

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
MAY 1, 2019
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's May 1, 2019 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Ed Mentz
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Planner
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the April 3, 2019 Business Meeting and Public Hearings. Chairman Rolfsen asked if there were any other comments or corrections? **Mr. Lunnemann moved to approve the Minutes as presented. Mr. Patton 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 4, 2019 through May 1, 2019.

EXPENSES:

Accounting Fees	\$ 805.28
Attorney Fees	3,800.00
Auto Expense	-60.00
Consultant/Professional Svcs Fees	2,475.00
Filing Fees (CLURs)	352.00
GIS Operations	2,207.54
Legal Ads/Recruitment	106.72
Miscellaneous Expense	484.07
Office & Board Meeting Supplies	1,585.08
Office Equipment/Expense	5.59
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	66.52
Professional Development	<u>1,300.00</u>

TOTAL: \$13,627.80

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 5,799.12
Health / Dental / Life / LTD	17,199.33
Retirement - BCPC Portion	17,135.03
Salaries - Staff Expense	80,125.22
Salaries BCPC	720.00
Salaries BCBOA	<u>140.00</u>

TOTAL \$121,118.70

GRAND TOTAL: \$134,746.50

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 MAP AMENDMENT & VARIANCES - Janet Kegley, Chairwoman, Kevin Wall, Staff

1. Request of **Al Neyer, LLC c/o Ryan Reardon, Vice President - Real Estate Development (applicant) for Kenton County Airport Board c/o Candace McGraw and Kathleen Utz as Trustee of the Charles and Kathleen Utz Revocable Trust c/o Glenn Utz (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial One (C-1) to Industrial One (I-1), and Variances from Section 3645 "Buffer Yards" of the Boone County Zoning Regulations, for a 45.6294 acre site located on the north side of Petersburg Road, across from the Petersburg Road/Hetzel Drive intersection, and on the east side of Riverview Drive, approximately 300 feet north of the Petersburg Road/Riverview Drive intersection, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone and Variances to allow reductions in the perimeter landscape buffer yards.

Mr. Kevin P. Costello, AICP, Executive Director, stated that the applicant requested the item be deferred until the June 5, 2019 Business Meeting at 7:00 p.m. The applicant wants to go back to the Zone Change Committee to discuss an access issue. The request will go back to the Committee at 5:00 p.m. on May 15, 2019.

Mr. Hicks moved to defer Item #1 to the June 5, 2018 Business Meeting and refer it back to the Zone Change Committee at its May 15, 2019 meeting at 5:00 p.m. Mr. Bunger seconded the motion and it passed unanimously with the exception of Mr. Patton abstaining due to his relationship with the applicant.

ZONING MAP AMENDMENT - Kim Patton, Chairman, Michael Schwartz, Staff

2. Request of **Frank Fugate and Tammy Standbury (applicants) for Schleper Development Corporation (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Urban Residential Two (UR-2) for a 7.8183 acre tract located on the southeast corner of the Southpark Drive/Continental Way intersection, Boone County, Kentucky. The request is for a zone change to allow a senior independent living development.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Schwartz noted that the Committee voted unanimously to approve the request with Mr. Patton, Mrs. Kegley, Mr. Lunnemann and Mr. Shipe voting in favor of the request. A letter from the property owner has been received agreeing to the conditions.

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

Mr. Tom Schleper, Schleper Development Corporation, stated that he was available to answer event any questions.

Seeing no one else, Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Zoning Map Amendment request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to conditions. Mr. Hicks seconded the motion.** Seeing no further questions from the Board Members, **Chairman Rolfsen asked for a vote on the motion made by Mr. Patton and seconded by Mr. Hicks. The motion passed unanimously.**

At this time, Chairman Rolfsen announced that the Bullittsville Road/Neyer Zoning Map Amendment request has been postponed. It will be rescheduled for the June 5, 2019 Public Hearing date.

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Brad Shipe, Chairman, Michael Schwartz, Staff

3. Request of **Hilton Displays (Teri Watts) on behalf of Starbucks (applicant) for Florence KY (SEC Hwy 42 and Express) LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 0.8102 acre site located on the southeast corner of the US 42/Express Street intersection, Florence, Kentucky. The request is for a Special Sign District in a Commercial Two/Planned Development (C-2/PD) zone to allow alternative signage.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report). Mr. Schwartz noted that Mrs. Kegley, Mr. Lunnemann and Mr. Shipe voted to approve the request while Mr. Patton voted against the request.

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

Chairman Rolfsen asked if there was a motion to take action? **Mr. Shipe moved to approve the Zoning Map Amendment request by Resolution to the City of Florence based upon the Committee Report. Mr. Hicks seconded the motion.** Mr. Patton stated that he has a concern that there is no cap to the amount of signs. There is a problem with the current code. Are 3 message boards enough? He didn't see a case for the third sign. He isn't against the request but is more concerned about the current code. The issue could be addressed in the update of the Zoning Code. **Chairman Rolfsen asked for a vote on the motion made by Mr. Shipe and seconded by Mr. Hicks. The motion found that Mr. Bessler, Mr. Bunger, Ms. Gulick, Mr. Harper, Mrs. Heilman, Mr. Hicks, Mr. Lunnemann, Mr. McMillian, Mr. Rolfsen and Mr. Shipe voting in favor and Mr. Patton and Mr. Turner voting against the request. Mr. Mentz passed his vote. The Motion passed by a vote of 11 - 2 since the passed vote is registered with the majority.**

ZONING MAP AMENDMENT - Rick Lunnemann, Chairman, Todd Morgan, Staff

4. Request of **Terry Crigger (applicant) for Christ's Chapel Assembly of God (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Planned Development/Houston-Donaldson Study Corridor Overlay (RSE/PD/HDO) and Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) to Public Facilities/Planned Development/Houston-Donaldson Study Corridor Overlay (PF/PD/HDO) for an approximate 13 acre

site located at 3819, 3837, and 3845 Turfway Road, Boone County, Kentucky. The request is for a zone change to allow a school, preschool through grade 12, and church-related uses.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously to approve the request with Mrs. Kegley and Mr. Lunnemann voting in favor of the request. A letter from the property owner has been received agreeing to the conditions.

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

Mr. Terry Crigger, applicant, stated that criteria and conditions all make sense with the exception of the last condition. He noted that St. Henry District High School located nearby doesn't have a sidewalk. Putting a sidewalk along the road won't be the safest thing. There are no other sidewalks along Turfway Road where his church is located. It may make sense in the future if Turfway Road is rebuilt. The condition pertaining to the sidewalk along Turfway Road is in question and not near the buildings.

Mr. Lunnemann acknowledged that there is no sidewalk now but it could change in the future like redevelopment of the racetrack property. Pieces of it could be built over time with the condition.

Mr. Lunnemann moved to amend condition 5A consistent with the language Mr. Morgan provided as it relates to the adjoining property developing first. Mr. Bunger seconded the motion and it passed unanimously.

Chairman Rolfsen asked if there was a motion to take action on the request? **Mr. Lunnemann moved to approve the Zoning Map Amendment request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to conditions as amended this evening. Mr. Hicks seconded the motion and it passed unanimously.**

Mr. Hicks stated that he would abstain from voting on the next request (Item #5) due to his relationship with the applicant. He left the meeting room.

ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Todd Morgan, Staff

5. Request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.75 acres of an approximate 15.03 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Lunnemann and Mr. Patton and Mr. Shipe voting in favor of the request. A letter from the property owner has been received agreeing to the conditions.

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

Mr. Steve Berling, applicant, stated that he was present to answer any questions.

Mr. Bob Kordenbrock, 13228 Oak Creek Road, stated that the Committee addressed his concern about drainage from Lot #2. What about outside storage? Outside storage on Lot #2 would affect him. Can outside storage not be allowed? If there is, what about a privacy fence in order to prevent it from being an eyesore? Mr. Morgan responded that the applicant told the Committee that they would install the 80 foot wide version of Buffer Yard D on the property line. The property should be level with the adjoining property. Mr. Patton remarked that the elevation of both properties were the same and the Committee preferred the 80 foot buffer with trees. Buffer Yard D requires evergreens to be planted. Mr. Costello also noted that the potential uses may not have outside storage.

Chairman Rolfsen asked if there was a motion to take action? **Mr. Shipe moved to approve the Zoning Map Amendment request by Resolution to the City of Walton based upon the Committee Report and subject to conditions. Mr. Patton seconded the motion and it passed unanimously.**

Mr. Hicks returned to the meeting room.

NEW BUSINESS:

ZONING MAP AMENDMENT - Kevin Wall, Staff

6. Request of **Al Neyer, LLC (applicant)** for **Loretta F. Smith Estate, Harold Stidham, and Deborah Stidham (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Industrial One (I-1) for a 111.1042 acre site located at 4548 and 4664 Bullittsville Road, and at the western terminus of Wright Boulevard, Boone County, Kentucky. The request is for a zone change to allow industrial uses.

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

7. Request of **Brian Dunham, Frost Brown Todd, LLC (applicant)** for **Benenson Flo. KY. LLC and Wal-Mart Real Estate Business Trust (owners)** for a Change in Concept Development Plan for a 14.85 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club). The request is for a Change in Concept Development Plan to allow a gasoline fueling station and for modifications to an existing retail building in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone.

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Michael Schwartz, Staff

8. Request of **Immanuel Baptist Church, Pastor Doug Foster (applicant)** for **Immanuel Baptist Church of Florence, KY, Inc. (owner)** for a Zoning Map Amendment for a Special Sign District for a 4.72 acre site located at 7183

Pleasant Valley Road, Boone County, Kentucky. The request is for a Special Sign District in a Rural Suburban Estates (RSE) zone to allow an electronic message center on a freestanding sign.

Mr. Lunnemann moved to schedule the Public Hearings for items #6, 7 and 8 listed above on June 5, 2019 at 7:30 p.m. Mr. Patton seconded the motion and it passed unanimously.

OTHER:

Chairman Rolfsen suspended the remaining items on the Agenda. He again announced that the Bullittsville Road/Neyer Zone Change Request Public Hearing has been cancelled. It will not be heard this evening and has been rescheduled for June 5, 2019 at 7:30 p.m.

There being no further business to come before the Planning Commission, Mr. Patton moved to adjourn the meeting. Mr. Hicks seconded the motion. The meeting was adjourned by unanimous consent at 7:45 p.m.

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director