

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
June 2, 2010
7:00 P.M.**

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Linda Herald
Mr. Mark Hicks
Mr. Jim Longano
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director of Zoning Services
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the May 5, 2010 Business Meeting and the May 5, 2010 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Poston moved that the Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.

BILLS:

Kevin Costello, Planning Commission 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 5/6/10 through 6/2/10.

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$	3,584.16
Health/Dental/Life		13,313.61
Retirement - BCPC Portion		11,301.01
Salaries - Staff Expense		<u>67,701.80</u>
TOTAL:	\$	95,900.58

EXPENSES:

Accounting Fees	\$	328.08
Attorney Fees		3,040.00
Auto Expenses		31.34
Engineering/Surveying Fees		2,333.33
Filing Fees (CLURs)		176.00
GIS Operations		4,107.10
Legal Ads/Recruitment		258.60
Miscellaneous Expense		23.82
Office & Board Mtg. Supplies		918.78
Office/Equipment Maintenance		1,515.00
Office Equipment/Expense		700.50
Postage Expense		3.52
Professional Development		<u>150.00</u>
TOTAL:	\$	13,586.07

GRAND TOTAL: \$ 109,486.65

Mr. McMillian moved that the bills (expenses and salary and benefits) be approved and paid as presented; and indicated approval of those items which have been paid. Mr. Reynolds seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

CHANGE IN CONCEPT DEVELOPMENT PLAN

1. **Request of L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner) for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.**

Chairman Rolfsen stated the Agenda Item #1 is recommended for deferral to the July 7, 2010 Business Meeting at 7:00 P.M. Mr. Bunger moved to defer the request until July 7, 2010. Mr. Reynolds seconded the motion and it carried unanimously. The next Committee Meeting for this request is scheduled for June 16, 2010 at 5:00 P.M. in this room.

UNIFORM APPLICATION - Todd Morgan, Staff; Charlie Reynolds, Chairman

2. **Request of David A. Pike, Pike Legal Group, PLLC for New Par dba Verizon Wireless (applicant) for Frederick Blank and Maria Blank (owners) for a Wireless Communications Facility located at 9273 East Bend Road, Boone County, Kentucky. The request is for a 305 foot lattice tower.**

Staff Member, Todd Morgan stated that the Technical/Design Review Committee met before tonight's Meeting and found that the application was in general agreement with the Boone County Zoning Regulations and the Boone County Comprehensive Plan for the following reasons:

- 1) The tower is located in an Agriculture (A-1) zoning district. This zone is preferred over residential zones.
- 2) The tower will be built to accommodate at least 5 carriers. This is one of the recommendations of the Zoning Regulations and Comprehensive Plan as co-location will be achieved.

Mr. Morgan stated that the following waivers will be issued with the request. First, a lattice tower will be located in an A-1 zoning district. Second, the tower height will be increased from 120 feet in an A-1 zoning district to 315 feet. This includes the 10 foot lighting rod.

Third, the 10 foot wide landscape buffer around the fence compound will be eliminated.

The Committee voted 3-0 to approve the request with the following conditions:

- 1) The tower shall be able to accommodate at least five (5) carriers.
- 2) The tower and lease compound shall be removed within ninety (90) days of the termination of the lease.
- 3) The tower shall be lit with a dual lighting system - red at night and white lighting during the day.
- 4) The approval does not enhance or enlarge whatever rights exist for access to the subject site and any dispute as to those access rights is a private matter outside of applicable zoning regulations.

The findings and conditions will be forwarded to the applicant in writing based upon State law. Chairman Rolfsen asked if there was a motion for action. **Mr. Reynolds moved to approve the request. Mr. McMillian seconded the motion.** Chairman Rolfsen inquired whether there were any questions about the request.

Mr. Schwenke asked whether the setback issue mentioned at the Public Hearing from the neighboring property was addressed at the Committee level. Mr. Morgan responded that it did come up at the Committee meeting and the applicant did not approach the property owner and wanted to leave the tower at where it was proposed.

Mr. Wilson noted that there was a discussion as to safety and the record indicated that these structures would buckle in and not fall on their side. Further, Todd Morgan agreed with that assessment.

Mr. Schwenke inquired again whether there was a discussion of moving the tower back. He thinks it is too close to the neighboring farm. He stated that he would not vote for the project because how close it is to the neighboring property. Mr. Wilson speaking not in favor or against the project, noted that distances were mentioned at the Public Hearing - over 1,000 feet from the tower to the nearest house and over 3,000 feet to the road. Mr. Morgan stated that the tower will be 153 feet from the rear property line. It is 1,055 feet from the tower to the closest residence. Chairman Rolfsen asked if there were any houses on the subject property where the tower will be located? Mr. Morgan answered yes. Mr. Schwenke felt that is a good policy to move the structure back from the property line.

Mrs. Poston asked the applicant why they didn't move the tower back? Mr. Pike, representing the applicant, responded that the Planning Commission must make its decision based upon the previous record - information that was filed prior to and during the Public Hearing. Upon consideration, the applicant wants to proceed at the current location. The tower meets all of the regulatory setbacks. Any relocation of the tower brings it closer to other neighbors in the area. There is no safety issue associated with the distance of this

tower to the property lines. This is a position ratified by the staff. The tower is located on a large tract of land, which the staff noted provides heavy tree cover for the base shielding. The tower will be just as visible if it is moved further into the landowner's real estate because it is a 300+ foot high structure. The height and type of tower is consistent with prior approvals as part of Verizon's deployment network under the same regulations at a site located at 3910 Miller-Owens in Verona (approved 8-6-08) and at 4176 Burlington Pike (approved 9-22-09). At the Miller-Owens site, the setback from the adjoining property owner was only 50 feet. It was a 250 foot high tower that was approved. The applicant has expended a lot of money and tremendous amount of time on the application. Any move or relocation of the tower would require his client to start over. It means new approvals would have to be sought by the FAA, FCC and the Kentucky Airport Zoning Commission. They would have to have new geo-technical studies and surveys. He stated that their position is that the site meets the setback requirements. He feels that it is not right to take additional questions for fear of producing more evidence.

Mr. Schwenke again emphasized moving the structure. There is no reason why it can't be moved other than getting it away from the property owner who owns the property.

Mr. Bunger stated that he agreed with Mr. Schwenke. Even though it was discussed previously, he feels there wasn't much attention or concern given by the applicant regarding this issue.

There being no further comments or questions, Chairman Rolfsen asked for a vote on the motion made by Mr. Reynolds and seconded by Mr. McMillian. Mr. Brandstetter, Mrs. Kegley, Mr. McMillian, Mrs. Poston, Ms. Reeves, Mr. Reynolds, Mr. Rolfsen voted for the project. Mr. Bunger and Mr. Schwenke voted against the project. The motion carried by a vote of 7-2.

3. **Technical Design Review - Buffalo Wild Wings**
8840 Bankers Street

Staff Member, Mitch Light, presented the request. The applicant is requesting approval to replace the existing letters and two logos on the building facade. The existing sign was originally approved in May, 1998 up to 100 square feet but was installed at about 99.8 square feet. The applicant is replacing the existing sign with a logo cabinet sign at about 48.59 square feet. Mr. Light stated that the Committee voted 3-0 in favor of the request.

There being no further comments or questions, Mr. Reynolds moved to approve the request based upon the Committee Report. Mr. Brandstetter seconded the motion and it carried unanimously.

NEW BUSINESS:

ZONING MAP AMENDMENT - Kevin Wall, Staff

4. Request of Jay Bayer, Bayer Becker (applicant) for Toebben, Ltd. and William Toebben (owners) for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 344 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.

Mr. McMillian moved to schedule the Public Hearing for this request for July 7, 2010 at 7:30 P.M. Mr. Reynolds seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin Costello, AICP, Executive Director, gave a budget update to the Board members:

In terms of business activity, the last three months have shown an increase in comparison to the previous 2 years. This activity affects the Zoning Services and Administrative Services Divisions. In terms of review fees, we have already met our budgeted amount. Also, it should be noted that we will have 2 major projects that will occur most of the next fiscal year - the *Mall Road District Study* and the *2010 Boone County Comprehensive Plan*. The budget packet includes a description of the work activities our staff undertakes and historical data and trends about the various types of review. Our staff has a diverse workload unlike other departments. Our staff serves 9 different Boards.

In terms of FY 2010-2011, we are proposing a \$1,569,000 budget, a reduction of \$37,000 from this year's budget. This is a reduction of \$329,000 from five years ago. The 5-year decrease is attributable to completed projects (e.g. GIS mapping and photography), staff layoffs and unfilled positions. From a revenue standpoint, Government funding will be at \$958,000 and \$12,000 less from the current fiscal year. There is a planned reduction in funds from the Boone County Fiscal Court. This is the result of Fiscal Court deciding to compensate Greg Sketch exclusively for services provided to the Planning Commission. Thus, the Fiscal Court is reducing their contribution level. There will be a Memorandum of Understanding (MOU) prepared and executed covering these services. With regard to the other legislative units, slight increases are being proposed because we are providing more services to the cities. It is projected that we collect about \$415,000 in review fees by June 30th versus the \$364,000 budgeted amount. We are proposing \$380,000 in review fees for the next fiscal year. In the past, we have collected over \$660,000 in review fees. The decrease in revenue from the administration category is due to the decrease in the public

inspection program. The "Other" revenue category includes a \$2,300 rebate from our liability insurance carrier - KACo.

From an expenditure side, there is a plan to restore the Board member stipend. There is a proposal to reinstate the Board member stipend either on July 1, 2010 or at the end of the first quarter. It would include the Planning Commissioners and Board of Adjustment Members. The Executive Committee that will decide the date. In addition, there is a proposal to give staff a 1.5% merit increase effective July 1, 2010. The staff took 3 furlough days this fiscal year and 2 days in the previous fiscal year (FY 2008-2009). The proposed increase will help address the furlough days. The last pay increase given to staff was in 2008. In terms of Professional Services, the decrease is the result of dropping engineering and surveying services and other consultant services. We will have to hire consultants for the *Mall Road District Study* on a limited basis. Funds for this was provided by the City of Florence. The biggest increase in the Fringe Benefits category is health insurance - up 8% for the new fiscal year and retirement up from 16.16% to 16.93%. Expenses from the Public Improvement Inspection Program declined due to a lack of construction. In terms of the Other Category, there is a decrease from \$197,000 (FY 2009-2010) to \$158,000 primarily due to paying off our line of credit. There may be some line items in the Other Category which show an increase such as equipment or the purchase of new computers as well as printing for the Comprehensive Plan. Mr. Costello stated that the Executive Committee is recommending adoption of the FY 2010-2011 Budget.

Mr. McMillian asked whether there will be any furlough days? Mr. Costello responded no not at this time, but it can't be ruled out at any point in the future. Chairman Rolfsen asked what the cities or county were doing in terms of raises? Mr. Costello reported that the City of Florence was going to give a 2.2% or 2.1% salary increase and Boone County 1.5%. Mr. McMillian moved to adopt the FY 2010-2011 Budget as presented. Mr. Reynolds seconded the motion and it carried unanimously.

COMMITTEE REPORTS: Mr. Brandstetter

Airport:

Mr. Brandstetter stated that a meeting was hosted by the Planning Commission last Thursday. The Airport gave an update on operations and noted that noise abatement was going well. He said that the next Committee meeting will be in September.

Administrative/Personnel: Mr. Reynolds
No Report

Enforcement: Mr. Bunger
No Report

Long-Range Planning/Comprehensive Plan: Mr. Schwenke
No Report

Technical/Design Review: Mr. Reynolds
No Report

Executive: Mr. Rolfsen
No Report

CHAIRMAN'S REPORT: Mr. Rolfsen
No Report

OKI Report: Mr. Breetz
No Report

Other:

There being no further business to come before the Planning Commission, Mr. McMillian moved to adjourn. Ms. Reeves seconded the motion. The meeting was adjourned by unanimous consent at 7:30 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director