

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JULY 1, 2020
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:51 p.m. and welcomed everyone to the Planning Commission's July 1, 2020 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Lori Heilman

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:51 p.m.

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Todd Morgan, Staff

1. Request of **Quality Signs/Brennan Hehman (applicant)** for **Action Boulevard Realty LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 3.3 acre tract located at 8025 Action Boulevard, Florence, Kentucky. The request is for an amendment to a Special Sign District in a Commercial Services/Planned Development/Mall Road Overlay (C-3/PD/MR) zone to allow an existing roof mounted sign to remain.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The request involves an existing roof sign. In 2012, a Special Sign District was approved for Harley Davidson and Quaker State and Lube. As part of the request, the City of Florence imposed a special condition on the roof sign. The roof sign shall only be valid and effective during the period of time as Harley Davidson is a tenant under the terms of that certain agreement of lease dated February 20, 2012 between Action Blvd Station, LLC as landlord and NSJ Motorsports dba Thoroughbred Harley-Davidson as Tenant (the "Lease"). The Harley Davidson tenant or dealership has changed. Thus, under the condition, the sign must be removed. Now Harley Davidson would like to keep the sign. The applicant is now asking that the 72 square foot Harley Davidson rooftop sign be permitted on the building so long as a Harley Davidson dealer is a tenant in the building.

Mr. Morgan reviewed the topography of the site. The only way the sign is visible is from the I-75 entrance ramp. He reviewed the surrounding zoning and an aerial photo of the site. He showed photos of the property. The Future Land Use Map designates the site for Commercial (C) use. In the Future Land Use Development Guidelines, there is a reference to signage and the need not to distract motorists along the interstate. Mr. Morgan stated that he outlined the Special Sign District criteria in the Staff Report (Section 3440 of the Zoning Regulations).

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

Mr. Brennan Hehman, Quality Signs, stated that the request is unique and the new dealer was not aware of the pre-existing condition. They simply want to keep the sign at its current location. It will still be a Harley Davidson dealership.

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

Mr. Harper stated that the request is reasonable since the use and sign are the same but just a change in ownership.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 15, 2020 at 5:00 P.M. via Live Video teleconference. This item will be on the Agenda for the Business Meeting on August 5, 2020 at 7:00 p.m. in the Boone County Fiscal Courtroom. The Chairman closed the Public Hearing at 7:57 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Lori Heilman

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:58 p.m.

ZONING MAP AMENDMENT - Michael Schwartz, Staff

2. Request of **Steven A. Berling (applicant)** for **Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The request involves 3 different Areas. In regard to site history, the City of Walton submitted a Zoning Map Amendment application in 2005 changing a 130 acre area, including Areas 2 and 3, from I-1 to C-2. The Planning Commission recommended approval and the City of Walton adopted the Zoning Map Amendment. The primary reason for approving the zone change was that the existing I-1 zone was inappropriate and the proposed C-2 zone was appropriate. In 2007, James Berling submitted a Zoning Map Amendment application for a Special Sign District covering a 98 acre area including Areas 2 and 3. The Planning Commission recommended denial and the City of Walton overrode the Planning Commission's recommendation, thus approving the Special Sign District. In 2010, James Berling submitted a Zoning Map Amendment application changing a 7 acre area, including Area 3 from C-2 to UR-2. The City of Walton denied the application.

Mr. Schwartz showed an aerial photograph of the site. All 3 Areas subject to the Zone Change process are currently vacant. Area 1 is currently zoned I-1. The proposal is to rezone it to C-2. Area 1 is part of an approximate .84 acre lot. The other area that is currently zoned C-2 is .44 acres in size. Area 2 is currently zoned C-2. There is an intermittent blue line stream located in this area. Area 3 consists of an intermittent stream on the northern boundary and a railroad line forms the eastern boundary. Area 2 has been graded to the same level as the area to the north or towards Area 1. Area 3 is topographically challenged. It has a slope of 13-16%. The Comprehensive Plan's Future Land Use Map designates all three Areas as Commercial (C). Pages 4-6 of the Staff Report includes sections from the Comprehensive Plan that are pertinent to the subject site. There is reference to the area in the Goals and Objective section as it references the Walton Town Center area being developed for commercial uses and industrial uses to the south. Mr. Schwartz showed photographs of the 3 Areas to demonstrate the changed topography. The applicant has not provided a Concept Development Plan but just an outline of the lots and the areas to be rezoned. Mr. Schwartz noted that in the past requests, there was a discussion about how much land would be changed from industrial to commercial. On Page 7 of the Staff Report, there is a breakdown of the land zoned commercial and industrial both developed and undeveloped. He also noted the basis for acting on a Zoning Map Amendment request (see Page 2 of Staff Report). Also, there was a condition of approval on the original Zoning Map Amendment that limited some of the C-2 uses. He mentioned that the condition should be carried forward on Area 1 in order to be consistent with the original condition.

Chairman Rolfsen asked if the current zoning shows Commercial so it would be consistent with the Future Land Use Map? Mr. Schwartz responded yes. He further inquired on whether we are going against the Future Land Use Map for Area 1 if the applicant wants Industrial? Mr. Schwartz replied yes. Chairman Rolfsen asked if the request for Areas 2 and 3 would be consistent with the Future Land Use Map. Mr. Schwartz mentioned that the Board needs to consider both the map and text of the Comprehensive Plan.

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

Mr. Steve Berling, applicant, stated that he is trying to clean up their property. All property they own along Service Road is zoned I-1. Everything they own around Town Center Boulevard is currently zoned C-2. They are requesting the zone change based on how the land lays towards the creek. They currently have lots with 2 zones. They have parties interested in purchasing the lots but they would prefer the lots to be in one zoning district. Lot 25 has 2 zoning districts. According to the submitted drawings "B" has access off Service Road. Everything along Service Road is I-1. "E" is currently owned by 75 Logistics Center. The goal is for all their property to be zoned industrial. "C" is located next to the heliport. The heliport is not a commercial type building. It is a metal building. The uses beyond the fire house become industrial. "D" is a 10 acre parcel they have for sale. It is divided by I-1 and C-2 zoning and is located on the south side of the creek. "E" is all industrial.

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

Mr. Bunger asked if the applicant had a known use for the property? Mr. Berling responded not at this time. It could be any of the industrial uses - maybe a small equipment company. Mr. McMillian stated that "E" is a ditch and Mr. Berling agreed that it was a ditch and a hillside that cleans up the 75 Logistics site.

Chairman Rolfsen asked the applicant if he was in agreement to extend the existing condition on Area 1. Mr. Berling agreed to continuing the condition. Mr. Lunnemann asked the applicant to review the list of permitted uses in the two zones to determine what are appropriate. Mr. Berling agreed to it.

Seeing no further questions or comments from the audience, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 15, 2020 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on August 5, 2020 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:20 P.M. in the Boone County Fiscal Courtroom.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director