

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
MAY 3, 2017  
7:00 P.M.**

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Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's May 3, 2017 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bungler, Secretary/Treasurer  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Don McMillian  
Ms. Jamie Nieves  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Mark Hicks  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitchell A. Light, Assistant Zoning Administrator  
Mr. Todd Morgan, AICP, Senior Planner  
Mr. Bob Jonas, AICP, Director, Planning Services

**Approval of the Minutes:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the April 5, 2017 Business Meeting and the April 5, 2017 Public Hearing. He asked if there were any comments or corrections? **Mr. Patton moved to approve the Minutes as presented. Mr. Turner 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 April 6, 2017 through May 3, 2017.

**EXPENSES:**

Accounting Fees	\$ 404.86
Attorney Fees	3,600.00
Auto Expense	19.90
Consultant/Professional Svcs Fees	10,612.50
Filing Fees (CLURs)	272.00
GIS Operations	588.65
Legal Ads/Recruitment	81.36
Miscellaneous Expense	150.41
Office & Board Mtg. Supplies	1,001.85
Office Equipment/Expense	419.41
Postage Expense	1,500.00
Printing/Pub/Dues/Subscriptions	343.02
Professional Development	475.00

**TOTAL: \$ 19,468.96**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 5,460.84
Health / Dental / Life / LTD	17,285.37
Retirement - BCPC Portion	14,105.63
Salaries - Staff Expense	75,669.49
Salaries BCPC	720.00
Salaries BCBOA	140.00

**TOTAL: \$113,381.33**

**GRAND TOTAL: \$132,850.29**

**Mr. McMillian 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. Mr. Patton seconded the motion and it carried unanimously.**

**ACTION ON PLAN REVIEWS:**

**ZONING TEXT AMENDMENT - Lori Heilman, Chairwoman, Kevin Wall, Staff**

1. Request of the **Boone County Fiscal Court** to consider a series of Zoning Text Amendments to Articles 11 and 40 of the **Boone County Zoning Regulations** to define and permit “solid waste transfer stations” as a Conditional Use in the Industrial Two (I-2) zone. The request is to evaluate and hear comments on proposed Zoning Text Amendments and how they affect the current **Boone County Comprehensive Plan** and **Boone County Zoning Regulations**.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and subject to the recommended Draft Zoning Text dated May 3, 2017(see Committee Report). The Committee Report found Mrs. Heilman, Ms. Reeves and Mr. Schwenke in favor of the request. Mr. Wall reviewed the proposed changes as a result of the public testimony at the Public Hearing. He referred to Page 2 of the document (Draft Text dated 5/3/17). Instead of transfer activities shall occur only between 7:00 a.m. and 5:00 p.m., it was recommended that solid waste transfer stations may be open to the public only between 7:00 a.m. and 5:00 p.m. Internal operations may be conducted between 6:00 a.m. and 6:00 p.m. Originally, solid waste shall not be stored overnight in either the building or on the site including any waste that is in or on vehicles or trailers. The amended language states that solid waste shall not be stored on the premises for more than 24 hours and must be stored in the building. No solid waste may be stored outdoors including any waste that is in or on vehicles or trailers. Finally, a parcel or lot containing a solid waste transfer station shall not be located within 600 feet instead to 500 feet (proposed at the Public Hearing) of a parcel containing a single family residence, or within 600 feet instead of 500 feet of an Agricultural District, Conservation District or a Residential District. Mr. Wall noted that Best Way contacted him today to request further discussion about letter “I” on Page 2 of the proposed Zoning Text. He also stated that he did discuss this request with the Committee Chair prior to the Business Meeting.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Jay Bayer, Bayer-Becker, stated that he was representing Best Way. He requested a minor change to the proposed text. He noted that his client is covered with 600 feet from a Agricultural, Conservation and Residential District. The site in question is surrounded by an industrial zoning district. But there are a couple of single family houses located within several large tracts. The lot itself is within 200 - 300 feet but the zone is over 1,000 feet away. If the language is adopted as is, then it can't work for them. Mr. Bayer noted that he had suggested language. He suggested striking the words “a parcel containing” on the second line. It would read, “A parcel or lot containing a solid waste transfer station shall not be located within 600 feet of a single family residence or within...” Mrs. Heilman emphasized there may be other sites involved with different size parcels. The proposed ZoningText Amendments would affect multiple sites.

Chairman Rolfsen then asked if there were any questions or comments from the Board Members? Mrs. Heilman noted that it was Staff's recommendation to include the parcel language because it is difficult to enforce if the residents change or if a residential structure is added. That is why the parcel line is important. She explained that the Technical/Design Review Committee evaluated other examples of regulations from other areas that have solid waste transfer stations. The Committee attempted to strike a balance between Item “B” and “D” dealing with hours of operation and storage provisions to allow a transfer station to hold waste overnight. That is not permitted in Lexington.

To achieve the balance, the 600 foot distance from the parcel line was recommended. Mrs. Heilman also noted that the applicant could apply for a dimensional variance in order to obtain some relief from the parcel setback requirement. Best Way was very cooperative but their site is not zoned Industrial Two (I-2). One must look at the scope of the request as it is county-wide. It is the Committee's recommendation to vote on the recommended language.

Mr. Schwenke stated that the Committee went round and round with the language and he thought the applicant was okay with it. Mr. Bayer responded that since the Committee Meeting, they looked at the requirements further and he made an exhibit that shows their site surrounded by an I-1 Zoning District. He didn't think they had a problem. However, there are several large tracts that apparently have a house on them. He thought they were fine but based on the proposed language, they are not. Mr. Schwenke stated that the proposed Zoning Text Amendments are not just for Best Way but for others in the future. Mr. Wall explained that distance is measured from the parcel line and not the structure. It is not internal like a setback line. Mr. Wall also stated that the operation could always subdivide the large tract into a small tract because the requirement is by parcel line.

Mr. Costello stated that the Planning Commission has options. The first option is to vote on the Committee's recommendation. The legislative units can then choose to adopt it "as is" or change it. If the text amendments are approved, the applicant can always apply for a dimensional variance. If the site has to be re-zoned, an applicant can always apply for a Conditional Use Permit and a Variance request all at once.

**Seeing no other questions or comments, Chairman Rolfsen asked if there was a motion to act on the request? Mrs. Heilman moved to approve the request by Resolution to the Boone County Fiscal Court, the City of Florence, the City of Union and the City of Walton based upon the Committee Report. Mrs. Reeves seconded the motion and it passed unanimously.**

**TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairwoman, Kevin Wall, Staff**

2. Logistics One - Aero Parkway/Ted Bushelman Boulevard

Staff Member, Kevin Wall, referred to his Power Point presentation. It is a 40 acre site located behind Walmart and faces Ted Bushelman Boulevard. A 540,000 square foot logistics building is being proposed. The use was previously approved by the Long Range Planning/Comp Plan Committee last summer. Mr. Wall showed elevations of the proposed building. It has a 3 part facade design. The applicant is proposing tilt-up concrete panels that is painted. The front facade along Ted Bushelman Boulevard has several color bands with some galvanized metal and glass. The Committee recommended one condition with more articulation in the middle band. Mr. Wall stated that the submitted landscaping plan meets the requirements. The Airport has also reviewed the landscaping plan.

He noted that the Technical/Design Review Committee met prior to the Business Meeting and recommended approval subject to one condition.

Chairman Rolfsen asked if any of the Board members had any questions or wanted to make a motion?

**Mrs. Heilman moved to approve the request submitted to the Technical/Design Review Committee as presented by the applicant with the condition that the reveals and/or scoring in the lighter gray band in the center part of the front facade be modified based upon comments made at the Committee Meeting and previously mentioned.**

**Mr. Schwenke seconded the motion and it passed unanimously.**

**TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairwoman, Todd Morgan, Staff**

**3. Dominion Senior Living of Florence - Merchants Square, Lot 10**

Staff Member, Todd Morgan, referred to his Power Point presentation. The site is located off Seligman Drive. He showed building elevations, a color palette and a sample of building materials. The roof will be either gray or brown. The proposed building will be all dark brick with tan accents. Included in the request is signage. The utility building and dumpster will match the building in terms of brick type and color.

He noted that the Technical/Design Review Committee met prior to the Business Meeting and recommended approval subject to one condition of the roof being either gray or brown based upon the submitted color palette.

Chairman Rolfsen asked if any of the Board members had any questions or wanted to make a motion?

**Mrs. Heilman moved to approve the request submitted to the Technical/Design Review Committee as presented by the applicant with the above condition. Mrs. Reeves seconded the motion and it passed unanimously.**

**TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairman, Mitch Light, Staff**

**4. Hampton Inn - 7393 Turfway Road**

Staff Member, Mitch Light, referred to his Power Point presentation. Mr. Light stated that the applicant wants to change the mansard style roof to a flat roof. This also includes the portico or the front entrance to the building. The colors to the building will change. Mr. Light noted the changes - more of a tan and gray look. Signage is not part of the Design Review Application. Signage will pretty much be the same.

He noted that the Technical/Design Review Committee met prior to the Business Meeting and recommended approval.

Chairman Rolfsen asked if any of the Board members had any questions or wanted to make a motion?

**Mrs. Heilman moved to approve the request submitted to the Technical/Design Review Committee as presented by the applicant. Mrs. Reeves seconded the motion and it passed unanimously.**

**New Business:**

**ZONING MAP AMENDMENT AND VARIANCES - Kevin Wall, Staff**

5. Request of **Viox & Viox, Inc. (applicant)** for **Kenton County Airport Board (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) and two dimensional variances for a 1.8 acre tract located on the west side of Limaburg Road and immediately south of the properties at 4465 Limaburg Road and 1743 Anderson Boulevard, Boone County, Kentucky. The request is for a zone change to allow a warehouse and variances from Table 31.1 and Section 3645 "Buffer Yards" of the Boone County Zoning Regulations to allow reductions in the required 50 foot rear yard setback and the Buffer Yard D landscaping standards.

**ZONING MAP AMENDMENT - Todd Morgan, Staff**

6. Request of **Storypoint (applicant)** for **Arlinghaus I, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development (PF/PD) for a 14.104 acre tract located on the east side of US 42 and immediately south of the property at 9001 US 42 (Kroger Marketplace), Union, Kentucky. The request is for a zone change to allow an elderly housing facility.

**Mr. McMillian moved to schedule the Public Hearing for items #5 and #6 listed above on June 7, 2017 at 7:30 p.m. Mr. Bunger seconded the motion and it passed unanimously.**

**There being no further business to come before the Planning Commission, Mr. Kegley moved to adjourn the meeting. Mr. McMillian seconded the motion. The meeting was adjourned by unanimous consent at 7:33 p.m.**

**APPROVED**

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**Charlie Rolfsen  
Chairman**

**Attest:**

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**Kevin P. Costello, AICP  
Executive Director**

