

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
APRIL 4, 2019  
7:00 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Steve Harper  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Ms. Corrin Gulick  
Mrs. Lori Heilman  
Mr. Kim Patton

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the first item on the Agenda at 7:10 p.m.

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

1. Request of **Al Neyer, LLC c/o Ryan Reardon, Vice President - Real Estate Development (applicant) for Kenton County Airport Board c/o Candace McGraw and Kathleen Utz as Trustee of the Charles and Kathleen Utz Revocable Trust c/o Glenn Utz (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial One (C-1) to Industrial One (I-1), and Variances from Section 3645 "Buffer Yards" of the Boone County Zoning Regulations, for a 45.6294 acre site located on the north side of Petersburg Road, across from the Petersburg Road/Hetzel Drive intersection, and on the east side of Riverview Drive, approximately 300 feet north of the Petersburg Road/Riverview Drive intersection, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone and Variances to allow reductions in the perimeter landscape buffer yards.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The request is to rezone the site to Industrial One (I-1) and to seek variances in order to allow reductions in the perimeter landscape buffer yards. The site is located on the north side of KY 20 and on the east side of Riverview Drive at the I-275/KY 212 Interchange. The SR-1 portion of the site is about 45 acres. The C-1 portion is about a half of an acre. Mr. Wall showed a map of the current zoning and land use of the adjoining properties. The Comprehensive Plan's 2035 Future Land Use Map designates 85% of the site as Industrial (I). The remaining portion of the site is designated as Developmentally Sensitive (DS).

The proposed project is a 586,000 square foot industrial building. It has 3 access points - two off Riverview Drive and the other off KY 20 across from Hetzel Drive. Truck courts are planned on the north and south sides. Parking is located at both short ends of the building. There is a cemetery located on the site that is intended to be retained. A portion of the existing trees on the eastern side will be retained. The applicant is requesting variances to the required buffer yards. They are requesting to reduce the buffer yard from a D to an A. The building will set lower than the KY 20/Riverview Drive intersection - about 22 feet lower. The applicant has submitted a landscaping plan and building elevations. It will be a 45 feet high tilt up building. Mr. Wall showed photos of the site and adjoining properties.

In terms of Staff Comments, Mr. Wall referred to the Comprehensive Plan's Land Use and Business Activity Elements on pages 9-11 of the Staff Report. The proposed used is a generic industrial building. The Board should review the list of industrial uses allowed in an I-1 zoning district. A Traffic Impact Study (TIS) has been submitted as part of the request. The findings and conclusion sections of the study are attached to the Staff Report. He offered to provide a copy of the entire study if requested. The TIS is based upon a warehousing use. A 40 foot wide Buffer Yard D option including a 6 foot high berm is being proposed along Riverview Drive. This is beyond what is required - street frontage landscaping. Screening is being proposed along the dock area near KY 20. It is recommended that the trees be moved up the hill to screen the dock area more near the KY 20 access point. The applicant's project narrative commits to meeting the landscaping requirements. Mr. Wall suggested adequate lighting/illumination at each access point. However, there is a residence located next to the northern access point off Riverview Drive. Mr.

Wall recommended changes to the building design on page 12 of the Staff Report since the proposed building is located on a primary road or KY 20. Four retaining walls are being proposed of which 2 of them are publicly visible. The applicant is willing to upgrade Riverview Drive to being classified as a local street (25 feet wide). The Subdivision Regulations require a 28 foot wide sub-collector street and a sidewalk on one side. There really isn't much room on the site for truck stacking. The TIS states that the project will have a little or no effect on the surrounding road network based upon the warehouse use. Comments are included in the Staff Report from the County Engineer and the KYTC District 6. One concern from KYTC is the proposed curb cut opposite of Hetzel Drive. The State will not allow it unless there is a better analysis. It also appears that the applicant can fit all of the plants in the 40 foot buffer area along the north property line. If approved, the buffer yard variance around the SR-1 outlot on the east side of Riverview Drive will require at least a partial reduction in the amount of required plantings. The Board shall consider the standards for granting variances as outlined in Section 251 of the Zoning Regulations.

Mr. Wall concluded that the Board should evaluate the request in accordance to the 3 statutory criteria for approving a zone change, the Comprehensive Plan, the 2017 Goals and Objectives and the Variance criteria.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Ryan Reardon, Al Neyer, LLC, reviewed the history of Al Neyer. They are a design/build employee owned company. They have offices in Cincinnati, Pittsburg and Nashville. They focus on medical office and industrial buildings. The company also does third party construction. They also do multi-family development. Project samples include Erlanger Commerce Center, Aero Commerce Center and UC Health Florence. The proposed use is a bulk warehouse and they are actually working with a tenant. They have a letter of intent for a lease. The proposed tenant will lease 75% of the building and will also be part owner of the building. The parcels in question are owned by the Utz family and the Kenton County Airport Board. Not included in the project are 4 parcels located across the street that Neyer will purchase. The proposed access across from Hetzel Drive will be for auto use only. The access point off KY 20 will serve employees from the second tenant.

Mr. Don Stegman, Cardinal Engineering, explained that the Ravenscrafts developed the original subdivision in 2 phases. At one time, the subdivision had 20-30 homes located on it. Now Runway 18L is in direct line with the project. That is the reason why the Airport bought the lots in the subdivision. Currently, there are 3 houses left in the subdivision. The only utility left in the subdivision is electric. There is no public water or sanitary sewer. Today, it is mostly vacant land. Since the Comprehensive Plan suggests Industrial in the future, it makes sense to request variances in the buffer requirements. If the land next door was already zoned Industrial, they wouldn't be asking for variances. Public water and sanitary sewer are available at the intersection of Riverview Drive and KY 20. In terms of the traffic impact, 85% of the traffic on KY 212 turn left at KY 20. Their traffic will be turning right. Riverview Drive will be improved with a 28 foot wide pavement width, curb and gutter design and a sidewalk on one side. The proposed curb cut off KY 20 opposite of Hetzel Drive may become a four way intersection in the future. He has not been

informed by the State of the reason for their concern about the proposed curb cut. The findings from the Traffic Impact Study indicate there are no improvements required for the intersection of KY 212/KY 20 - only Riverview Drive. The total traffic counts at peak time increased by 6-7%. Truck staging or queing is not a concern because the tenant is not a delivery timed company and the site doesn't have closed off security. They have adequate parking areas on-site for the proposed use. There are 128 parking spaces in front and 153 parking spaces in the rear. The building sits back from the road so there is enough room for truck storage if necessary.

Mr. Pat Moore, Al Neyer, LLC, stated that the proposed building has great depth (550 feet) and a 130 foot truck court on both sides. It has balanced parking. Office areas will be on th southwest and southeast sides of the building. Mr. Moore referred to the building elevations. They altered the height of the building panels. The building will have different textures and colors. At 100 foot intervals, it will have accent panels.

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

Mr. Dale Losey, Chavez Properties, stated that his Company did not receive a notice of the Public Hearing. He is not in favor or against the project. He hasn't had enough time to evaluate the project. He asked if there would be an opportunity outside of the Public Hearing to voice an opinion? Mr. Wilson stated that the Public Hearing was advertised and it is where the public record is made. Unless the Planning Commission decides to hold another Public Hearing, tonight's Public Hearing is it. The matter will be referred to the Zone Change Committee and the Committee will make a recommendation in the form of a report to the full Planning Commission. However, there is a 60 day time limit for the Planning Commission to act. Mr. Losey asked to be put on a list for notification in the future. Mr. Wall replied that Chavez Properties is not an adjoining property owner so that is why they didn't receive a letter. In addition, 2 signs were posted on the subject property. Mr. Costello also stated that Chavez Properties is familiar with the process since they went through the same process with one of their sites in the past. Mr. Wilson also noted that a legal ad was placed in the Boone County Recorder. He also stated that Mr. Losey could contact the Boone County Fiscal Court for future comments after it receives the Planning Commission recommendation.

Ms. Cathleen Matchinga, Zollars, Inc., expressed a concern about traffic. There seems to be some open items about the traffic study. Is the traffic study available to be reviewed? She referred to the items in an email dated March 29, 2019 from the Kentucky Transportation Cabinet. Were the items ever addressed by the applicant? The intersection is very busy. Even though only 15% of the traffic turns right at the intersection, nobody knows what the load will be from the proposed development. Is there more trip data available to know the impact on her business? Her business is growing because of low fares at the Airport. Local traffic has picked up. The prime time for her business is 4:00 - 7:00 a.m. and 5:00 - 8:00 p.m. She is interested in getting a copy of the traffic study.

Ms. Jeanette Mahan, River Road, stated that she lives below the project. How many semi-trucks will be coming to and from the site on a daily basis? There isn't much storage or stacking space for the trucks to turn left onto KY 212 from leaving KY 20. The other issue is the deterioration of

Mile Hill. It is constantly being repaired because of slippage. The amount of earthwork and weight will impact Mile Hill. It will be detrimental to the bottom. How many employees will be at the facility? Mile Hill has a lot of gravel truck traffic.

Mr. Joyce Ravenscraft, 2263 Kyle Drive, stated that she owns the lots on both side of the development. It seems unusual to put the type of development next to a residential area. Does the applicant plan to buy the homes already there? It won't be pleasant for those residents.

Ms. Shirley Ellison, 2729 Riverview Drive, asked how will the proposed project affect her house? She has a great view of the river and it is peaceful. She doesn't want to move.

Mr. Glenn Utz, stated that the site is his Mom's property. It was a farm and it became severely impacted by the flight path. It became more polluted. The Future Land Use Map changed it to Industrial (I). If you pull back, you would see 30 other warehouses in the area surrounding the subject site. It looks like what they are proposing. It is the proper land use. The traffic impact is very little compared with other industrial uses. He recommended that the Planning Commission approve the use because everything in the area is heading into the industrial direction. It is low impact in that area.

Ms. Jeanette Mahan expressed a concern about the stormwater runoff from the project. From her experience, a stream that was once 1.5 feet wide is now 7 feet wide. It is from the detention ponds above her property. Think about the hillside. It will cave.

At this time, Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. Hicks inquired on why the extra lots off Riverview Drive were not part of the application? Mr. Reardon replied that they don't have a contract to purchase them. They are owned by Mrs. Ravenscraft or her family. He continues to talk to her about the lots. Mr. Hicks stated that the one lot is greatly impacted by the proposed development especially with the variance requests.

Mr. Bunger asked if the 2 proposed parking lots would be owned by Al Neyer? Mr. Reardon responded yes.

Chairman Rolfsen asked the applicant to identify the tenant name. Mr. Reardon replied that he cannot reveal the name of the tenant because of confidentiality. It is not a heavy truck use. They only have 20 trucks per day. It does not involve on-time delivery or e-commerce.

Mr. Lunnemann asked if the proposed business is a larger operation of a current business in existence? Mr. Reardon responded that it is similar in size.

Mr. Bunger asked how may dock doors on the building? Mr. Reardon replied 35 dock doors. Based upon the proposed tenant's current operation, the stacking of trucks will not be an issue. If it ever becomes an issue, there are options to address the issue like the two parking areas out front. Twenty trucks won't be leaving at the same time. It will be spread throughout the day. Mr. Costello asked if the Traffic Impact Study was based upon the proposed tenant's current practice or operations? Mr. Reardon responded no. It is based upon a general warehouse use and

not the specific tenant. Mr. Stegman mentioned that the ITE manual made them model 90-98 trucks in the peak hours based on a general warehouse use not trucks a day. With that in mind, the Study did not recommend improvements.

Chairman Rolfsen asked what was the distance in terms of number of trucks between KY 212 and Riverview Drive on KY 20 and along Riverview Drive. Mr. Stegman replied that it would be approximately 4-5 trucks. Mr. Bunger asked if the applicant could obtain more accurate information from the proposed tenant.

Chairman Rolfsen asked if the applicant had any interest in purchasing the 3 homes in the subdivision? Mr. Reardon replied not in connection with the current development.

Mr. Schwenke asked if the applicant was seeking a variance in the landscape buffer next to the 3 lots at the Riverview/KY 20 Intersection? Mr. Wall responded no since the lots are zoned C-1. The applicant will follow the current landscaping requirements. In regard to the middle lot, the applicant is seeking a variance on the three sides including the back.

Mr. Bunger asked if the curb cut on KY 20 is not allowed, what are the options for the applicant? Will the automobiles have to travel through the dock area? Mr. Reardon stated that they would evaluate another auto only road that fronts and runs parallel to KY 20. They don't want to mix auto and truck traffic.

Mr. McMillian inquired whether the Traffic Study involved both tenants? Mr. Reardon explained that it factored in the use of entire building. He will provide more information about the tenant's traffic and whether they garage the trucks overnight.

Mr. Hicks stated that he would feel better if the applicant removed the one lot closest to the commercial area.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on May 1, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:22 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Steve Harper  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Ms. Corrin Gulick  
Mrs. Lori Heilman

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen called the Public Hearing to order at 8:23 P.M. and introduced the second item on the Agenda:

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

2. Request of **Hilton Displays (Teri Watts) on behalf of Starbucks (applicant) for Florence KY (SEC Hwy 42 and Express) LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 0.8102 acre site located on the southeast corner of the US 42/Express Street intersection, Florence, Kentucky. The request is for a Special Sign District in a Commercial Two/Planned Development (C-2/PD) zone to allow alternative signage.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site is located off U.S. 42 and Express Drive. In 1996, the site was changed to C-2/PD. In 2018, the approved Concept Development Plan was changed to allow eating and drinking establishments with drive-through facilities. In 2019, a Major Site Plan was approved to construct a Starbucks store. The request tonight involves reviewing the signage for the drive-through facility only. Mr. Schwartz showed photos of the site and adjoining properties. The request is for a Zoning Map Amendment for a Special Sign District to allow Starbucks to install 3 drive-through menu boards, one of which is to have a full digital screen. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C). Other references to the Comprehensive Plan including the approved 2017 Goals and Objectives are outlined in the Staff Report.

Mr. Schwartz showed drawings of the proposed building mounted signs - north elevation (Starbucks logo), east elevation (Starbucks logo), west elevation (Starbucks letters and drive-through), directional signs and a monument sign. The applicant is proposing a pre-menu board sign - 5.44 feet high and 6.72 square feet in sign area with a static image. A second menu sign is a proposed menu order sign - 9.8 feet high and 6.25 square feet in sign area. It has a full color digital display. When the sign is not in use, it will be used for advertising display. The third sign is a tri-panel menu board. It will be 5.44 feet high and 22.84 feet in sign area. It will have a static image. The only Staff Comment involves whether the proposed signs are clearly legible from off-premise? Can they be seen from the adjoining sidewalks and streets (Cavalry or Express Streets)? In conclusion, the request is for a Special Sign District in order to deal with 2 issues - the number of signs and the digital display on the menu board.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Ms. Terri Watts, representing Starbucks, stated that she would focus on the menu boards. The pre-menu board sign contains a fixed poster that is placed in the menu board. It is not digital. It is usually replaced every 60 days. The second menu board is a digital order screen. It has a canopy to protect the customer while placing an order. The screen is attached to it. It allows for a video conference with the barista. The customer can view the order once the order is taken, an advertisement will be displayed for 5 - 10 seconds. The board will go blank if no one orders anything. There are sensors that turn it on and off. The final menu board has posters inside. They are changed every 60 days. All the signs operate when the store is open. The lights go off when the store closes. There is a volume control on the digital screen. These signs allow for a more

efficient drive-through and more accurate orders. The menu boards are not intended to be seen from a sidewalk and adjacent roads. They are designed only to accommodate people using the drive-through.

Chairman Rolfsen asked about the order of the signs. Ms. Watts responded that the digital order board is located next to the 3 panel menu board. It is similar to McDonald's.

Mr. Bunger asked if the order board had any pictures? Ms. Watts replied it will have a fixed picture of coffee. It just fills an empty black screen or hides the previous order.

Chairman Rolfsen asked if the request is a deal breaker for Starbucks? Ms. Watts responded that it is not a deal breaker but their research shows that it results in the most efficient use of the drive-through and getting people through the que quickly. Chairman Rolfsen stated that it seems like a lot of signage for people to navigate especially if they already know what they want. Ms. Watts replied that they board is programmable so it can limit copy.

Mr. Turner suggested to integrate the image on the first menu board onto the second menu board and then get rid of the first menu board? Ms. Watts responded that the first menu board gives an option before the customer places their order.

Mr. Wilson reminded that the Board shouldn't be dealing with the content of the sign but rather reasonable time, place and manner for structures. Ms. Watts noticed several restaurants in the area that have an attraction or pre-menu board - Wendy's as well as McDonald's. Starbucks is not asking for anything that is outlandish.

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

Ms. Kristen Pangrcic, owner/developer of the site, stated that she was present in support of the request for Starbucks.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on May 1, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:45 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Steve Harper  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Ms. Corrin Gulick  
Mrs. Lori Heilman

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen called the Public Hearing to order at 8:46 P.M. and introduced the third item on the Agenda:

**ZONING MAP AMENDMENT - Kim Patton, Chairman, Michael Schwartz, Staff**

3. Request of **Frank Fugate and Tammy Standbury (applicants)** for **Schleper Development Corporation (owner)** for a Zoning Map Amendment from Industrial One (I-1) to Urban Residential Two (UR-2) for a 7.8183 acre tract located on the southeast corner of the Southpark Drive/Continental Way intersection, Boone County, Kentucky. The request is for a zone change to allow a senior independent living development.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. In 1988, the zoning of the site and the larger area was rezoned to Urban Residential One (UR-1), Commercial Two (C-2) and Industrial One (I-1). In 2000, a Major Site Plan was approved for the Sanctuary Place Apartments - 208 units within 14 buildings. In 2001, a zone change was approved in the rear area of Sanctuary Place Apartments to allow 42 units within 4 buildings. Between 2007 - 2009, Continental Way was built to alleviate traffic congestion at the intersection of North Bend Road with Southpark Drive. Mr. Schwartz showed an aerial photo of the site and adjoining properties. There is a mature tree stand on the southern part of the site. The tree stand has a depth of 350 feet and encompasses about 2.5 acres of the site. The existing tree stand is proposed to remain. A public water main is located along the north and east side of Southpark Drive. A sanitary sewer main is currently located along Continental Way. There are TANK bus stops along North Bend Road and Southpark Drive near the entrance of the existing apartment complex. The site is currently zoned Industrial One (I-1). He reviewed the surrounding zoning and land uses. The site is steep and has a berm located along Southpark Drive. It has a slope of about 12%. The 2035 Future Land Use Map designates the site as Industrial (I). A sidewalk exists on the opposite side of Southpark Drive. References to the Comprehensive Plan are outlined in the Staff Report. Mr. Schwartz showed photos of the site and adjoining properties. He also showed the original (1988) Concept Development Plan for Southpark Subdivision. The subject site was approved for a 52,200 square foot industrial building. The applicant would like to construct a 4 story, 96 unit senior living facility with off street parking. Access to Southpark Drive will be located directly across from the Sanctuary Place Apartments entrance. The proposed project density is 12.3 dwelling units per acre. By comparison, Sanctuary Place Apartments has developed at a density of 8.7 dwelling units per acre. The Staff Report includes an analysis of the Concept Development Plan and the Boone County Zoning Regulations. It also includes replies from outside agencies. None of which have brought up any major concerns. The applicant has provided some renderings of similar type buildings that they have built.

In terms of Staff Comments, there are a few deficiencies where the Concept Development Plan does not meet the requirements of the Zoning Regulations. One deficiency is the required buffer yard for a residential zone next to an industrial zone on the northeast side of the site. It does not meet the required buffer yard width.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Ms. Tammy Stansbury, Woda Cooper Company, stated that her company is a development, construction and management firm. They manage what they develop. They own 380 developments across 16 states. They have only sold one development and have been in existence for 25 years. Ms. Stansbury showed photographs of existing senior living facilities in

Eminence, Kentucky, Hopkinsville, Kentucky and Richmond, Kentucky. They use at least 50% brick on their buildings and hardy plank siding. They have one development underway in Walton, Kentucky. It is senior housing age 55 and older and their funding is based upon it. The need for affordable senior housing is great. Seniors want to downsize and be in a smaller community. They offer a fitness center. Some amenities are provided along with a playroom for grandkids, a computer room, a craft room and a bocce field. The site is ideal for seniors because of its location to other amenities in the area. The project is located on 2 bus routes.

Mr. Frank Fugate, Woda Cooper Company, stated that the parcel located next to the eastern buffer is a detention pond. It is owned by the Association. It won't be developed in the future. It will stay with the Association. They will landscape around it. The site is large but the proposed building will be vertical with 4 stories and the existing trees will remain. He noted that his tenants are active seniors. By locating on this site, it will allow some residents to continue to be in the job market whether it is full time or part time. It is affordable housing. He noticed the sidewalk system in the park and concrete streets. Residents can get out and walk if necessary.

Mr. Fugate stated that he will address the Staff Comments such as the width of the sidewalk, landscaping plans, etc., at the Zone Change Committee meeting. Ms. Stansbury also committed to having the building elevations by the April 17<sup>th</sup> Committee meeting.

Chairman Rolfsen suggested that Mr. Fugate get a letter from the Association stating that the property next door will never be developed since it is used for detention. Mr. Thomas Schleper, Schleper Development Corporation, stated that the existing detention basin will never be developed. He offered to submit a letter and noted that he didn't care about the buffer yard requirements because of the topography. Mr. Schleper noted that they never had any luck selling it for industrial purposes. He thought that the proposed use is the best possible use for the site and least impactful.

Mr. Lunnemann inquired about the approximate rent structure? He also requested more information about building architecture. Ms. Stansbury replied that the rent for a one bedroom apartment is \$755 per month. It includes water, sewer and trash. It is \$880 per month for a 2 bedroom apartment. Residents will only be responsible for electric.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on May 1, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:15 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Steve Harper  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Ms. Corrin Gulick  
Mrs. Lori Heilman

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen called the Public Hearing to order at 9:16 P.M. and introduced the fourth item on the Agenda:

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

4. Request of **Terry Crigger (applicant)** for **Christ's Chapel Assembly of God (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Planned Development/Houston-Donaldson Study Corridor Overlay (RSE/PD/HDO) and Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) to Public Facilities/Planned Development/Houston-Donaldson Study Corridor Overlay (PF/PD/HDO) for an approximate 13 acre site located at 3819, 3837, and 3845 Turfway Road, Boone County, Kentucky. The request is for a zone change to allow a school, preschool through grade 12, and church-related uses.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. He showed a vicinity map of the church campus. The site is located adjacent to the Turfway Park Race Track and across the street from CVG Airport. The zone change request is for a school. Phase I would start with a preschool program for 3 and 4 year olds and kindergarten students within their building. Three existing classrooms in the church will be utilized. Projected enrollment is 25 - 40 students. Phase II would involve adding 5 modular classrooms behind the church over a 5 year period. During this time, financing would be secured to construct a permanent building. Eventually, they would build a gym, a kitchen and an office for the school and projected enrollment for preschool to grade 12 would be 250 students. The site is located in the 60 DNL. It is also split zoned - Rural Suburban Estates/Planned Development/Houston-Donaldson Study Corridor Overlay (RSE/PD/HDO) and Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO). The request is to rezone the entire campus to Public Facilities/Planned Development/Houston-Donaldson Study Corridor Overlay (PF/PD/HDO). Mr. Morgan showed photos of the site and adjoining properties. The Comprehensive Plan's Future Land Use Map designates the site as Public/Institutional (P), which includes churches and schools. Other references to the Comprehensive Plan are made in the Staff Report on pages 3-5 as well as the Houston-Donaldson Study. The Planned Development (PD) standards would also apply to the request. In terms of Staff Comments, a Zoning Map Amendment to a Public Facilities (PF) zone is needed because a K-12 school is being proposed. The plans are difficult to evaluate because they are not scaled drawings. Staff would like to make the applicant aware of the following issues:

- A. Building Setbacks - The permanent additions would have a meet a minimum 10' foot building setback from the rear and side property lines.
- B. Landscaping Buffers - A 10' wide landscaping buffer (Buffer Yard A) would be required along the property lines for the length of any new improvements.
- C. Parking - The plan shows that some parking will be removed when the gym, kitchen, and other building expansion is proposed. It's possible that more parking may need to be added.

Staff would like the applicant to address the following questions: Does a preschool currently operate out of the church building? Could any church and school functions overlap? Could any recess or recreational yards be lit? Will students be dropped off by their parents or be bussed?

Will the architecture of the permanent additions match the existing church building? Staff sent an agency memo and received comments back from Sanitation District No. 1, Point Pleasant Fire Protection District, and Kentucky Transportation Cabinet. Their comments are attached to the Staff Report. Staff also recommends the following Planned Development Standards should be looked at in more detail: (1) In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile. Staff recommends that the Planning Commission and Fiscal Court should look at whether a sidewalk connection should be required between the church/school buildings and/or along the Turfway Road frontage. The state road plans do not show sidewalks being constructed on Turfway Road as part of Project 06-0433.00. However, a conceptual bike/pedestrian trail is shown on the airport property near the 90° bend in Turfway Road. (2) Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements (Architecture). Staff would like to note that the Site Plan and Design Review applications will be required for any building additions. The Zoning Administrator may determine that the Design Review application is not required if the addition isn't visible from public view or an adjoining property.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Terry Crigger, Pastor of Christ's Chapel Assembly of God, stated that they want to start a Christian school on a small scale and if successful build a permanent building. The proposed zoning change allows them to be located in one zoning district.

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

Mr. William Rice, 1123 O'Hara Lane, stated that he adjoins the subject site. He expressed a concern about additional noise the school will bring with various sports and activities. Will the school have additional lighting? He noted that he already experiences it with Van Melle. It was an issue with Turfway Park but now they turn off their lights when they are done. Mr. Rice had a concern about additional traffic from the school. It is atrocious to get out of O'Hara Lane from 6:30 - 8:30 every morning and in the afternoon from 2:30 - 7:00 p.m. The roads are packed and he knows there are plans in the future to improve the roads. What about the impact of aircraft noise? The proposed school is a lot closer to the runway. What will it do to his property values?

At this time Chairman Rolfsen asked if any of the Board members had any questions or comments? He asked if the church still operated a day care at the church? Pastor Crigger replied no. They had a day care at the church for about 20 years but closed 3 - 4 years ago. There is no school presently located at the church today.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on May 1, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:28 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Steve Harper  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Ms. Corrin Gulick  
Mrs. Lori Heilman  
Mr. Mark Hicks

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen called the Public Hearing to order at 9:29 P.M. and introduced the fifth item on the Agenda:

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

5. Request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.7 acres of an approximate 15.38 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is located off Walton-Verona Road near Oak Creek Campground. The request is for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for 7.7 acres of an approximate 15.38 tract that's located in the City of Walton. A portion of the site is already zoned I-1 and the goal is to make the entire site I-1. The Concept Development Plan shows a shaded area which is to be rezoned. The applicant is showing 3 speculative lots and any use in an I-1 zone would be allowed. Lot 1 will have its own access point and Lots 2 & 3 will share an access point in the panhandle. There is a drainage swale located in the center of the site. Mr. Morgan showed photos of the site and adjoining properties. All existing buildings on the site will be demolished. There is a church located west of the site. The Comprehensive Plan's Future Land Use Map designates the site as Industrial (I) and Urban Density Residential (UD). Urban Density Residential allows multi-family dwelling units over 8 units per acre. Other references to the Comprehensive Plan are noted on pages 2-6 of the Staff Report as well as the criteria for approving or denying a Zoning Map Amendment request.

In terms of Staff Comments, Mr. Morgan stated that the request would allow the property to develop with all the principally permitted uses of the I-1 zone. A list of these uses is attached to the Staff Report for review. The Planning Commission and City of Walton should determine which of these uses are appropriate if the application is approved. Further, Conditional Uses of the I-1 zone could be sought in the future through a separate Conditional Use Permit application if the zoning map amendment is approved. The Planning Commission and City of Walton should determine which of these uses, if any, should be eligible to go through this process if the application is approved, especially when considering that there are adjoining residential uses in the area along Oak Creek Road.

Staff sent out an agency memo regarding the application and received comments from Walton Fire Department and the Kentucky Transportation Cabinet. These comments are attached to the Staff Report. Staff would like the applicant to address the following questions: The Concept Development Plan shows the approximate 15.38 acre lot will be subdivided into three (3) lots of record. Is it possible there could there be more or less lots? Is the plan still to have two access points (one on lot 1 and shared access for lots 2 and 3)? The Kentucky Transportation Cabinet indicated that a Traffic Impact Study will be required. Has it been started? Have the project grading limits been defined? Have any of the proposed uses on the lots been determined? If so, can they be revealed? Could businesses operate 24 hours a day? Has exterior lighting been considered (heights of light poles, wall packs,, etc.)? Will the future buildings be constructed entirely of metal or will any masonry be used?

Staff would like to note that the Concept Development Plan shows the required landscaping buffers will be installed or retained around the perimeter of the property. Mr. Morgan reviewed the 80' and 40' wide Buffer Yard D options in the Staff Report.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Steve Berling, applicant for TOC, LLC, explained that his client purchased the property even though it was located in 3 different zones. The SR-1 zone wraps around the cemetery and church. The RS zone runs along the frontage of Walton-Verona Road. The best use of the property is I-1. The 80 foot buffer requirement would impact the use of the I-1 property. He performed a quick analysis of the property. Lot 1 has about 2 usable acres. Lot 2 has about 2.5 usable acres and lot 3 has about 2 usable acres. Out of the 15 acres, there are only about 7 usable acres. It is limited because of the swale. He doesn't expect to get into the 80 foot buffer. They might be able to combine lots but they can't create more lots. They will have a traffic study done to determine the final location of the curb cuts when a site plan for each lot is submitted. He didn't think they needed a traffic study at this level. They need the zone change in order to market the property. They don't know the type of uses or type of buildings proposed on the site.

Mr. Ron Mullen, TOC, LLC, stated that they are the same group that developed North Walton Industrial Park off Walton-Nicholson Road. It will be a similar type of development - maybe a 25,000 - 50,000 square foot building. He felt that his application met the first 2 criteria necessary for granting a zone change.

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

Mr. Robert Kordenbrock, 13228 Oak Creek Road, stated the he lives on the back side of Lot 2. He expressed a concern about drainage from Lot 2 towards his existing lake and runoff from an industrial business. What are they going to do with their effluent? The other concern is a lack of a traffic study. He asked if there was another meeting to discuss the traffic study? Mr. Wilson responded that Mr. Kordenbrock noted his concern in the official record of the request. The Committee can ask the applicant to conduct one. The applicant has the burden to persuade the Commission as a whole. Mr. Kordenbrock referred to Mr. Brannon's letter and asked if a traffic study would be performed? Mr. Berling stated that it would be performed when a use is known. Mr. Wilson noted that if the applicant produces a traffic study at the Committee meeting, then Mr. Kordenbrock would be able to review it. Mr. Kordenbrock expressed a concern about potential I-1 uses. Chairman Rolfsen responded that the uses would be reviewed at the Committee meeting. It might be possible to let the Committee know which uses are objectionable.

Ms. Terry Willis, 13369 Walton-Verona Road, expressed a concern about traffic, noise and lighting especially with all the existing trucking companies. She asked that these things be considered when the decision was made.

At this time Chairman Rolfsen asked if any of the Board members had any comments or questions?

Mr. Patton asked if the applicant considered a transitional use like housing to the south since there is a swale in the middle of the property? Mr. Berling replied that they looked at housing but it would generate more traffic. They also want to limit traffic south so that is why they are limiting the number of curb cuts to 1 or 2. Mrs. Kegley asked the applicant to closely review the list of I-1 uses.

Ms. Willis asked the Staff to clarify the differences between the 2 types of buffer. Mr. Morgan explained the 2 options to install an 80 foot buffer or a 40 foot buffer. She requested either option.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on May 1, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:50 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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