

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
BUSINESS MEETING
JANUARY 6, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:01 p.m. and welcomed everyone to the Planning Commission's January 6, 2021 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, January 6, 2021 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:

Ms. Olivia Amlung
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
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:

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 December 16, 2020 Business Meeting and Public Hearing. Chairman Rolfsen asked if there were any other comments or corrections? **Mr. Bungler moved to approve the Minutes as presented. Mr. Patton 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 December 3, 2020 and January 6, 2021.

EXPENSES:

Accounting Fees	\$ 720.61
Attorney Fees	4,000.00
Auto Expense	69.59
Consultant/Professional Svcs Fees	1,676.00
Filing Fees (CLURs)	900.00
GIS Operations	125.00
Legal Ads/Recruitment	243.32
Miscellaneous Expense	112.15
Office & Board Meeting Supplies	1,427.90
Office Equipment/Expense	527.12
Postage Expense	173.70
Printing/Pub/Dues/Subscriptions	<u>1,072.50</u>

TOTAL: \$11,047.89

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,751.18
Health/Dental/Life/LTD	16,305.22
Retirement – BCPC Portion	25,779.86
Salaries – Staff Expenses	107,582.18
Salaries – BCPC	<u>1,740.00</u>

TOTAL: \$159,403.44

GRAND TOTAL: \$170,451.33

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. Ms. Gulick seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT – Kim Bunger, Chairman, Todd Morgan, Staff

1. Request of **Viox & Viox, Inc. (applicant)** for **James R. Wright, Michael A. Brown, Lee Ann Brown, Megan Lee Rudolph, and Phillip Andrew Rudolph (owners)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for a 11.9101 acre site located on the southeast corner of the US 42/Callie Way intersection, the southeast corner of the Frogtown Road/Callie Way intersection, along the south and east sides of Callie Way, and including the properties at 2054, 2058, 2066, and 2070 Christ Court and the properties at 10320 and 10324 Lea Way, Union, Kentucky. The request is for a zone change to allow duplexes and patio homes.

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 and showed the revised Concept Development Plan. Mr. Morgan stated that the applicant will meet the Callie Way street frontage landscaping requirements. A second amenity area was added across from Unit 35. The Maxwell unit will have a brick or stone wrap along the side and rear. Photographs were shown. The Winthrop units would be treated the same with brick and stone on high impact sites and upgraded carriage style garage doors. Mr. Morgan noted the Committee voted unanimously to approve the request with Mr. Bunger, Mrs. Kegley and Mr. Patton 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. R.J. Riegler, developer, stated that he is good with everything.

Seeing no one else, Chairman Rolfsen asked if there was a motion to take action? **Mr. Bunger moved to approve the Zoning Map Amendment by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion.** Chairman Rolfsen asked if the Board members had comments or questions? He asked if the percentages of brick or stone had changed? Mr. Riegler replied that he does not know the exact percentages but they didn't change substantially. They upgraded the garage doors and expanded the wrap on some of the homes. Mr. Bunger noted that the project will have multiple styles of homes for one particular model. There will be a variety of the Wembleys which is the most planned. The design and structure is planned and built by Fischer Homes and not the individual buyer. Mr. Patton supported Mr. Bunger's comments. Mr. Bunger stated there was no opposition to the request. Mr. McMillian appreciated the upgrade of the garage doors. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Bunger and seconded by Mr. Harper. The motion passed unanimously.**

ZONING MAP AMENDMENT – Kim Patton, Chairman, Michael Schwartz, Staff

2. Request of **Triple Crown Developers, LLC (owner by contract)** for a Zoning Map Amendment from Public Facilities (PF) to Suburban Residential One (SR-1) for a 49.3355 acre site located on the south and east sides of the Count Fleet Drive/Man O' War intersection, south and east of the property at 757 Count Fleet Drive, south of the properties at 11261 through 11317 Longden Way, east of the properties at 801 and 805 Count Fleet Drive and the properties at 12004 through 12056 Jockey Club Drive, and north of the properties at 1004 through 1124 McCarron Lane, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

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 and Mr. Patton 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. Tony Berling, applicant, noted that he submitted the cross-sections of the site as requested by Commissioner Kim Patton. Mr. Patton said that it was done in order to evaluate the potential buffer for a few lots. They can be reviewed later on if necessary.

Ms. Heather Heldman, 12024 Jockey Club Drive, stated that she is fine with the zone change but she wanted to talk about the buffer.

Mr. John Hockstrasser, 11317 Longden Way, stated that he is fine with the request as long as he gets the storm water drain stuff worked out. He asked if the applicant had an approximate date of when the utilities and drainage would be designed? Mr. Berling replied that his area is in Phase 3 of the project and it will take 3 years. Mr. Hockstrasser asked if the applicant will construct all the roads at the same time? Mr. Berling responded no as it is phased.

Ms. Heldman stated that she submitted a follow up email to Staff. She asked if the project site will be dug down so that the houses will not be on the top looking down on her house?

Ms. Mary Finke, 1108 McCarron Lane, stated that she had the same concern. At the last meeting, it was requested that Mr. Berling take a walk upon the hill. That hasn't happened. Her lot goes up one story and then it is a plateau. One can see the back of her house from the site in question.

Mr. Patton noted that the School District was interested in a phased plan because of capacity issues and the developer agreed to it. The additional access will be in Phase 3 of the project since St. Elizabeth doesn't have a current plan for their property. In Lots 69-79, the developer agreed to an additional buffer. Along Jockey Club Drive, there are deep lots that have a hill. On the other side of these lots are trees but the developer is planning to keep them. The proposed houses will be placed closer to the street as the lot is graded lower. Mr. Schwartz showed examples of existing landscaping features for the site. Mr. Schwartz also presented cross-sections A-A and B-B. It showed how the new lot would be graded lower than the hill located on the rear property line. Some of the trees may have to be removed if a portion of the

site is graded as noted by Mr. Berling. Some trees will be put back with new trees. Cross-section B-B showed the same design as the land will be graded lower for the house to be built close to the street and away from the hill. Mr. Berling noted that each individual homeowner will plant their own trees. The proposed house will face the hill and not the neighboring house. Ms. Heldman asked if the new homeowner can grade the hill on their side? Mr. Patton explained that the grading will occur closer to the street. Mr. Patton noted that there is no requirement of a buffer between like residential uses. The proposed lots are bigger than the neighboring lots.

Seeing no one else, Chairman Rolfsen asked if there was a motion to take action. **Mr. Patton 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. Mrs. Kegley seconded the motion and it passed unanimously.**

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

3. Dragon City – 4960 Houston Road

Chairman Rolfsen announced that the above application has been withdrawn.

NEW BUSINESS:

ZONING MAP AMENDMENT AND VARIANCE - Michael Schwartz, Staff

4. Request of **Zimmer Motors (applicant)** for **Florence Baptist Church (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Services (C-3) and two variances from the **Boone County Zoning Regulations** for an approximate 3 acre site located at 1050 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow motor vehicles sales and an automotive repair facility, a variance from Section 3620 “Landscaping Along Street Frontages” to reduce the width of the street frontage landscaping area from 10 feet minimum to 0 feet, and a variance from Section 3645 “Buffer Yards” to reduce the width of the landscape buffer yard along the rear property line from Buffer Yard C (30’ and 60’ options) to 20 feet.

ZONING MAP AMENDMENT AND CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

5. Request of **Grand Communities, LLC attn: Jason Wisnieski (applicant)** for **Mark Kahmann, Susan Kahmann, and Bonita Maddox Family Living Trust (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 12.74 acre tract located at 2514 Hathaway Road, and an approximate 19.85 acre area located immediately north of the properties at 2514 and 2546 Hathaway Road, Boone County, Kentucky; and the request of **Longbranch Development, LLC attn: Jason Wisnieski (applicant)** for **AF Investments, LLC (owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 38.84 acre site located between the properties at 2408 Hathaway Road and 9771 through 9915 Spruce Lane to the

east, and the properties 2504 and 2514 Hathaway Road to the west, Boone County, Kentucky. The requests are for a zone change and a Change in an Approved Concept Development Plan to allow detached single family dwelling units and duplex dwelling units.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kevin Wall, Staff

6. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

Mr. McMillian moved to schedule the Public Hearing for Items #4, #5 and #6 on February 3, 2021 at 7:30 p.m. Mr. Patton seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

No Report

6COMMITTEE 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: Chairman Rolfsen

No Report

CHAIRMAN:

No Report

OTHER:

Mr. Schwenke explained that he and Mrs. Kegley served on the Nominating Committee. They contacted the current Planning Commission Officers and all of them agreed to serve another one year term. No other Board Members contacted the Nominating Committee. As a result, **Mr. Schwenke moved to elect the following members to serve as an officer for a one year term of office:**

Charlie Rolfsen	-	Chairman
Kim Patton	-	Vice-Chairman
Kim Bunger	-	Secretary-Treasurer
Steve Turner	-	Temporary Presiding Officer

Mrs. Kegley seconded the motion and is passed unanimously.

Chairman Rolfsen welcomed the Planning Commission's newest Board member, Ms. Olivia Amlung. Mr. Costello reminded everyone that if any Board member wanted to be on a specific Committee for 2021, let the Chairman know as he will complete the new Committee list by February 1, 2021.

There being no further business to come before the Planning Commission, **Mr. Patton moved to adjourn the meeting. Mr. Bessler seconded the motion. The meeting was adjourned by unanimous consent at 7:53 P.M.**

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director