

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
BUSINESS MEETING
DECEMBER 2, 2020
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:13 p.m. and welcomed everyone to the Planning Commission's December 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, December 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 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. 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 November 18, 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. Schwenke 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 5, 2020 and December 2, 2020.

EXPENSES:

Accounting Fees	\$ 606.90
Attorney Fees	4,000.00
Consultant/Professional Svcs Fees	2,070.00
Filing Fees (CLURs)	550.00
Legal Ads/Recruitment	117.20
Miscellaneous Expense	99.70
Office & Board Meeting Supplies	431.58
Office/Equipment Maintenance	72.66
Office Equipment/Expense	307.00
Office/Liability Insurance	527.32
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	1,095.95
Refunds	<u>250.00</u>

TOTAL: \$11,133.31

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,227.16
Health/Dental/Life/LTD	14,991.03
Retirement – BCPC Portion	20,434.65
Salaries – Staff Expenses	85,390.88
Salaries – BCPC	<u>1,630.00</u>

TOTAL: \$128,673.72

GRAND TOTAL: \$139,807.03

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 MAP AMENDMENT – Brad Shipe, Chairman, Michael Schwartz, Staff

1. 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.

Chairman Rolfsen announced that the applicant has submitted a letter via email withdrawing the above application. No further action is required.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Patton, Chairman, Todd Morgan, Staff

2. 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 modifications in the placement of an industrial building and outside storage.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and subject to 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. Bunger, 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? Mr. Adrian Yanes, Viox & Viox, Inc., thanked the Committee and said he looked forward to moving on to develop the site. Seeing no one else, Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton 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. Shipe seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT – Kim Bunger, Chairman, Michael Schwartz, Staff

3. 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.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). He gave a summary of the Findings of Fact. Mr. Schwartz noted the Committee voted unanimously to approve the request with Mr. Bunger, 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? The applicant was not present at the Business Meeting. Seeing no one, Chairman Rolfsen asked if there was a motion to take action. **Mr. Bunger 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. Ms. Gulick seconded the motion and it passed unanimously.**

TECHNICAL/DESIGN REVIEW – Lori Heilman, Chairwoman, Todd Morgan, Staff

4. Twin Peaks Restaurant – 6835 Houston Road

Staff Member, Todd Morgan, referred to a Power Point presentation. The site is the former Logan's Road House restaurant on Houston Road in front of Walmart. Twin Peaks wants to occupy the building. The site is located in the "lawsuit settlement area" and is based on building elevation prototypes dating back to 1997. It dealt with building materials and there was also a color palette included in the original approval. Mr. Morgan showed photographs of the existing restaurant. The dumpster will not change and the business has a panel on the existing shopping center free-standing sign. Mr. Morgan highlighted the proposed changes – a new covered patio, a new entry feature, a new elk statue, and an addition for beer keg storage. Mr. Morgan showed a layout of the interior of the restaurant. Proposed materials are stone veneer, wood timbers, a green standing seam metal roof and a signage package. The elk will be placed in a landscaped bed off to the side of the entrance. Stone and timbers will be used on the covered patio. A stone chimney will cover the fire pit exhaust. The total signage on the front of the building is 157.14 square feet in 2 sign areas. This requires a waiver since it is usually one sign area. The sign on the back of the building is compliant. No signs will appear on the northeast side of the building. On the southwest side, letters will be installed totaling 25.5 square feet. The proposed total signage is 239.95 square feet. Normally, the applicant would be allowed 400 square feet in 2 sign areas. The Technical/Design Review Committee met earlier this evening and recommended approval with the following conditions:

1. The elk is allowed as permitted.
2. The building mounted signage is allowed as permitted.
3. The patio columns will be upgraded to 100% stone.
4. The entry feature will be wood timbers but stone is required two-thirds of the way up to the roof deck line.

The applicant showed the revised patio drawing with 100% stone columns in the patio area.

Chairman Rolfsen asked if the elk was considered part of their signage? Mr. Morgan replied that the elk is not a corporate trademark but rather a landscaping feature. He said technically it might be but the Committee was okay with it since the business doesn't have a monument sign. There are some restaurant locations without the elk. Mrs. Heilman stated that the Committee felt it was distinguishable from a Big Boy restaurant because it didn't have a corporate trademark.

Chairman Rolfsen asked if there was a motion to act on the request? Mrs. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation and subject to the conditions previously mentioned by Mr. Morgan. Mr. Harper seconded the motion and it passed unanimously.

NEW BUSINESS:

ZONING MAP AMENDMENT - Michael Schwartz, Staff

5. Request of **Great Development Properties Inc. (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) to Rural Suburban Estates (RSE) for an approximate 45.1 acre portion of the 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.

Mr. Patton moved to schedule the Public Hearing for Item #5 on January 6, 2021 at 7:30 p.m. Mrs. Kegley seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, mentioned that he sent a Memo dated November 23, 2020 with a list of 2021 dates for Planning Commission holidays, Business Meetings, Public Hearings, Committee Meetings and Board of Adjustment Meetings. He noted that the meetings could be held virtually and that the Planning Commission would meet twice a month based upon development activity levels.

Mr. Patton moved to approve the dates outlined in Mr. Costello's November 23, 2020 Memo. Mr. Bungler seconded the motion and is passed unanimously.

CHAIRMAN'S REPORT:

Chairman Rolfsen mentioned that it is the time of year to think about the Election of Officers for 2021. The Election of Officers will be held at the January 6, 2021 Business Meeting. As a result, he asked Bob Schwenke and Janet Kegley to serve as the Nominating Committee. If anyone is interested in running for the office of Chair, Vice-Chair, Secretary-Treasurer or Temporary Presiding Officer, then contact Mr. Schwenke or Mrs. Kegley before January 6, 2021.

OTHER: None

There being no further business to come before the Planning Commission, **Mr. Patton moved to adjourn the meeting. Mr. McMillian seconded the motion. The meeting was adjourned by unanimous consent at 7:41 P.M.**

APPROVED

**Charlie Rolfsen
Chairman**

Attest:

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