

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
DECEMBER 4, 2019  
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 December 4, 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 Bunger, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Don McMillian  
Mr. Bob Schwenke  
Mr. Brad Shipe

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

**Approval of the Minutes:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the November 20, 2019 Business Meeting. Chairman Rolfsen asked if there were any other 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 November 7, 2019 and December 4, 2019.

**EXPENSES:**

Accounting Fees	\$ 496.95
Attorney Fees	3,900.00
Auto Expense	56.97
Consultant/Professional Svcs Fees	1,760.00
Filing Fees (CLURs)	208.00
Legal Ads/Recruitment	78.12
Miscellaneous Expense	1,048.87
Office & Board Meeting Supplies	990.36
Office Equipment/Expense	10,718.77
Postage Expense	1,040.60
Printing/Pub/Dues/Subscriptions	<u>1,237.00</u>

**TOTAL: \$21,535.64**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 6,188.92
Health / Dental / Life / LTD	17,156.53
Retirement - BCPC Portion	24,796.23
Salaries - Staff Expense	85,213.96
Salaries BCBOA	175.00
Salaries BCPC	1,105.00
Salaries FBOA	<u>140.00</u>

**TOTAL \$134,962.64**

**GRAND TOTAL: \$156,498.28**

**Mr. Lunnemann 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 - Kim Patton, Chairman, Michael Schwartz, Staff**

1. Request of **Jason Burcham (applicant)** for **Boone County Public Library (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a zone change to allow a kennel with an outdoor exercise yard.

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

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

Mr. Jason Burcham, applicant, thanked the Staff and Committee for their work. He is in agreement with the condition.

Mr. Bob Mason, Hebron Baptist Church, asked about the maintenance of the driveway or access easement/right-of-way? The deed shows the easement is located on the church property. The church has not heard from anyone about the maintenance. Mr. Schwartz responded that the maintenance issue was discussed at the Zone Change Committee meeting. The right-of-way is a recorded access easement. It is 60 feet in width. He showed a copy of the recorded plat. There is nothing recorded that discusses maintenance. The library and the church have the right to use the 60 foot access easement as long as the deed is in effect.

Chairman Rolfsen asked who would be responsible for maintenance? Mr. Wilson responded that it is a private dispute and the Planning Commission doesn't have the authority to resolve. Mr. Costello stated that this issue was discussed at the Committee Meeting but no one from the church attended the meeting. Ms. Carrie Hermann, Director of the Boone County Public Library, stated that she met with her legal counsel and the opinion was given that since the library is the dominant entity in this matter, the future owner of the library property would be responsible for maintenance of the 60 foot easement area up to the entrance to the library site.

Chairman Rolfsen asked the applicant that if the section of the driveway needs to be repaved up to the entrance of his business would he agree to it? Mr. Burcham replied yes. Representatives from Hebron Baptist Church acknowledged their satisfaction with this commitment.

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 one condition. Mr. Hicks seconded the motion and it carried unanimously.**

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Brad Shipe, Chairman, Kevin Wall, Staff**

2. Request of **GPD Group c/o Zachary Whitney (applicant)** for **Meijer Stores Ltd. (owner)** for a Change in an Concept Development Plan in a Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) zone for an approximate 0.09 acre portion of the 26.32 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change in Concept Development Plan to allow an electric vehicle charging station.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). Mr. Wall noted that the Committee voted unanimously to approve the request with Mr. Lunnemann, 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?

Seeing no one, Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Change in Concept Development Plan request by Resolution to the City of Florence based upon the Committee Report and subject to conditions. Mr. Hicks seconded the motion and it passed unanimously.**

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Brad Shipe, Chairman, Todd Morgan, Staff**

3. Request of **Anne F. McBride, FAICP (applicant)** for **Spiral Drive, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development/Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow modifications, sales, and service of vehicles and equipment for the mobility challenged.

Chairman Rolfsen noted that the applicant submitted an email requesting a deferral in order to go back to the Committee on December 18, 2019 at 5:00 p.m.

**Mr. Lunnemann moved to defer the request until the Planning Commission's January 8, 2020, 7:00 p.m. Business Meeting. Mr. Szurlinski seconded the motion and it passed unanimously.**

**NEW BUSINESS:**

**CHANGE IN CONCEPT DEVELOPMENT PLAN AND VARIANCES - Todd Morgan, Staff**

4. Request of **Jim Thomas (applicant)** for **The Harper Company (owner)** for a Change in Concept Development Plan in a Industrial One (I-1) zone and two dimensional variances for an approximate 5.39 acre site located to the immediate east of the property at 1648 Petersburg Road, Boone County, Kentucky. The

request is for a Change in Concept Development Plan to allow contractor equipment and materials staging and variances to reduce the perimeter landscaping buffer yard requirements and 50 foot fence setback from the Petersburg Road right-of-way.

**ZONING MAP AMENDMENT AND VARIANCE - Michael Schwartz, Staff**

5. Request of **Viox & Viox, Inc. (applicant)** for **Akram Othman and Amani Othman (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) and a dimensional variance for a 2.62 acre portion of the properties located at 535, 541, and 547 Hunter Drive, and 3067 Hetzel Drive, Boone County, Kentucky. The request is for a zone change to allow a commercial parking facility and a variance to allow a buffer yard reduction along the east boundary.

**Mr. Bungler moved to schedule the Public Hearing for items #4 & 5 listed above on January 8, 2020 at 7:30 p.m. Ms. Heilman seconded the motion and it passed unanimously.**

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin P. Costello, AICP, Executive Director, stated that he had 5 items for the Planning Commission to consider. The first item is to appoint the Planning Commission's representative to the OKI Board of Directors for 2020.

**Mr. Hicks moved to appoint Mr. Kim Patton to the OKI Board of Directors for the 2020 term, Mr. Bungler seconded the motion and it passed unanimously.**

The second item is the acceptance of credit card payments for the Planning Commission products and services effective January 1, 2020. Mr. Costello referred to the proposed written policy distributed to the Board Members. The current policy was amended to include credit card payments and for the public to pay for the convenience/processing fee effective January 1, 2020.

**Mrs. Kegley moved to approve the proposed changes to the "Policy of Payment for Products and Services" offered by the Boone County Planning Commission effective January 1, 2020. Mr. Hicks seconded the Motion and it passed unanimously.**

The third item involves the office holiday and meeting schedules. Mr. Costello referred to his November 25, 2019 Memo to the Board members. **Mr. Harper moved to approve the 2020 Office Holiday Schedule, 2020 Business Meeting and Public Hearing Schedule, the 2020 Committee Meeting Schedule and the 2020 Boards of Adjustment Schedule. Mr. Turner seconded the motion and is passed unanimously.**

The fourth item involves hiring a transportation consultant to assist the Planning Commission with the I-275/Graves Road Interchange Study. It is a land use and zoning study but it has a transportation component. Mr. Costello referred to his November 26, 2019 memo, which describes the work or the scope of services of the consultant. Because the Fiscal Court has asked the Planning Commission to perform the Interchange Study, they are providing up to \$20,000 to pay for the transportation consultant. This would occur on a reimbursement basis.

The Staff is recommending that the Planning Commission hire TEC Engineering, Inc. at a cost not to exceed \$20,000. TEC Engineering, Inc. was hired by the Planning Commission in the past with regard to the Mall Road District Study and the Houston- Donaldson Study update.

At this time, Ms. Gulick announced that she was going to recuse herself as she has a conflict of interest due to her employer's business relationship with TEC Engineering, Inc. She left the meeting room.

**Mr. Hicks moved to authorize the Planning Commission's Executive Director to enter into a contract with TEC Engineering, Inc. for professional consulting services based upon the scope of services and not to exceed \$20,000 outlined in his November 26, 2019 memo. Mrs. Kegley seconded the motion and it passed unanimously.**

Ms. Gulick entered the meeting room.

The fifth item is the 2020 Digital Aerial Imagery Project. Mr. Costello noted that every 3-4 years the Planning Commission acquires new aerial photography. He referred to his December 2, 2019 Memo.

There have been significant changes in the County in the past 4 years due to growth. The current photography is out of date, especially with some of the transportation projects. Mr. Costello explained that the project was bid. There were 7 different bids submitted to the office. The Staff narrowed the selection to 2 firms. The Staff is recommending hiring Geomni at a total cost of \$92,201. The 2020 product will be different than the 2016 product. It will be 3" resolution instead of 6" in 2016. Two types of photography will be included - digital oblique and ortho. Included in the bid is a countywide LiDAR. The Boone County PVA will contribute \$20,000 towards the project since their office prefers oblique photography.

Mr. Steve Gay, noted that Geomni was also the lowest bid submittal. The Planning Commission is getting great value out of Geomni's proposal. The Planning Commission has never acquired countywide 3" resolution photography. LiDAR is elevation data and it is critical to acquire since there has been a lot of earth moved in Boone County in the last 4 years.

Mr. Hicks asked how did Staff evaluate the proposals since there were so many options? Mr. Gay responded that a couple of factors addressed it. First, the RFP was written to be flexible in order to choose various options. As a result, the vendor's cost summary was a bit different. Basically, the Staff wanted ortho and oblique photography but are there any other services and products available as options? It would be incidental to the flight. Each vendor broke down their costs differently between ortho and oblique photography. Sanborn and Geomni are examples. There was a difference between 6" and 3" resolution countywide versus just the urban/rural areas.

Mr. Patton noted there is more value with Geomni's proposal and the Boone County PVA is contributing funds. The Boone County PVA would not offer to give \$20,000 towards the project if Sanborn was selected because of cost and the difference in resolution. Mr. Costello noted that the Boone County PVA contributed \$13,600 in 2016 towards the purchase of oblique photography. That type of photography is used to measure the height and square footage of buildings. Mr. Gay noted that prior to the 2012 LiDAR, elevation data was produced in 1999. He explained that 3" resolution would mean seeing water valves in the photos. The City of Florence and the Airport requested 3" resolution for security and safety reasons.

**Mr. Patton moved to authorize the Executive Director to enter into contract with Geomni at a cost not to exceed \$92,201 based upon their submitted proposal and subject to legal counsel review. Mr. Bunger seconded the motion and it passed unanimously.**

**COMMITTEE REPORTS:**

**AIRPORT:** Mr. Bessler  
No Report

**ADMINISTRATIVE/PERSONNEL:** Mr. Lunnemann  
No Report

**ENFORCEMENT:** Mr. Bunger  
No Report

**LONG RANGE PLANNING/COMPREHENSIVE PLAN:** Mr. Schwenke  
No Report

**TECHNICAL/DESIGN REVIEW:** Mrs. Heilman  
No Report

**EXECUTIVE:** Mr. Rolfsen  
No Report

**CHAIRMAN:**

Chairman Rolfsen announced that Mr. Schwenke and Mrs. Kegley will serve on the Nominating Committee for the 2020 Election of Officers that will occur on January 8, 2020. Anyone interested in serving as Chairman, Vice-Chairman, Secretary/Treasurer or Temporary Presiding Officer should contact either Mr. Schwenke or Mrs. Kegley.

**OKI:** Mr. Patton  
No Report

**OTHER:**

**There being no further business to come before the Planning Commission, Mr. Bessler moved to adjourn the meeting. Mr. Patton seconded the motion. The meeting was adjourned by unanimous consent at 7:39 p.m.**

**APPROVED**

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**Charlie Rolfsen  
Chairman**

**Attest:**

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