

**BOONE COUNTY PLANNING COMMISSION  
VIA LIVE VIDEO TELECONFERENCE  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
SEPTEMBER 2, 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 September 2, 2020 Business Meeting. 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, September 2, 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.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bunger, 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. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

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 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 August 5, 2020 Business Meeting and Public Hearing. Chairman Rolfsen asked if there were any other comments or corrections? **Mr. Patton moved to approve the Minutes as presented. Mr. Szurlinski 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 August 6, 2020 and September 2, 2020.

**EXPENSES:**

Accounting Fees	\$ 8,038.11
Attorney Fees	4,000.00
Consultant/Professional Svcs Fees	2,252.50
Filing Fees (CLURs)	800.00
GIS Operations	20,614.39
Legal Ads/Recruitment	239.80
Office & Board Meeting Supplies	1,156.45
Office/Equipment Maintenance	2,333.41
Office Equipment/Expense	312.13
Postage Expense	501.20
Printing/Pub/Dues/Subscriptions	<u>25.00</u>

**TOTAL: \$40,272.99**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 6,668.39
Health / Dental / Life / LTD	15,436.09
Retirement - BCPC Portion	21,822.41
Salaries - Staff Expense	91,160.68
Salaries - BCBOA	140.00
Salaries - BCPC	790.00
Salaries - FBOA	<u>140.00</u>

**TOTAL: \$136,157.57**

**GRAND TOTAL: \$176,430.56**

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

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

1. 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.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). He gave a summary of the Findings of Fact. Mr. Wall noted the Committee voted unanimously to approve the request with Mr. Bungler, Mrs. Kegley, Mr. Lunnemann, Mr. Patton and Mr. Shipe voting in favor of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request. There can be no new evidence introduced since the Public Hearing is over. Mr. Wilson stated that comments are limited to if the audience agrees or disagrees with the Committee Report.

Mr. Michael King, 110 Dilcrest Drive, stated that his property is directly behind the proposed development. He expressed a concern about the current condition of Dilcrest Drive and the added traffic and the proposed fence. The subdivision has a single-family covenant deed restriction on each lot in the subdivision.

Mr. Patrick Carney, 8189 North Dilcrest, stated that he is still opposed to the project and it is against the 2040 Comprehensive Plan.

Mr. Don Volland, 8207 Adella Drive, noted that the intersection allows only 2 cars through when the traffic signal is green. People also run the red light. It is a very dangerous intersection. It won't handle the additional traffic from the commercial development.

Ms. Thu Ha T Le, owner, responded by noting that the request is a proposed commercial zone but with a low impact business. The type of businesses planned for the site will have a low traffic impact in the area. They will be open from 9:00 a.m. until 7:00 p.m.

Chairman Rolfsen asked if there was a motion to take action? **Mr. Lunnemann moved to approve the Zoning Map Amendment by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Kegley seconded the motion.**

Chairman Rolfsen asked if the Board members had any questions or comments?

Ms. Gulick asked whether there could be more details given about the traffic analysis? Has the Kentucky Transportation Cabinet seen the Traffic Impact Study and did the agency have any comments?

Mr. Jamal Adhami, the project's traffic engineer, stated that the Kentucky Transportation Cabinet didn't need a Traffic Impact Study for the site. A study was conducted to evaluate Dilcrest Drive and US 42 for the Planning Commission and the City of Florence. The project only generates 12 trips during the P.M. peak hours. There is some concern about traffic queue on Dilcrest Drive that

may block the entrance and Dilcrest Drive. The proposed added lane will help mitigate any blocking.

Chairman Rolfsen inquired about the type of fencing and underground detention. Mr. Lunnemann replied that the applicant wants to install a green fence. It is a metal fence with plants inserted into the fence on both sides. It will be a green screen between both properties. The fence will be 8 feet high. As a result of the comments made at the Public Hearing about above ground detention, the applicant agreed to underground detention.

Mr. McMillian expressed a concern about traffic but the applicant is willing to have a bigger entrance and make improvements to the north part of the residential lots in order to create another lane. The owner has committed to making these improvements.

**Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mrs. Kegley. The motion passed unanimously.**

**ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Kevin Wall, Staff**

2. 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 the north side of 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.

Mr. Patton stated that he had a conflict of interest with the applicant and therefore had to recuse himself from the meeting. Mr. Patton left the live video teleconference by muting his microphone and leaving his computer screen.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). He gave a summary of the Findings of Fact. Mr. Wall noted the Committee voted unanimously to approve the request with Mr. Bunger, Mrs. Kegley and Mr. Lunnemann voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for up to 5 minutes?

Mr. Ryan Reardon, Al Neyer (applicant), stated that he had nothing to add but is available to answer any questions.

Mr. Maynard Leever, 2764 Berwood Lane, stated that he isn't against the development if it is done correctly. He preferred more green space versus the fence because it is more natural. The fence should be closer to the berm and road and away from his house. A privacy fence is a large maintenance expense. Who will take care of it?

Mr. Reardon responded that the fence is an 8 foot high privacy fence. They considered 2 locations for the fence - along the property line. That is not what they wanted so there is some green space. The fence is located to maximize the view of the viewshed from the Ridgefield

Subdivision. It is located at the high point of the grade of the site. The property owner will be responsible for maintaining the fence.

Chairman Rolfsen asked if there was a motion to take action? **Mrs. Kegley moved to approve the Zoning Map Amendment by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Bunger seconded the motion.**

Chairman Rolfsen asked if there were any questions or comments from the Board members?

Mr. McMillian asked if there was a separate exit to the property? Mr. Wall replied that at the present, the development has one entrance/exit on KY 20. Part of the proposal is to construct a North-South public road that stops short of Elijah Creek Road resulting in a cul-de-sac but the road could be extended if Elijah Creek Road is improved and/or the road is extended northwest to KY 237.

Ms. Gulick asked the applicant to elaborate on Cross-Section #1 of the exhibits? The buffer is not a visual blocker for the view from the second story of one of the adjoining houses to the top of the building. Will there be any mechanical equipment? Mr. Reardon responded that the top of the building will be seen from the residences in Cross-Section #1. This includes air handling equipment. Mr. Pat Moore, Al Neyer, confirmed that a portion could be seen. Ms. Gulick asked if anything could be done to screen it from view by the residents? Mr. Brock MacKay, Viox & Viox, Inc., replied that the residential subdivision sits higher than the proposed development. In some cases, the sight line hits the top of the building and not too far down on the building. That was their main goal. Mr. Reardon also noted the size of the buffer, which is larger than what is typically required. It is about 400 feet from the residences to the proposed building. This is more than a football field in size.

Mr. Bunger asked the applicant if the roof equipment is visible from the 2-3 residences, would he consider screening the equipment? This can be determined after final design and during construction. It would be a minor expense. Mr. Moore stated that rooftop screening results in bullpenning them in. But this is not what would happen at this location. Mr. Reardon stated that he would be agreeable to screening to rooftop equipment seen by the residences in cross-section #1.

**Mr. Bunger moved to amend the Committee Report and add an additional condition that rooftop mechanical equipment that will be visible from the second floor windows of the dwellings in Ridgefield Subdivision in the vicinity of Cross Section #1 as shown in the attached Concept Development Plan set shall be screened from said dwellings in a manner that is architecturally compatible with the building design. Ms. Gulick seconded the motion. Chairman Rolfsen asked the applicant if he agreed to the additional condition? Mr. Reardon replied yes. The motion passed unanimously.**

Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Bunger which includes the additional condition. **The motion found Mr. Bessler, Mr. Bunger, Ms. Gulick, Mr. Harper, Mrs. Heilman, Mrs. Kegley, Mr. Lunnemann, Mrs. Nolan, Mr. Rolfsen, Mr. Schwenke, Mr. Szurlinski and Mr. Turner voting in favor of the request and Mr. McMillian voting against the request. The motion passed by a vote of 12-1.**

Mr. Patton returned to the live video teleconference meeting.

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

3. Request of **Arlington Properties (owner by contract)** for a Zoning Map Amendment from Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone to Urban Residential Two/Planned Development/Houston-Donaldson Study Corridor Overlay (UR-2/PD/HDO) zone for a 20.484 acre site located on the northwest corner of the Houston Road/Turfway Access/Charles R. Callen Drive intersection, and north of the property at 4885 Houston Road, Florence, Kentucky. The request is for a zone change to allow a multi-family residential development.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). He gave a summary of the Findings of Fact. Mr. Wall noted the Committee voted unanimously to approve the request with Mr. Bunger, Mrs. Kegley, Mr. Patton and Mr. Shipe voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for up to 5 minutes?

Mr William Morris, Arlington Properties, stated that he had nothing to add at this time.

Chairman Rolfsen asked if there was a motion to take action? **Mr. Lunnemann moved to approve the Zoning Map Amendment by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Kegley seconded the motion.**

Chairman Rolfsen asked if there were any questions or comments from the Board members? He inquired about the parking on the street, the access to the former Marydale site and emergency access.

Mr. Morris responded that the entryway is wide and even with parking on both sides, emergency vehicles would have enough room. Also, they broke up the area by installing bump outs or landscaped peninsula spaces. They also included an exit only in the plan and a dashed joint access to the former Marydale property. It is only a concept. The exact location will be known later on when the use next door is known.

Mrs. Nolan expressed a concern about managing the stormwater. The edge of the proposed pond is at the same elevation as the creek. Mr. Gloyeske, Viox & Viox, Inc., stated that a grading plan for the site has not been completed. The site will not require a lot of grading due to the existing topography. They will meet all County/City stormwater requirements. There are options on the site if they need to provide a secondary basin.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mrs. Kegley. **The motion passed unanimously.**

**TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairwoman, Michael Schwartz, Staff**

4. **Shell Gas Station & Convenient Store - Turfway Road**

Staff Member, Michael Schwartz, referred to a Power Point presentation. The site is located at the intersection of Turfway Road and Donaldson Road. The proposed use is a multi-tenant building - a convenience store, a restaurant with a drive-thru and fuel pumps. Mr. Schwartz showed a building elevation. The building will be mostly brick with EIFS accents. The proposed canopy is only allowed signage on 3 sides. The applicant would like signage on 4 sides. The applicant was asked to revise the plans to be more in line with the Houston-Donaldson Study. The applicant proposes to eliminate the yellow stripe on the canopy.

The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request as submitted.

**Mrs. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation. Mr. Lunnemann seconded the motion and it passed unanimously.**

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

**5. Texas Roadhouse - 4953 Houston Road**

Staff Member, Todd Morgan, referred to a Power Point presentation. Building elevations were presented. A "Take Out" sign was added above the entrance door on the left elevation. The "Texas" letters are channel letters and the sign is 8.8 square feet in size. Now there will be 3 sign areas for the building. This includes the previous approval of 2 signs.

The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

**Mrs. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation. Mr. Harper seconded the motion and it passed unanimously.**

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

**6. Value City - 8032 Burlington Pike**

Staff Member, Todd Morgan, referred to a Power Point presentation. The applicant would like to change the EIFS color of their accent at the top of their building and their building mounted signage package. The trim will be painted dark gray. The applicant is asking for a waiver to allow 2 sign areas for not more than 328 square feet in area. No sign is proposed on the side of the building. Mr. Morgan reviewed previous waivers for Morris Furniture. The Committee recommended approval with 2 conditions. First, both the Designer Looks and Value City cabinets need to be upgraded to "push through" signs with halo illumination. Second, no signage is permitted on the side of the building. Mr. Morgan provided a definition of a "push through" sign. A push thru sign is when the aluminum or cabinet face is routed out and the acrylic is pushed thru the face. This give the sign dimension and greater readability when done right. The sign can illuminate from the face and sides of the letter or just the sides.

The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request subject to the two conditions.

**Ms. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation and subject to the two conditions. Mr. Szurlinski seconded the motion and it passed unanimously with two conditions.**

**NEW BUSINESS:**

**CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff**

- 7. Request of Steve Berling (applicant) for R.C. Durr Foundation, Inc. and Florence Exchange LLC (owners) for a Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study Overlay (C-3/PD/PO) zone for a 4.0895 acre site located along the north side of Safeway Drive, the west side of Industrial Road on the northwest corner of the Industrial Road/Safeway Drive/Hillcrest Drive intersection, and along the east side of Freedom Way on the northeast corner of the Freedom Way/Safeway Drive intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow retail and restaurant uses.**

**Mr. Turner moved to schedule the Public Hearing for item #7 listed above on October 7, 2020 at 7:30 p.m. Mr. Bessler seconded the motion and it passed unanimously with Mr. Patton abstaining.**

**EXECUTIVE DIRECTOR'S REPORT: No Report**

**CHAIRMAN'S REPORT: No Report**

**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 8:27 P.M.**

**APPROVED**

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**Charlie Rolfsen  
Chairman**

**Attest:**

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