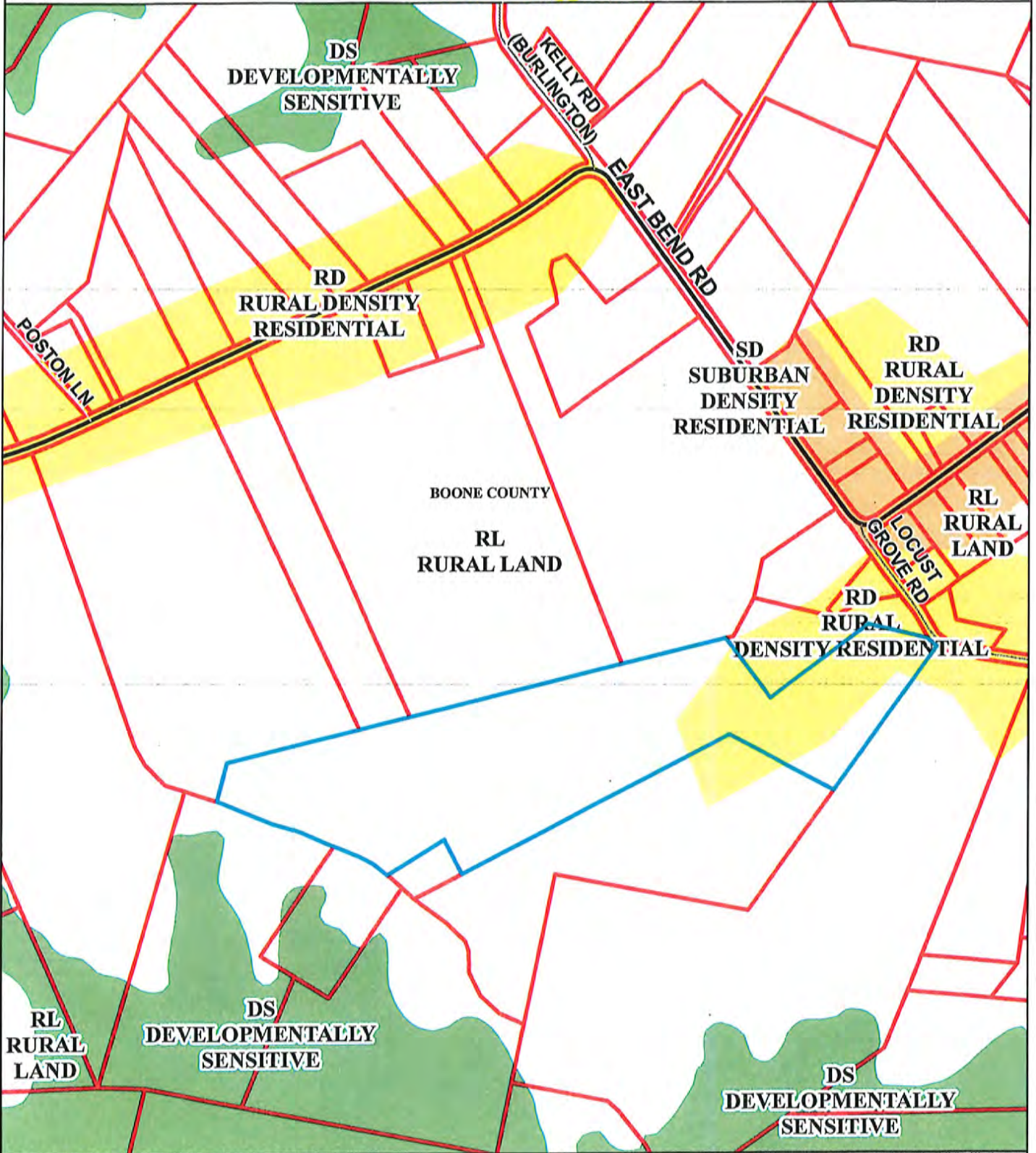
Boone County GIS - Putting Northern Kentucky on the Map



www.boonecountygis.com
ArcMap Document (*.mxd)

2040 Future Land Use Map

www.boonecountygis.com



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0 300 600 1,200 1,800 2,400 Feet

1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

12. 942 119 2045
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 1-16-2025

Property Owner's Signature:

James W Turner

Applicant's Signature:

hde

Steve Lilly

From: Mike Rouse <miker@boonewater.com>
Sent: Wednesday, November 6, 2024 1:55 PM
To: Steve Lilly
Subject: Re: Proposed Zoning Map Amendment - 8369 Locust Grove Road

EXTERNAL MESSAGE

Steve,

No comments.

Thanks,
Mike

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

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

From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, November 6, 2024 9:34 AM
To: Robert Franxman <rfranxman@boonecountyky.org>; Tom Logan <tlogan@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; Mike Rouse <miker@boonewater.com>; kim.best@boone.kyschools.us <kim.best@boone.kyschools.us>; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; jbarlow@burlingtonkyfire.org <jbarlow@burlingtonkyfire.org>; ceha@burlingtonkyfire.org <ceha@burlingtonkyfire.org>; steve.divine@nkyhealth.org <steve.divine@nkyhealth.org>; justin.hancock@nkyhealth.org <justin.hancock@nkyhealth.org>
Subject: RE: Proposed Zoning Map Amendment - 8369 Locust Grove Road

Apparently, I was up too late last night. I will need comments by **November 25, 2024**.

Steven Lilly, PLS
Planner, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

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

From: Steve Lilly
Sent: Wednesday, November 6, 2024 9:23 AM
To: Robert Franxman <rfranxman@boonecountyky.org>; Tom Logan <tlogan@boonecountyky.org>; Daniel Menetrey

Steve Lilly

From: Daniel Menetrey
Sent: Wednesday, November 6, 2024 10:09 AM
To: Steve Lilly
Subject: RE: Proposed Zoning Map Amendment - 8369 Locust Grove Road

No comments.

Daniel Menetrey, PE
Boone County Public Works
Capital Projects Manager
(859) 334-3580

From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, November 06, 2024 9:23 AM
To: Robert Franxman <rfranxman@boonecountyky.org>; Tom Logan <tlogan@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; Mike Rouse <miker@boonewater.com>; kim.best@boone.kyschools.us; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; jbarlow@burlingtonkyfire.org; ceha@burlingtonkyfire.org; steve.divine@nkyhealth.org; justin.hancock@nkyhealth.org
Subject: Proposed Zoning Map Amendment - 8369 Locust Grove Road

Good day,

We've received a Zoning Map Amendment application for the subject site. The Concept Plan has been attached in which they are showing two new lots which will access from Annie Hill (private).

Please review and let me know if you have any revision comments by **December 27, 2024**.

If you have no comments, please let me know as well.

Thanks,

Steven Lilly, PLS
Planner, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

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

Steve Lilly

From: Best, Kim <kim.best@boone.kyschools.us>
Sent: Wednesday, November 6, 2024 10:06 AM
To: Steve Lilly
Subject: RE: Proposed Zoning Map Amendment - 8369 Locust Grove Road

EXTERNAL MESSAGE

Boone County School District takes no exception.

Thank you

Kim

Kimble Best
Assistant Superintendent – Operations
District School Safety Coordinator
Boone County School District
8330 US HWY 42
Florence KY 41042
Email: kim.best@boone.kyschools.us
Teresa Adamisin, Administrative Assisant
859-282-2369



From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, November 6, 2024 9:23 AM
To: Robert Franxman <rfranxman@boonecountyky.org>; Tom Logan <tlogan@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; Mike Rouse <miker@boonewater.com>; Best, Kim <kim.best@boone.kyschools.us>; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; jbarlow@burlingtonkyfire.org; ceha@burlingtonkyfire.org; steve.divine@nkyhealth.org; justin.hancock@nkyhealth.org
Subject: Proposed Zoning Map Amendment - 8369 Locust Grove Road

EXTERNAL MESSAGE

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If you have no comments, please let me know as well.

Thanks,

Steve Lilly

From: Bridget Striker
Sent: Wednesday, November 6, 2024 10:03 AM
To: Steve Lilly
Subject: RE: Proposed Zoning Map Amendment - 8369 Locust Grove Road
Attachments: marshall_eastbend_cemetery.pdf

Steve,

While there are no historical resources within the proposed project area, the Marshall-Bradford Cemetery is located adjacent to the proposed project area at the end of Annie Hill Road. Please reference the 1.001-acre parcel 028.00-00-030.08 for the location of the cemetery. The cemetery was reported by nearby residents in 1990, please see the attached document for detailed information. Any activities related to site preparation and construction should avoid the parcel in its entirety.

Thank you,

Bridget

From: Steve Lilly <steve.lilly@boonecountyky.org>
Sent: Wednesday, November 6, 2024 9:23 AM
To: Robert Franxman <rfranxman@boonecountyky.org>; Tom Logan <tlogan@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>; Mike Rouse <miker@boonewater.com>; kim.best@boone.kyschools.us; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; jbarlow@burlingtonkyfire.org; ceha@burlingtonkyfire.org; steve.divine@nkyhealth.org; justin.hancock@nkyhealth.org
Subject: Proposed Zoning Map Amendment - 8369 Locust Grove Road

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Please review and let me know if you have any revision comments by **December 27, 2024**.

If you have no comments, please let me know as well.

Thanks,

Steven Lilly, PLS
Planner, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

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

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the fourth item on the Agenda at 8:48 p.m.

ZONING MAP AMENDMENT, Steve Lilly, Staff

5. Request of **Viox and Viox (applicant)** for **James W. and Jacqueline Turner (owners)** for a Zoning Map Amendment from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky. The request is for a zone change to allow for the creation of two (2) additional building lots.

Staff member, Steve Lilly, referred to his PowerPoint presentation. The site is located on the southwest side of Locust Grove. It is near the intersection of East Bend Road. It has limited frontage on Locust Grove but 858 feet of frontage on Annie Hill Lane. The Concept Development Plan is simple as the applicant is proposing two lots at a minimum of 80,000 square feet each with frontage along Annie Hill Lane. Both lots are heavily wooded. The site falls away from the street at a 10% grade. The entire site is zoned A-1 and SR-1. Properties adjoining the proposed two lots are zoned A-1. Pages 1-2 of the Staff Report contain the applicable regulations. On Page 2 of the Staff Report under "F", Mr. Lilly noted that Section 402.0.6 of the Subdivision Regulations stated that "there is no limitation on the number of permissible building lots that may be subdivided on private streets that were existing as of March 4, 1998." That is relevant to Annie Hill Lane has been on record since 1968. The 2040 Future Land Use Map designates the site as Rural Lands (RL), which allows low density residential uses as well as agricultural, wood and recreational uses. Mr. Lilly showed photographs of the site and adjoining properties. Comments from various agencies are attached to the Staff Report. They include comments about the Marshall-Brandford Cemetery that is located adjacent to the proposed project area at the end of Annie Hill Lane.

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

Mr. James Turner, owner, stated that he wants to sell the lots to two friends. Two single family houses would be built on both lots.

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

Mr. Daniel Tucker, 8666 East Bend Road, states right-of-way to get back there is a right of passage. It is only 16 feet wide. It doesn't have a decent base to the road. Currently, 4 families use the road and the proposed two lots will generate more traffic.

Chairman Rolfsen asked who is responsible for maintaining the gravel drive or road? Mr. Tucker replied that the people who live back there fill potholes each year. There is nothing written. Chairman Rolfsen stated that it makes sense to have a written agreement and possibly add others.

Mr. Costello asked if Mr. Turner has legal access to Annie Hill Lane. Mr. Lilly replied that he can't answer that question exactly. He doesn't know the history behind the creation of it years ago and who has the rights to it. It is a legal matter.

Mr. David Holloran, 8674 East Bend Road, stated that the Beardon residence and all of the property around it was owned by a grandfather. When the original lots were created, a right-of-way was also created down the middle of the property. In the past, he was told by the Planning Commission that no more lots could be created due to the limitations of the road. Fire trucks can't make it back there. It is too narrow. There are no ditches. Mr. Costello explained the provisions

for private roads in certain zoning districts based upon a Homeowners Agreement for access and maintenance. Mr. Holloran explained that each lot has a designated right-of-way.

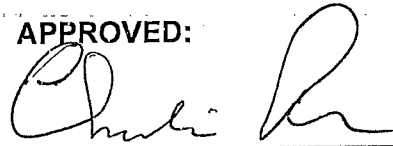
Mr. Costello explained that all of the property owners should work together to assure proper access and maintenance. It is important for emergency services and for banks to loan funds for mortgages. Mr. Costello stated that Staff will have to research the access issue further. Mr. Holloran understood the requirements for making improvements to the road so the County could take it over for maintenance purposes. No one is willing to give up property to make the road wider.

Mr. Wilson noted that the applicant must come forward to show that he has a right to connect to the passway.

Mr. Doug Simpson, 8678 East Bend Road, share the same concerns as he has shared in some of the maintenance. He doesn't know if Mr. Turner has access to the passway. Any additional traffic will cause a problem for the road. It is not in the best of shape. Any significant increase in traffic will be a problem even with one lot. It needs a solid base, ditches and culverts.

Seeing no further questions or comments from the audience or Board members, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 18, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on January 8 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:08 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
JANUARY 8, 2025
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's January 8, 2025 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
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Eric Richardson
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Steve Lilly, GISP, Planner
Ms. Lauren Elliott, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the December 18, 2024 Business Meeting. He asked if there were any comments or corrections?

Mrs. Goetting moved to approve the Minutes as presented. Dr. Clark 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 December 5, 2024 and January 8, 2025.

EXPENSES:

Accounting Fees	2,072.08
Attorney Fees	4,800.00
Auto Expense	63.49
Consultant/Professional Svcs Fees	1,041.25
Filing Fees (CLURS)	450.00
GIS Operations	285.00
Legal Ads/Recruitment	747.13
Miscellaneous Expense	164.49
Office & Board Meeting Supplies	915.45
Office Equipment / Expense	307.02
Postage Expense	132.79
Professional Development	400.00

TOTAL: \$ 11,378.70

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 8,780.28
Health/Dental/Life/LTD	21,424.20
Retirement – BCPC Portion	18,797.49
Salaries – Staff Expenses	120,715.40
Salaries – BCPC & BOA	1,515.00

TOTAL: \$ 171,232.37

GRAND TOTAL: \$ 182,611.07

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

ACTION ON PLAN REVIEWS:

CHANGE OF CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

1. 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.

Mr. Lunnemann moved to defer the request until the February 5, 2025 Business Meeting. Mr. Szurlinski seconded the motion and it passed unanimously. The next Committee Meeting for the request is scheduled for January 22, 2025 at 5:00 p.m.

ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCES, Rick Lunnemann, Chairman, Michael Schwartz, Staff

2. Request of **Brew Team KY, LLC, per Brian Evans (applicant)** for **George and Beverly Rawlings (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) and Office Two (O-2) to Commercial Services (C-3) for an approximate 1.56 acre lot located at 8109-8113 US 42, Florence, Kentucky; (2) a Change of Concept Development Plan for an approximate 0.3 acre portion of the approximate 1.56 acre lot located at 8109-8113 US 42, Florence, Kentucky; (3) a Variance reducing the Buffer Yard A width along the easternmost boundary line from ten (10) feet to four (4) feet; and (4) a Variance reducing the one-way drive aisle width from twenty (20) feet to sixteen (16) feet. The request is for a zone change, change of concept development plan, and variances for the approximate 1.56 acre property located at 8109-8113 US 42, Florence, Kentucky, to allow for the development of a 510 square foot drive-through only coffee shop and a 280 square foot remote storage/cooler accessory structure.

Staff Member, Michael Schwartz read the Committee Report, which recommended approval of the Zoning Map Amendment and Variance based upon Findings of Facts and Conditions. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission. The other Variance request of reducing the drive aisle width has been withdrawn. Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gulick voted in favor of the request. Action by the Board regarding the Variance will become final should the Zoning Map Amendment request be approved by the City of Florence.

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

Mr. Brian Evans, applicant, stated that he was available to answer any questions.

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the City of Florence to recommend approval of the Zoning Map Amendment, Change in Concept Development Plan and Variance based on the Committee Report, Findings of Fact and Conditions. Mrs. Kegley seconded the motion.** Chairman Rolfsen asked if there were any questions or comments?

Mr. Szurlinski commented that we have overlooked traffic on LaCresta Drive. At what point does it end? Mr. Lunnemann responded that is why the drive is exit only to LaCresta Drive. The applicant explained that if they didn't have an exit only to LaCresta Drive to a traffic signal, it would kill the project. The access on U.S. 42 is right turn in and out only.

Mrs. Kegley noted that at the busiest hour, most people will be making a right turn in only. When it is not as busy, people still need to turn left.

The applicant noted that the peak hours for business are 7:00 to 9:00 a.m. The rest of the day is pretty steady. Usually, it is 75 vehicles per hour vs 30-40 cars per hour. Mr. Evans explained that his group is trying to build 72 locations this year. It will be a June construction for the proposed site. The building is pre-manufactured. It takes 12 weeks to open the store from the start.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mrs. Kegley. The vote found Mr. Bessler, Dr. Clark, Mrs. Goetting, Ms. Gulick, Mr. Harper, Mr. Hincks, Mrs. Kegley, Mr. Lunnemann, Chairman Rolfsen, Mr. Schwenke, Mrs. Steele and Mr. Turner in favor of the request and Mr. Szurlinski against the request. The motion passes by a vote of 12-1.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Janet Kegley, Chairwoman, Lauren Elliott, Staff

3. Request of **Connections: Skills for Life, Inc., per Deb Geers (applicant) for Kathleen Bishop (owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) district, for an approximate 8.8 acre area located At 45 Cavalier Boulevard, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the existing building to be used for life learning skills, day care, medical, office, and other associated uses.

Staff Member, Lauren Elliott, read the Committee Report, which recommended approval of the Change in Concept Development Plan, based upon Findings of Facts and a Condition. The Committee voted 4-0 in favor of the request and the applicant has signed the Condition Letter and provided a landscaping plan.

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

Seeing no further comment, Mrs. Kegley moved, by Resolution to the City of Florence to recommend approval of the Change in Concept Development Plan, based on the Committee Report and Findings of Fact and with one Condition. Mr. Szurlinski seconded the motion and it passed unanimously.

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

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

Staff Member, Steve Lilly, read the Committee Report, which recommended approval of the Change in Concept Development Plan based upon Findings of Facts and Conditions. The Committee voted 4-0 in favor of the request and the applicant and owner have signed the Condition Letter.

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

Seeing no further comment, Mr. Harper moved, by Resolution to the City of Florence to recommend approval of the Concept Development Plan based on the Committee Report outlining Findings of Fact and Conditions. Mr. Schwenke seconded the motion and the motion passed unanimously.

ZONING TEXT AMENDMENT, Rick Lunnemann, Chairman, Michael Schwartz, Staff

5. Request of Walton City Council to consider a Zoning Text Amendment to Section 505.3 (Use District Matrix), of the Boone County Zoning Regulations adding 'Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises as a conditional use within the Commercial Two (C-2) district.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Text Amendment based upon Findings of Fact and a Condition (see January 8, 2025 Committee Report). The Committee voted unanimously in favor of the request.

Seeing no further comment, Mr. Lunnemann moved, by Resolution to the City of Walton to recommend approval of the Zoning Text Amendment based on the Committee Report as read. Mrs. Steele seconded the motion and it passed unanimously.

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

6. Request of **Viox and Viox (applicant)** for **James W. and Jacqueline Turner (owners)** for a Zoning Map Amendment from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky. The request is for a zone change to allow for the creation of two (2) additional building lots.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval of the Zoning Map Amendment based upon Findings of Fact. The Committee voted 4-0 in favor of the request.

Chairman Rolfsen noticed that Mrs. Kegley signed the Committee Report but she did not mark a box for a vote. Mrs. Kegley confirmed that she intended to vote in favor of the request.

Seeing no further comment, **Mr. Lunnemann noted that the applicant did provide documentation that Annie Hill Lane provides legal access to the proposed lots. He moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Map Amendments based on the Committee Report and the Findings of Fact. Mrs. Kegley seconded the motion.** Chairman Rolfsen asked about the condition of the road. Did the Committee discuss it? Mr. Lunnemann replied not in any detail since it was only 2 lots. Mrs. Kegley stated that 2 more landowners can help pay to maintain the road. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mrs. Kegley. It passed unanimously.**

NEW BUSINESS

CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCES, Lauren Elliott, Staff

7. Request of **Brew Team KY, LLC (applicant)** for **Massive 2.0, LLC (owner)** for a Change of Concept Development Plan and Variances in a Commercial Services (C-3) district, for an approximate 0.56 acre area lot located at 7303 Turfway Road, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the development of a 543 square foot drive-through only coffee shop and a 277 square foot remote storage/cooler accessory structure. The Variances are to: (1) reduce the front yard setback from fifty (50) feet to thirty-seven (37) feet; and (2) reduce the Buffer Yard width from ten (10) feet to seven (7) feet along the west property line, five (5) feet along the south property line, and eight (8) feet along the east property line.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

8. Request of **Viox and Viox Inc, per Brock MacKay (applicant)** for **CCM LLC (owner)** for a Change of Concept Development Plan and Variance in a Commercial Services (C-3) district, for an approximate 6.7 acre area lot located at 10855 Dixie Highway, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow the construction of an approximate 6,400 square foot building addition and the construction of an approximate 28,500 square foot commercial building and an approximate 11,000 square foot commercial building. The Variance is to reduce the Buffer Yard A width along the south property line from ten (10) feet to zero (0) feet.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

9. Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Michael Schwartz, Staff

10. Request of **Bluegrass Cannacare LLC (applicant)** for **NKH Investment LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) and a Conditional Use Permit for an approximate 0.35 acre area located at 6809 Burlington Pike, Florence, Kentucky. The request is for a Zoning Map Amendment and Conditional Use Permit to allow the existing building to be occupied by a medical cannabis dispensary business.

ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT/VARIANCE, Michael Schwartz, Staff

11. Request of **Arnold Consulting Engineering Services Inc (applicant)** for **Shree Laxmi Vishnu LLC (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Office Two (O-2), a Conditional Use Permit for a hotel, and a Variance for an approximate 3.7 acre area located along the east side of Frogtown Connector Road, between Richwood Road and Frontage Road, approximately six hundred (600) feet north of Richwood Road, and having Parcel Identification Numbers (PIDN's) of 075.00-00-102.00 and 075.00-00-102.13, Boone County, Kentucky. The request is for: (1) a Zoning Map Amendment to allow the development of a 73,275 square foot, four story, 109 room hotel and a future development area; (2) a Conditional Use Permit to allow a hotel in an O-2 district; and (3) a Variance reducing the Buffer Yard A width along a portion of Frogtown Connector Road from ten (10) feet to four (4) feet.

Mrs. Goetting moved to schedule the Public Hearings for Items #7, #8, #9, #10 and #11 on February 5, 2025 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.

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

No Report

I. COMMITTEE REPORTS:

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

Chairman Rolfsen complimented the County as well as three cities for doing a good job in removing snow in the past two days. It was a record snow amount in a short period of time. There were minimal disruptions.

J. CHAIRMAN'S REPORT: (Charlie Rolfsen)

Election of Officers for 2025 – Mr. Schwenke announced that the present officers wanted to serve another year in the same positions. The Nominating Committee is Mr. Schwenke and Mrs. Kegley. He asked if there was anyone else interested in being nominated? Mr. Wilson stated for the record, there are no nominations from the floor. **Mrs. Kegley moved to elect the current officers in the same positions for the year 2025.**

Charlie Rolfsen - Chairman
Corrin Gulick - Vice-Chairwoman
Jackie Steele - Secretary/Treasurer
Steve Harper - Temporary Presiding Officer

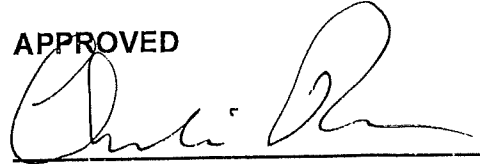
Mr. Schwenke seconded the motion and is passed unanimously.

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. Turner seconded the motion and it passed unanimously. The meeting was adjourned at 7:38 p.m.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chair

DATE: January 8, 2025

RE: Request of **Viox and Viox (applicant)** for **James W. and Jacqueline Turner (owners)** for a Zoning Map Amendment from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky. The request is for a zone change to allow for the creation of two (2) additional building lots.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee concluded that the proposed A-2 district, along with the submitted Concept Development Plan is consistent with the Our Boone County Plan 2040 Land Use Plan Element designating the site for "Rural Lands" described as wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.

The proposed Concept Plan shows the proposal of two parcels each being approximately two acres in size. The proposal is a minor subdivision of land on an existing private road and no public improvements are being proposed.

2. The Committee concluded that sufficient information had been provided by the applicant indicating that the property had access to the existing private road named Annie Hill Lane.

The proposed Concept Plan shows the two new lots utilizing Annie Hill Lane for access. The Boone County Subdivision Regulations do not limit the number of permissible buildable lots on private roads that were existing as of March 4, 1988.

3. The Committee concluded that the proposed A-2 district, along with the submitted Concept Development Plan, is consistent with several Our Boone County Plan 2040 Goals and Objectives.
 - a) Mixing of residential and other land uses shall be encouraged where appropriate. (Overall Goal A, Objective 2).
 - b) 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).

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Turner – Annie Hill Lane

January 8, 2025

Page 2

- c) 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).
- d) Roadway capacity shall be preserved by utilizing access management policies and guidelines (Transportation Goal B, Objective 4).

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

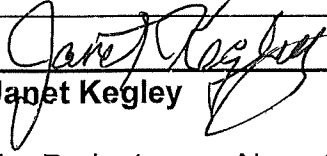
DATE: December 18, 2024

REMARKS:

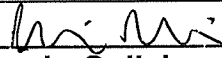
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

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

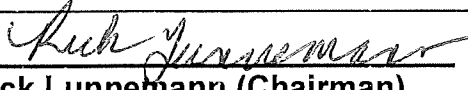
1. Request of **Viox and Viox (applicant)** for **James W. and Jacqueline Turner (owners)** for a Zoning Map Amendment from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky. The request is for a zone change to allow for the creation of two (2) additional building lots.



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

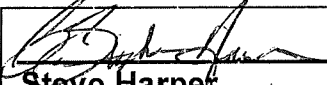


Corrin Gulick
For Project X Absent ___
Against Project ___
Abstain ___ Deferred ___



Rick Lunnemann (Chairman)
For Project 1 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 4 FOR PROJECT ___ ABSENT
 ___ AGAINST PROJECT ___ ABSTAIN

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the fourth item on the Agenda at 8:48 p.m.

ZONING MAP AMENDMENT, Steve Lilly, Staff

5. Request of **Viox and Viox (applicant)** for **James W. and Jacqueline Turner (owners)** for a Zoning Map Amendment from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky. The request is for a zone change to allow for the creation of two (2) additional building lots.

Staff member, Steve Lilly, referred to his PowerPoint presentation. The site is located on the southwest side of Locust Grove. It is near the intersection of East Bend Road. It has limited frontage on Locust Grove but 858 feet of frontage on Annie Hill Lane. The Concept Development Plan is simple as the applicant is proposing two lots at a minimum of 80,000 square feet each with frontage along Annie Hill Lane. Both lots are heavily wooded. The site falls away from the street at a 10% grade. The entire site is zoned A-1 and SR-1. Properties adjoining the proposed two lots are zoned A-1. Pages 1-2 of the Staff Report contain the applicable regulations. On Page 2 of the Staff Report under "F", Mr. Lilly noted that Section 402.0.6 of the Subdivision Regulations stated that "there is no limitation on the number of permissible building lots that may be subdivided on private streets that were existing as of March 4, 1998." That is relevant to Annie Hill Lane has been on record since 1968. The 2040 Future Land Use Map designates the site as Rural Lands (RL), which allows low density residential uses as well as agricultural, wood and recreational uses. Mr. Lilly showed photographs of the site and adjoining properties. Comments from various agencies are attached to the Staff Report. They include comments about the Marshall-Brandford Cemetery that is located adjacent to the proposed project area at the end of Annie Hill Lane.

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

Mr. James Turner, owner, stated that he wants to sell the lots to two friends. Two single family houses would be built on both lots.

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

Mr. Daniel Tucker, 8666 East Bend Road, states right-of-way to get back there is a right of passage. It is only 16 feet wide. It doesn't have a decent base to the road. Currently, 4 families use the road and the proposed two lots will generate more traffic.

Chairman Rolfsen asked who is responsible for maintaining the gravel drive or road? Mr. Tucker replied that the people who live back there fill potholes each year. There is nothing written. Chairman Rolfsen stated that it makes sense to have a written agreement and possibly add others.

Mr. Costello asked if Mr. Turner has legal access to Annie Hill Lane. Mr. Lilly replied that he can't answer that question exactly. He doesn't know the history behind the creation of it years ago and who has the rights to it. It is a legal matter.

Mr. David Holloran, 8674 East Bend Road, stated that the Beardon residence and all of the property around it was owned by a grandfather. When the original lots were created, a right-of-way was also created down the middle of the property. In the past, he was told by the Planning Commission that no more lots could be created due to the limitations of the road. Fire trucks can't make it back there. It is too narrow. There are no ditches. Mr. Costello explained the provisions

for private roads in certain zoning districts based upon a Homeowners Agreement for access and maintenance. Mr. Holloran explained that each lot has a designated right-of-way.

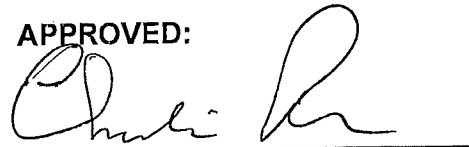
Mr. Costello explained that all of the property owners should work together to assure proper access and maintenance. It is important for emergency services and for banks to loan funds for mortgages. Mr. Costello stated that Staff will have to research the access issue further. Mr. Holloran understood the requirements for making improvements to the road so the County could take it over for maintenance purposes. No one is willing to give up property to make the road wider.

Mr. Wilson noted that the applicant must come forward to show that he has a right to connect to the passway.

Mr. Doug Simpson, 8678 East Bend Road, share the same concerns as he has shared in some of the maintenance. He doesn't know if Mr. Turner has access to the passway. Any additional traffic will cause a problem for the road. It is not in the best of shape. Any significant increase in traffic will be a problem even with one lot. It needs a solid base, ditches and culverts.

Seeing no further questions or comments from the audience or Board members, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 18, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on January 8 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:08 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

GENERAL WARRANTY DEED

Know All Men By These Presents:

That Kimberly Ganschow and Victor L. Boelscher, Ancillary Co-Administrators of The Estate of Minnie Belle Bearden [deceased]; Kimberly Ganschow, Executrix of the Estate of Roger Weldon Bearden [deceased]; Kimberly Ganschow, unmarried; Patty Crooker [aka Patricia G. Crooker] and Billy D. Crooker, wife and husband; Dixie Bearden [aka Mildred Bearden], unmarried by and through Nancy Carroll, her Attorney-in-Fact; Roger Bearden, Jr., unmarried; Nancy B. Carroll, unmarried; Victor L. Boelscher and Barbara J. Boelscher, husband and wife; and Mary Ann Lane and Richard Lane, wife and husband, for and in full consideration of One Dollar and Other Valuable Consideration to them paid by the Grantee herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

James W. Turner and M. Jacqueline Turner, husband and wife, jointly for their natural lives with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described Real Estate in the County of Boone and Commonwealth of Kentucky, to wit:

Grantors Address: MB Estate: 8449 Locust Grove Road, Burlington KY 41005
RB Estate: 8449 Locust Grove Road, Burlington KY 41005
KB: 8449 Locust Grove Road, Burlington, KY 41005
PC: 8699 Locust Grove Road, Burlington, KY 41005
DB: 1546 Rozelle Creek, Road Chillicothe OH 45601
RB, Jr: 8670 East Bend Road, Burlington, KY 41005
NC: 1546 Rozelle Creek Road, Chillicothe, OH 45601
VB: 8426 East Bend Road, Burlington, KY 41005
ML: 10645 Killarney Drive, Union, KY 41091

Grantees Address: 10050 Indian Hill Drive
Union, KY 41091

Street Address: 37.098 acres Locust Grove R, Burlington, KY 41005

Tax Mailing Address: 10050 Indian Hill Drive
Union, Kentucky 41091

Group Number: 2045

Located in Boone County, Kentucky, lying on the south side of Grove Road and North of a 16 foot pass way known as Annie Hill (Private) and being all of the remaining property conveyed to W.L. Bearden by deed recorded in Deed Book 183, Page 85 of the Boone County Clerk's Office, Burlington, Kentucky and is more particularly described as follows;

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a 1/2 inch diameter rebar eighteen inches in length, with a plastic cap stamped "PLS 3357". All bearings referred to herein are based upon KSPCS-North Zone-NAD 83 (1993).

Beginning at an existing Mag nail in the centerline of Locust Grove Road and at the common corner with W.L. Bearden (Deed Book 183, Page 85), Albert Hillenbrand (Deed Book 251, Page 30), and Otha Sevan & Carol Denham (Deed Book 909, Page 608); thence with the common, line of Bearden and Otha Sevan. & Carol Denham S 36-09-18 W 831.54 feet to an existing iron pin at a common corner with Bearden and Ronald Schweitzer (Deed Book 656, Page 163); thence with the common line of Bearden and Schweitzer N 63-06-22 W 520.50 feet to an existing iron pin.; thence S 62-27-38 W 1318.73 feet; to an iron pin (set), with the line of a 1.001 acre parcel conveyed by Bearden N 27-32-22 W 175.00 feet to an iron pin (set); thence S 57-34-05 W 296.40 feet; to an iron pin (set) in the centerline of a 16 foot wide pass way (Deed Book 183, Page 85) and in a common line with Bearden and Hill Family Trust (Deed Book 936, Page 211); thence with said common line and with the center of said pass way N 48-48-39 W 80.78 feet

RETURN TO: *Intestate Closing*

6587

to an existing spike; thence with the common line of Bearden, Hill Family Trust, and Daniel Tucker (Deed Book 821, Page 527) N 67-57-19 W 269.86 feet to an existing spike; thence with the common line of Bearden and Tucker N 64-15-51 W 92.46 feet to an existing spike; thence N 73-41-21 W 121.99 feet to an existing spike; thence N 70-33-35 W 66.20 feet to an existing spike; thence N 67-31-21 W 227.28 feet to an existing spike at the common corner of Bearden, Tucker, and Mary Ann Daniels (Deed Book 209, Page 301); thence with the common line of Bearden and Daniels N 13-26-21 E 189.85 feet to an existing iron pin; thence with the common line of Bearden, Daniels, Marie Boelscher (Deed Book 209, Page 298), and Victor Boelscher (Deed Book 209, Page 303) N 76-37-10 E 2297.61 feet to an existing pipe at a common corner with Bearden and Nancy Karnes (Deed Book 731, Page 247); thence with the common line of Bearden and Karnes S 37-36-40 E 342.78 feet to an existing spike; thence N 52-35-48 E 548.41 feet to an existing pipe at the common corner of Bearden and Karnes and in a common line with Hillenbrand; thence with the common line of Bearden and Hillenbrand S-78-06-19 E 321.60 feet to the place of Beginning containing 37.098 acres and being subject to all right-of-ways and easements of record.

Also subject to a 20.00 foot wide ingress/egress easement as described in Easement Book 20, page 159 and Deed Book 731, page 247.

Also subject to a 16 foot wide pass way as described in Deed Book 183, page 85.

Being all of the remaining property conveyed to W.L. Bearden, by deed recorded in Deed Book 183, page 85 of the Boone County Clerk's Office at Burlington, Kentucky.

Subject to easements, conditions, restrictions, and covenants of record and/or in existence.

Being all the remaining property conveyed to Weldon Lewis Bearden and Minnie Belle Bearden, husband and wife, from Paul Jeffrey Grenon, unmarried by deed dated October 7, 1968 and recorded October 7, 1968 in Deed Book 183 at Page 85 of the Boone County Clerk's records at Burlington, Kentucky.

Weldon Lewis Bearden died on July 31, 1989 and by operation of law, all right, title, and interest in the real estate passed to his surviving spouse, Minnie Belle Bearden.

Minnie Belle Bearden died testate a resident of Gilmer County, Georgia. An Ancillary Administration of her estate was opened in Boone County, Kentucky with Boone County District Court Case No. 02-P-449. The will of Minnie Belle Bearden is recorded in Will Book 66 Page 589 of the Boone County Clerk's records. Item VII of said will devises the residue of her estate, including all remaining real property in two equal shares to Roger Weldon Bearden and Dorothy Marie Antrobus. Dorothy Marie Antrobus' name was changed to Dorothy Marie Boelscher. An Affidavit concerning transfer of real property for the Estate of Minnie Belle Bearden was recorded on September 6, 2006 in Miscellaneous Book 1060 Page 158 of the Boone County Clerk's records.

Dorothy Marie Antrobus aka Dorothy Marie Boelscher died intestate on August 28, 2003. The Grantors herein, Victor L. Boelscher and Mary A. Lane, are her only surviving heirs. An Affidavit of Descent is recorded in Book MC1082, Page 416 of the Boone County Clerk's records at Burlington, Kentucky.

Roger Weldon Bearden died testate a resident of Boone County, Kentucky on June 9, 2005. His will was admitted to probate on July 25, 2005, Boone County District Case Number 05-P-331, and was recorded on July 25, 2005 in Will Book 69 at Page 287. Kimberly S. Ganschow was appointed the Executrix of his Estate. Item VII of said will leaves

all remaining real property to his five children, Patty Crooker, Dixie Bearden, Roger Bearden, Jr., Kimberly Ganschow (whose last name is actually Ganschow), and Nancy Carroll, Grantors herein.

Patty Crooker is also known as Patricia G. Crooker and is married to Billy D. Crooker who joins in this Deed of Conveyance.

Dixie Bearden is also known as Mildred Bearden. Mildred Bearden a/k/a Dixie Bearden signs this Deed by and through her Attorney-in-Fact Nancy Carroll. Said Power of Attorney is dated September 21, 2007 and recorded October 4 2007 in Miscellaneous Book D942 Page 116 of the Boone County Clerk's records at Burlington, Kentucky.

This deed is being executed by all the surviving children of Roger Weldon Bearden and Dorothy Marie Antrobus.

Together with all the Privileges and Appurtenances to the same belonging. To Have and To Hold the same to the said James W. Turner and M. Jacqueline Turner husband and wife, jointly for their natural lives with the remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the Grantors, their heirs, executors, and administrators, **HEREBY COVENANTING** with the Grantees, their heirs and assigns, that the **TITLE** so conveyed is **CLEAR, FREE and UNENCUMBERED**, and that they will **WARRANT AND DEFEND** the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantors, Kimberly Ganschow and Victor L. Boelscher, Ancillary Co-Administrators of The Estate of Minnie Belle Bearden [deceased]; Kimberly Ganschow, Executrix of the Estate of Roger Weldon Bearden [deceased]; Kimberly Ganschow, unmarried; Patty Crooker [aka Patricia G. Crooker] and Billy D. Crooker, wife and husband; Dixie Bearden [aka Mildred Bearden], unmarried by and through Nancy Carroll, her Attorney-in-Fact; Roger Bearden, Jr., unmarried; Nancy B. Carroll, unmarried; Victor L. Boelscher and Barbara J. Boelscher, husband and wife; and Mary Ann Lane and Richard Lane, wife and husband, have hereunto set their hands, this 1st day of October, 2007.

The Estate of Minnie Belle Bearden, [deceased], GRANTOR

BY: Kimberly Ganschow
Kimberly Ganschow, Co Administrator

BY: Victor L. Boelscher
Victor L. Boelscher, Co-Administrator

The Estate of Roger Weldon Bearden, [deceased], Grantor

BY: Kimberly Ganschow
Kimberly Ganschow, Executrix

Kimberly Ganschow
Kimberly Ganschow, Grantor

Patty Crooker
Patty Crooker [aka Patricia G. Crooker], Grantor

Billy D. Crooker
Billy D. Crooker, Grantor

Dixie Bearden [aka Mildred Bearden], Grantor

BY: Nancy Carroll POA
Nancy Carroll, POA

Roger Bearden Jr.
Roger Bearden, Jr., Grantor

Nancy B. Carroll
Nancy B. Carroll, Grantor

Victor L. Boelscher
Victor L. Boelscher, Grantor

Barbara J. Boelscher
Barbara J. Boelscher, Grantor

Mary Ann Lane
Mary Ann Lane, Grantor

Richard Lane
Richard Lane, Grantor

KRS 382 CERTIFICATION

The Grantors, Kimberly Ganschow and Victor L. Boelscher, Ancillary Co-Administrators of The Estate of Minnie Belle Bearden [deceased]; Kimberly Ganschow, Executrix of the Estate of Roger Weldon Bearden [deceased]; Kimberly Ganschow, unmarried; Patty Crooker [aka Patricia G. Crooker] and Billy D. Crooker, wife and husband; Dixie Bearden [aka Mildred Bearden], unmarried by and through Nancy Carroll, her Attorney-in-Fact; Roger Bearden, Jr., unmarried; Nancy B. Carroll, unmarried; Victor L. Boelscher and Barbara J. Boelscher, husband and wife; and Mary Ann Lane and Richard Lane, wife and husband, and the Grantees, James W. Turner and M. Jacqueline Turner, having been first duly cautioned and sworn, depose and say under oath that \$272,615.00 is the full consideration paid by James W. Turner and M. Jacqueline Turner to Kimberly Ganschow and Victor L. Boelscher, Ancillary Co-Administrators of The Estate of Minnie Belle Bearden [deceased]; Kimberly Ganschow, Executrix of the Estate of Roger Weldon Bearden [deceased]; Kimberly Ganschow, unmarried; Patty Crooker [aka Patricia G. Crooker] and Billy D. Crooker, wife and husband; Dixie Bearden [aka Mildred Bearden], unmarried by and through Nancy Carroll, her Attorney-in-Fact; Roger Bearden, Jr., unmarried; Nancy B. Carroll, unmarried; Victor L. Boelscher and Barbara J. Boelscher, husband and wife; and Mary Ann Lane and Richard Lane, wife and husband for the real estate conveyed by this Deed.

James W. Turner
James W. Turner, Grantee

The Estate of Minnie Belle Bearden, [deceased], GRANTOR

M. Jacqueline Turner
M. Jacqueline Turner, Grantee

Kimberly Ganschow
BY: Kimberly Ganschow, Co Administrator

Victor L. Boelscher
BY: Victor L. Boelscher, Co-Administrator

The Estate of Roger Weldon Bearden, [deceased], Grantor

Kimberly Ganschow
BY: Kimberly Ganschow, Executrix

Kimberly Ganschow
Kimberly Ganschow, Grantor

Patty Crooker
Patty Crooker [aka Patricia G. Crooker], Grantor

Billy D. Crooker
Billy D. Crooker, Grantor

Dixie Bearden [aka Mildred Bearden], Grantor

Nancy Carroll POA
BY: Nancy Carroll, POA

Roger Bearden, Jr.
Roger Bearden, Jr., Grantor

Nancy B. Carroll
Nancy B. Carroll, Grantor

Victor L. Boelscher
Victor L. Boelscher, Grantor

Barbara J. Boelscher
Barbara J. Boelscher, Grantor

Mary Ann Lane
Mary Ann Lane, Grantor

Richard Lane
Richard Lane, Grantor

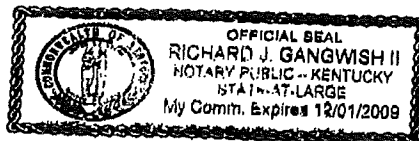
COMMONWEALTH OF KENTUCKY }
COUNTY OF BOONE }

The foregoing deed and KRS 382 Certification were acknowledged and sworn to before me this 1st day of October, 2007 by Kimberly Ganschow and Victor L. Boelscher, Ancillary Co-Administrators of The Estate of Minnie Belle Bearden [deceased]; Kimberly Ganschow, Executrix of the Estate of Roger Weldon Bearden [deceased]; Kimberly Ganschow, unmarried; Patty Crooker [aka Patricia G. Crooker] and Billy D. Crooker, wife and husband; Dixie Bearden [aka Mildred Bearden], unmarried by and through Nancy Carroll, her Attorney-in-Fact; Roger Bearden, Jr., unmarried; Nancy B. Carroll, unmarried; Victor L. Boelscher and Barbara J. Boelscher, husband and wife; and Mary Ann Lane and Richard Lane, wife and husband, the Grantors in the foregoing deed, and by James W. Turner and M. Jacqueline Turner, husband and wife, the Grantees in the foregoing deed to be their free and voluntary act and deed Florence, Kentucky.

AFTER RECORDING
MAIL TO:

This Deed was prepared by
RICHARD J. GANGWISH II, P.S.C.
BY Richard J. Gangwish II
RICHARD J. GANGWISH II, KBA #24190
Attorney and Counsellor-at-Law
3307 Dixie Highway
Erlanger, Kentucky 41018-1832
(859) 341-1256 FAX (859) 331-3299
E-Mail Address: RJGANGWISH@aol.com

Richard J. Gangwish II
NOTARY PUBLIC KY STATE-AT-LARGE
My commission expires: 12-01-09



File Number: 07-1483a



VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road | 602 Lila Avenue
Erlanger, Kentucky 41018 | Milford, Ohio 45150

Tel: 859.727.3293 | Tel: 513.576.1000
Fax: 859.727.8452

www.vioxinc.com

December 16, 2024

Boone County Planning Commission
2950 Washington Street, Room 317
Burlington, KY 41005

Attn: Mr. Steve Lilly, PLS, Planner

RE: Annie Hill Road

Dear Mr. Lilly,

This letter is in response to the question of the creation of and the right-of-use of the existing passway or private road known as Annie Hill Road as it relates to the James Turner property.

My research indicates the passway has been in existence since approximately 1888 as it is referenced and created in the division of the Lands of Leonard Clore (deceased). The passway was created for use by 4 lots in the division, inclusive of the right to use 20 feet wide passway from the subject parcel to East Bend Road.

Mr. Turner acquired all of the remaining property conveyed to W.L. Bearden. The Bearden parcel contained approximately 133 acres and was located on the northeast and southwest side of Annie Hill Road and was a lot on the Division of Leonard Clore. The Bearden parcel of 133 acres was subject to and had the right-of-use of the 16 feet wide and 20 feet wide passways. It is my opinion that any rights to the passway transferred to Mr. Turner upon the execution of the deed from the heirs of W. L. Bearden to Turner as this was the only means of ingress/egress to the 133 acre parcel.

Also, a review of archived aerial photographs beginning in 1949, depict the continuous use of the passway for the Turner parcel and predecessors in title.

If you need additional information or have any questions, please contact me directly at 859-957-0081.

Sincerely,

Gregory A. Larison, PLS

ORDINANCE 2025-07

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING A REQUEST OF VIOX AND VIOX (APPLICANT) FOR JAMES W. AND JACQUELINE TURNER (OWNERS) FOR A ZONING MAP AMENDMENT FROM AGRICULTURE (A-1) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO AGRICULTURAL ESTATE (A-2) FOR AN APPROXIMATE 37 ACRE AREA LOCATED AT 8369 LOCUST GROVE ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky, which is more particularly described below; and

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

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, this Zoning Map Amendment being a zone change from Agriculture (A-1) and Suburban Residential One (SR-1) to Agricultural Estate (A-2) for an approximate 37 acre area located at 8369 Locust Grove Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agriculture (A-1) and Suburban Residential One (SR-1) zones is more particularly described in DEED BOOK: 942, PAGE NO: 119 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for approval for a Zoning Map Amendment request are the Findings of Fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit 1."

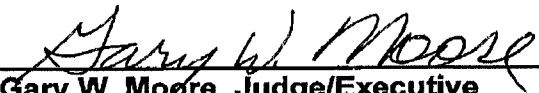
Section Three

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

First Reading the 4th day of February 2025.

Second Reading the 18th day of February 2025.

Adopted this 18th day of February 2025. Yes 4 No 0



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

ATTEST:



Shona Schulkers,
Fiscal Court Clerk

