

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
PUBLIC HEARINGS
NOVEMBER 4, 2020
7:30 P.M.**

Chairman Rolfsen opened the Public Hearing at 7:32 p.m. and welcomed everyone to the Planning Commission's November 4, 2020 Public Hearings via Live Video Teleconference.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
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 Schwartz, Planner
Mr. John Harney, GISP, GIS System Administrator

Chairman Rolfsen introduced the first item on the Agenda at 8:39 p.m.

ZONING TEXT AMENDMENT - Kevin Wall, Staff

1. Request of the **City of Florence** to consider a series of Zoning Text Amendments to Articles 6, 7, 8, 9, 10, 11, 12, 20, 23, 31, and 40 of the **Boone County Zoning Regulations** to: 1.) define “household agriculture” and “household pets”; 2.) not permit household agriculture in the City of Florence; and 3.) permit the keeping of household pets as an accessory use for dwelling units in Agricultural, Recreation (R), Conservation (CONS), Residential, Commercial, Professional Office One (O-1A), Public Facilities (PF), Small Community Overlay (SC), and Florence Main Street Zoning Study (FMS) zones. The request is to hear and evaluate comments on proposed Zoning Text Amendments and how they affect the current **Boone County Comprehensive Plan** and **Boone County Zoning Regulations**.

Staff Member, Kevin Wall, presented the Staff Report. The request is a Zoning Text Amendment for the City of Florence. If approved, the proposed Zoning Text Amendments would apply to the City of Florence only. The proposed Amendments were reviewed by the Planning Commission’s Technical/Design Review Committee in September. The City of Florence made a formal request to the Planning Commission last month. Mr. Wall stated that the above heading really summarizes the request. The proposed Zoning Text Amendments would accomplish 3 things. First, it would create 2 new definitions – Household Agriculture – what are customary farm animals? The second definition would define Household Pets. The current definition in the zoning code would apply to the City of Union, Walton and Boone County only if the new text amendments are adopted. The new definition is a little more specific for the City of Florence only. Another part of the proposal is to create a new section in Article 31. As proposed, Household Agriculture, as defined in Article 40, would not be permitted in the City of Florence. The third component of the proposal is applying the definitions to the individual zoning districts. The list of zoning districts is noted on Page 2 of the Staff Report. It recommends adding the “keeping of household pets (applies to City of Florence only – see Section 3140)” as an accessory use in the text of all zones where accessory use for dwelling units are listed. For zones that apply only to the City of Florence, the phrase “keeping of household pets (Section 3140)” is proposed. The phrase “does not apply in the City of Florence” is proposed to be added to the current accessory use categories which pertain to the keeping and use of pets, private stables, etc. There are references to the **Boone County Comprehensive Plan** in the Staff Report. The purpose is to narrow down what is considered household pets, farm animals and agricultural related activities like beekeeping and aquaculture. It does not mention gardens and private greenhouses. There are 2 specific exceptions. First, the proposed regulations would not apply to agricultural uses as defined under State law. That is, land at a minimum size of 5 acres that is used for agricultural production. The other exception would be if there is a legitimate pre-existing, non-conforming use on a site like goat farming.

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

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 12, 2020 at 6:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on November 18, 2020 at 7:00 p.m. If someone wants to observe the Committee Meeting please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 7:37 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. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
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 Schwartz, Planner
Mr. John Harney, GISP, GIS System Administrator

Chairman Rolfsen introduced the second item on the Agenda at 7:38 p.m.

ZONING MAP AMENDMENT - Michael Schwartz, Staff

2. Request of **Great Development Properties Inc (applicant)** for **Smoky Acres LLC (owner)** for a Zoning Map Amendment from Agriculture (A-1) and Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for an approximate 95.93 acre site located at 9696 Camp Ernst Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family dwellings.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site contains 96 acres, of which 5% is currently zoned RSE, 47% is zoned A-1 and the remaining 48% is zoned A-2. The site has approximately 115 feet of frontage along Camp Ernst Road. There is a 12 inch water main that runs along the east side of Camp Ernst Road. Pages 1 & 2 of the Staff Report provide a site history. The site is currently occupied by 2 mobile homes, various outbuildings, pasture/crop land and vacant/wooded areas. The east side of the site is bordered by an intermittent fork of Long Branch Creek. There are two, 100 foot wide utility easements that run through the site. Mr. Schwartz described the surrounding land uses and zoning. Central Park and the Boone County Arboretum are adjacent to the site. About 52 acres of the site was rezoned in 1986 from RSE and A-2 to A-1. As part of the 1992 county wide zoning update, an approximate 495 foot deep area of the site fronting on Camp Ernst Road was rezoned from A-1 to RSE. Page 2 of the Staff Report provides the purpose of the RSE zoning district. Topographically, the site has its highest point (900 msl) in the central portion of the southern half of the site. The site slopes downward to 840 msl midway in the site and then rises to 880 msl in the central portion of the northern half of the site. From there, the site slopes downward to 840 msl before rising to 880 msl along the northern property line. The 2040 Comprehensive Plan Future Land Use Map designates a small portion of the site as Rural Density (RD), which allows low density residential uses of up to 1 dwelling unit per acre. The majority of the site is designated as Suburban Density Residential (SD), which allows single family housing up to 4 dwelling units per acre. Camp Ernst Road is a collector street that is owned and maintained by Boone County. The road is approximately 20 feet in width and has two lanes adjacent to the project site. It has a 60 foot right of way and the posted speed limit is 35 mph. Pages 3-5 of the Staff Report identifies the appropriate Goals and Objectives from the Comprehensive Plan. Pages 3-5 include excerpts from the Comprehensive Plan pertaining to the demographics, water and sanitary sewer, woodlands, tree cover, agricultural districts, transportation and the specific land use descriptions. It is important to note that the site is centrally located inside an Agricultural District. It is not a zoning designation. An Agricultural District is a voluntary program that allows property owners to protect their property from encroachments and water resources. It is totally voluntary to get in and totally voluntary to get out of the program. About 50% of the site contains a tree canopy. The tree canopy is predominantly in the northern half and the east side of the southern half of the site. Mr. Schwartz showed photographs of the project site and adjoining properties. The Concept Development Plan shows 48 single family lots at a density of 0.5 units per acre. The average lot size is 1.68 acres. A public stormwater detention system is being provided along with public water. Individual private sanitary sewer systems will be installed. The proposed public road will be 25 feet wide with a 50 foot right of way. Two street connections are being provided. Access is from a new curb cut off Camp Ernst Road located about 600 feet from Deer View Drive. Sidewalks are not being provided based upon

the overall density of the subdivision and in accordance with the Boone County Subdivision Regulations. Mr. Schwartz referred to 2 other major subdivisions in the area – Andrew Subdivision (3 lots) and Mathis Acres (6 lots). Staff suggests that the applicant address the need for/lack of street extensions from the site to the east. Staff received some phone calls and emails since the Staff Report was finished. Mr. Schwartz reviewed one from the Friends of the Boone County Arboretum (Exhibit A) and the other one was from Mr. Dennis Harris (Exhibit B).

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

Mr. Mark Rosenberger, Bayer-Becker Engineers, introduced Brittany Finke-Mayer, representing Great Development Properties, Inc., and Finke Homes, Inc. The company developed 8 communities in Boone and Kenton Counties. One of their projects is Eagle Oak Estates Subdivision. This community is similar to the one being proposed. Nine lots have been sold in the last 2 years. Young families and older adults are interested in these types of developments. Another example of this type of development is the new Davis Estates Subdivision located off U.S. 42. Six of eight lots have been pending since introduced on the market. The market continues to grow according to lenders. Park View Estates is planned to preserve the rural setting. Boone County is a wonderful place to raise children and owning a home on 2 acres of land.

Mr. Alex Betsch, Bayer-Becker Engineers, stated that they are rezoning the property to obtain one RSE zoning district, which would allow for one acre lots. The applicant is proposing a density at the lower end of the threshold up to 4 dwelling units per acre. The site serves as a transition from the more suburban style from the north eastern portion of the area. There is no sanitary sewer service access to the site. The closest service is 3,200 feet away from the site. The one acre sites are a perfect size for private septic systems. With one acre lots, it allows the opportunity to preserve the existing vegetation, streams and other natural features on the site. The street design respects the natural assets of the site running along the ridge lines and existing contour lines. Two street connections are proposed to the west and they are strategically placed to allow development to occur. In regard to the comments made by the Arboretum, most of the land to the northwest will be untouched and will serve as a natural buffer. What is proposed is the most desirable in terms of traffic. It is fewer lots and less trip generation.

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

Ms. Lorna Harold, Chair of the Friends of the Boone County Arboretum, stated that she, Steve Wills and Brock MacKay (Viox & Viox, Inc.) are present at the Public Hearing. She suggested that her group meet with the developer at some time to obtain further details about the project.

Mr. Ben Mathis, 3049 Deer View Drive, stated he is not against development. He referred to the planned expansion of Camp Ernst Road. He doesn't think Pleasant Valley Road and KY 18 are close by this development. The whole idea of expanding Camp Ernst Road has been on the books for 45 years. The second phase of the project has been dropped. The traffic through this area is atrocious. He recommended looking up the accident reports in the area especially near the house of Michael Kloeker. How many accidents have there been on a weekly basis? He felt

there was a blind area on Camp Ernst Road that would affect pulling out of the proposed subdivision. Where is the new road? When will it be built? The current county roads can't handle the traffic. Is the 8 inch water main sufficient in serving the proposed development? Mr. Mathis stated that his family subdivision is not comparable to what is being proposed. Until the County can address the adequacy of the infrastructure in the area, the project should be reconsidered.

Chairman Rolfsen asked Staff to obtain accident information adjacent to the site.

Ms. Natalie Moore stated that she owned the property at 9678 Camp Ernst Road. It is rental property. If the development occurs, how would the developer address the impacts of development on her property located so close to the new entrance road? She bought the house as an investment. She doesn't want her investment devalued by the subdivision. She is concerned about access and stormwater runoff. She doesn't want her dream to be devalued. She noted that she personally witnessed a couple of accidents at the current entrance to the property. The subdivision entrance is her primary concern.

Mr. Adam Grubbs, 9542 Camp Ernst Road, stated that Lots 2,3,4,5,6,7,8 & 9 back up to his property. What is the minimum building setback? How is fencing addressed with the proposed development?

Mr. Charles Haynes, 9382 Camp Ernst Road, expressed a concern about fencing. The Kloekers tore down the fencing without contacting him. With families and kids living in the area, there is more liability if no fence exists. He also stated that he did target practice in his backyard. It is not a safety issue but rather a noise issue. He has been living there for 35 years. He has waited for 20 cars to go by in order to collect his mail. Traffic is getting worse. The development could generate 150 to 300 trips per day.

Mr. Grubbs asked if it was possible to reduce the number of lots or make the lots bigger to reduce the traffic impact?

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

Mr. Bunger asked if the proposed street will be public and meet County standards or be private? Mr. Schwartz replied that it would be a public County street and meet County standards – 25 feet wide and 50 foot right of way. Chairman Rolfsen asked if there was a sight distance issue with the proposed curb cut? Mr. Schwartz expressed a concern. A letter/email from the Boone County Engineer was received. It stated that it appears that the sight distances can be met. It would be verified at the Improvement Plan stage. If it can't be met, then the developer might have to do some off-site remediation in order to meet the sight distances both left and right. Mr. Bunger recommended against a ditch design street because of maintenance.

Mr. McMillian asked where is a place to go out of this subdivision? Mr. Schwartz responded that the proposed entrance is the only way to get out today until the two street connections are built. Mr. McMillian replied if it occurs.

Mrs. Kegley asked what was the size of the utility easement? Mr. Schwartz replied 100 feet. A house could be located on either side of the easement. Is there any opportunity for the developer

and the Arboretum to make the remaining land west of the utility easement public open space? Mr. Rosenberger, Bayer-Becker replied that the area in question is dead space. It is warranted that both parties discuss the possibility. Mr. Patton noted that it would be logical since the County (Arboretum) owns on both sides of the site and the developer could receive a tax break. It would be great to get an answer by the Committee Meeting. Chairman Rolfsen asked what was the plan to buffer the Arboretum from the remaining residential lots? Mr. Rosenberger responded they didn't have one since there are trees already existing in that area.

Ms. Gulick asked if the developer was performing a traffic study and whether it will include a sight distance analysis? Mr. Rosenberger replied that they will follow up based upon Mr. Franxman's letter. He thought that the sight distance figures may be reversed in the Staff Report. They will do a sight analysis with the new intersection. Ms. Gulick asked the developer to take into consideration vegetation in the analysis even though it is Fall and the leaves are down. Chairman Rolfsen asked Staff to collect accident data for the past 5 years.

Mr. Shipe inquired about stormwater on the neighboring property from the proposed street. Mr. Rosenberger responded that they will look at that issue closer when they actually do design. Currently, they are thinking about a ditch design road but they may have to put in a curb to direct the stormwater.

Mr. Bunger asked if the developer plans to construct the entire street at once? Mr. Rosenberger replied that it would be developed in phases. It could be a 5 year phase project.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 18, 2020 at 4:30 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on December 2, 2020 at 7:00 p.m. If someone wants to observe the Committee Meeting please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 8:38 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A – Email and Letter from Friends of the Boone County Arboretum
Exhibit B – Email from Mr. Dennis Harris

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
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 Schwartz, Planner
Mr. John Harney, GISP, GIS System Administrator

Chairman Rolfsen introduced the third item on the Agenda at 8:39 p.m.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

3. Request of **Viox & Viox, Inc. (applicant)** for **Prologis LP (owner)** for a Change in Concept Development Plan in a Industrial One (I-1) zone for a 13.842 acre site located on the west side of Langley Drive, to the east of the property at 3680 Langley Drive, to the north of the property at 3720 Langley Drive, and south of the Bullock Lane cul-de-sac, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow modifications in the placement of an industrial building and outside storage.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The 13.842 site is located on Lot 23-A of Airport West Subdivision off Langley Drive. In 2001, the Boone County Fiscal Court approved a Zoning Map Amendment application to rezone a 103 acre site to Industrial One (I-1). In 2020, the Zoning Administrator determined that Buildings B & C shown on the original Concept Development Plan could be combined into one larger building but that the proposed setback reduction could not be approved administratively. Also, the applicant would like to change a 2001 condition that requires outside storage areas be screened and located so they adjoin a building facade and not extend more than 50 feet from the façade from which it adjoins. Originally, the Planning Commission denied the 2001 application and the Boone County Fiscal Court overturned the recommendation with several conditions.

Mr. Morgan referred to the submitted Concept Development Plan. The applicant wants to construct a 195,000 square foot building and reduce the side yard building setback from 200 feet to about 140 feet. The second request is to allow outside storage to be located approximately 135 feet from the western building façade and 183 feet from the northern property line. The applicant has provided some cross sections from 3107 Bullock Lane and 3080 Bullock Lane. In addition, a building elevation drawing was submitted. The proposed building will be 42 feet tall. The existing parking lot was built for the benefit of Amazon when it was located next to the site. The site is located in the 55 DLN Noise Contour. Mr. Morgan showed photographs of the site, adjoining properties, including the Bullock Lane cul-de-sac area and existing landscaping buffer. The Comprehensive Plan's Future Land Use Map designates the site as Business Park (BP). References to the Comprehensive Plan are noted on Pages 3-7 of the Staff Report.

In regard to Staff Comments, the applicant should address the following items:

1. The reasons for the Change in Concept Development Plan as it relates to the northern side yard building setback and outdoor storage condition.
2. Staff would like the applicant to address the following:
 - A. Can the future tenant(s) of the building be disclosed as it related to outside storage?
 - B. On October 26, 2020, the applicant provided Staff with an email indicating that a portion of the rear parking lot would be secured with black tubular aluminum fencing. Vertical

- C. slats could be installed in the fence if the Planning Commission or Fiscal Court thinks it's needed to screen the storage area. The property owner feels the slats are not needed because of the existing landscape buffer that exists along the northern property line. In addition, there are several questions about the request.
- How tall is the proposed fence?
 - What types of materials will be stored in this area?
 - Could the storage materials be taller than the proposed fence?
 - Will the fence still be installed if the area isn't used for storage?
 - Can some pictures of the proposed fence (with and without slat options) be provided?

The Planning Commission and Fiscal Court should analyze Section 3635 of the Zoning Regulations once the applicant answers these questions to determine if the proposed storage enclosure and existing landscaping along the northern property line meet code requirements.

- D. A significant portion of the car parking on site (118 stalls) is located to the west of the proposed fence. Is this parking lot proposed to serve lot 23-A, 23-B, or both? Sidewalk connections should be analyzed if this lot is intended to serve the proposed building (23-A).
3. The Concept Development Plan does not show the Langley Drive street frontage buffer, southern property line, VUA landscaping (front yard only), or building landscaping. This landscaping will be required once a Site Plan application is submitted for review.
4. Staff observed that the houses on Bullock Lane are all well screened from Airpark West Subdivision by the grade change and existing vegetation along the northern property line. Staff's only recommendation regarding this buffer is that some supplemental evergreens be installed immediately to the south of the Bullock Lane cul-de-sac bulb.

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

Mr. Adrian Yanes, Viox & Viox, Inc., stated that the developer is Prologis, who has been in Boone County since the late 1990s. He referred to his PowerPoint presentation. They accommodate 44 employers and 2,700 jobs in Boone County alone. The owner needs to change the building setback from 200 feet to 140 feet in order to construct the building. The storage condition is pretty strict. They need more area to possibly store more material in the rear area and would like to store materials anywhere in the rear parking lot. They would like more flexibility to better accommodate tenants. There are many mature trees already planted along the northern property line. They are in good shape. Mr. Morgan is recommending more landscaping be added around the cul-de-sac. The developer is willing to add additional landscaping to better screen the area.

The existing parking in the back is for the other building next to the proposed building. It is not for the building under review. Some of the existing auto parking might become trailer/truck parking. Essentially, they would like to remove the storage condition and just comply with the standard storage requirements. Originally, the Concept Development Plan showed 2 buildings totaling 275,000 square feet but now they are proposing one 196,000 square feet. It has been 19 years since the original proposal. The market has changed. The buildings are built wider now. They are not as deep. It provides more room for trailer parking and more bays. Mr. Yanes showed photos of the existing berm and vegetation as well as 3 cross sections. The fence is proposed to be a square tubular black fence. It will be 8 feet tall. The materials stored on the site won't be taller than the 8 foot high fence. The fence won't be installed unless they store materials. He can't identify a tenant but one that is looking at the site stores home building materials outside – trim, cabinetry, siding, etc. There isn't a need for additional landscaping since there is a sufficient amount already present. He concluded his presentation by showing a building elevation.

Chairman Rolfsen asked how many square feet of outside storage would your client like to have with this building? Mr. Yanes replied that it would be the entire rear yard. It doesn't have exact measurements. Chairman Rolfsen stated that generally outside storage is not considered until the tenant is known. Mr. Yanes responded that the current condition is very restrictive. The code allows for outside storage in an I-1 zoning district. The current restriction only allows them to store materials 50 feet from the building façade. They want more leeway for storage. He identified the parking and storage areas and limits. Mr. Ben Burwinkel, Prologis, emphasized that all they want is some flexibility to allow more storage for potential tenants.

At this time, Chairman asked if there was anyone in the audience who wanted to speak in favor or against the Change in Concept Development Plan? Ray Thiessen, 3131 Bullock Lane, referred to the photos in the PowerPoint presentation. He identified his property next to the site. Due to the poor connection and ability to understand his comments, Mr. Costello advised Mr. Thiessen to submit his comments or questions in writing to Mr. Morgan in order for them to be entered into the record and be addressed by the applicant.

Mr. Patton noted that the property owner can dial into the scheduled Committee Meeting in two weeks at 4:30 p.m. in order to make sure his concerns are addressed.

Mrs. Nolan asked the applicant about their stormwater management plan? Mr. Yanes referred to the Site Plan. The overall subdivision has several detention basins near the site in question. All the storm water from the site will be directed to an existing storm sewer pipe on the south side of the proposed building. Mrs. Nolan stated that it addresses water quality but what about water quantity and peak flow? What about quantity control? Mr. Yanes responded that the existing detention basins were designed in a way that assured the subject site was 100% impervious or paved. The detention basin was designed to handle the additional impervious area or the elimination of the grass area. Mrs. Nolan asked if the applicant will be applying for an SD-1 LDP (Land Disturbance Permit). Mr. Yanes replied yes. SD-1 will review both the quantity and quality of the storm water from this site. Mr. Costello mentioned that the Planning Commission also reviews the planned storm water system to make sure it is consistent with the original approval.

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

Mr. Bungler stated that the proposed fence will require a high level of maintenance due to trucks parking against it. The proposed fence will not buffer the outside storage. Perhaps another type of fence could be considered – more durable and be more effective in terms of screening?

Chairman Rolfsen also inquired about lighting the storage area, especially when leaves come off the trees. Mr. Morgan responded that Staff would evaluate the lighting plan at the Site Plan Review stage. He mentioned that he would review the previous conditions. Mr. Bungler asked if the original 2001 building setback requirement was the reason to provide an adequate buffer to neighbors? If so, could the existing berm be heightened in light of the reduced setback request? Raising the berm might help along with planting additional trees. Chairman Rolfsen even suggested the possibility of adding a fence to the berm.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 18, 2020 at 4:30 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on December 24, 2020 at 7:00 p.m. If someone wants to observe the Committee Meeting please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 9:17 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. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
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 Schwartz, Planner
Mr. John Harney, GISP, GIS System Administrator

Chairman Rolfsen introduced the fourth item on the Agenda at 9:18.

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Michael Schwartz, Staff

4. Request of **Burlington Baptist Church (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 0.29 acre site located on the southwest corner of the Washington Street (KY 18)/Jefferson Street (KY 338) intersection, Boone County, Kentucky. The request is for a Special Sign District in a Suburban Residential Two/Small Community Overlay (SR-2/SC) zone to allow an electronic message center on a freestanding sign.

Staff Member, Mike Schwartz, presented the Staff Report, which included a PowerPoint presentation. The site is part of a larger area containing 2.5 acres. In May, 2003, a sign permit was approved for a 5'10" high, 32 square foot, free standing sign with a manual reader board. The current sign is located at the intersection of Washington Street (KY 18) and Jefferson Street. The sign is currently set back approximately 10 feet from the street right-of-way of Washington Street and Jefferson Street and 25 feet from the road pavement. The site is zoned Suburban Residential Two/Small Community Overlay (SR-2/SC). Pages 1 and 2 of the Staff Report explains the purpose of the sign regulations. Section 3450.3 of the Zoning Regulations allow for one on premise monument sign with a maximum height of 8 feet and 32 square feet in size. Section 3440 describes the purpose of a Special Sign District. The definitions of a freestanding and a monument sign are also identified on Page 2 of the Staff Report. While electronic message boards within the SC zoning district are not allowed, Pages 2 and 3 of the Staff Report identify the minimum standards and requirements for these types of signs allowed in other districts. Page 4 of the Staff Report describes the intent of the Small Community Overlay District. Mr. Schwartz identified the adjacent land uses and zoning. The base of the existing sign is located 2 feet higher than both Washington and Jefferson Streets. The Comprehensive Plan's Future Land Use map designates the site as Public/Institutional, which includes churches. References to the Comprehensive Plan's Goals and Objectives are noted on Pages 4 and 5 of the Staff Report. Both Washington and Jefferson Streets are State maintained and the speed limit is 35 mph. Other excerpts from the Comprehensive Plan are noted on Pages 5 and 6 of the Staff Report. The site is also located in the Burlington Town Strategic Plan area, which was adopted by the Boone County Fiscal Court in October, 2002. References to the Plan are in the Staff Report. The site is adjacent to the Burlington Historic District, which is 24 acres in size and located north and east of the site in question. Mr. Schwartz showed photographs of the existing sign. It measures 6'4" in height and 32 square feet in size. Roughly 24.5 square feet of the existing sign is used for manual changeable copy. The church also has another free-standing sign located west of the church building itself. The submitted drawing is not to scale. However, the applicant would like to remove the existing manual changeable sign and replace it with an electronic message sign. It would be the same height and the sign would be located between the 2 existing brick columns. The new sign would be 40 square feet in size of which 27.54 square feet would be a full color electronic sign. The Planning Commission should consider if the proposed sign meets the purpose of a Special Sign District as well as meets the development guidelines for signs and the impact of electronic signs on the historic character of the area. Staff suggests that the applicant address the need for an electronic sign versus a manual sign. If the Commission decides to approve the request, the Board should consider the conditions identified on Pages 8 and 9 of the Staff Report. Most of the proposed conditions deal with the functioning of the sign.

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

Mr. Jason Wallace, representing Burlington Baptist Church, stated that the Church wants to revamp the existing sign so it could get messages out to the community. They need a remote access to it versus changing it manually many times each week. They want to change messages more often. It would be quicker to send messages about their food pantry activities. There are people in the community who are in need of food. They want to use the sign for all of their community outreach.

Chairman Rolfsen asked if the existing brick columns would remain? Mr. Wallace replied yes. They are just replacing the sign itself and it remains the same height. They may have to remove the existing bushes and re-landscape the area by the sign.

Chairman Rolfsen reminded the applicant that they must follow the operational requirements of these types of signs. Mr. Wallace stated that they will follow all of the guidelines and he informed the sign company that they must follow the County's sign guidelines. The company has researched these rules.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Zoning Map Amendment request? Seeing no one, Chairman Rolfsen asked if any Board members had any comments or questions?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 18, 2020 at 4:30 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on December 24, 2020 at 7:00 p.m. If someone wants to observe the Committee Meeting please contact the office and provide the necessary information for logging into the meeting. The Chairman closed the Public Hearing at 9:31 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director