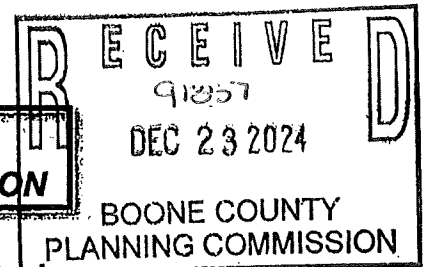


**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**



Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

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

2. Name of Project: Indian Motorcycle of Northern Kentucky
3. Location of Project: 10855 Dixie Highway, Walton, KY 41094
4. Total Acreage of Project: 6.7 Acres
5. Current Zoning of Property: C-3/CD
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
1995 (Zoning Map Amendment)
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: _____
8. Proposed Use(s) (specify each use):
Expansion of existing building and proposed additional buildings for showroom, inventory, warehouse, assembly, and distribution.
9. Proposed Building Intensities (specify for each building):
Existing Building + Building Addition: 24,400 SF / 6.7 AC = 3,642 SF/AC; Building #1: 28,500 SF / 6.7 AC = 4,254 SF/AC; Building #2: 11,000 SF / 6.7 AC = 1,642 SF/AC
10. Have you submitted a Concept Development Plan: Yes No
11. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
12. Current Owner: CCM LLC
Address: 6002 N. US Highway 68
Wilmington OH 45177
City State Zip Code
- Phone Number: 937-725-8510 Fax Number: _____
Email: jason@rideccm.com
13. Applicant: Viox & Viox, Inc.

Address: 466 Erlanger Road
Erlanger KY 41018
City State Zip Code
Phone Number: 859-727-3293 Fax Number: 859-727-8452
Email: bmackay@vioxinc.com

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1

15. 1075 937 2065
Deed Book Page Number Group Number

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

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

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

- | | |
|---|---|
| <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 | |

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

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

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____ (As Determined By BCPC) 3/20/25

Property Owner's Signature: [Signature]
Applicant's Signature: [Signature]

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

1. Date Received: 12/23/2024 Fee Received: \$3100 Receipt #: 91857
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): 12/23/24
5. Staff Reviewer: Steven Lilly
6. Committee Chairperson: Corrin Gulick
7. Scheduled Public Hearing Date: 2-5-25
8. Boone County Planning Commission Action: _____ Date of Action: 3-5-25

- Approved
- Approved with Conditions
- Denial
- Other

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196
plancom@boonecountyky.org
www.boonecountyky.org

EXHIBIT

“A”

STAFF REPORT

#4

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.

February 5, 2025

REQUEST

- A. The first part of the submitted request is for a Change of Concept Development Plan to allow for an expansion of the existing building and two additional commercial buildings.
- B. The second part of the submitted request is for a variance to reduce the Buffer Yard A width along the south property line from ten (10) feet to zero (0) feet.

RELATIVE SITE HISTORY

- 1995 The Boone County Fiscal Court adopted Ordinance 920.303 for a Zoning Map Amendment from I-1 to C-3 for the subject site. The submitted plan showed a proposed auto sales lot on the north side of the site.
- 2005 The Boone County Planning Commission approved a Site Plan for Richwood Power Sports and the construction of a new 17,600 square foot commercial building.
- 2016 The Boone County Planning Commission approved a Conveyance Plat subdividing the approximate 6.7 and subject site area.

SITE CHARACTERISTICS

- A. The approximate 6.7-acre area is bounded by US 25 on the east and I-75 on the west.
- B. The site has an approximate 17,600 square foot commercial building and parking. A mature tree line exists along the northern boundary.
- C. Access to the site is provided by a single curb cut on Dixie Highway. The site has approximately 380 feet of frontage along Dixie Highway.
- D. There is no sidewalk along Dixie Highway.
- E. Water and sanitary sewer mains are both existing for the site.
- F. Topographically, the site's highest point occurs in the southeast corner of the property at approximately 936 feet in elevation. The site slopes generally towards the northwest at an approximate 3% grade.

ADJACENT LAND USES AND ZONES

North: RES LLC Truck and Trailer Sales (I-1/CD)

South: U-Haul Self Storage (C-3/PD/CD)

East: US 25 and Charles Seligman Distribution (I-1)

West: I-75 and a vacant KYTC parcel (C-3/CD)

APPLICABLE REGULATIONS

- A. Section 311 of the Boone County Zoning Regulations states that major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and as it was originally approved.
- B. Section 302 of the Boone County Zoning Regulations states that at the time of filing an application for a Change of Concept Development Plan, an applicant may also request a dimensional variance for the same development.
- C. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- D. The Planning Commission should evaluate the variance as it relates to the Variance criteria as stated in Section 251 of the Boone County Zoning Regulations.

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

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
2. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a variance arising from circumstances that are the

result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

- E. Section 1003.A of the Boone County Zoning Regulations states that the purpose of the Commercial Services district is to provide, control, and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display, and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in ARTICLE 11. Such districts will generally be organized around regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from arterial roads. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting, and other spaces and improvements as possible.
- F. Table 5-4 (Section 505.3) of the Boone County Zoning Regulations list motorcycle sales, automotive repair facility, office, and retail as a principally permitted uses in the C-3 zoning district.
- G. Table 5-4 (Section 505.3) of the Boone County Zoning Regulations allows for accessory uses, such as storage, display, loading, uncrating, or unpacking areas.
- H. Section 4000 of the Boone County Zoning Regulations defines Accessory Use or Structure as one that:
 - 1. Is subordinate to and serves the principal structure or principal use.
 - 2. Is subordinate in area, extent, or purpose to the principal structure or principal use served.
 - 3. Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served.
 - 4. Is located on the same lot as the principal structure or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the structure or use served.
- I. Table 5-4 (Section 505.3) of the Boone County Zoning Regulations does not permit manufacturing, warehousing, or distribution uses in the C-3 zoning district.
- J. Section 1003.3 of the Boone County Zoning Regulations states that uses shall not exceed 18,000 square feet of gross floor area per acre of land.
- K. Section 3645, Table 36-1 indicates the buffer yard which is required when one zoning district adjoins another zoning district. A 10 foot wide, Buffer Yard A is required along the north, west, south, and east boundary of the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Commercial" uses, which is described as retail, corporate and professional office,

interchange commercial, indoor commercial recreation, restaurants, services, etc.”

B. The following passages from Our Boone County, Plan 2040 relate to the request:

1. Boone County's specific resources and strengths should be nurtured as catalysts for economic development and should start taking the necessary steps to make the transition towards a more sustainable, regional economy of the future. It is recommended that a detailed study or analysis of Boone County's economy be performed to provide a more accurate and detailed profile of Boone County businesses and labor force, employment trends, workforce readiness, etc. Such a study would also evaluate the strengths and weaknesses of current industry types and their potential for expansion. It could also be used to recruit target industries suitable to Boone County and its local workforce. City/County officials will then be able to use this information to promote job growth within their jurisdiction and provide direction on incentive programs to expand existing businesses or recruit new ones and at the same time, set Boone County up with a more sustainable and diversified economy that is ready for whatever the future trends may be, including dealing with the impact of the logistics industry (i.e. Amazon) on big box retail and what becomes of any empty retail centers and their parking lots in the event that they close. Boone County should examine creative mixed-use methods of incorporating high density residential with brick and mortar retail opportunities as a way to promote a local and sustained economy.

In addition, there are many local agencies that provide services to the existing and prospective business community in not just Boone County, but for all of Northern Kentucky. Some of them are focused more towards attracting new economic engines or components to the area, while others are here to provide assistance to the smaller or struggling industries that already exist in Boone County. The Northern Kentucky Tri-County Economic Development Corporation (Tri-ED) is charged with recruiting companies into the Northern Kentucky region. In recent years, Tri-ED has also placed an emphasis on retaining existing businesses. The Northern Kentucky Chamber of Commerce helps to promote and support the development of businesses in the Northern Kentucky region through leadership and advocacy programs, events, initiatives, marketing opportunities, and publications. Another invaluable resource includes the Northern Kentucky Area Development District NKADD which educates and empowers communities by implementing services through specific areas of expertise in aging, community development, human services, and workforce development. They also act as a forum, clearinghouses, technical center, and can provide continuity to projects during the transition of local elected officials. Lastly, the Center for Economic Analysis and Development at Northern Kentucky University (NKU) provides economic analysis and business research and conducts research on issues related to the current and future economic well-being of businesses and communities. It is important to know who these agencies are and to encourage those who need assistance or information to contact them and take advantage of the valuable services they provide in order to achieve these goals. (Economic Development, Conclusions and Recommendations, pages 67-68).

2. One of the goals of the Transportation Element is to demonstrate the interdependence between transportation systems and land use patterns in order to assure that future

development and redevelopment is planned with multi-modal transportation facilities. The future Transportation System in Boone County will significantly be improved if the recommendations of the Boone County Transportation Plan are implemented to address existing problems and allow for opportunities for new development. An updated and improved transportation system will accommodate new growth with mixed land uses and densities. It will encourage a more efficient land use pattern. (Transportation, Conclusions and Recommendations, page 91).

3. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible. (Future Land Use Development Guidelines, Buffering, pages 95-96).
4. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses. (Future Land Use Development Guidelines, Buffering, page 96)

STAFF COMMENTS

- A. Section 505.3 of the Boone County Zoning Regulations list motorcycle sales, automotive repair facility, office, and retail as a principally permitted uses in the C-3 zoning district.

The Boone County Zoning Regulations does not permit manufacturing, warehousing, or distribution uses in the C-3 zoning district.

Staff would like the applicant to explain the distribution use as labeled on Building 2.

- B. The Boone County Zoning Regulations allows for accessory uses, such as storage, display, loading, uncrating, or unpacking areas. By definition, accessory uses and structures are subordinate to the permitted uses.

Staff would like the applicant to illustrate the percentages allotted for each building to show that the permitted uses are principal to the accessory uses.

- C. There is a future roadway project for US 25 that is currently under design (6-447). Staff would like the applicant to address if the plan considers an expansion of right-of-way for that project.

- D. The 1995 Zoning Map Amendment included a condition that evergreen trees be planted along the western part of the site along I-75/71. Staff also observed that there are no landscape plantings within the street frontage buffer along Dixie Highway.

The application did not include a landscaping plan. Staff would like the applicant to address landscaping for the site.

- E. The applicant has not provided building elevations. Staff would like the applicant to discuss the materials and colors for the proposed buildings. Will they be consistent with the existing building on the site?

- F. Staff sent an agency email to the Boone County Building Department, Boone County Public Works, Boone County Water District, SD1, Walton Fire/EMS, and the Kentucky Transportation Cabinet.

1. John Bandy, with KYTC provided the following comments/questions:

- a. Install 2' thermoplastic stop bar and 36"x 36" stop sign.
- b. Install double yellow striping from small island to stop bar.
- c. Will the existing overhead sign need to be removed and relocated?
- d. Verify the entrance pipe if free of debris at the inlet/outlet and not full of sediment.
- e. Where does the water empty from the lot onto KYTC r/w?

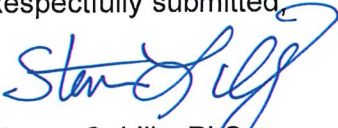
2. Rob Franxman, County Engineer, provided the following comments:

- a. KYTC should comment on the access as well as a future roadway project on US 25 that is currently under design (6-447).

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.
- B. The request for the proposed Variance needs to be evaluated by the Boone County Planning Commission in terms of Kentucky Revised Statute (KRS) 100.243, Article 2 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area

Respectfully submitted,



Steven C. Lilly, PLS
Planner, Zoning Services

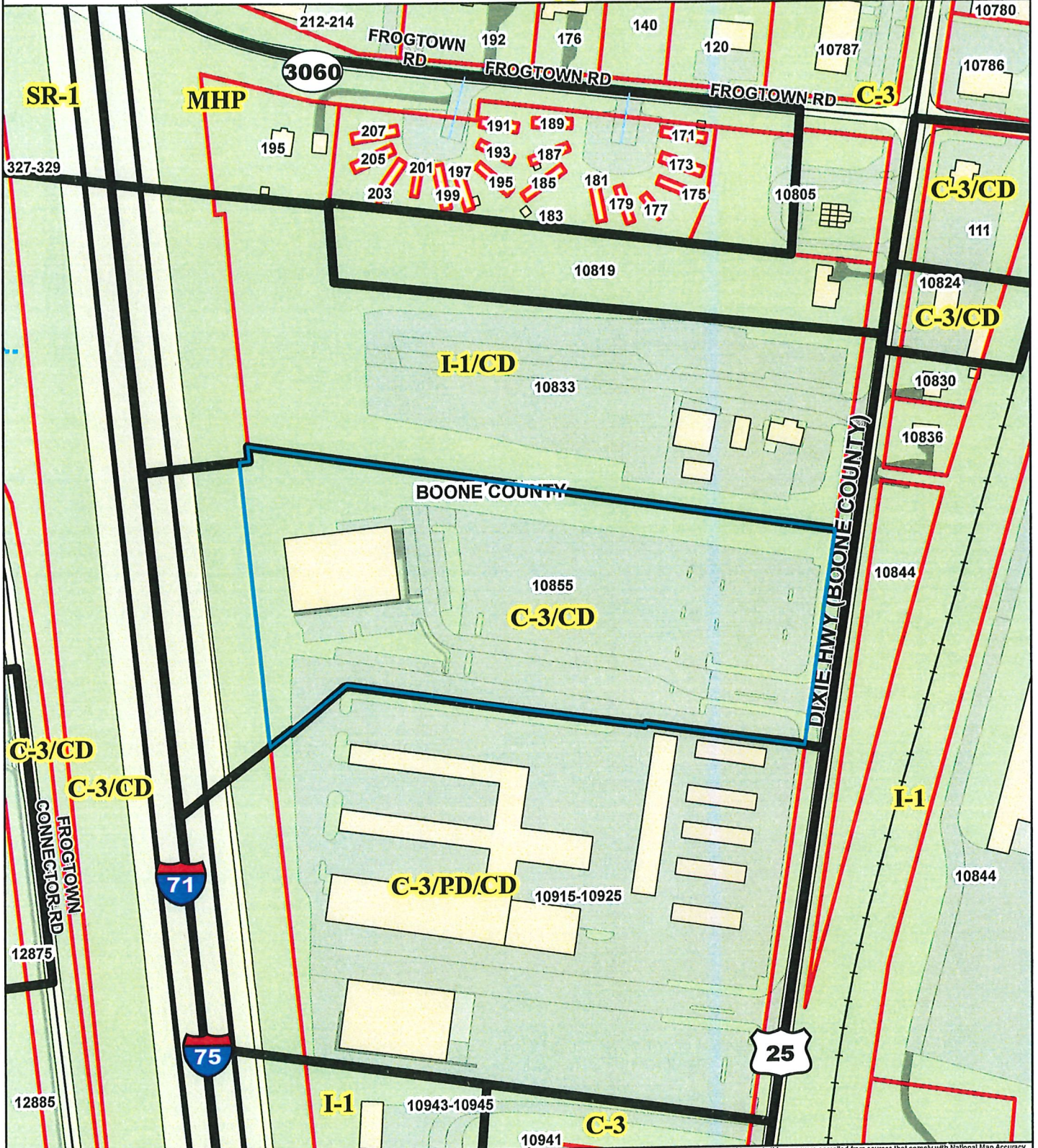
SCL/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *1995 Zoning Map Amendment Conditions
- *Application
- *Concept Development Plan

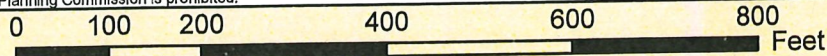
Zoning Map

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.



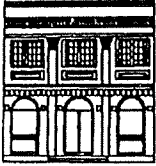
1 inch = 200 feet

Boone County GIS - Putting Northern Kentucky on the Map

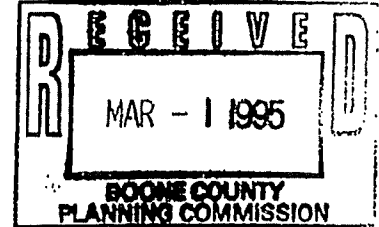


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BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264



February 21, 1995

Mr. Mike Stallings
3657 Oxford Court
Erlanger, KY 41018

RE: Recommended Conditions of Approval for Zoning Map Amendment
Application for 10915 U.S. 25, Richwood Flea Market

Dear Mr. Stallings:

The following represents the conditions of approval as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the owner and applicant will agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 4:00 p.m., Wednesday, March 1, 1995.

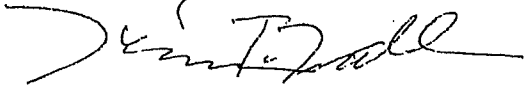
Conditions of Approval

1. If the use of the site is expanded or intensified beyond the scope and/or limits of the current flea market use and the auto sales lot proposed with this zone change request, the applicant shall submit a traffic study, in accordance with the applicable requirements of the Boone County Zoning Regulations, that determines whether or not left hand turn lanes from the north bound lane of U.S. 25 into the site are warranted. The traffic study shall be subject to review and approval by the Planning Commission. If warranted by the traffic study, left hand turn lanes shall be provided for the northbound lane on U.S. 25 for both of the existing curbcuts on the site prior to any expansion or intensification of the use of the site. The provision of these turn lanes is subject to the approval of the Kentucky Transportation Cabinet.
2. Sufficient landscaping shall be installed along the western edge of the parking area, between the north building line extended and the northwest corner of the parking area, so that the northern parking area on the site is screened from the view of I-75/71 by a continuous landscape buffer. Where there are no existing trees between the parking area and the freeway, two staggered rows of evergreen trees, that have a planting height of at least 6 feet, shall be provided; the maximum tree spacing within each row shall be 25 linear feet. Where there are

Mr. Mike Stallings
February 21, 1995
Page 2

existing trees between the parking area and freeway, additional evergreen trees, with a minimum planting height of 6 feet, shall be installed to supplement the existing vegetation so that a continuous landscape buffer is created. To insure survivability of the trees, at least two different species or cultivars of evergreen tree shall be used with no one species or cultivar constituting more than sixty percent of the new trees. All required landscaping shall be approved through the Site Plan procedure, and installed on the site, prior to the commencement of the auto sales use.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

I, the owner, agree to the above listed conditions of approval for the requested Zoning Map Amendment for the approximately 16 acre tract located at 10915 U.S. 25 (Richwood Flea Market), Boone County, Kentucky.



Mike Stallings, Owner/Applicant
for Richwood Flea Market

2-25-95

Date

**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
91857
DEC 23 2024
BOONE COUNTY
PLANNING COMMISSION

Seven (7) copies of submitted drawings are required

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

SECTION A: (To be completed by applicant)

1. Type of review (check one):
 - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
 - Change In an Approved Concept Development Plan
 - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (as stated in the Union Town Plan)
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 - Zoning Administrator Review (as stated in the Mall Road District Study)
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2. Name of Project: Indian Motorcycle of Northern Kentucky
3. Location of Project: 10855 Dixie Highway, Walton, KY 41094
4. Total Acreage of Project: 6.7 Acres
5. Current Zoning of Property: C-3/CD
6. Date of previous zoning map amendment or Approved Concept Development Plan (if applicable):
1995 (Zoning Map Amendment)
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission Yes No
If yes, indicate the name of the study: _____
8. Proposed Use(s) (specify each use):
Expansion of existing building and proposed additional buildings for showroom, inventory, warehouse, assembly, and distribution.
9. Proposed Building Intensities (specify for each building):
Existing Building + Building Addition: 24,400 SF / 6.7 AC = 3,642 SF/AC; Building #1: 28,500 SF / 6.7 AC = 4,254 SF/AC; Building #2: 11,000 SF / 6.7 AC = 1,642 SF/AC
10. Have you submitted a Concept Development Plan: Yes No
11. Are you applying for any of the following (check all that apply):
 Conditional Use Permit Variance
12. Current Owner: CCM LLC
Address: 6002 N. US Highway 68
Wilmington OH 45177
City State Zip Code
Phone Number: 937-725-8510 Fax Number: _____
Email: jason@rideccm.com
13. Applicant: Viox & Viox, Inc.

Address: 466 Erlanger Road
Erlanger KY 41018
City State Zip Code
Phone Number: 859-727-3293 Fax Number: 859-727-8452
Email: bmackay@vioxinc.com

14. Are there any existing buildings on the site: Yes No
If yes, indicate how many: 1

15. 1075 937 2065
Deed Book Page Number Group Number

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

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

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

- | | |
|---|---|
| <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 | |

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

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____ (As Determined By BCPC) 3/20/25

Property Owner's Signature: _____
Applicant's Signature: _____

INDIAN MOTORCYCLE OF NKY CHANGE IN CONCEPT DEV. PLAN

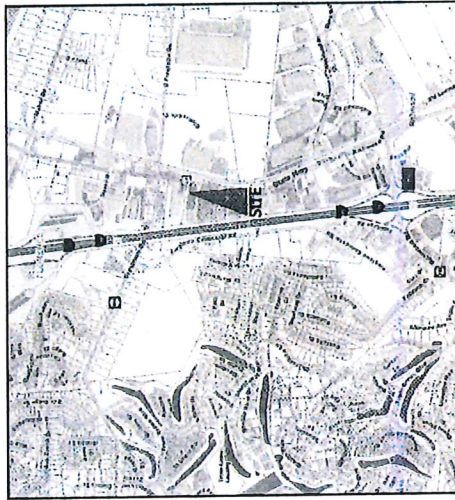
DECEMBER 20, 2024
PROJECT LOCATION: 10855 DIXIE HIGHWAY
WALTON, KY 41094
UNINCORPORATED BOONE COUNTY, KENTUCKY

SITE DATA

- SITE ADDRESS: 10855 Dixie Highway
- TOTAL AREA OF PARCELS: 6.7 AC ±
- PROPERTY OWNER / DEVELOPER: CCM LLC
6002 N US Highway 68
Winchester, OH 45377
771 725-8030
- TERMINI: Indian Motorcycle of Northern Kentucky
Walton, KY 41094
(859) 534-2240
- PARCELS: 625-00-00-075.08
- REVISIONS: Dated March 10, 2025 Page: 587
- EXISTING BUILDINGS: Square Footage = Approx. 18,000 SF ±
- PROPOSED BUILDING:
 - Building Expansion of Existing Building: Gross Floor Area = 5,460 SF ±
 - Building #1: Gross Floor Area = 23,500 SF ±
 - Building #2: Gross Floor Area = 11,000 SF ±
- REQUESTED VARIANCES:
 - Variance from Article 36, Section 3-6C Buffer Yield: A) as required 10' Wide Buffer Yield to be reduced from a required 10' Wide Buffer Yield A to a 0' Wide Buffer Yield A to reflect existing conditions.

SITE ZONING DATA

Block: 625-00
Minimum Lot Area = 18,000 SF
Minimum Lot Area = 18,000 SF
Minimum Lot Area = 18,000 SF
Minimum Lot Area = 18,000 SF
Minimum Lot Area = 18,000 SF
Minimum Lot Area = 18,000 SF
Minimum Lot Area = 18,000 SF
Minimum Lot Area = 18,000 SF



VICINITY MAP
SCALE: NTS

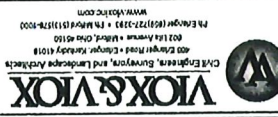
Location of utilities and structures, both surface and subsurface, are shown on the plans from data available at time of filing, and are not to be construed as a guarantee of their location, depth, or character. The contractor shall be responsible for protecting all existing utilities and structures whether shown on the plan or not, if damage to any utility or structure is caused by the construction of the project, the contractor shall be responsible for the restoration of the utility or structure to its original condition or better. The contractor shall be responsible for the protection of all existing utilities, and shall be responsible for the restoration of the utility or structure to its original condition or better. THE OWNER AND THE APPROPRIATE AUTHORITIES.

PARKING SUMMARY

- EXISTING BUILDING (18,000 SF) ± BUILDING ADDITION (6,460 SF) ±
 Proposed Parking Calculation:
 Commercial - "Other Types of Businesses or Commercial Outlet" (1.00 Space Per 300 GFA)
 Employment - Motorcycle Inventory / Warehouse / Assembly / Distribution (1.00 Space Per Employee at Largest Shift)
 Required Parking Calculation:
 Commercial: Approx. 11,000 SF / 300 GFA = 37 Spaces
 Employment: Approx. 10 Employees = 10 Spaces
 Required A.D.A. Spaces (1 A.D.A. Space Per 25 Spaces) = 47 / 25 = 2 Spaces
 Total Spaces = 48 Spaces
 Provided Spaces = 50 Spaces
 PROPOSED BUILDING #1 (23,500 SF)
 Commercial - "Other Types of Businesses or Commercial Outlet" (1.00 Space Per 300 GFA)
 Required Parking Calculation:
 Commercial: Approx. 23,500 SF / 300 GFA = 95 Spaces
 Required A.D.A. Spaces (1 A.D.A. Space Per 25 Spaces) = 95 / 25 = 4 Spaces
 Total Spaces = 99 Spaces
 Provided Spaces = 115 Spaces
 PROPOSED BUILDING #2 (11,000 SF)
 Proposed Use:
 Employment - Motorcycle Inventory / Warehouse / Assembly / Distribution (1.00 Space Per Employee at Largest Shift)
 Required Parking Calculation:
 Employment: Approx. 10 Employees = 10 Spaces
 Required A.D.A. Spaces (1 A.D.A. Space Per 25 Spaces) = 10 / 25 = 1 Space
 Total Spaces = 11 Spaces
 Provided Spaces = 12 Spaces

TOTAL SPACES PROVIDED IN DEVELOPMENT = 177 SPACES ±

Sheet Number	Sheet Number
0.0	COVER SHEET
1.0	EXISTING CONDITIONS
2.0	CONCEPT PLAN



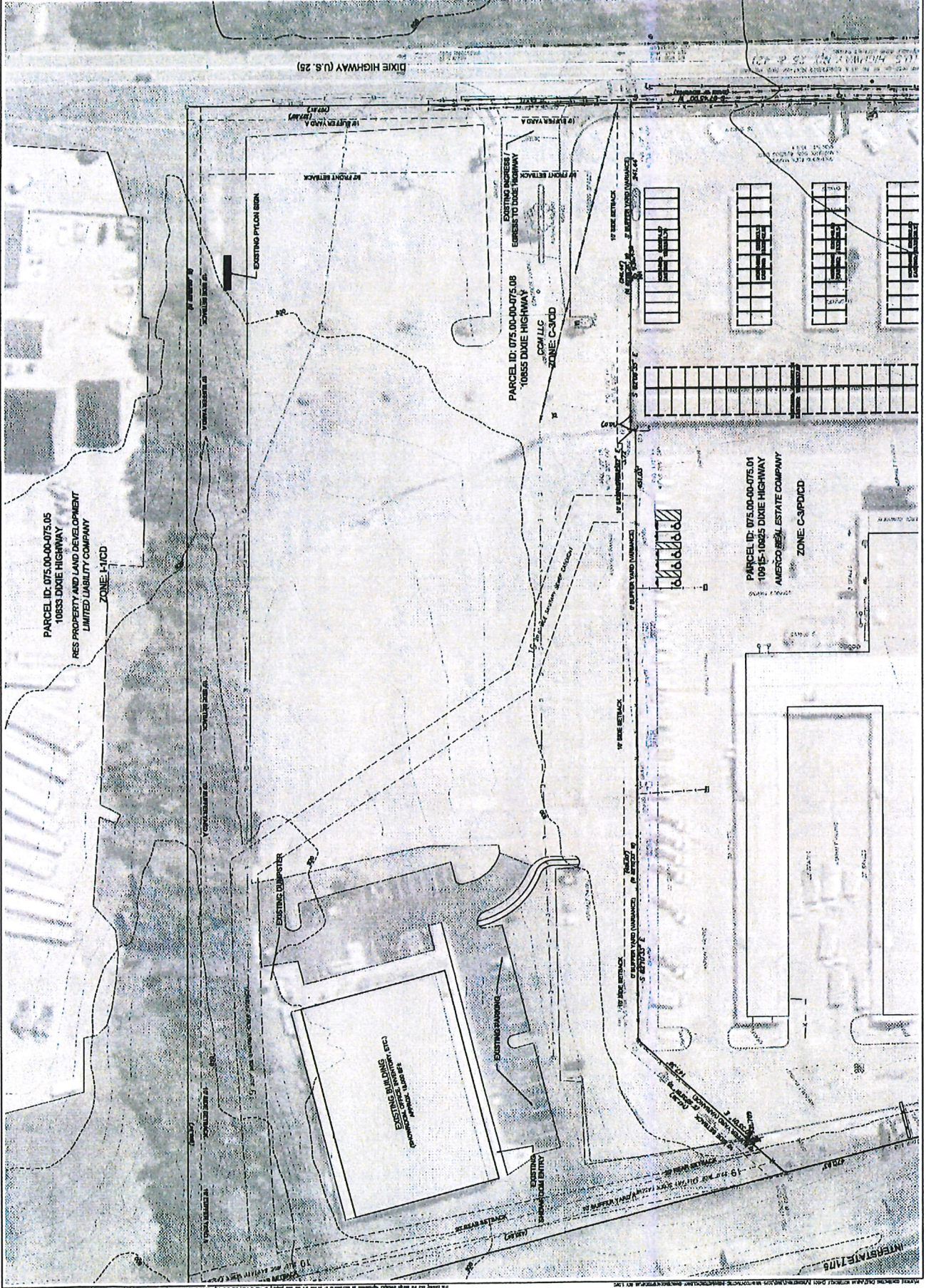
INDIAN MOTORCYCLE OF NKY
10855 DIXIE HIGHWAY
UNINCORPORATED BOONE COUNTY, KENTUCKY
COVER SHEET

DATE	0.0
BY	
CHECKED	
DATE	

DATE	DESCRIPTION
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 1)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 2)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 3)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 4)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 5)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 6)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 7)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 8)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 9)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 10)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 11)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 12)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 13)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 14)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 15)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 16)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 17)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 18)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 19)
10/20/21	100% DESIGN DEVELOPMENT PLAN (SHEET 20)

VIOLA & VIOX
 CIVIL ENGINEERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
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 www.vvaxinc.com

INDIAN MOTORCYCLE OF NKY
10855 DIXIE HIGHWAY
 UNINCORPORATED BOONE COUNTY, KENTUCKY
 EXISTING CONDITION
 1.0



The existing and proposed conditions shown on this plan are based on the information provided by the client and the field notes of the project. The client is responsible for the accuracy of the information provided. The engineer is not responsible for the accuracy of the information provided by the client. The engineer is not responsible for the accuracy of the information provided by the client. The engineer is not responsible for the accuracy of the information provided by the client.

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 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 8:13 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

4. 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.

Staff member, Steve Lilly, referred to his PowerPoint presentation. The site is 6.7 acres in size and located next to the U-Haul building off Dixie Highway. The request includes a Change in Concept Development Plan to allow for the expansion of the existing building as well as two additional commercial buildings. It also includes a reconfiguration of the parking lot. The primary use is Indian Motorcycles of NKY. The second part of the request is for a Variance to not require a landscaping buffer on the southern property line since it was paved as one big lot in the past. In 1995, a Zoning Map Amendment was approved for C-3 zoning for a small auto sales lot. In 2005, a Site Plan was approved to allow a 17,600 square foot commercial building for Richwood Motor Sports which is where Indian Motorcycles is located today. Access to the site is from an existing curb cut along Dixie Highway. There is no sidewalk on Dixie Highway today. The site slopes towards the northwest at a 3% grade. A drainage channel exists along the northern end of the site to a detention system. Mr. Lilly described the surrounding land uses and zoning.

Pages 2-3 of the Staff Report includes the applicable zoning regulations to the request. The 2040 Comprehensive Plan designates the site for Commercial (C) land use. Pages 3-5 of the Staff Report includes the pertinent sections from the Comprehensive Plan. He showed photographs of the site and surrounding properties. There is no landscaping on the site along Dixie Highway and I-75. The original Change in Concept Development Plan application required landscaping to be planted. The proposed Concept Development Plan includes new landscaping islands and defines the drive-way aisles as well as the circulation areas. Concerns are listed in the Staff Report including a possible 11,000 square foot distribution use. Distribution is not a permitted use in a C-3 zone. There is a future road project for US 25. Does the submitted plan address that planned expansion of Dixie Highway? Also, the evergreen trees along I-75 were never planted and a sanitary sewer line is located under the planned 11,000 square foot building (Building #2). Will it be relocated?

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

Mr. Brock MacKay, Viox & Viox, Inc., introduced Jason Atkins and Dave Compsey from Indian Motorcycle Sales, Wilmington, Ohio. They have been located in Boone County since 2015. Mr. Atkins stated that they are trying to develop the property for future power sports dealerships – Yamaha, Kawasaki and Honda, eventually. Mr. Compsey replied that “Distribution” is not the correct word. The building will be used to assemble motorcycles and parts for retail stores. There would be multiple store fronts for the various brands.

Mr. MacKay showed photographs of interior floor space for displays and sales and assembly. It is more like a shop area. The building expansion is important. The site has a long history with the Flea Market. They Variance is necessary to make the fence that has separated the property for years permitted. The building addition would be 6,400 square feet. He showed photographs of the fence.

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?

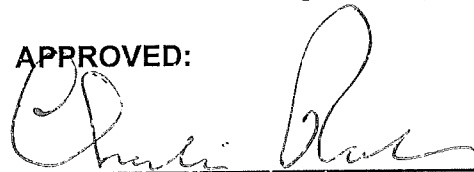
He asked if the proposed new buildings will be brick or metal? Mr. MacKay responded that the small addition will match the existing building. Building #1 will be more used for a showroom and sales. Building #2 will be used for storage, inventory and assembly.

Chairman Rolfsen inquired about the location of Building #1?. Will its location affect the widening of US 25? Mr. MacKay replied that he didn't know if plans are available yet. They are focusing their time of the small building addition. Building #1 can be slid to the west if needed. The existing sanitary sewer line will have to be relocated for Building #2 to be built.

Mr. Costello asked if more green space could be provided and less pavement? Mr. MacKay responded that they would increase some. The site does sales and service at the location.

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 February 19, 2025 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 5, 2025 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:32 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
MARCH 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 March 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
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:

Mrs. Pamela Goetting
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 February 19, 2025 Business Meeting. He asked if there were any comments or corrections?

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

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between February 6, 2025 and March 5, 2025.

EXPENSES:

Accounting Fees	1,361.95
Attorney Fees	4,800.00
Auto Expense	32.30
Consultant/Profess Svcs Fees	1,195.00
Filing Fees (CLURS)	600.00
Legal Ads/Recruitment	591.33
Office & Board Meeting Supplies	655.05
Office / Equipment Maintenance	692.40
Office Equipment / Expense	331.48
Postage Expense	502.25
Printing/Pub/Dues/Subscriptions	1,459.00
Professional Development	<u>240.00</u>

TOTAL: \$ 12,460.76

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,004.15
Health/Dental/Life/LTD	17,693.76
Retirement – BCPC Portion	18,726.66
Salaries – Staff Expenses	96,341.84
Salaries – BCPC & BOA	<u>1,375.00</u>

TOTAL: \$ 141,436.67

GRAND TOTAL: \$ 153,897.43

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. Dr. Clark seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

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

1. 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.

Staff Member, Michael Schwartz read the Committee Report, which recommended approval of the Zoning Map Amendment, Conditional Use Permit 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. All Committee Members present voted in favor of the request with Mr. Lunnemann, Mr. Hincks and Ms. Gulick voting in favor.

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

Mr. Danny Whitley, applicant, stated that he was in agreement with the Conditions and was available to answer any questions.

Ms. Michelle Kelly, Gaines Way, inquired about the other existing hotels in the area. Mr. Schwartz showed a slide of the Holiday Inn Express and Hampton Inn. Both are located on the Frogtown Connector Road.

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

Mr. Hincks asked if there were any restrictions concerning the height of the other two hotels in the area as he noted that they were 3 stories in height. Mr. Schwartz responded no, since the other two hotels were built under the existing zoning of C-4.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Hincks and seconded by Mr. Lunnemann. The motion passed unanimously.

ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Janet Kegley, Chairwoman,
Michael Schwartz, Staff

2. 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.

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

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

Mr. Jason Culter, contractor for the project, stated that he was available to answer any questions.

Seeing no further comment, **Mrs. Kegley moved, by Resolution to the City of Florence (as noted) to recommend approval of the Zoning Map Amendment and Conditional Use Permit based on the Committee Report, Findings of Fact and Conditions. Ms. Gulick seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCES, Corrin Gulick, Chairwoman
Lauren Elliott, Staff

3. 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.

Staff Member, Lauren Elliott, read the Committee Report, which recommended approval of the Change in Concept Development Plan and Variances based upon the Committee Report, Findings of Fact and Conditions. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission. The Committee voted 3-0 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?

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

Seeing no further comment, **Ms. Gulick moved, by Resolution to the City of Florence to recommend approval of the Change in Concept Development Plan and Variances, based on the Committee Report, Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCE, Steve Harper, Chairman, Steve Lilly, Staff

4. 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.

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 3-0 vote.

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

Mr. Mackay, applicant, stated that he was present to answer any questions from the Board.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Change in Concept Development Plan and Variance based on the Committee Report, Findings of Fact and Conditions. Mr. Turner seconded the motion and it passed unanimously.**

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

5. 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.

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

All Committee Members present voted in favor of the request with a 3-0 vote.

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

Mr. Corey Guess stated that he lives two plots from the proposed development. He asked where does the need for this use arise? He moved into his house over a year ago and there was no mention of it. He will lose his privacy. There will be a noisy lift station next to him. There will be truck traffic delivering to both restaurants. He doesn't want it or need it because he is the community. There are four houses on this road. He wasn't aware of the meeting. Mr. Costello asked if Mr. Guess's wife attended the Public Hearing. Mr. Guess replied yes.

Mr. Schwartz stated that there was a legal ad in the newspaper, a sign posted on the property and all adjoining property owners were notified via a letter. He pointed to the property owners that were notified. Mr. Guess stated that he didn't get a letter.

Mr. Wilson noted that Mr. Guess's wife attended the Public Hearing and had an opportunity to speak. Questions were asked and answers were provided at the Committee Meeting.

Mr. Berling, applicant, stated that Corporex has owned the property for a while. He noted that Mr. Guess's back yard does touch the property in question. It is not immediately adjacent. He is the second property owner. The road will be widened to the third entrance. Water will be provided by the Northern Kentucky Water District because there is a 12 inch water main in the area. The lift station is a private one without a big generator. One will not be able to hear it go on and off. It will be away from the neighbor's property. A 30 foot buffer is required. Mr. Schwenke asked if the berm and fence could be installed? Mr. Berling responded yes if they could limit it to towards the back and not the side. Mr. Berling agreed to do it. Mr. Schwartz stated that the minutes could reflect this change and new condition.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Map Amendment based on the Committee Report, Findings of Fact and Conditions and to include a fence as recorded in the minutes. Mr. Hincks seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

6. Request of **Alex Othman (applicant/owner)** for: (1) a Change of Concept Development Plan for an approximate 2.62 acre area of the site; (2) a Conditional use Permit for an approximate 7.52 acre area of the site; and (3) expansion of an existing commercial parking facility for an approximate 2.02 acre area of the site. The site is an approximate 9.54 acre area located at 527-535 Hunter Road and 571-591 Hunter Road, Boone County, Kentucky, which is currently zoned Commercial Services (C-3). The submitted request is to allow the conversion of an approximate 7.52 acre area of the site from commercial parking to a truck stop and to allow the expansion of the existing commercial parking facility on an approximate 2.02 acre area of the site.

Staff Member, Michael Schwartz read the Committee Report, which recommended approval of the Change in Concept Development Plan and Conditional Use Permit based upon Findings of

Facts and Conditions. He referred to updated drawings showing Hetzel Drive and Hunter Drive. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission.

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

Mr. Jim Bertrum, engineer, stated that he was present to answer any questions about the project.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Change in Concept Development Plan and Conditional Use Permit based on the Committee Report, Findings of Fact and Conditions. Mr. Szurlinski seconded the motion.**

Ms. Gulick stated that she was motivated to make it work. In both the Boone County Transportation Plan and the Boone County Comprehensive Plan, truck traffic is discussed in depth because of our location near the interstate and river. We are going to have trucks because of our location with the transportation network. She suggests the County Engineer and the applicant look at the following: the westbound left had turn from KY 20 to KY 212 as well as the right turn onto Hetzel Drive. Finally, the sight distance at Hetzel Drive for vehicles coming up the hill. With all of this, it could work. Chairman Rolfsen thought that the use of Hetzel Drive for truck traffic was the only way it could work. Ms. Gulick replied that both entrances would be evaluated for right turning movements during the permitting process. The left turn lane has 75 feet of storage. That is the minimum. It might have to be 200 feet based upon the 45 mph speed limit.

Mr. Bertrum responded that they are studying it and agreed to it as the next step. Hetzel Drive will continue to be a public road. In response to a question from Mrs. Steele, Mr. Bertrum stated that signs will be posted that trucks are not allowed on Hunter Road similar to what is there now.

Chairman Rolfsen asked for a vote on the original motion made by Ms. Gulick and seconded by Mr. Szurlinski. The motion passes unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

7. Request of **The Northern Kentucky Development Alliance, LLC, per Dale McPherson and Patrick Rector (applicant) for Arlinghaus I LLC, per Robert Schroeder (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 18.8 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Union, Kentucky and a request of **Arlinghaus I LLC, per Robert Schroeder (applicant and owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately

2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03. The request is for a zone change/change of concept development plan to allow the development of an approximate 13,000 square foot event center, with associated functions and structures, and to amend the design and layout of a previously approved single-family residential subdivision.

Mrs. Steele moved to schedule the Public Hearing for Item #7 on April 2, 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)

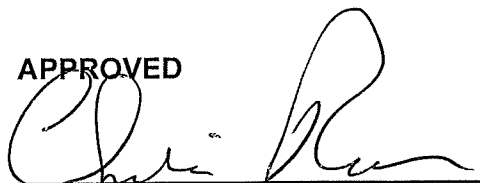
J. CHAIRMAN'S REPORT: (Charlie Rolfsen)

**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. Turner seconded the motion and it passed unanimously. The meeting was adjourned at 7:52 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: Corrin Gulick, Chairwoman

DATE: March 5, 2025

RE: 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.

REMARKS:

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

CHANGE IN APPROVED CONCEPT PLAN FINDINGS OF FACT:

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

The submitted Concept Development Plan shows an expansion of permitted uses within the underlying C-3 Zone.

2. The Committee concluded that the proposed Change of Concept Development Plan is consistent with Our Boone County Plan 2040 Economic Development, Conclusions and Recommendations which states the following:
 - a. Boone County's specific resources and strengths should be nurtured as catalysts for economic development and should start taking the necessary steps to make the transition towards a more sustainable, regional economy of the future. It is recommended that a detailed study or analysis of Boone County's economy be performed to provide a more accurate and detailed profile of Boone County businesses and labor force, employment trends, workforce readiness, etc. Such a study would also evaluate the strengths and weaknesses of current industry

types and their potential for expansion. It could also be used to recruit target industries suitable to Boone County and its local workforce. City/County officials will then be able to use this information to promote job growth within their jurisdiction and provide direction on incentive programs to expand existing businesses or recruit new ones and at the same time, set Boone County up with a more sustainable and diversified economy that is ready for whatever the future trends may be, including dealing with the impact of the logistics industry (i.e. Amazon) on big box retail and what becomes of any empty retail centers and their parking lots in the event that they close. Boone County should examine creative mixed-use methods of incorporating high density residential with brick and mortar retail opportunities as a way to promote a local and sustained economy.

The submitted Concept Development Plan shows an expansion of an existing business and new buildings which could allow for additional commercial business and job growth within the county.

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

CONDITIONS:

1. That the uses for the site be limited to the permitted and accessory uses within the C-3 Zoning District, or the conditional uses within the C-3 district, subject to the issuance of a Conditional Use Permit.
2. That a landscape plan be submitted as part of the next site plan application that shows compliance with the 1995 Zoning Map Amendment condition which requires evergreen trees be planted along the western part of the site along I-75/71.

VARIANCE FINDINGS OF FACT

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

1. The proposed Variance does not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making this finding, the Committee concluded the strict application of the landscaping buffer yard requirement would deprive the applicant of the reasonable use of the land or create an unnecessary hardship.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Indian Motorcycle

March 5, 2025

Page 3

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

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

DATE: February 19, 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.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Steve Lilly, Staff

4. 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.

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 (Chairman)
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

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

David Hincks
For Project Absent ___
Against Project ___
Abstain ___ Deferred ___

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

TOTAL: _____ DEFERRED 3 FOR PROJECT 2 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. 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 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 8:13 p.m.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

4. 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.

Staff member, Steve Lilly, referred to his PowerPoint presentation. The site is 6.7 acres in size and located next to the U-Haul building off Dixie Highway. The request includes a Change in Concept Development Plan to allow for the expansion of the existing building as well as two additional commercial buildings. It also includes a reconfiguration of the parking lot. The primary use is Indian Motorcycles of NKY. The second part of the request is for a Variance to not require a landscaping buffer on the southern property line since it was paved as one big lot in the past. In 1995, a Zoning Map Amendment was approved for C-3 zoning for a small auto sales lot. In 2005, a Site Plan was approved to allow a 17,600 square foot commercial building for Richwood Motor Sports which is where Indian Motorcycles is located today. Access to the site is from an existing curb cut along Dixie Highway. There is no sidewalk on Dixie Highway today. The site slopes towards the northwest at a 3% grade. A drainage channel exists along the northern end of the site to a detention system. Mr. Lilly described the surrounding land uses and zoning.

Pages 2-3 of the Staff Report includes the applicable zoning regulations to the request. The 2040 Comprehensive Plan designates the site for Commercial (C) land use. Pages 3-5 of the Staff Report includes the pertinent sections from the Comprehensive Plan. He showed photographs of the site and surrounding properties. There is no landscaping on the site along Dixie Highway and I-75. The original Change in Concept Development Plan application required landscaping to be planted. The proposed Concept Development Plan includes new landscaping islands and defines the drive-way aisles as well as the circulation areas. Concerns are listed in the Staff Report including a possible 11,000 square foot distribution use. Distribution is not a permitted use in a C-3 zone. There is a future road project for US 25. Does the submitted plan address that planned expansion of Dixie Highway? Also, the evergreen trees along I-75 were never planted and a sanitary sewer line is located under the planned 11,000 square foot building (Building #2). Will it be relocated?

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

Mr. Brock MacKay, Viox & Viox, Inc., introduced Jason Atkins and Dave Compsey from Indian Motorcycle Sales, Wilmington, Ohio. They have been located in Boone County since 2015. Mr. Atkins stated that they are trying to develop the property for future power sports dealerships – Yamaha, Kawasaki and Honda, eventually. Mr. Compsey replied that “Distribution” is not the correct word. The building will be used to assemble motorcycles and parts for retail stores. There would be multiple store fronts for the various brands.

Mr. MacKay showed photographs of interior floor space for displays and sales and assembly. It is more like a shop area. The building expansion is important. The site has a long history with the Flea Market. They Variance is necessary to make the fence that has separated the property for years permitted. The building addition would be 6,400 square feet. He showed photographs of the fence.

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?

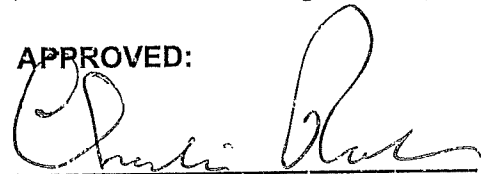
He asked if the proposed new buildings will be brick or metal? Mr. MacKay responded that the small addition will match the existing building. Building #1 will be more used for a showroom and sales. Building #2 will be used for storage, inventory and assembly.

Chairman Rolfsen inquired about the location of Building #1?. Will its location affect the widening of US 25? Mr. MacKay replied that he didn't know if plans are available yet. They are focusing their time of the small building addition. Building #1 can be slid to the west if needed. The existing sanitary sewer line will have to be relocated for Building #2 to be built.

Mr. Costello asked if more green space could be provided and less pavement? Mr. MacKay responded that they would increase some. The site does sales and service at the location.

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 February 19, 2025 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 5, 2025 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:32 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountky.org

February 21, 2025

Viox & Viox, Inc.
Brock MacKay
466 Erlanger Road
Erlanger, KY 41005

RE: 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.

Dear Mr. MacKay,

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their February 19, 2025, meeting. The property owner will need to sign the appropriate line at the end of this letter if they are in agreement with the conditions. Please return the original letter to the Planning Commission office by March 4, 2025.

CONDITIONS


1. That the uses for the site be limited to the permitted and accessory uses within the C-3 Zoning District, or the conditional uses within the C-3 district, subject to the issuance of a conditional use permit.
2. That a landscape plan be submitted as part of the next site plan application that shows compliance with the 1995 Zoning Map Amendment condition which requires evergreen trees be planted along the western part of the site along I-75/71.

Sincerely,

Steven C. Lilly, PLS
Planner

AGREEMENT

We, the property owner, hereby agree to the conditions of approval for the Change of Concept Development Plan application, which is referenced on the first page of this letter.



CCM LLC (Owner)

2/21/25

Date

We, the applicant, hereby agree to the conditions of approval for the Change of Concept Development Plan application, which is referenced on the first page of this letter.



Brock MacKay, Viox & Viox, Inc. (Applicant)

2/21/25

Date

RETURN TO:

Return to:

GENERAL WARRANTY DEED

KENTUCKY LAND TITLE AGENCY
2362 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

KNOW ALL MEN BY THESE PRESENTS:

That MIARKO, INC., a Kentucky corporation, for and in consideration of One Million Five Hundred Thousand and 00/100 (\$1,500,000.00) Dollars to it paid by the Grantee herein, the receipt of which is acknowledged, does bargain, sell, and convey to:

C.C.M., LLC, an Ohio limited liability company, its successors and assigns forever, the following described Real Estate, in the County of Boone and Commonwealth of Kentucky, to wit:

Present Street Address: 10915A Dixie Highway, Walton, Kentucky 41094

Grantee's Mailing Address: 6002 N. US Highway 68, Wilmington, Ohio 45177

Grantor's Mailing Address: 10915 Dixie Highway, Walton, Kentucky 40094

Tax bills should be sent "in care of": C.C.M., LLC, 10915A Dixie Highway, Walton, Kentucky 41094

Group No. 2064

Beginning at an iron pin (found) in the west right-of-way line of the Dixie Highway (U.S. Highway 25 & 42), said point being the northeast corner of Miarko, Inc. property as described in Deed Book 353 at Page 84 of the Boone County Clerk's Records at Burlington, Kentucky; thence S 07°-45'-00" W along the west right-of-way line of Dixie Highway 327.80 feet to an iron pin (set); thence leaving Dixie Highway and running through the Miarko, Inc. property N 82°-06'-35" W 241.44 feet to an iron pin (set), S 07°-52'-32" W 3.72 feet to an iron pin (set), N 82°-10'-33" W 451.03 feet to an iron pin (set), and S 50°-35'-01" W 147.36 feet to a fence post in the east right-of-way line of Interstate Highway I-75; thence along the east right-of-way line of I-75, N 06°-37'-00" W 430.24 feet to an iron pin (found), N 83°-23'-00" E 15.00 feet to an iron pin (found), and N 06°-37'-00" W 21.96 feet to an iron pin (found) at the southwest corner of CMH of KY (a Kentucky Corporation) property as described in Deed Book 790 at Page 300 of said Records; thence S 82°-02'-00" E along the north line of the grantor and the south line of CMH of KY a distance of 890.34 feet to the place of beginning.

Containing 6.7153 Acres

Being a part of the same property conveyed to the Grantor herein recorded in Deed Book 353, page 84, Boone County Clerk's office, Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

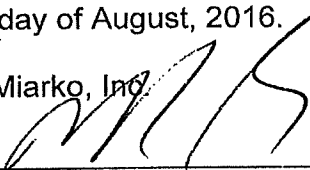
{00028090}

Boone County
D1075 PG 937

TO HAVE AND TO HOLD the same to the said C.C.M., LLC, its successors and assigns forever, the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantor, MIARKO, INC., by its President, Mark Stallings, hereunto sets its hand this 10th day of August, 2016.

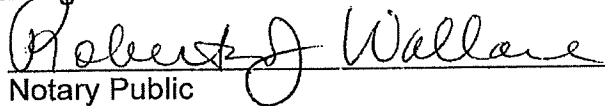
Miarko, Inc.



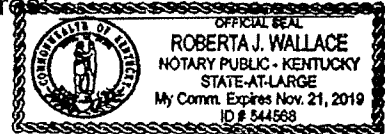
Mark Stallings, President

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 10th day of August, 2016, by Miarko, Inc., by its President, Mark Stallings.



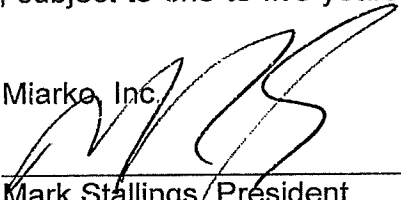
Notary Public
My Commission Expires



DEED CERTIFICATION

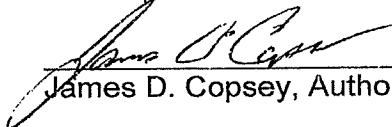
We, MIARKO, INC., Grantor, and C.C.M., LLC, Grantee, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$1,500,000.00 is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.

Miarko, Inc.



Mark Stallings, President

C.C.M., LLC



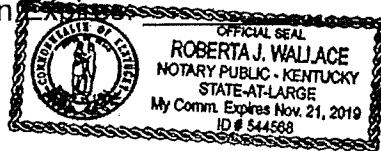
James D. Copey, Authorized Member

{00028090}

STATE OF KENTUCKY
COUNTY OF KENTON

Subscribed and sworn to before me, a Notary Public, by Miarko, Inc., by Mark Stallings, its President, this 10th day of August, 2016.

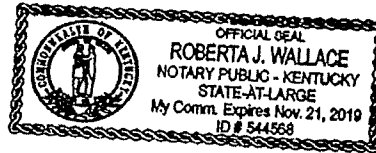
Roberta J. Wallace
Notary Public
My Commission Expires: _____



STATE OF KENTUCKY
COUNTY OF KENTON

Subscribed and sworn to before me, a Notary Public, by C.C.M., LLC, by James D. Copsey, its authorized member, this 10th day of August, 2016.

Roberta J. Wallace
Notary Public
My Commission Expires: _____

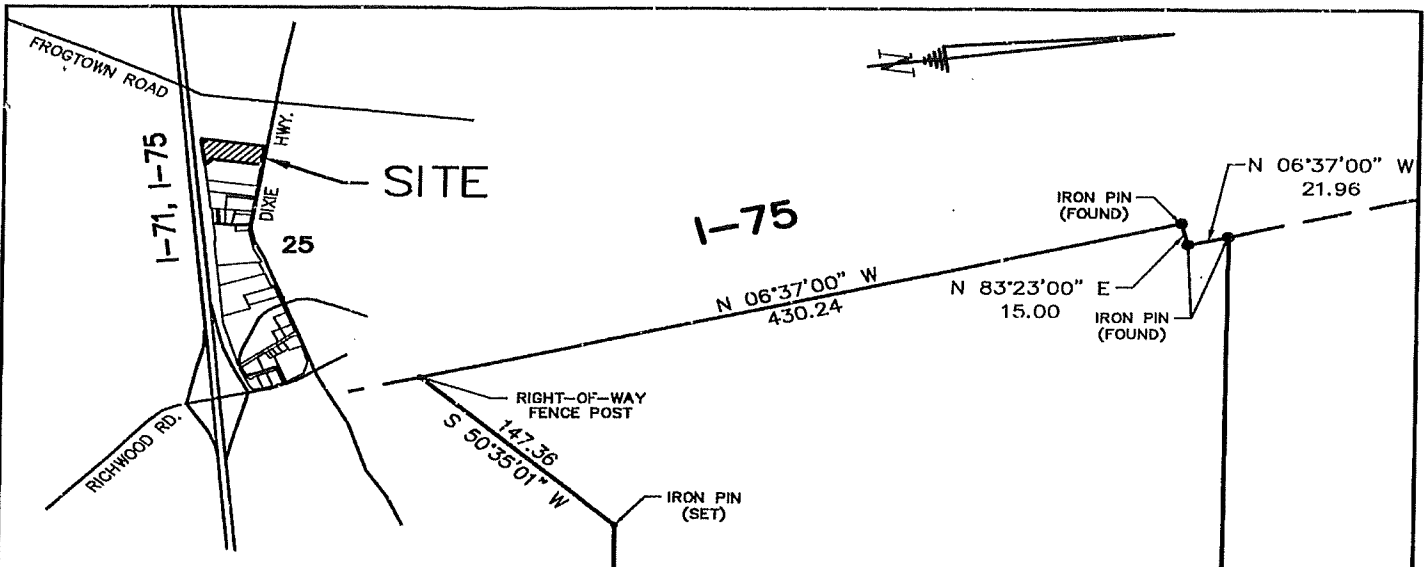


This instrument prepared by ~~and send to:~~

H. David Wallace, Esq.

H. David Wallace, Esq.
Wallace Boggs, PLLC
300 Buttermilk Pike, Suite 100
Fort Mitchell, Kentucky 41017
(859) 578-5410

{00028090}



VICINITY MAP

JB
C-3/CD
2-22-16

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

Approved for recording the transfer of the property only by the Boone County Planning Commission the 22nd day of February, 2016
2/22/16
[Signature]
 Date
Executive Director

P & Z Code No. 5231

I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Minimum Surveying Standards, and complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

I certify that I have examined the records of the Boone County Court Clerk and find that this is the first Conveyance made under the present ownership and the parent tract since 1966 or from the adoption of KRS 100.

2-4-16
 Date
[Signature]
 James W. Berling, LS, Ky. Reg. #206

SURVEYOR

JAMES W. BERLING ENGINEERING P.L.L.C.
 1671 PARK ROAD - SUITE ONE
 FT. WRIGHT, KY. 41011

BACK REFERENCE:
 D.B.: 353 PG.: 84
 GROUP No. 2064

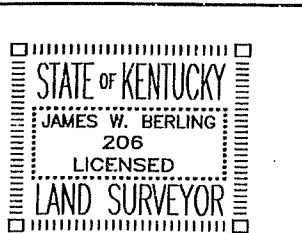
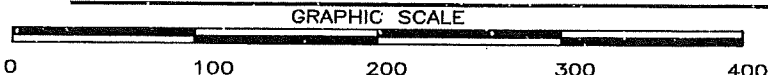
MIARKO, INC. A KENTUCKY CORPORATION
 D.B.: 353, PG: 84

CMH OF KY., A KENTUCKY CORPORATION
 D.B.: 790, PG: 300

PARCEL "A"
6.7153 Ac.

Boone County
D1075 PG 940

DOCUMENT NO: 787355
 RECORDED ON: AUGUST 15, 2016 12:50:15PM
 TOTAL FEES: \$20.00
 TRANSFER TAX: \$1500.00
 GROUP : 2064
 COUNTY CLERK: KENNY BROWN
 COUNTY: BOONE COUNTY CLERK
 DEPUTY CLERK: CINDY
 BOOK D1075 PAGES 937 - 940



CONVEYANCE PLAT	
FROM: MIARKO, INC., A KENTUCKY CORPORATION	
TO: CLINTON COUNTY MOTORSPORTS	
RICHWOOD, BOONE Co. KY	DRAWN BY Chris D. Berling
SUBDIVISION JAMES W. BERLING KY. SURVEYOR No.206	DATE 2/04/16
	SCALE 1" = 100'

011

ORDINANCE 2025-09

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING A REQUEST WITH CONDITIONS OF VIOX AND VIOX INC, PER BROCK MACKAY (APPLICANT) FOR CCM LLC (OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES (C-3) DISTRICT FOR AN APPROXIMATE 6.7 ACRE AREA LOT LOCATED AT 10855 DIXIE HIGHWAY, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change of Concept Development Plan in a Commercial Services (C-3) district and Variance, for an approximate 6.7 acre area lot located at 10855 Dixie Highway, Boone County, Kentucky, which is more particularly described below; and

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

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

Section One

That the request for a Change of Concept Development Plan and corresponding variance, finally approved by the Boone County Planning Commission subject to approval of the Change in Concept Development Plan by the Boone County Fiscal Court, for the real estate which is more particularly described below shall be and is hereby approved, with Conditions, for a Commercial Services (C-3) district, for an approximate 6.7 acre area lot located at 10855 Dixie Highway, Boone County, Kentucky. The real estate, which is the subject of this request for a Change of Concept Development Plan is more particularly described in DEED BOOK: 1075, PAGE NO: 937 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for approval, with Conditions, for a Change of Concept Development Plan and corresponding variance, finally approved by the Boone County Planning Commission subject to approval of the Change in Concept Development Plan by the Boone County Fiscal Court, are the Findings of Fact and Conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit 1."

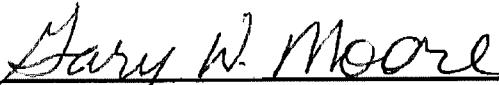
Section Three

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

First Reading the 8th day of April 2025.

Second Reading the 22nd day of April 2025.

Adopted this 22nd day of April 2025. Yes 4 No 0


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

ATTEST:


Shona Schulkers,
Fiscal Court Clerk

ZONING MAP AMENDMENT AMENDED CONDITIONS OF APPROVAL

RE: 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.

The following condition is hereby removed by the Boone County Fiscal Court for the business item listed above in conjunction with the approval of the Concept Development Plan approval on April 22, 2025.

CONDITION TO BE REMOVED:

2. That a landscape plan be submitted as part of the next site plan application that shows compliance with the 1995 Zoning Map Amendment condition which requires evergreen trees be planted along the western part of the site along 1-75/71.

INDIAN MOTORCYCLE OF NKY CHANGE IN CONCEPT DEV. PLAN

DECEMBER 20, 2024

PROJECT LOCATION: 10855 DIXIE HIGHWAY
WALTON, KY 41094
UNINCORPORATED BOONE COUNTY, KENTUCKY

Change of Concept Devel. Plan
APPROVED *with conditions
Staff *[Signature]*
Date 3-5-25
Boone County
Planning Commission

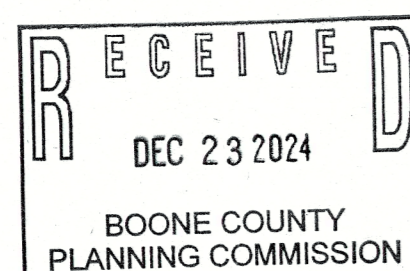
Item	1	BCPC Concept Development Plan Submittal
Revision		
Date	12/20/24	
By		
CHK		

SITE DATA

- SITE ADDRESS:** 10855 Dixie Highway
Walton, KY 41094
- TOTAL ACREAGE OF PROPERTY:** 6.7 Ac ±
- PROPERTY OWNER / DEVELOPER:**
CCM LLC
6002 N US Highway 68
Wilmington, OH 45177
(937) 725-8510
- TENANT:**
Indian Motorcycle of Northern Kentucky
10855 Dixie Highway
Walton, KY 41094
(859)-534-2240
- PARCEL ID:** 075.00-00-075.08
- DEED REFERENCE:**
Deed Book: 1075 Page: 937
- EXISTING BUILDING:**
Square Footage = Approx. 18,000 SF ±
- PROPOSED BUILDING:**
 - Building Expansion of Existing Building:
Gross Floor Area = 6,400 SF ±
 - Building #1:
Gross Floor Area = 28,500 SF ±
 - Building #2:
Gross Floor Area = 11,000 SF ±
- REQUESTED VARIANCES:**
 - Variance from Article 36, Section 3645 Buffer Yards:
A) Requesting variance for South Buffer Yard to be reduced from a required 10' Wide Buffer Yard A to a 0' Wide Buffer Yard A to reflect existing conditions.

SITE ZONING DATA

Existing Zone: C-3/CD
Maximum Intensity = 18,000 SF
Minimum Size of District = 3 AC
Minimum Lot Size = 20,000 SF
Minimum Frontage = 100 FT
Maximum Height = 50 FT
Minimum Front Yard Setback = 50 FT
Minimum Rear Yard Setback = 20 FT
Minimum Side Yard Setback = 10 FT



VICINITY MAP
SCALE: NTS



Location of utilities and structures, both surface and sub-surface, are shown on the plans from data available at time of bidding, and are not necessarily complete or correct. During construction the contractor shall use diligence in protecting from damaging all existing utilities and structures whether shown on the plan or not. If damage is caused, the contractor shall be responsible for the repair or restoration of same to the satisfaction of the engineer or appropriate authority.

PRIOR TO ANY EXCAVATION FOR UNDERGROUND UTILITIES, CONTRACTOR MUST EXPOSE AND VERIFY LOCATIONS BOTH HORIZONTAL AND VERTICALLY OF ALL EXISTING UTILITIES. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY, TO THE ENGINEER AND THE APPROPRIATE AUTHORITIES.

PARKING SUMMARY

- EXISTING BUILDING (18,000 SF±) + BUILDING ADDITION (6,400 SF±)**
Proposed Use:
Commercial - "Other Types of Businesses or Commercial Outlet" (1.00 Space Per 300 GFA)
Employment - Motorcycle Inventory / Warehouse / Assembly / Distribution (1.00 Space Per Employee at Largest Shift)

Required Parking Calculations:
Commercial: Approx. 11,000 SF± / 300 GFA = 37 Spaces
Employment: Approx. 10 Employees = 10 Spaces
Required A.D.A. Spaces (1 A.D.A. Space Per 25 Spaces) = 47 / 25 = 2 Spaces

**Total Spaces = 49 Spaces
Provided Spaces = 50 Spaces**
 - PROPOSED BUILDING #1 (28,500 SF±)**
Proposed Use:
Commercial - "Other Types of Businesses or Commercial Outlet" (1.00 Space Per 300 GFA)

Required Parking Calculations:
Commercial: Approx. 28,500 SF± / 300 GFA = 95 Spaces
Required A.D.A. Spaces (1 A.D.A. Space Per 25 Spaces) = 95 / 25 = 4 Spaces

**Total Spaces = 99 Spaces
Provided Spaces = 115 Spaces**
 - PROPOSED BUILDING #2 (11,000 SF±)**
Proposed Use:
Employment - Motorcycle Inventory / Warehouse / Assembly / Distribution (1.00 Space Per Employee at Largest Shift)

Required Parking Calculations:
Employment: Approx. 10 Employees = 10 Spaces
Required A.D.A. Spaces (1 A.D.A. Space Per 25 Spaces) = 10 / 25 = 1 Space

**Total Spaces = 11 Spaces
Provided Spaces = 12 Spaces**
- TOTAL SPACES PROVIDED IN DEVELOPMENT = 177 SPACES ±**

Sheet List Table	
Sheet Number	Sheet Number
0.0	COVER SHEET
1.0	EXISTING CONDITIONS
2.0	CONCEPT PLAN

VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
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INDIAN MOTORCYCLE OF NKY
10855 DIXIE HIGHWAY
UNINCORPORATED BOONE COUNTY, KENTUCKY
COVER SHEET

Project No: 126324001	Checked: BMM
Date: 12/20/2024	Ref: TMZ

Sheet:
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