

**BOONE COUNTY PLANNING COMMISSION  
VIA LIVE VIDEO TELECONFERENCE  
BUSINESS MEETING  
JUNE 3, 2020  
7:00 P.M.**

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Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed everyone to the Planning Commission's June 3, 2020 Business Meeting. He read a statement. The Boone County Planning Commission, pursuant to KRS 61/826, Kentucky Senate Bill 150 and OAG 20-05, is conducting its regularly scheduled meeting on Wednesday, June 3, 2020 at 7:00 p.m. via live video teleconference. This meeting format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic. The meeting may be attended by the public by viewing the video teleconference at Boonecounty.viebit.com or via Spectrum CATV on channel 203 and via FiOptics on channel 831.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mrs. Katie Nolan  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

**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 D. Schwartz, Planner  
Mr. John Harney, GISP, GIS Systems Administrator

**Approval of the Minutes:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the May 6, 2020 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 May 7, 2020 and June 3, 2020. This list was sent to the Board Members digitally.

**EXPENSES:**

Accounting Fees	\$ 413.74
Attorney Fees	3,900.00
Auto Expense	16.42
Consultant/Professional Svcs Fees	4,941.00
Filing Fees (CLURs)	550.00
Legal Ads/Recruitment	102.62
Office & Board Meeting Supplies	1,473.18
Office / Equipment Maintenance	3,021.84
Office Equipment/Expense	305.82
Postage Expense	582.42
Professional Development	1,575.00
Refunds	<u>380.00</u>

**TOTAL: \$17,262.04**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 6,035.56
Health / Dental / Life / LTD	14,764.52
Retirement - BCPC Portion	24,820.29
Salaries - Staff Expense	82,888.68
Salaries BCPC	<u>455.00</u>

**TOTAL \$128,964.05**

**GRAND TOTAL: \$146,226.09**

**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:**

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

1. 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.

Staff Member, Todd Morgan, reviewed the revised Concept Development Plan to allow additional contractor storage and staging. The area shown as speckled is where contractor staging and storage will occur. The white areas are wide open space. The applicant is asking for 4 specific variances. Variance #1 is the KY 20 buffer reducing it from 10 feet to 0 feet. The State will allow plantings in the street right-of-way. Variance #2 involves a zero buffer yard because the parcel adjoins Airport property of which the applicant may purchase in the future. Variance #3 also involved a zero buffer yard as the applicant would install a fence since the parcel adjoins Airport property. Variance #4 involves installing a fence at the property line and not 50 feet from it. The applicant will also request a waiver later so the fence can be chain link with slatting and barb wire at the top of the fence. Mr. Morgan read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). Mr. Morgan noted that on February 9, 2020, the Committee voted unanimously in favor of the request with Mrs. Kegley, Mr. Patton and Mrs. Nolan voting in favor of the request. On May 20, 2020, the Committee again met to discuss and amend Condition #2. All members voted unanimously to amend Condition #2 with Mr. Bungler, Mrs. Kegley, Mr. Lunnemann, Mr. Patton and Mr. Shipe voting in favor of the amendment. A letter from the property owner has been received agreeing to the conditions.

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

Mr. Gerry Dusing, attorney for the applicant, stated that the Public Hearing was on January 8, 2020 and there were 3 Committee meetings. The Conditions are precise and very comprehensive. Four variances sound like a lot but the lot sits next to the Airport on 2 sides. It is unique that the Airport property is still zoned residential. There is a huge amount of land along KY 20 about 70 feet to allow for the planting of landscaping in the front. Finally, the applicant hired Viox & Viox, Inc. to create a landscaping plan.

Chairman Rolfsen asked if there was a motion to take action? **Mrs. Kegley moved to approve the Change in Concept Development Plan by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Lunnemann seconded the motion.** Chairman Rolfsen asked if there were any questions from the Commissioners? Mr. Morgan noted that the Planning Commission is taking final action on the requested variances.

Mr. Bungler stated that the submitted Concept Development Plan does not provide an adequate setback and buffering due to the Variances. He explained that he would vote no on the application.

**At this time Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Lunnemann. The vote found Mr. Bessler, Ms. Gulick, Mr. Harper, Mrs. Heilman, Mrs. Kegley, Mr. Lunnemann, Mrs. Nolan, Mr. Patton, Mr. Rolfsen, Mr. Schwenke, Mr. Shipe, Mr. Szurlinski and Mr. Turner in favor of the motion and Mr. Bungler and Mr. McMillian against the motion. The motion passed 13-2.**

Chairman Rolfsen asked for a vote on the Variance requests. Mrs. Kegley moved to approved the two general variance requests based upon the Committee Report and subject to the Findings and Conditions. Mr. Lunnemann seconded the motion. The vote found Mr. Bessler, Ms. Gulick, Mr. Harper, Mrs. Heilman, Mrs. Kegley, Mr. Lunnemann, Mr. McMillian, Mrs. Nolan, Mr. Patton, Mr. Rolfsen, Mr. Schwenke, Mr. Shipe, Mr. Szurlinski and Mr. Turner in favor of the requests and Mr. Bungler against the requests. The motion passed 14-1.

**ZONING MAP AMENDMENT - Kim Patton, Chairman, Todd Morgan, Staff**

2. Request of **Viox & Viox, Inc. (applicant)** for **Domaschko Properties, LLC (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for an approximate 6.63 acre tract located at 11061 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow a construction company.

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 with Mr. Bungler, Mrs. Kegley, 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 who wanted to speak in favor or against the request?

Mr. Marc Gloyeske, Viox & Viox, Inc. stated that he appreciated the Committee's work in the virtual meeting and the owner is anxious to get to work on the site.

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 the Findings of Fact and Conditions. Mr. Bungler seconded the motion.** Chairman Rolfsen asked if any Board members had a question?

Ms. Gulick asked the engineer to verify that the sight lines of the relocated monument sign doesn't cause any sight issues along Dixie Highway. Mr. Gloyeske responded that he hasn't determined the final location of the sign but when they do, they will verify the sight distance and make sure it works. The good news is that the right-of-way is wide in the area of where the sign will be placed. The sign will sit back far enough on their property. The right-of-way may be 100 feet wide in that area.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Patton and seconded by Mr. Bunger. The motion passed unanimously.

**ZONING MAP AMENDMENT - Rick Lunnemann, Chairman, Kevin Wall, Staff**

3. Request of **James Titus, AIA (applicant)** for **Luong M. Pham and Thu Ha T Le (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Commercial One (C-1) for a 0.63 acre tract located on the southwest corner of the US 42/Dilcrest Drive intersection, Florence, Kentucky. The request is for a zone change to allow commercial and office uses.

At the request of the applicant, this item will be deferred to the August 5, 2020 Business Meeting. The Committee Meeting will be held on July 22, 2020 at 5:00 p.m. **Mr. Lunnemann moved to defer the request until the August 5, 2020 Business Meeting. Mr. Harper seconded the motion and it passed unanimously.**

**NEW BUSINESS:**

**ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Todd Morgan, Staff**

4. Request of **Quality Signs/Brennan Hehman (applicant)** for **Action Boulevard Realty LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 3.3 acre tract located at 8025 Action Boulevard, Florence, Kentucky. The request is for an amendment to a Special Sign District in a Commercial Services/Planned Development/Mall Road Overlay (C-3/PD/MR) zone to allow an existing roof mounted sign to remain

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

5. Request of **Steven A. Berling (applicant)** for **Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

**Mr. Schwenke moved to schedule the Public Hearing for items #4 and #5 listed above on July 1, 2020 at 7:30 p.m. Mr. Bunger seconded the motion and it passed unanimously.**

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

6. Request of **Al Neyer (applicant)** for **Patrick Muldoon, Laura Muldoon, Dorothy Jean Webb, and Kenton County Airport Board (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for a 70.505 acre site located at 1601 and 1669 Elijah Creek Road, at the eastern terminus of Asbury Way, and on Petersburg Road approximately 415 feet east of the Petersburg Road/Conner Road intersection, Boone County, Kentucky. The request is for a zone change to allow an industrial park

**Mrs. Kegley moved to schedule the Public Hearing for item #6 listed above on July 15, 2020 at 7:30 p.m. Mr. Shipe seconded the motion and it passed unanimously.**

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin P. Costello, AICP, explained that the July 1, 2020 Business Meeting and Public Hearings will be in the Fiscal Courtroom since the Governor will allow public meetings to be held for not more than 50 persons effective June 29, 2020. Currently, the maximum is 10 persons with social distancing measures in place. However, the Public Hearing scheduled for July 15, 2020 will be via live video teleconference because we expect more than 50 people in attendance.

Mr. Costello gave an update on restaurants requesting outdoor seating. To date, we had 10 restaurants receive approval for outdoor seating. The Executive Committee endorsed the Staff recommendation to waive the Minor Site Plan Review Application fee due to the Coronavirus pandemic. As a result, it is recommended that the full Planning Commission ratify this approval. **Mrs. Kegley moved to waive the Minor Site Plan Review fee for restaurant outdoor seating on a temporary basis due to the Coronavirus pandemic and Governor's Orders. Mr. Harper seconded the motion and it passed unanimously.**

Finally, Mr. Costello noted that the Planning Commission office is now open to the public. Since March, some staff has been in the office to process permits and plans. Some work space has been reconfigured in the office to meet the Governor's guidelines. A shield has been installed at the front counter. Masks are being worn. The June 17, 2020 Business Meeting has been cancelled due to a lack of agenda items. However, the Zone Change Committee will meet at 5:00 p.m. on June 17, 2020. It will be a virtual meeting to review the Rickey request.

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

**APPROVED**

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**Charlie Rolfsen  
Chairman**

**Attest:**

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

