

**BOONE COUNTY PLANNING COMMISSION  
VIA LIVE VIDEO TELECONFERENCE  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
OCTOBER 7, 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 October 7 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, October 7, 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 Bungler, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mrs. Katie Nolan  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Brad Shipe  
Mr. Tom Szurlinski  
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. 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 September 16, 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 September 3, 2020 and October 7, 2020.

**EXPENSES:**

Accounting Fees	\$ 3,293.56
Attorney Fees	4,000.00
Auto Expense	82.43
Consultant/Professional Svcs Fees	4,072.00
Filing Fees (CLURs)	1,100.00
GIS Operations	164.82
Legal Ads/Recruitment	195.52
Miscellaneous Expense	96.05
Office & Board Meeting Supplies	883.96
Office Equipment/Expense	376.05
Postage Expense	866.35
Printing/Pub/Dues/Subscriptions	<u>755.59</u>

**TOTAL: \$15,886.33**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 7,783.95
Health/Dental/Life/LTD	14,191.97
Retirement – BCPC Portion	20,434.65
Salaries – Staff Expenses	106,600.68
Salaries – BCBOA	175.00
Salaries – BCPC	<u>1,225.00</u>
Salaries – FBOA	

**TOTAL: \$150,411.25**

**GRAND TOTAL: \$166,297.58**

**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.**

**ZONING TEXT AMENDMENTS – Lori Heilman, Chairwoman, Michael Schwartz and Kevin Wall, Staff**

1. Request of the **City of Florence** to consider a series of Zoning Text Amendments to Articles 9, 16, 23, 31, and 40 of the Boone County Zoning Regulations to: (1) define “short term rental”; (2) allow “short term rentals” in the residential, Employment Planned Development/Residential Planned Development (EPD/RPD), and Florence Main Street Zoning Study (FMS) zones; and (3) add supplementary performance standards for “short term rentals”. The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report). He gave a summary of the Findings of Fact. Mr. Schwartz noted the Committee voted unanimously to approve the request with all members of the Technical/Design Review Committee 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?

Seeing no one, Chairman Rolfsen asked if there was a motion to take action? Mrs. Heilman first stated that there is a provision towards the end of the regulations which states that each short term rental facility has to post that parties are prohibited. The City doesn't want parties but there is no definition provided. This most likely can be handled through the City's noise ordinance and not the zoning regulation. She expressed a concern about citing an owner for having a party under the zoning ordinance. There is no prohibition of parties in the zoning regulations. It only advertises that there are no parties allowed. There is a disconnect. The risk is that if someone was cited by the zoning ordinance, there is really no prohibition for having a party because the zoning regulations don't define it. That could be an issue before the Code Enforcement Board. It is uncertain if it will ever happen. One way to deal with it is to strike the language and have the City deal with it in their program. On the whole, the proposed regulations achieve the purpose of regulating the use.

Chairman Rolfsen stated that if the activity occurs, then law enforcement will have the only authority to address it? Mrs. Heilman stated there is no provision in the zoning regulations that says you can't have a party even though the owner is made to say it in an advertisement.

Mr. Kevin P. Costello, AICP, stated that the intent of the regulations is to simply post the short term rental rules on the property and then let the City enforce the rule through its noise or nuisance ordinance. Mr. Schwartz noted that at the Committee Meeting, Mr. Josh Hunt from the City of Florence stated that they would enforce it in a very different way possibly by revoking the business license and bypassing the Code Enforcement Board.

Mr. Dale Wilson stated that Mr. Hunt at the Committee Meeting emphasized that this issue would not be enforced through zoning but rather through the business licensing process.

**Mrs. Heilman moved to approve the Zoning Text Amendments by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact. Mr. Szurlinski seconded the motion. The motion passed unanimously.**

**ZONING MAP AMENDMENT – Rick Lunnemann, Chairman, Todd Morgan, Staff**

2. Request of **Bruce Krone - Eichel & Krone Co., L.P.A. (applicant)** for **Decastro Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3) for a 2.735 acre site located on the west side of Hopeful Church Road and approximately 30 feet north of the Hopeful Church Road/Chancellor Court intersection (6136 Hopeful Church Road), Boone County, Kentucky (annexation into the City of Florence pending). The request is for a zone change to allow an expansion of an existing automobile dealership.

Staff Member, Todd Morgan, 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. Morgan 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. Mr. Morgan showed the revised Concept Development Plan that was presented to the Zone Change Committee. He described the changes, which include the reduction of parking spaces to 209 and the buffer area was increased to a maximum of 110.93 feet. That area is located closest to the neighbors. The storm water and landscaping plans were revised. It included more trees to be preserved. There was also a revised lighting plan submitted. It shows 15 foot high poles with a 2.5 foot high base.

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

Mr. Rob Sweet, McBride, Dale, Clarion, representing the applicant, stated that the proposed changes to the plan address all the concerns and they agree to all of the conditions.

Mr. Edward Baer, 918 Chancellor Court, stated that he wanted to thank the applicant for making the changes to the submitted plan and the buffer zone. He asked if someone from the neighborhood could join the staff, engineer and owner in doing a walk-through or assessment of the trees? Mr. Sweet responded that he feels honored that the neighbors want to walk the property but that he felt that it should be left to the professionals. They have already made some concessions and feel the work is more for a landscape architect and staff. Mr. Baer asked again about the parking of vehicle trailers on Hopeful Church Road? He expressed disappointment and noted that he provided several videos and pictures to staff. Who does he call to complain? Would it be Boone County or the City of Florence? Mr. Szurlinski responded that the phone call should be directed to PSCC and they would dispatch the appropriate agency. Mr. Baer stated it is a traffic hazard as the trailer or transporter blocks the view of people trying to get out of the subdivision. That is a safety issue. Perhaps signs could be installed to let people know the area is not a loading or unloading zone. It needs to be marked. Mr. Costello suggested that Mr. Patrick Hughes, legal counsel for the applicant and owner, discuss this matter with his client to achieve a workable solution.

Mr. Hughes responded that he would discuss the matter with the owner. The vehicle haulers don't work for the dealerships. They work for the manufacturer. He supports law enforcement if the vehicle haulers are violating ordinances.

Mr. Bob Dogge, 912 Chancellor Court, expressed a concern for the 3 ponds, especially children falling in the ponds with no protection. Another concern is to make sure which trees are on their property versus his property. Mr. Morgan stated that the trees will be examined more closely when they inspect the site.

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 and the Boone County Fiscal Court (pending annexation) based upon the Committee Report and subject to the Findings of Fact and Conditions.** Mrs. Catherine Baer interrupted the motion and asked if the proposed fence could be solid? Chairman Rolfsen responded that the comment is too late at this time and it could be raised when the matter goes to the City of Florence for action. **Based upon Mr. Lunnemann's original motion, Mr. Bunger seconded the motion and it passed unanimously.**

Mrs. Katie Nolan entered the meeting at this time.

**ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Kim Patton,**  
**Chairman, Michael Schwartz, Staff**

3. Request of **Paul Hemmer Company (applicant)** for **Kenton County Airport Board (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One/Planned Development (I-1/PD) for a 108.481 acre area located on the east side of Bullittsville Road, immediately north of the property at 5208 Bullittsville Road, Boone County, Kentucky; and the request of **Paul Hemmer Company (applicant)** for **Kenton County Airport Board (owner)** for a Concept Development Plan in a Industrial One/Planned Development (I-1/PD) zone for a 166.221 acre area located on the northwest corner of the North Bend Road/Gateway Boulevard intersection and immediately south of the property at 3675 North Bend Road, Boone County, Kentucky. The requests are for a zone change and a Concept Development Plan to allow industrial and commercial uses on a 274.702 total acre site that is located between Bullittsville Road and North Bend Road.

Staff Member, Michael Schwartz, 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. He also referred to several drawings while reviewing the conditions. Mr. Schwartz noted the Committee voted unanimously to approve 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?

Mr. Adam Hemmer, applicant, stated that his Company has been working with Staff, the Administration and with the Committee to come up with a plan that fits with the area. He is happy with the recommended Plan. He is available to answer any questions.

Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Zoning Map Amendment and 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. Shipe seconded the motion.**

Chairman Rolfsen asked the Committee Members if they were satisfied with the 2 conditions dealing with street connections? Mr. Patton responded that it is very complicated. There are environmental and legal issues. There are also federal agency review issues. The site is more complex. It is more than one single property owner against another. At the end of the day, it will be up to the Fiscal Court, the Airport and the developer. There is also one more piece of property between the site industrial sites. Mr. Bunger agreed that at the appropriate time, the County will play a key role in determining when and how the street connection will be made and funded.

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

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

**4. Parkway Trails – Aero Parkway & Burlington Pike**

Staff Member, Michael Schwartz, referred to a Power Point presentation. He noted when the use was previously approved, there was a requirement that the buildings and sign go through the Design Review process similar to the Houston-Donaldson Study and subject to the additional design guidelines. Mr. Schwartz showed elevations of the proposed buildings indicating earth tone building colors and materials. He also showed drawings of the proposed free-standing entrance sign. The free-standing sign has the appearance of a monument sign with landscaping added to the bottom of the sign. There will be 240 units in 8 buildings built on the site. The Site Plan has already been approved. 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. Ms. Gulick seconded the motion and it passed unanimously.**

**NEW BUSINESS:**

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

5. Request of **Burlington Baptist Church (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 0.29 acre site located on the southwest corner of the Washington Street (KY 18)/Jefferson Street (KY 338) intersection, Boone County, Kentucky. The request is for a Special Sign District in a Suburban Residential Two/Small Community Overlay (SR-2/SC) zone to allow an electronic message center on a freestanding sign.

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

6. Request of **Great Development Properties Inc (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) and Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for an approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff**

7. Request of **Viox & Viox, Inc. (applicant)** for **Prologis LP (owner)** for a Change in Concept Development Plan in a Industrial One (I-1) zone for a 13.842 acre site located on the west side of Langley Drive, to the east of the property at 3680 Langley Drive, to the north of the property at 3720 Langley Drive, and south of the Bullock Lane cul-de-sac, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow a modification in the placement of an industrial building.

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

8. Request of the **City of Florence** to consider a series of Zoning Text Amendments to Articles 6, 7, 8, 9, 10, 11, 12, 20, 23, 31, and 40 of the **Boone County Zoning Regulations** to: 1.) define “household agriculture” and “household pets”; 2.) not permit household agriculture in the City of Florence; and 3.) permit the keeping of household pets as an accessory use for dwelling units in Agricultural, Recreation (R), Conservation (CONS), Residential, Commercial, Professional Office One (O-1A), Public Facilities (PF), Small Community Overlay (SC), and Florence Main Street Zoning Study (FMS) zones. The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current **Boone County Comprehensive Plan** and **Boone County Zoning Regulations**.

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

9. Request of **Nick Grammas, Grammas Investments (applicant)** for **1995 Grammas Childrens Trust (owner)** for a Zoning Map Amendment from Union Town Center (UTC) to Union Town Center/Urban Residential Two/Planned Development (UTC/UR-2/PD) for a 6.113 acre site located on the southeast corner of the US 42/Brilliance Avenue intersection, and on the north side of Mt. Zion Road between the properties at 1764 and 1808 Mt. Zion Road, and between the properties at 1816 and 1838 Mt. Zion Road, Union, Kentucky. The request is for a zone change to allow commercial, multi-family residential, and townhouse uses.

**Mr. Patton moved to schedule the Public Hearings for Item #5, #6, #7 and #8 listed above on November 4, 2020 at 7:30 p.m. and Item #9 on November 18, 2020 at 7:30 p.m. Mr. Lunnemann seconded the motion and it passed unanimously.**

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

**CHAIRMAN'S REPORT: No Report**

**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 7:57 P.M.**

**APPROVED**

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**Charlie Rolfsen  
Chairman**

**Attest:**

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