

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

1. Date Received: 11/20/24 Fee Received: \$ 2342.26 Receipt #: 91720
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: Lamilton
6. Committee Chairperson: David Hincks
7. Scheduled Public Hearing Date: 1/8/25
8. Boone County Planning Commission Action: _____ Date of Action: 2/5/25
 - 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”

Request of **Susan Shuffett (applicant/owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4-acre portion of the property, having a total area of approximately 32.2 acres located at 5856 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow for the creation of one (1) additional building lot.

January 8, 2025

REQUESTS

1. The request is for a zone change for an approximate 28.4-acre area to Agriculture (A-1). The submitted concept plan states that the intent is to subdivide the property and create one new parcel which will comply with the proposed A-1 Zoning Regulations.

PERTINENT SITE HISTORY

- 1910 According to the Boone County PVA, the existing residence was constructed in 1910.
- 1980 The site has been within the I-3 Zoning District since 1980.

SITE CHARACTERISTICS

- A. The approximate 28.4-acre area is located along the north side of Burlington Pike and approximately 0.3 miles east of Belleview Road.
- B. The area to be rezoned has approximately eight hundred and twenty (820) feet of frontage along Burlington Pike.
- C. The site is occupied by one single-family home, as well as several barns and outbuildings.
- D. Access to the site is from a single curb-cut onto Burlington Pike.
- E. Topographically, the approximate southern third of the site slopes upward from Burlington Pike towards the rear of the property at an average grade of 25%. The northern two-thirds of the site slopes down towards the northwest of the property at an average grade of 5.5%.

North: Vacant (I-3)

East: Single Family Residential (A-1) and the Dinsmore Property

South: Single Family Residential and Farmland (A-1)

Southwest: Single Family Residential and Farmland (R)

West: Farmland (I-3)

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 601 of the Boone County Zoning Regulations states that the purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.
- C. Section 601.3 of the Boone County Zoning Regulations states that the maximum intensity of use in a Rural Suburban Estates district shall not be greater than one (1) lot per five (5) gross acres of land.
- D. Table 31.1 of the Boone County Zoning Regulations provides the following requirements for lots created in an A-1 Zoning District:
1. Minimum Lot Area – 217,800 square feet.

2. Minimum Frontage – 150 feet
3. Minimum Front Yard Setback – 80 feet
4. Minimum Rear Yard Setback – 25 feet
5. Minimum Side Yard Setback – 10 feet

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates part of the site for Rural Density Residential (RD) uses and part of the site for Rural Lands (RL). These land uses are described as follows:
1. Rural Density Residential (RD) - Low density residential uses of up to one dwelling unit per acre
 2. Rural Lands (RL) - 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 passage, which relates to the request:
1. This section contains the Dinsmore Homestead, Boone Conservancy, and three properties maintained by Boone County Parks, including the 75-acre Boone County Cliffs Nature Preserve, the 105-acre Dinsmore Woods Nature Preserve, and the 230-acre Middle Creek Park. These sites should likewise be preserved as they are valuable assets. The Middle Creek Valley should become a preservation corridor in order to protect and expand the existing nature preserves, passive recreation sites and historic sites. This area should be protected from major utility main construction, such as water and sewer, and from development pressure along KY 18, including extractive mining activity. KY 18 is the major access route to the area and needs moderate improvements to accommodate traffic without jeopardizing the region's rural characteristic. Boone County, private organizations and the citizens of the county should work together to insure that this important area is protected. Outside of the towns, this section should experience isolated growth of a Rural Density Residential character. (Bellevue/McVile Land Use Geographical Area, pg. 115-116).
- 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).

STAFF COMMENTS

- A. Staff believes that the submittal meets the general characteristics of the adjacent residential uses in the area.
- B. Staff sent out an Agency Memo to the Boone County Building Department and Boone County Public Works.
 1. Bridget Striker, Preservation Planner, replied that the property contains remnants of the Arnold Farm, a 19th-Century farm once owned by LP Arnold, a neighbor of Julia Dinsmore. The Dinsmore Homestead is a National Register of Historic Properties (NRHP) resource dating to 1841. The proposed residence will not impact any of the historic resources in the area. Additionally, the zone change from I-3 to A-1 will lessen future development impacts to the historic landscape.

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,



Lauren Elliott
Planner, Zoning Services

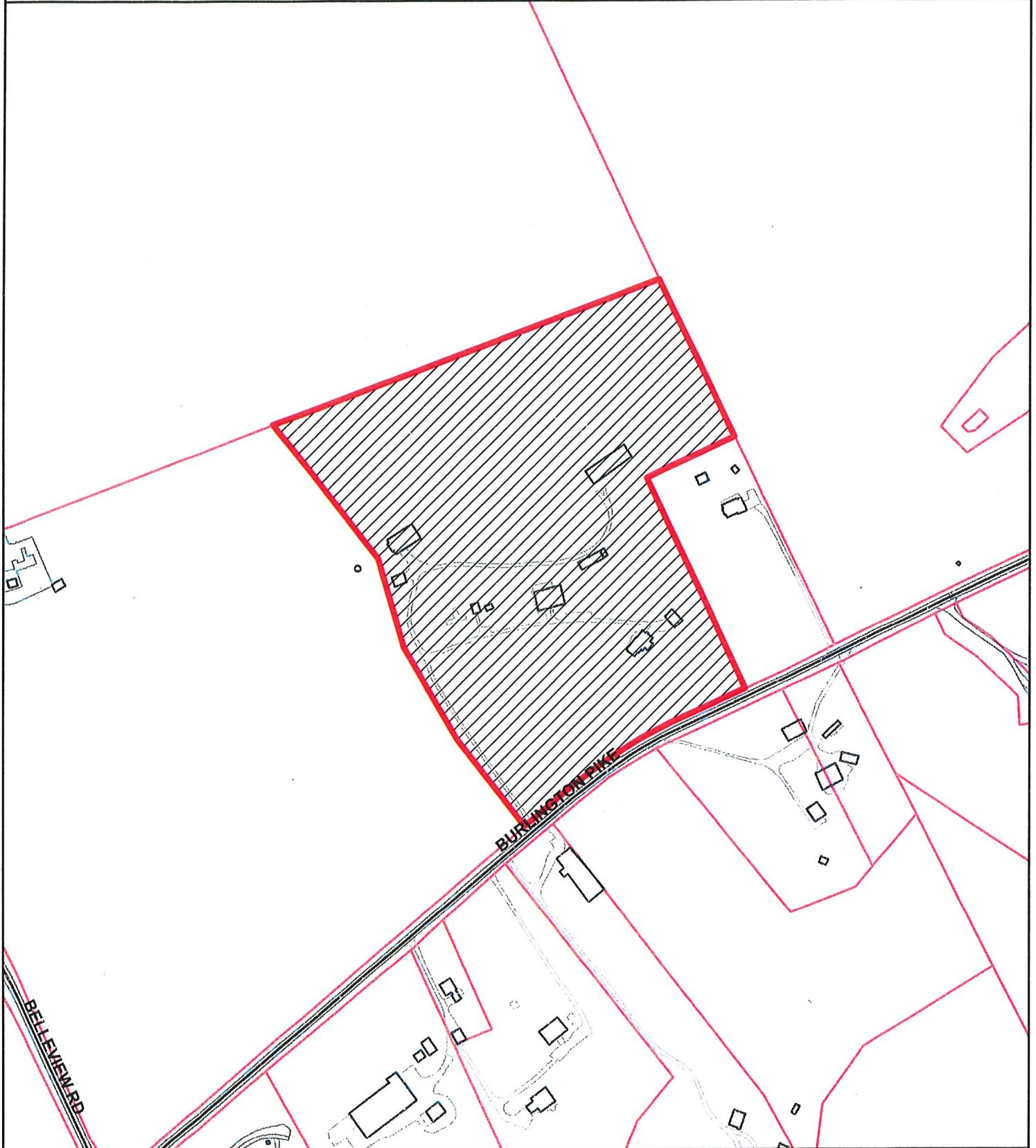
LME/ss

Attachments:

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

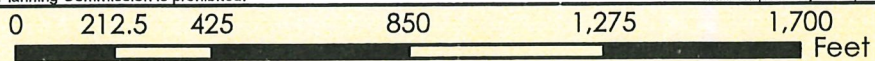
Boone County GIS Map

www.boonecountygis.com



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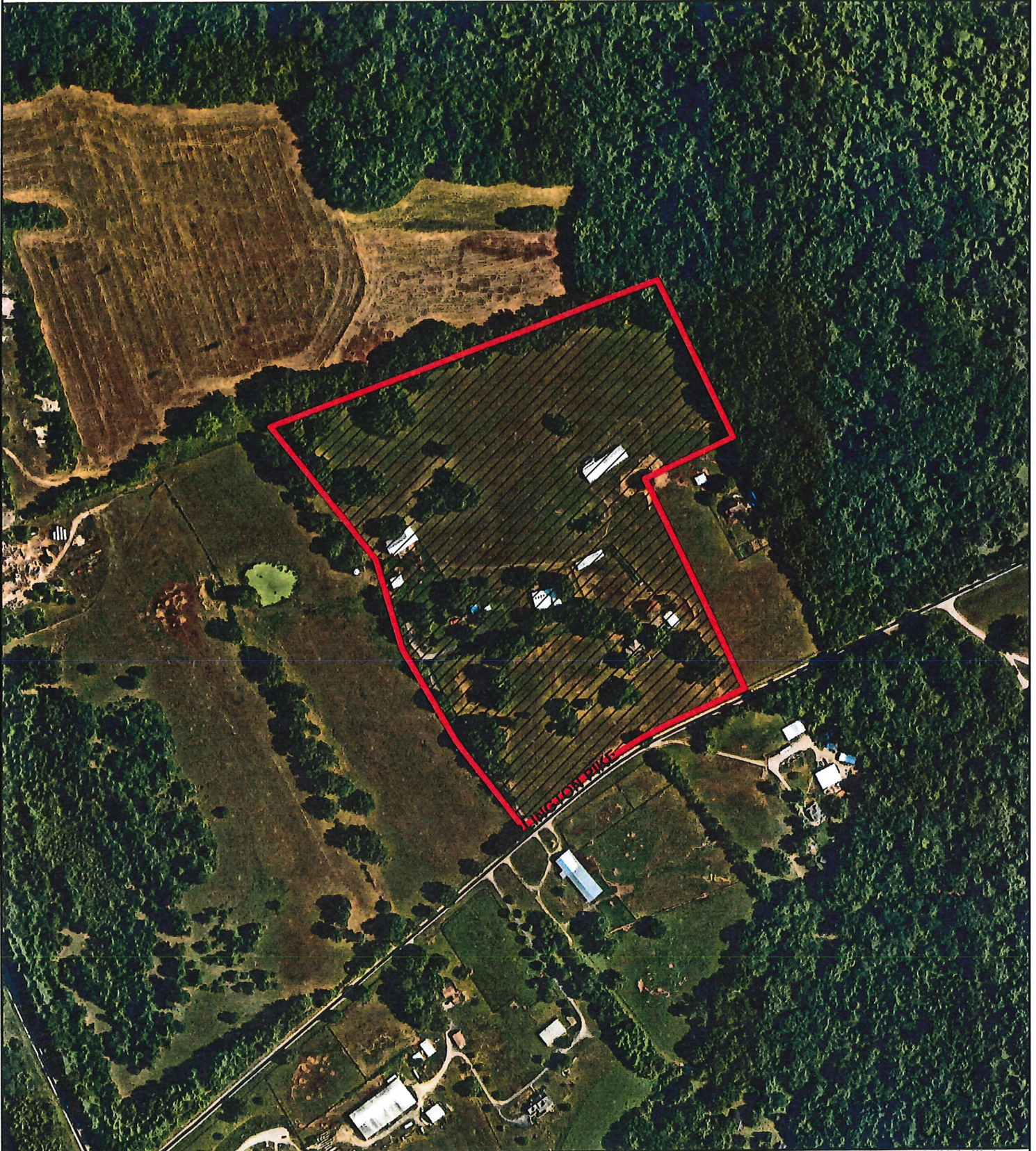


Boone County GIS - Putting Northern Kentucky on the Map



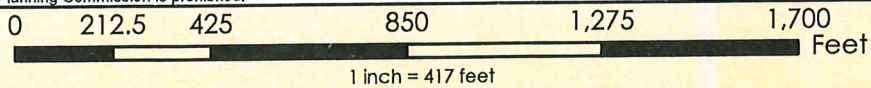
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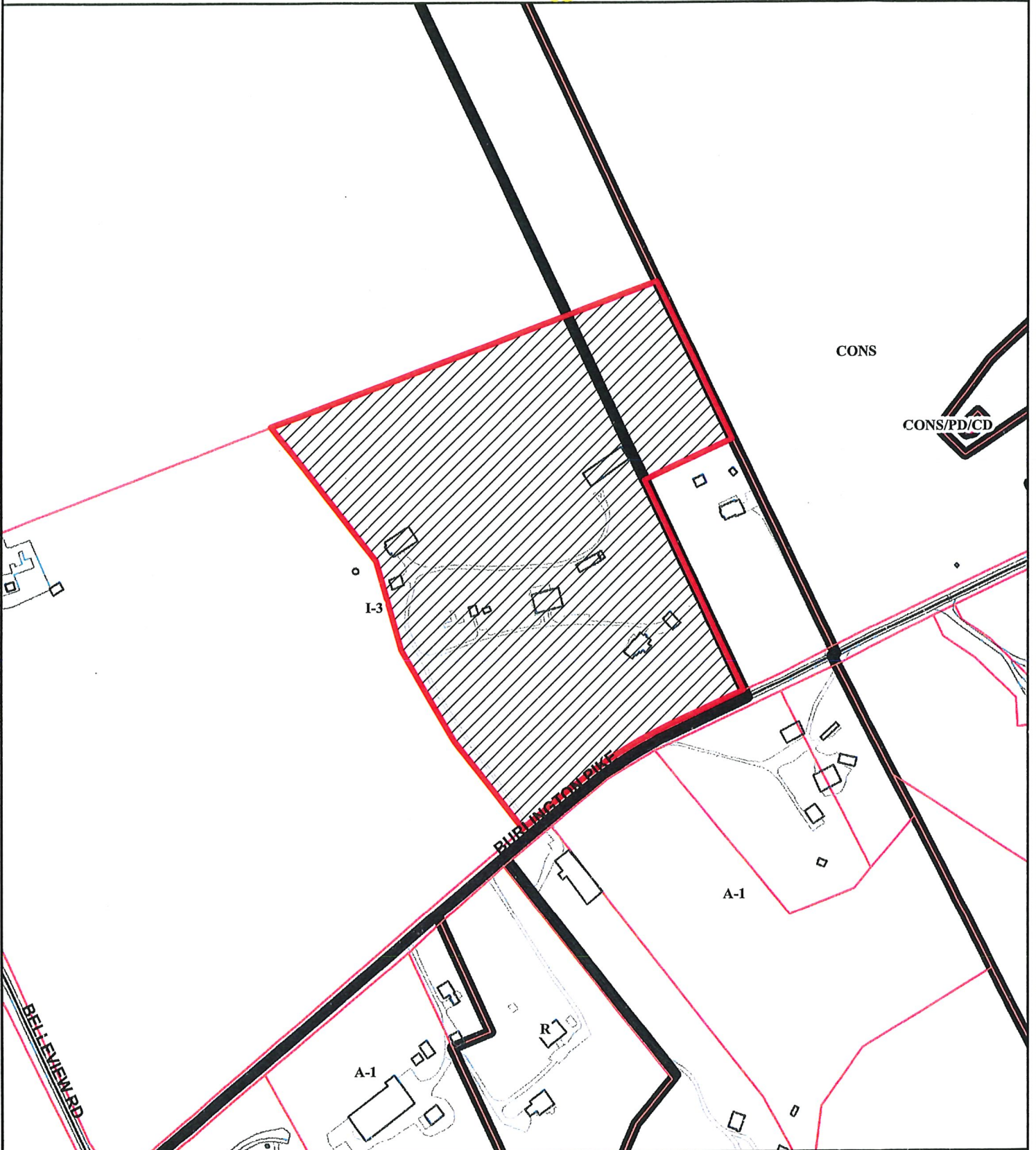
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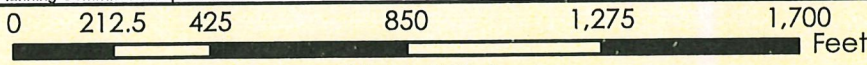
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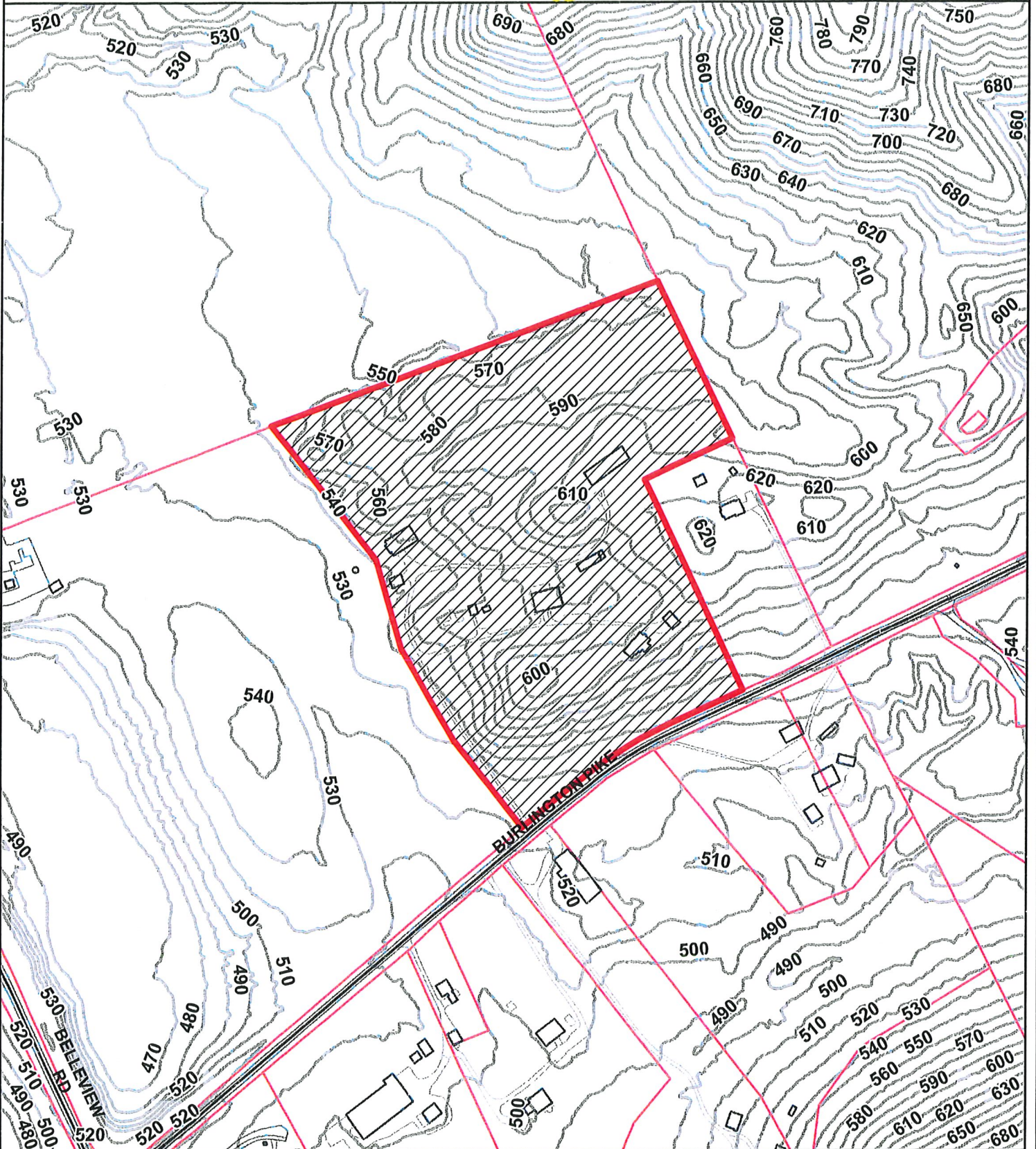


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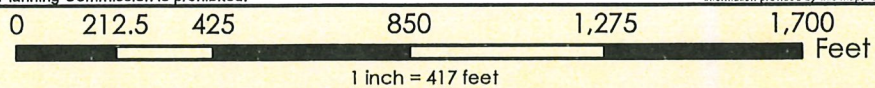
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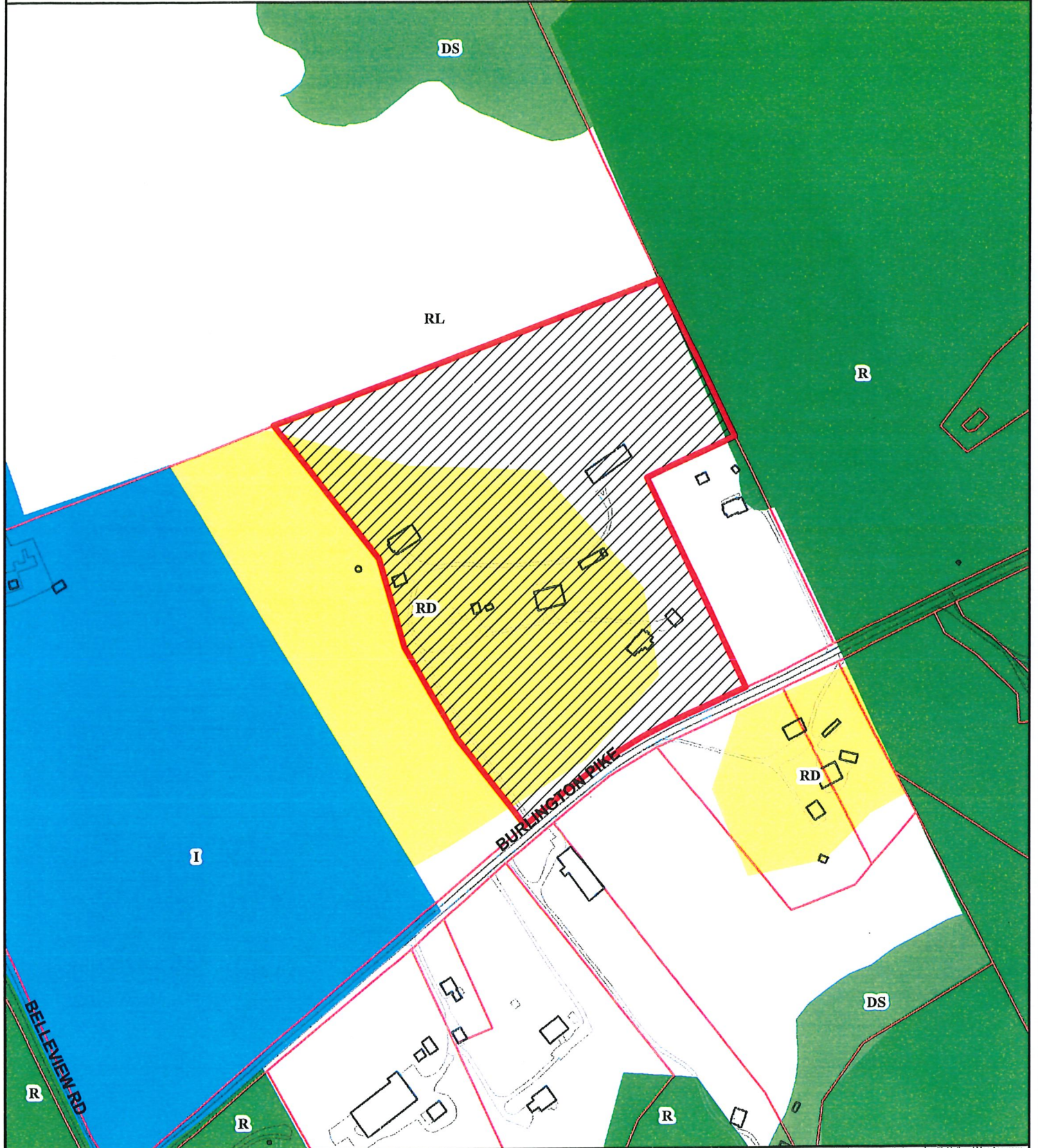
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Boone County GIS - Putting Northern Kentucky on the Map

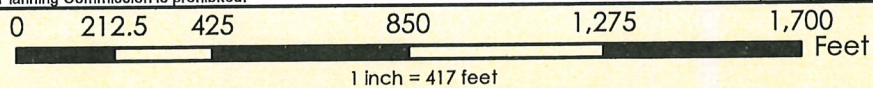
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Boone County GIS - Putting Northern Kentucky on the Map



Lauren Elliott

From: Bridget Striker
Sent: Wednesday, December 18, 2024 10:28 AM
To: Lauren Elliott
Subject: RE: 5856 Burlington Pike - Zoning Map Amendment

Hi, Lauren.

The property at 5856 Burlington Pike contains remnants of the Arnold Farm, a 19th-Century farm once owned by LP Arnold, a neighbor of Julia Dinsmore. The Dinsmore Homestead is a National Register of Historic Properties (NRHP) resource dating to 1841. The proposed residence will not impact any of the historic resources in the area. Additionally, the zone change from I-3 to A-1 will lessen future development impacts to the historic landscape.

Thank you,

Bridget

From: Lauren Elliott <lelliott@boonecountyky.org>
Sent: Tuesday, December 17, 2024 4:23 PM
To: Paul Stephenson <pstephenson@boonecountyky.org>; Mark Martin <mmartin@boonecountyky.org>; Jenna LeCount <jlecount@boonecountyky.org>; Bridget Striker <bstriker@boonecountyky.org>; alison@aspire-eng.com; Robert Franxman <rfranxman@boonecountyky.org>; Daniel Menetrey <dmenetrey@boonecountyky.org>
Subject: 5856 Burlington Pike - Zoning Map Amendment

Hello,

We are in receipt of a Zoning Map Amendment application for the subject site. The submitted concept drawing has been attached.

Please review and let me know if you have any revision comments by Thursday, January 2nd.

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

Lauren M. Elliott

Planner, Boone County Planning Commission

lelliott@boonecountyky.org

859-334-2196

859-334-2264 (fax)

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 D. Schwartz, Director, Zoning Services
Mr. Steve Lilly, PLS, GISP, Planner
Ms. Lauren Elliott, Planner

Chairman Rolfsen introduced the third item on the Agenda at 9:03 p.m.

ZONING MAP AMENDMENT, Lauren Elliott, Staff

1. Request of **Susan Shuffett (applicant/owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4 acre portion of the property, having a total area of approximately 32.2 acres, located at 5856 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow for the creation of one (1) additional building lot.

Staff member, Lauren Elliott, referred to her PowerPoint presentation. The area under review is 28.4 acres. The property is located on the north side of Burlington Pike with approximately 820 feet of road frontage along Burlington Pike. The existing residence was constructed in 1910. The property has been zoned I-3 since 1980. The site has a 4,000 square foot residence and several

barns and sheds. The applicable regulations are in the Staff Report. Ms. Elliott described the surrounding property in terms of zoning and land uses. The 2040 Future Land Use map designates the site Rural Density Residential (RD) and Rural Lands (RL). Pages 3-4 of the Staff Report outline references to the Comprehensive Plan. The submitted Concept Development Plan includes the creation of one additional building lot for the new single family residence. The existing curb cut off Burlington Pike will serve the proposed home site. The lot meets all of the dimensional standards in the A-1 zoning district. Comments regarding the application were made regarding the request in that it fits in with the rural character of the area and the fact that the new home is located next to the Dinsmore Homestead. Finally, Ms. Elliott showed photographs of the site.

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

Ms. Susan Shuffett, applicant, stated that she wants to build a smaller house and have her daughter's family move into her current home. She also noted that she doesn't need I-3 zoned property anymore.

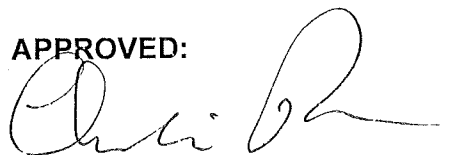
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

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

Mr. Schwenke stated that it makes sense to rezone the property. The request fits in the area. There isn't much traffic in the area.

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 January 22, 2025 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on February 5, 2025 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:12p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
FEBRUARY 5, 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 February 5, 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. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Rick Lunnemann
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 January 22, 2025 Business Meeting. He asked if there were any comments or corrections?

Mr. Hincks moved to approve the Minutes as presented. Mr. Szurlinski 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 January 9, 2025 and February 5, 2025.

EXPENSES:

Accounting Fees	1,364.54
Attorney Fees	4,800.00
Auto Expense	33.47
Filing Fees (CLURS)	1,100.00
Legal Ads/Recruitment	469.55
Miscellaneous Expense	431.07
Office & Board Meeting Supplies	673.98
Office Equipment / Expense	331.48
Postage Expense	502.25
Printing/Pub/Dues/Subscriptions	<u>210.00</u>
TOTAL:	\$ 9,916.34

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,988.85
Health/Dental/Life/LTD	19,340.03
Retirement – BCPC Portion	23,408.58
Salaries – Staff Expenses	96,141.84
Salaries – BCPC & BOA	<u>1,305.00</u>
TOTAL:	\$ 147,184.30
GRAND TOTAL:	\$ 157,100.64

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

ACTION ON PLAN REVIEWS:

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.

Ms. Gulick moved to defer the request until the April 2, 2025 Business Meeting. Mrs. Kegley seconded the motion and it passed unanimously. The next Committee Meeting for the request is scheduled for March 19, 2025 at 5:00 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Steve Lilly, Staff

2. Request of **Dualite Sales and Service, Inc., per Greg Hoffer (applicant) for Mikes No 67, LLC (Mike's Carwash) (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district, for an approximate 0.97 acre area located at 8534 US 42, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow for alternative signage than what is allowed by the underlying zoning district.

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 Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission. All Committee Members present voted in favor of the request with a 4-0 vote.

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

Mr. Jonathon Brower, Dualite, stated that the brick base is 2 feet in height and the lettering will be white on the brick. The brick will be the same color as the building. Mr. Mike Dahm, owner, stated that they are open for business.

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, Findings of Fact and Conditions. She noted that the applicant reduced the size of the free standing sign by McDonald's from 24 square feet to 10 square feet. Mr. Hincks seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, David Hincks, Chairman, Lauren Elliott, Staff

3. Request of **Susan Shuffett (applicant/owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4 acre portion of the property, having a total area of approximately 32.2 acres, located at 5856 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow for the creation of one (1) additional building lot.

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

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. Hincks moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Map Amendment, based on the Committee Report and Findings of Fact. Dr. Clark seconded the motion and it passed unanimously.**

NEW BUSINESS

ZONING MAP AMENDMENT, Lauren Elliott, Staff

4. Request of **Arnold Consulting Engineering Services Inc. (applicant)** for **Shiv Brahma Laxmi LLC (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Rural Suburban Residential Two/Planned Development (SR-2/PD) and Office Two/Planned Development (O-2/PD) to Office Two/Planned Development (O-2/PD) for an approximate 2.06 acre area located at 56-58 Cavalier Boulevard, Florence, Kentucky. The request is for a zone change/change of concept development plan to allow for the construction of a 50,645 square foot, four story, 122 room hotel.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

5. Request of **Langan Engineering, per Shawn Hill (applicant)** for **Pilot Travel Centers LLC, per Brad Alsup (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Commercial Services/Planned Development (C-3/PD) for an approximate 18 acre area lot located at 13019 Walton Verona Road, Walton, Kentucky. The request is for a zone change to allow for the continuation of the existing gas station and truck stop, construction of an approximate 10,700 square foot preventative maintenance and tire retail facility within the existing truck stop, the retention of all existing signage, and any future signage that meets the requirements of the underlying C-3 district.

ZONING MAP AMENDMENT/VARIANCE, Steve Lilly, Staff

6. Request of **Richwood Development LLC (applicant)** for **Richwood Pointe LLC (owner)** for a Zoning Map Amendment from Employment Planned Development (EPD) to Commercial Services (C-3) and a Variance increasing the maximum building height from fifty (50) feet to seventy (70) feet for an approximate 20 acre

area located along the northeast side of Paddock Drive, between Richwood Road and Stirrup Lane, approximately 1,100 feet northwest of Richwood Road, and along the northwest side of Frogtown Connector Road, approximately 1,100 feet north of Richwood Road, Boone County, Kentucky, having a Parcel Identification Number (PIDN) of 075.00-00-102.10. The request is for: (1) a Zoning Map Amendment to allow the development of a 99,500 square foot, five story, 125 room hotel and a future development area; and (2) a Variance increasing the maximum height of the proposed hotel from fifty (50) feet to seventy (70) feet.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

8. Request of **Country Cabins, per Ryan Devou (applicant) for CP 7 LLC (owner)** for a Change of Concept Development Plan in an Office Two/Planned Development/Parkway Corridor Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Change of Concept Development Plan to keep in place the existing Concept Plan which allows a motor vehicle sales delivery/pick-up location and would also allow a cabin/shed retailer and flower shop in a phased development timeline.

Mrs. Steele moved to schedule the Public Hearings for Items #4, #5, #6, and #7 on March 5, 2025 at 7:30 p.m. in the Fiscal Courtroom. Mr. Harper seconded the motion and it passed unanimously.

H. EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, explained that the Fiscal Court will be replacing the microphones in the Fiscal Courtroom sometime in the next two months. Instructions for use will occur after they are installed.

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)

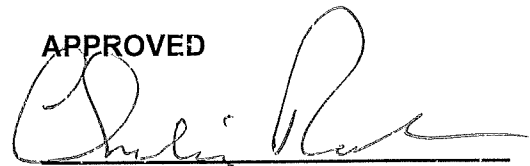
J. CHAIRMAN'S REPORT: (Charlie Rolfsen)

K. OKI REPORT: (Randy Bessler)
No Report

L. ADJOURNMENT:

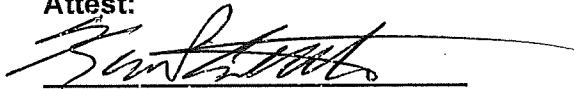
There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Richardson seconded the motion and it passed unanimously. The meeting was adjourned at 7:16 p.m.**

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: David Hincks, Chair
DATE: February 5, 2025
RE: Request of **Susan Shuffett (applicant/owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4-acre portion of the property, having a total area of approximately 32.2 acres located at 5856 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow for the creation of one (1) additional building lot.

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:

2. The Committee concluded the request is in general agreement with the Boone County Comprehensive Plan for the following reasons:
 - A. The proposed A-1 district, along with the submitted Concept Development Plan, is consistent with 2040 Future Land Use Plan designating part of the site for Rural Density Residential (RD) uses and part of the site for Rural Lands (RL). These land uses are described as follows:
 - Rural Density Residential (RD) - Low density residential uses of up to one dwelling unit per acre (pg. 98).
 - Rural Lands (RL) - 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 (pg. 97).

The proposed Concept Plan shows the creation of one new buildable lot, as well as one new single-family residence. In total, there will be two dwelling units over the entirety of the 28.4-acre area.

- B. The proposal is in agreement with the following Goals and Objectives:

- 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).
 - 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).
 - Homeownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock. (Demographics Goal B, Objective 3).
 - Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics Goal B, Objective 8).
 - Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).
2. The Committee concluded the proposed A-1 district is appropriate because it aligns with how the property has been used for many years, and because reducing the intensity permitted on the property will have a positive impact on the Planning Commission's efforts to preserve the historic Dinsmore Homestead.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Hincks, Chairman

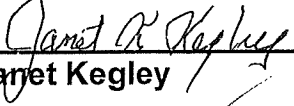
DATE: January 22, 2025

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, David Hincks, Chairman, Lauren Elliott, Staff

1. Request of **Susan Shuffett (applicant/owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4 acre portion of the property, having a total area of approximately 32.2 acres, located at 5856 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow for the creation of one (1) additional building lot.

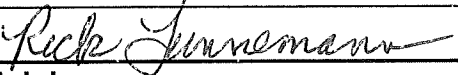


Janet Kegley

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Corrin Gulick

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

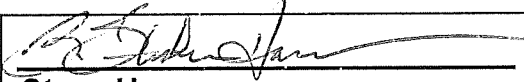


Rick Lunnemann

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Kathy Clark (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

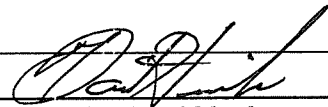


Steve Harper

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____



David Hincks (Chairman)

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Jackie Steele (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____

TOTAL: _____ DEFERRED _____ 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. 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 D. Schwartz, Director, Zoning Services
Mr. Steve Lilly, PLS, GISP, Planner
Ms. Lauren Elliott, Planner

Chairman Rolfsen introduced the third item on the Agenda at 9:03 p.m.

ZONING MAP AMENDMENT, Lauren Elliott, Staff

1. Request of **Susan Shuffett (applicant/owner)** for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4 acre portion of the property, having a total area of approximately 32.2 acres, located at 5856 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow for the creation of one (1) additional building lot.

Staff member, Lauren Elliott, referred to her PowerPoint presentation. The area under review is 28.4 acres. The property is located on the north side of Burlington Pike with approximately 820 feet of road frontage along Burlington Pike. The existing residence was constructed in 1910. The property has been zoned I-3 since 1980. The site has a 4,000 square foot residence and several

barns and sheds. The applicable regulations are in the Staff Report. Ms. Elliott described the surrounding property in terms of zoning and land uses. The 2040 Future Land Use map designates the site Rural Density Residential (RD) and Rural Lands (RL). Pages 3-4 of the Staff Report outline references to the Comprehensive Plan. The submitted Concept Development Plan includes the creation of one additional building lot for the new single family residence. The existing curb cut off Burlington Pike will serve the proposed home site. The lot meets all of the dimensional standards in the A-1 zoning district. Comments regarding the application were made regarding it the request in that it fits in with the rural character of the area and the fact that the new home is located next to the Dinsmore Homestead. Finally, Ms. Elliott showed photographs of the site.

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

Ms. Susan Shuffett, applicant, stated that she wants to build a smaller house and have her daughter's family move into her current home. She also noted that she doesn't need I-3 zoned property anymore.

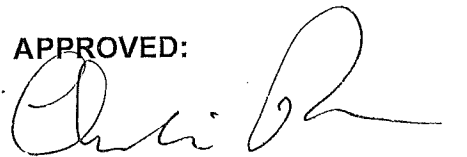
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

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

Mr. Schwenke stated that it makes sense to rezone the property. The request fits in the area. There isn't much traffic in the area.

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 January 22, 2025 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on February 5, 2025 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:12p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

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Erlanger, Kentucky 41018 | Milford, Ohio 45150

Tel: 859.727.3293 | Tel: 513.576.1000

Fax: 859.727.8452

www.vioxinc.com

November 21, 2024

DESCRIPTION OF 28.417 ACRES

Located in Boone County, Kentucky, lying on the northwest side of Kentucky Highway 18 approximately 0.33 mile northeast of Kentucky Highway 20 and being a portion of the same property conveyed to Susan Shuffett by deed recorded in Deed Book 1228, page 288, in the office of the Boone County Clerk at Burlington, Kentucky and is more particularly described as follows:

BEGINNING at a point in the centerline of Kentucky Highway 18 at the common corner of Shuffett and another parcel conveyed to William L. Shuffett and Susan R. Shuffett (Deed Book 691, page 60);

THENCE with said centerline for the following 5 (five) courses:

1. S 64°02'11" W a distance of 253.56 feet, to a point;
2. S 61°26'11" W a distance of 102.83 feet, to a point;
3. S 57°00'11" W a distance of 128.45 feet, to a point;
4. S 51°27'11" W a distance of 139.46 feet, to a point;
5. S 49°04'11" W a distance of 187.64 feet, to a point at the common corner of Shuffett and William A. and Mary Sue Rudicill Trust Agreement (Deed Book 1135, page 515);

THENCE with the common line of Shuffett and William A. and Mary Sue Rudicill Trust Agreement for the following 4 (four) courses:

1. N 39°22'49" W a distance of 369.08 feet, to a point;
2. N 31°32'49" W a distance of 333.03 feet, to a point;
3. N 17°26'49" W a distance of 288.32 feet, to a point;
4. N 39°33'49" W a distance of 531.08 feet, to a point in the common lien of Shuffett and Eaton Asphalt Paving Co. (Deed Book 412, page 133);

THENCE with said common line N 68°20'11" E a distance of 991.69 feet, to a point;

THENCE through the lands of Shuffett and also with the common line of Susan Shuffett and William L. Shuffett and Susan R. Shuffett S 26°30'20" E a distance of 1318.25 feet, to the point of beginning, containing 28.417 Acres, more or less.

ORDINANCE 2025-08

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING A REQUEST OF SUSAN SHUFFETT (APPLICANT/OWNER) FOR A ZONING MAP AMENDMENT FROM INDUSTRIAL THREE SURFACE MINING (I-3) TO AGRICULTURE (A-1) FOR AN APPROXIMATE 28.4 ACRE PORTION OF THE PROPERTY, HAVING A TOTAL AREA OF APPROXIMATELY 32.2 ACRES, LOCATED AT 5856 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment from Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4 acre portion of the property, having a total area of approximately 32.2 acres, located at 5856 Burlington Pike, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made Findings of Fact recommending approval 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 Industrial Three Surface Mining (I-3) to Agriculture (A-1) for an approximate 28.4 acre portion of the property, having a total area of approximately 32.2 acres, located at 5856 Burlington Pike, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Industrial Three Surface Mining (I-3) zone is more particularly described in DEED BOOK: 1228, PAGE NO: 288 (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 11th day of March 2025.

Second Reading the 25th day of March 2025.

Adopted this 25th day of March 2025. Yes 3 No 0



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

ATTEST:



Shona Schulkers,
Fiscal Court Clerk

