

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
November 28, 2007
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Judy Arnett, Secretary/Treasurer called the meeting to order at 8:03 PM and introduced the first item on the Agenda:

Applicant: **James W. Berling for
J.M.J. Investments, LLC (owner)**

Request: **Zoning Map Amendment**

The request of James W. Berling (applicant) for J.M.J. Investments, LLC (owner) for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre tract at 13310 Walton Verona Road, Walton, Kentucky. The request is for a zone change to allow a general contracting use.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He noted that the pictures of the site were taken several weeks ago and additional trees have been removed since that time.

Following an explanation of the Public Hearing process, Mrs. Arnett asked for the applicant's presentation.

Mr. Jim Berling, applicant and engineer for the project, stated that the proposed development is for Howe Construction. JMJ is Jimmy Howe's company and he is

in the business of general heavy construction – such as earth moving and sanitary sewer/water mains. He stated that this is a reasonable location because of the industrial and commercial uses to the north which adjoin the property line. He stated that when there is a change in land use designation or zoning it follows a geographic line. There is a major creek along the south property line -- it is a more logical division between commercial and residential uses and provides more buffer for the residential zone. He reviewed the location of the creek from north to south, along the interstate, and along the south edge of the property. He stated that the use has very little traffic. They will be a good neighbor. In regard to sight distance, he stated that they surveyed and submitted information to the Highway Department showing that they have the required sight distance and more. The Kentucky Department of Transportation is satisfied with the sight distance. He stated that there will be no dirt imported or exported dirt from the site. The site will be restored as soon as construction is completed. This concluded the applicant's presentation.

Mrs. Arnett asked if there was anyone else in the audience who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Mr. Kevin Flynn, 13330 Walton-Verona Road, stated that his property backs up to this site. He stated that the 2005 Comprehensive Plan, Section 9, #D talks about Walton and the southwest quadrant at this exit, which is where the subject property is located. The Comprehensive Plan talks about the inability of the current infrastructure to handle the commercial traffic as it exists today. He stated that this property will not greatly increase commercial traffic, but it will increase it. He stated that Walton is the welcome mat to Boone County for people coming from the south and with the grade work and clearing of the property it will be highly visible from I-71/I-75 northbound. He stated that the lot is gravel and not an impervious surface. He stated that they want to store earth-moving equipment and there is no secondary containment. It will be a maintenance facility. He is concerned about the creek and the tributary running behind his property. He is a close neighbor and he is concerned about the use and the owner's ability to comply with KDPS Permit Requirements, specifically with the gravel lot.

Mrs. Arnett asked if there was anyone else present who wished to speak. There being no response, she asked if there were any comments or questions from the Commissioners.

Mr. McMillian stated that the area is building up and there is no decel lane for heavy equipment. He stated that there is quite a bit of traffic now and there is a camping area down the road that has big trailers going in and out. There have not been decel lanes there before, which may be a mistake. He stated that there will be heavy traffic coming to the site carrying sewer pipe and other items and he believes a decel lane is needed.

Mr. Schwenke asked if they will do maintenance on their bulldozers and heavy equipment. He stated that there is noise involved in working on heavy equipment. He stated that when turning in from the road, there is a ditch close to the highway and there is not a lot of room. Oversized loads and long trailers could have a problem getting in and out of the site. These items will be discussed at the Committee Meeting.

Mr. Knock noted the location of Mills Fence and asked if there are other commercial businesses on the road. Mr. Berling responded that it is all commercial. Mr. Knock noted the min-warehouse facility to the north and stated that PMI is on the same road.

Mrs. Arnett asked Mr. Berling to respond to the comments. Mr. Berling stated that they are not allowed to permit excess erosion into the creek or any spillage of things like oil. He stated that there will be containment and berms. He stated that the traffic is minimal. If the property was developed as medium-density residential, there would be ten times the traffic. He stated that they will move the equipment to a job when the weather breaks in the spring and then the equipment will go from one jobsite to another. The equipment will not come back to this site unless it needs repair or to be stored for the winter. The equipment does not go in and out of the site everyday. The large building is for maintenance which will, hopefully, all be done inside. It is their desire to do it all inside. He stated that they bring the equipment to the site in December and get it tuned up and ready to go in February or March. Their traffic is minimal and will not influence the decel lane one way or the other. He stated that they can flare the access and have generous radii at the entrance.

Ms. Yvonne Stephens, 13506 Salem Creek Road, questioned the impact of this development on her property when she wants to sell it. She used to have trees at the back of her property and now there is heavy equipment. She is concerned about her property value and the increase in the noise level from the interstate due to the removal of the trees that acted as a buffer.

Mr. McMillian agreed that they may take their bulldozers in and out once, but they also haul and store pipe and those vehicles will go in and out all the time as the pipe is needed. He stated that there is also additional traffic from the area building up and he feels that the road should be widened.

Mr. George Bauer, 13494 Salem Creek Road, asked for more trees to be planted near the creek to block the view of the heavy equipment and stored pipe. He is concerned about his property value. He asked if lights from the lot will shine on his property.

Mr. Wall responded that there are recommendations on those issues in the Staff Report. He stated that buffering is very important. Buffer Yard D is required along the RS zone. He stated that additional trees have been removed since he

was out there and there may be a need for additional replacement of trees and more extensive berming.

Mr. Schwenke stated that more trees have been taken out than he would have liked. He questioned how many trees they can take out. Mr. Wall responded that the property is currently zoned RS and they could get approval for earthwork to clear and level the entire lot.

Mr. Kevin Flynn stated that if they are allowed three feet, they will take four. The damage to the property has been done in terms of transitioning from Suburban Residential to Industrial One – the trees are gone – and that demonstrates a behavior that should be of concern when they begin developing as Industrial One.

There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on December 5, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 19, 2007 at 7:00 PM. Mrs. Arnett closed this Public Hearing.

APPROVED:

Judy Arnett, Secretary/Treasurer

Attest:

Jan Hancock, Recording Secretary