

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
NOVEMBER 6, 2019  
7:00 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Brad Shipe  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mr. Rick Lunnemann  
Mr. Bob Schwenke

**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 7:35 p.m.

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Michael Schwartz, Staff**

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

1. Request of **Jason Burcham (applicant)** for **Boone County Public Library (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a zone change to allow a kennel with an outdoor exercise yard.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site is 3.9 acres and is located at the southeast corner of the intersection of North Bend Road and Cougar Path. In 1988, there was a Zoning Map Amendment request to change the zoning of the site from C-2/PD (Commercial Two/Planned Development) to PF (Public Facilities) to allow the construction of the branch library. Also in 1988, there was a Site Plan approved for the library. A Conveyance Plat was approved in 1988 that created the lot in question as well as a 60 foot wide access easement for the lot. In 1997, there was another Conveyance Plat approved which created the lot behind the library for Hebron Baptist Church. It showed the continuance of the 60 foot access easement in order to serve the church and library. The site is currently occupied by the former library branch building, an off-street parking lot and a driveway area. Mr. Schwartz identified the adjacent zoning and land uses as well as the topography of the site. The site slopes from 880 to 904. There is an existing berm on the site that will block the view of the fenced outdoor exercise area for the dogs. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C). The site is located in the 60 DNL noise level of the Airport. Mr. Schwartz showed photographs of the site and adjoining properties as well as the submitted Concept Development Plan. The Concept Development Plan includes both the exterior and interior improvements. The exterior includes the conversion of the 6,300 square foot building into a kennel. The existing porch will be repaired. The 34 off-street parking spaces will be retained along with existing split rail fence located along North Bend Road and Cougar Path. The existing sign will be replaced with a new sign. A new 5 foot high black aluminum fence will be installed in the side yard for the outdoor exercise area for the animals. The inside of the building will include renovation for the installation of kennels, offices and an indoor exercise area. Mr. Schwartz showed drawings and photographs for the porch base and columns and the proposed fence. He also showed a drawing of the proposed sign. It will be 10 feet high and 20 feet wide. The exact location of the sign has not been identified. The total sign area cannot be calculated based upon the measurements provided. Page 4 of the Staff Report identifies issues that the Planning Commission should consider - the use of the PD overlay, the regulations for outdoor kennels and activities, the size of the sign, impact on existing landscaping as well as potential conditions that could be applied to the Planning Commission's action. Mr. Schwartz concluded that the request is a Zoning Map Amendment request so findings must be made by the full Planning Commission as well as at the Committee level.

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

Mr. Jason Burcham, applicant, stated that the library building has been vacant since 2015. The plan is to use the existing building with improvements. Some of the landscaping needs to be

replaced. Mr. Burcham stated that he is willing to meet the current sign regulations.

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 Mason, Hebron Baptist Church, noted that the existing driveway is owned by the church and not the library. In his discussion with Ms. Carrie Hermann, Boone County Library, it was revealed that there were 2 easements into the property but one was too close to the intersection. There was a gentleman's agreement between the Library Board and Hebron Baptist Church that if that section of the access drive was maintained by the Library Board, the Church would allow them to use it for access. Mr. Mason noted that this information was passed on to the future purchaser of the property by Ms. Hermann. Until now, he was not aware of anyone who was going to purchase the library property. The Church doesn't have a written agreement on the access and maintenance. Is it truly the Church's access?

Mr. Costello recommended that the representatives from the Church meet with the applicant and the library (current owner) to come to some agreement on the maintenance issue. This is important now since there will be some construction traffic. Mr. Mason noted that the Library District has recently patched some potholes. It is not in very good shape. They just want to protect their interest. They have not been contacted by the potential buyer about this issue. Mr. Mason stated that he didn't want anyone to use the access until this issue is settled.

Mr. Wilson stated that the Planning Commission was not going to get involved in a private dispute. The Planning Commission's duty is to examine the Zone Change request to determine if it should be approved. Mr. Mason questioned whether another access point could be constructed? The existing access driveway was intended to be a shared driveway on a gentleman's agreement. The church let the library use it and in return, the library offered to maintain it. Mr. Mason stated that the church didn't have a problem with the kennel itself.

Mr. Steve Kinman, Hebron Baptist Church, stated that the Church is against the proposal because the kennel is located close to their facility.

Chairman Rolfsen inquired about the possibility of another curb cut for the proposed use? Mr. Schwartz replied that the Staff did not look at the possibility. Access to North Bend Road is by an encroachment permit process administered by the Kentucky Transportation Cabinet. It would most likely be "No." Access to Cougar Path is reviewed by the Boone County Public Works Department or possibly the Kentucky Transportation Cabinet. The applicant currently has access via a shared access easement. It would require a closer look at it and would have to meet certain requirements. Mr. Schwartz stated that he would approach the Public Works Department to get some answers. Staff will also research the original approval. The access was created with one 60 foot easement.

In response to a question posed by Mr. Hicks, Mr. Shawn Fry, stated that the Boone County Library Board was in support of the application. The proceeds from the sale of the property will go into the Library District's capital fund for the new Walton branch.

Mr. Patton asked what type of animals will be kenneled? Mr. Schwartz replied domestic animals. The applicant has applied for the PD to allow indoor/outdoor boarding activities.

Chairman Rolfsen asked if animals would be left outside? Mr. Burcham said no. The purpose of the outdoor area is to allow the dogs outside to exercise for part of a day. It would only occur during normal business hours. Hours of operation are from 7:00 a.m. to 7:00 p.m. There would be no outdoor activities overnight. Sunday hours will be abbreviated for pick-up and drop off. Mr. Burcham stated that in his contract with the Library District, there was an access easement.

Mr. Mason stated that the side of the Church facing the subject property has a pre-school and a playground. Pre-school children are outside 5 days a week.

Mr. McMillian asked how did the Library District get hooked up with a dog kennel? Mr. Costello answered that the Library District is trying to sell the property. A restaurant was interested in the property but did not pursue approval before the Planning Commission. The library was located at the intersection before the church. The Library branch has moved to another location and thus the need to sell the building. The new Hebron Library is open.

Mrs. Heilman asked if the outside area includes dog runs? Mr. Burcham responded no. How many dogs will the building accommodate? Mr. Burcham responded 50 kennels. He will have 12-14 employees. Mrs. Heilman asked the applicant if he would be willing to add some additional landscaping near the outdoor area? Mr. Burcham replied yes. He also noted that the inside exercise area has an acoustic drop ceiling that will muffle indoor noise.

Mr. McMillian inquired about the smell of the exercise area. Mr. Burcham replied that they clean up the area on a regular basis.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 20, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 4, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:00 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  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Brad Shipe  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mr. Rick Lunnemann  
Mr. Bob Schwenke

**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

Chairman Rolfsen introduced the second item on the Agenda at 8:01 p.m.

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

2. Request of **GPD Group c/o Zachary Whitney (applicant)** for **Meijer Stores Ltd. (owner)** for a Change in an Concept Development Plan in a Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) zone for an approximate 0.09 acre portion of the 26.32 acre lot located at 4990 Houston Road, Florence, Kentucky (Meijer). The request is for a Change in Concept Development Plan to allow an electric vehicle charging station

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. The request is a Change in Concept Development Plan. The overall plan for Houston Lakes Subdivision was approved in 1990. Since then, there were some modifications made by the Zoning Administrator over time. The site is zoned O-2/C-2/PD/HDO. The Future Land Use Map designates the site as Commercial (C). A charging station is proposed for 12 electric vehicles that is exclusive to Tesla customers. The site is located on the side of the Meijer store facing Spiral Boulevard. It is within the existing big landscape area. It consists of 12 parking spaces. Each space has a 5.5 foot high charging post as well as a regulatory sign (Vehicle Charging Only). It has a compound that includes the electric charging equipment. It is 18' x 18.5' in size and will be fenced. There is also a separate transformer. The signs are 6 feet high and 1.5 square feet in size. The fence is 8 feet high. Mr. Wall showed photos of the existing site and adjoining properties.

In regard to Staff Comments, Mr. Wall referred to the Houston-Donaldson Study standards as noted in the Staff Report. He also referred to Section 1514 of the Zoning Regulations - the Planned Development (PD) standards. Not all of the standards apply since it is a small site. No landscaping plan was submitted with the application. He recommended landscaping from Buffer Yard A across the front of the charging station. There are some existing street trees along Spiral Boulevard. Mr. Wall further recommended the large shrub option, including screening the transformer and an equipment enclosure consistent with the Meijer building. The overall Meijer site has 8.25 acres of green space, which is about 28%. The Houston-Donaldson Study recommends 22% green space. With the proposed development, the overall site would still be above the 22% requirement. No comments were received from the City of Florence regarding the proposed project. The proposed project must be evaluated based on the Boone County Comprehensive Plan, the Houston-Donaldson Study and Article 15 of the Boone County Zoning Regulations.

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

Mr. Jordan Rhyne, representing Tesla, stated that his company has 2 super charger sites north of Cincinnati and the proposed one would be the first south of the City. There is a lot of demand in the area. Mr. Rhyne agreed to provide the large bushes for landscaping.

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

Seeing no one in the audience, Chairman Rolfsen asked if any Board members had any comments or questions?

Mr. McMillian stated that he likes the request because just like gas, people will run out of electric.

Ms. Gulick asked if the chargers were only for Tesla vehicles? Mr. Rhyne replied yes. They are Level 3 chargers or super chargers. It is similar to the ones that were placed at Walmart. It takes about 20-40 minutes to charge a vehicle. It is a 250 kilowatt charger. Charging can also be set up at home. It is a good location for local and interstate customers. Some customers are charged for electric. It depends on the vehicle type. The higher end models include free charging. A full charge is \$8-10 for about 300 miles of driving. When a customer plugs in, the chargers are data connected and a credit card is on file. There are no point of sale terminals. They have 30 sites associated with Meijer and over 750 sites across the nation. They like Meijer because the store is open 24/7 and they have restaurants located near the charging stations.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 20, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 4, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:14 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  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Brad Shipe  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mr. Rick Lunnemann  
Mr. Bob Schwenke

**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

Chairman Rolfsen introduced the third item on the Agenda at 8:15 p.m.

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

3. Request of **Anne F. McBride, FAICP (applicant)** for **Spiral Drive, LLC (owner)** for a Change in Concept Development Plan in a Industrial One/Planned Development/Houston Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for an approximate 2.8 acre lot located at 5 Spiral Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow modifications, sales, and service of vehicles and equipment for the mobility challenged.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is an existing multi-tenant building. The request is a Change in Concept Development Plan to allow Mobility Works to occupy an 8,400 square foot tenant space. Mobility Works is a company that provides accessible transportation to those who are mobility challenged. The use involves the sale, accessorizing and servicing of wheel chair accessible vehicles along with the sale of durable medical equipment. The reason for the request is that in 1986 when the original Concept Development Plan was approved, auto repair and sales were not a principally permitted or conditional use in the I-1 zoning district. The closest use to the proposed use was auto leasing and this was prohibited in the original approval. The proposed improvements would include adding a door to the front facade and a new ramp to the back of the building. Mr. Morgan showed photographs of the site and adjoining properties. The Future Land Use Map designates the site for Industrial (I) use. References to the Comprehensive Plan and the Houston-Donaldson Study are made in the Staff Report. The text of the Houston-Donaldson Study identifies the area to be light industrial.

In regard to Staff Comments, Mr. Morgan noted that in the current I-1 zoning district, auto repair is a principally permitted use. The proposed use is not entirely automotive repair. There is a component of auto repair with the proposed use. Also, the retail sales and leasing of new and used motor vehicles are a conditional use in an I-1 zoning district. Since the existing zoning is I-1/PD, the proposed use follows the PD requirements instead of the Board of Adjustment Conditional Use Permit process. The Staff posed six questions to the applicant and the applicant's response to the questions are attached to the Staff Report. Staff would like the applicant to address pedestrian orientation. There are no sidewalks along the applicant's frontage. Should there be a sidewalk connection even if it is only to their access point? Second, should landscaping be extended along Thoroughbred Boulevard?

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Ms. McBride, representing Mobility Works, stated that the purpose of Mobility Works is to provide transportation options to those with mobility issues. Clients who are mobility challenged will come to Mobility Works looking for vehicles that will allow them the freedom to go to work, take kids to school or visit a doctor. The company assesses a customer and then matches the individual with a vehicle. The vehicles are then customized at the proposed location to meet the customer's specific needs. Minor adaptive improvements to the vehicle are done on-site. Mobility Works continues to work with the client to modify and maintain the vehicle's equipment overtime. Mobility Works has another site in Sharonville in the Micro Center. It is about double in size of the Florence location. It is a combination of stores in Evendale and Springdale. The Sharonville site will provide the inventory for the Florence site should it be approved. Currently, clients have to go to their Springdale or Evendale locations. The other option is their Louisville

location. There is nothing in the Northern Kentucky area that would be able to provide this type of service to residents. The building is considered flex-space. It is like a warehouse and it has roll up doors. The space in question has been vacant for over 2 years. The only modification to the building is a second ramp in the rear and installing ADA compliant doors to enter the building. The applicant submitted an interior floor plan which included a showroom with 2 vehicles to accommodate mobility clients. There will be a customer lounge, offices and a service area. The service area can accommodate 6-7 vehicles. Vehicles can be customized on-site with such features as hand controls or transfer seats. The vehicles come in with the lift, doors, etc. The accessories are added at the proposed facility. Ms. McBride submitted brochures and photographs of the company's products, services and building (see Exhibit A). Vehicles are picked up inside the building in order to show the user how to use the vehicle's features. All the training is conducted indoors in a climate control environment. It is also safer. There will be 6-8 employees at the proposed location. Hours will be Monday through Friday 8:00 a.m. to 5:00 p.m. They will be open on Saturday from 9:00 a.m. to 1:00 p.m. The uses are rather unique as they are not identified in any zoning code. The existing I-1 zoning district identifies the use a principally permitted use and a conditional use. The 1985 code that is tied to the site has certain restrictions. That code allows for truck stops and freight terminals that is not compatible. Ms. McBride is requesting a Change in Approved Concept Development Plan to allow the modifications of vehicles and equipment for the mobility challenged population. She stated that the City of Florence doesn't have any objections to it.

Chairman Rolfsen asked if he bought a van at Honda, can it be completely modified or does your client supply the van? Ms. McBride replied that the vans come from Honda, Toyota, Dodge, etc. They come in already modified with lifts, etc. If special equipment is needed, Mobility Works would install it at the proposed Florence location. Maintenance to the vehicle and equipment would also be done at the facility. Mr. Greg Hopkins, Mobility Works, stated that his company has been in business since 1997. They are the largest company in this type of business in the country. In the last 20-30 years, the vehicles have changed from cargo vans to mini-vans. This can be done by lowering the floor by 14 inches. Rear or side ramps can be added. They have customers that have unique needs. They install hand controls and joysticks. They also train drivers. Mr. Hopkins referred to the brochure for this type of technology.

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

Mr. Shipe asked if there was welding done on site? Mr. Hopkins responded that there is some minor welding. Chairman Rolfsen inquired on whether there would be a lot of vehicles available on the lot? Mr. Hopkins replied that there would be 2 vehicles inside the building. Vehicles will be stored outside. New vehicles can be as much as \$100,000. Used vehicles can cost \$30,000. They are mostly mini-vans with some SUVs. The inventory can range from 25 - 30 vehicles. They intend to use the truck dock area and the Spiral Drive frontage areas for vehicle storage. They expect to grow to 10-15 employees. Currently, they have 85 stores and expect to be at 100 stores soon.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee**

**Meeting for this item will be on November 20, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 4, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:39 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

Exhibit A - Brochures and Photographs of Mobility Works