

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

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed everyone to the Planning Commission's April 7, 2021 Business Meeting. The Boone County Planning Commission, pursuant to KRS 61.826, Kentucky Senate Bill 150 and OAG 20-05, is conducting its regularly scheduled meeting on Wednesday, April 7, 2021 at 7:00 p.m. via live video teleconference. This meeting format has been necessitated due to the state of emergency regarding the threats to public health presented by the novel Coronavirus (COVID-19) pandemic.

COMMISSION MEMBERS PRESENT:

Ms. Olivia Amlung
Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the March 17, 2021 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? **Mr. Patton moved to approve the Minutes as presented. Mr. Schwenke seconded the motion and it carried unanimously.**

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between March 4, 2021 and April 7, 2021.

EXPENSES:

Accounting Fees	\$ 889.01
Attorney Fees	4,000.00
Auto Expense	91.84
Consultant/Professional Svcs Fees	3,335.00
Filing Fees (CLURS)	1,400.00
GIS Operations	285.00
Legal Ads/Recruitment	208.74
Miscellaneous Expense	258.42
Office & Board Meeting Supplies	556.06
Office Equipment/Expense	3,791.24
Postage Expense	835.19
Printing/Pub/Dues/Subscriptions	<u>689.00</u>
TOTAL:	\$ 16,339.50

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,815.97
Health/Dental/Life/LTD	12,525.42
Retirement – BCPC Portion	18,826.48
Salaries – Staff Expenses	106,531.08
Salaries – BCPC & BOA	<u>1,645.00</u>

TOTAL: \$147,343.95

GRAND TOTAL: \$163,683.45

Mrs. Kegley moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Szurlinski seconded the motion and it carried unanimously.

**ZONING MAP AMENDMENT AND CHANGE IN CONCEPT DEVELOPMENT PLAN –
Kim Patton, Chairman, Todd Morgan, Staff**

1. Request of **Grand Communities, LLC attn: Jason Wisnieski (applicant) for Mark Kahmann, Susan Kahmann, and Bonita Maddox Family Living Trust (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 12.74 acre tract located at 2514 Hathaway Road, and an approximate 20.33 acre area located immediately north of the properties at 2514 and 2546 Hathaway Road, Boone County, Kentucky; and the request of **Longbranch Development, LLC attn: Jason Wisnieski (applicant) for AF Investments, LLC (owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 38.84 acre site located between the properties at 2408 Hathaway Road and 9771 through 9915 Spruce Lane to the east, and the properties 2504 and 2514 Hathaway Road to the west, Boone County, Kentucky. The requests are for a zone change and a Change in an Approved Concept Development Plan to allow detached single family dwelling units and duplex dwelling units.

Mrs. Kegley announced that she wasn't going to participate in this request due to a potential conflict of interest. Mrs. Kegley left her video and muted her audio.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). Mr. Morgan noted the Committee voted unanimously to approve the request with Mr. Bunger, Mr. Lunnemann, Mr. Patton and Ms. Gulick voting in favor of the request. Mr. Morgan highlighted the changes made at the March 17, 2021 Committee Meeting. The biggest change was Pod #7. It was reduced to 8.72 acres in area and 70 homes. Pod #6 became greater in area. Also, a grading plan was presented at the Committee Meeting and shown tonight. Most of the stormwater from Pod #7 was going to the street. Lastly, there was a condition in which some houses were going to have upgraded building materials. These houses are identified in orange. In addition, only 3 houses could adjoin the Vaughn property in the rear.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mrs. Cheryl Hall, 2546 Hathaway Road, read her statement (Exhibit A). She requested 2 additional conditions since her property is unique to the subject site. There will be 8 new homes on 2 sides of their property. No one else has this situation. They would like to retain the privacy they have had in the past 36 years in a rural farmland setting. They requested a berm, landscaping and fence and fewer homes next to them.

Ms. Teresa Moffitt asked if the developer is planning dark sky lighting? It is a beautiful area. Lights affect bird migration and plant life cycles. She has been able to see the stars out in her area since 1958. How is the developer addressing it?

Mrs. Hillary Laffin, Grand Communities, thanked the Zone Change Committee and noted that they will incorporate the 9 conditions into their Concept Development Plan.

Seeing no one further comments, Chairman Rolfsen asked if there was a motion to take action?
Mr. Patton moved to approve the Zoning Map Amendment and Change in Concept

Development Plan by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Bungler seconded the motion.

Chairman Rolfsen asked Staff to address Mrs. Hall's request to add conditions. Didn't the Committee address her original concerns? Mr. Morgan responded that one of the conditions requires Buffer Yard C to be installed along the western property line of Pod 6 and Pod 7. There is an option to install a 30 foot wide, 6 foot high berm with a 6 foot high fence or a 60 foot wide buffer option without the berm or fence. Mrs. Hall would like to include a fence as the condition. Mr. Patton responded that the request by Mrs. Hall is new. The Committee addressed the comments from the Public Hearing and thus it took more time to resolve. In essence, the Committee eliminated all of the duplexes along the Hall property line and added single-family houses. There are no requirements for a buffer between single family housing. The Committee recognized the small lots next to the rural character of the area. He would be open to a friendly amendment to include the fence and not either or for the applicant. The overall density of the subdivision is not as much because of the school and the elimination of the multi-family. In addition, the Committee sought to align the housing to face Hathaway Road and to create bigger lots near the subdivision entrance. He stated that he is comfortable with including the buffer and the fence.

Chairman Rolfsen asked about the procedure to amend the Committee Report to change or add conditions? Mr. Costello responded that the Committee has given a recommendation and different conditions offered by the public are difficult to analyze. Perhaps the request can be sent back to the Committee?

Mr. Patton asked if there was a way to open up the discussion with the public on a limited basis at the Committee level in the future? Perhaps it can be addressed further at the Fiscal Court level?

Ms. Hillary Laffin stated that in most instances there will be a fence along the property line. But there are areas where if they install a fence, they would have to remove some mature trees. Which is preferred? Chairman Rolfsen recommended that the developer discuss the issue further with the Halls. He inquired about the dark sky comment. Mr. Morgan responded that the topic did not come up at the Public Hearing. Ms. Laffin replied that Fischer has a standard lighting package and she wasn't sure of the lumens for the lights. It won't be more than a typical subdivision. They will have a few street lights. It shouldn't be an issue. She offered to provide the information if necessary.

Chairman Rolfsen asked for a vote on the motion originally made by Mr. Patton and seconded by Mr. Bungler. The motion passed unanimously by a vote of 11 in favor with 1 abstention (Mrs. Kegley) and no one against the request.

Mrs. Kegley returned to the Business Meeting.

ZONING MAP AMENDMENT AND VARIANCE – Corrin Gulick, Chairwoman, Todd Morgan, Staff

2. Request of **Viox & Viox, Inc. (applicant)** for **Bonnie J. Livingston and William Rex Livingston (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial Two (I-2), and a variance from the **Boone County Zoning Regulations**, for the approximate 1.83 acre site located at 8450 Dixie Highway, and the easternmost, approximately 0.14 acres of the site located at 149 Mikkelsen Drive, Boone County, Kentucky (approximately 1.97 acres total). The request is for a zone change to allow self-storage and a variance from Table 31.1 to reduce the side yard setback from 100 feet minimum to 40 feet.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). Mr. Morgan noted the Committee voted unanimously to approve the request with Mr. Bungler, Mr. Lunnemann, Mr. Patton and Ms. Gulick voting in favor of the request.

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

Mr. Kenneth Davenport, 160 Mikkelsen Drive, stated that he sent an email previously and noted that the proposed zone change invades his privacy. He didn't attend the Public Hearing. He is requesting 3-4 street lights since Anchor Storage runs parallel to his street. The street lights will be for security because whenever there is a business in a neighborhood, there will be a criminal element.

Mr. Brock Mackay, Viox & Viox, Inc., stated that he and the owner took into account the emails that were sent in to comment on the project. They addressed the items under their control. Street lights were not one of them since they don't own the street.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Zoning Map Amendment and Variance by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Steele seconded the motion.**

In response to a question posed by Chairman Rolfsen, Mr. Morgan stated that street lights would have to be required and approved by the County since they own and maintain Mikkelsen Drive. The applicant has agreed to put lights on their building and direct them downward so as to not impact the residents living on Mikkelsen Drive. Mr. Costello reiterated that the County does not require street lights in subdivisions, only the cities.

Chairman Rolfsen asked for a vote on the original motion made by Ms. Gulick and seconded by Mrs. Steele. The motion passed unanimously.

ZONING MAP AMENDMENT – Kim Patton, Chairman, Kevin Wall, Staff

3. Request of **Viox & Viox, Inc. (applicant)** for **Norbert A. Kahmann Trust, Timothy Kahmann, and Christie Kahmann (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 151.7 acre site located at 2298-2318 Clarkston Lane, and the southernmost, approximate 7.5 acres of the site located at 2425 Longbranch Road, Boone County, Kentucky (approximately 159.2 acres total). The request is for a zone change to allow a cluster subdivision for detached single family dwelling units.

Mrs. Kegley and Mr. Schwenke announced that they would not participate in voting on the above request due to a potential conflict of interest. Both left their video and muted their audio.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and subject to Conditions (see Committee Report). Mr. Wall noted the Committee voted unanimously to approve the request with Mr. Bunger, Mr. Lunnemann, Mr. Patton and Ms. Gulick voting in favor of the request. Mr. Wall gave a quick overview of the exhibits mentioned in the Committee Report. Mr. Costello noted that since the Public Hearing, the subject property has been annexed by the City of Union this past Monday. Mr. Wall referred to the revised Concept Development Plan, a map and examples of Open Space and Amenities, a detail map of Open Space and Trail Network, a Tree Preservation Exhibit/Grading Plan, a list of Lot Types and a Preliminary Home Construction Schedule.

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

Ms. Teresa Moffitt mentioned the Dark Sky issue with the proposed development. There will be thousands and thousands of houses and lights. You won't be able to see the stars and nature.

Mr. Brock Mackay, Viox & Viox, Inc., stated that his team has put a lot of work into the project and exhibits. He is available to answer any questions.

Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Zoning Map Amendment by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Szurlinski seconded the motion.**

Chairman Rolfsen asked about the type of homes being proposed as noted at the Public Hearing since the site sits between 2 communities? Does the developer have a builder? Mr. Mackay acknowledged that Drees would be the builder and they provided samples of their building types. It was presented at the Committee Meeting. Mr. Patton stated that the submitted color coded plan corresponds with a range of building types, materials and colors. This would give the Staff and Board a better idea of what would be constructed. Mr. Patton explained that the Committee received an extensive amount of product and feels it blends in with the neighboring subdivisions. Mr. Wall noted that samples were not incorporated into the conditions. The Committee did have a comfort level.

Mrs. Heilman expressed a concern for the 52 foot lots. How will the houses planned for these lots fit in with the neighboring houses? Mr. Costello mentioned that the lot sizes and types are part of a pod system or cluster subdivision. These lots are separated by open space. Mr. Wall showed examples of proposed houses on a 52 foot lot. Mr. Patton explained that there is a large amount of open space in these areas where the developer could have made larger lots. It is more like Oakbrook Subdivision rather than a traditional subdivision. Mr. Wall stated there is an expectation that Drees will follow these examples. It may be these examples or something similar.

Mr. Harper reminded everyone that the City of Union annexed this property and is favorable to the zone change request. Mr. Costello confirmed that the City is aware of these building types as City Administrator attended the Committee Meeting of when it was discussed.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Patton and seconded by Mr. Szurlinski. The motion passed unanimously by a vote of 10 in favor with 2 abstentions (Mr. Kegley and Mr. Schwenke) and none against the request.

Mrs. Kegley returned to the meeting.

TECHINAL/DESIGN REVIEW – Lori Heilman, Chairwoman, Kevin Wall, Staff

4. St. Elizabeth Orthopedic Surgical Center – 4900 Houston Road

Mr. Szurlinski and Mr. Schwenke announced that they were not going to participate in this request due to a potential conflict of interest. Both left their video and muted their audio.

Staff Member, Kevin Wall, referred to a Power Point presentation. The applicant wants to build an orthopedic surgical addition to the existing hospital. The main entrance will be removed and a new one will be constructed. It will have a larger canopy. There will be larger slats and ACM panels. The proposed addition will match the previously approved office building.

Chairman Rolfsen asked if there was a motion to act on the request? Mrs. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation as presented. Mr. Harper seconded the motion and it passed unanimously.

Mr. Szurlinski and Mr. Schwenke returned to the meeting room.

TECHINAL/DESIGN REVIEW – Lori Heilman, Chairwoman, Kevin Wall, Staff

5. Chick-fil-A – 4980 Houston Road

Staff Member, Kevin Wall, referred to a Power Point presentation. The request is to review and approve an order kiosk. It is open on one side and it has panels that can be removed. It has about a 15 square foot footprint with a roof overhang. The total height is 11 feet. The Committee recommended approval of the structure as submitted with one modification/condition:

The side panels on the street sides will be replaced with a rigid material like a plexi-window.

Chairman Rolfsen asked if there was a motion to act on the request? Mrs. Heilman moved to approve the request based upon the Technical/Design Review Committee recommendation and subject to the one condition previously mentioned by Mr. Wall. Mr. Harper seconded the motion and it passed unanimously.

NEW BUSINESS:

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

6. Request of **Joseph H. Beil (applicant)** for **Big Bone Baptist Church (owner)** for a Zoning Map Amendment for a Special Sign District for a 15.5 acre site located at 11036 Big Bone Church Road, Boone County, Kentucky. The request is for a Special Sign District in an Agriculture (A-1) zone to allow an electronic message center on a freestanding sign.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

7. Request of **Nick Brenner, Real Estate Representative, Menard, Inc. (applicant)** for **Menard, Inc. (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for a 17.157 acre site located at 5000 Apex Lane, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit additional building mounted signage and modifications to the building design.

Mr. Patton moved to schedule the Public Hearing for Item #6 and Item #7 on May 5, 2021 at 7:30 p.m. Mr. Szurlinski seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, announced that the Airport Committee Meeting scheduled for April 22nd has been cancelled due to a conflict with the Airport. It will be rescheduled in May. Mr. Costello reviewed the revised Staff Organizational Chart. The only change is to retitle the Planning Services Division to Community Development Services Division. The focus of this division would still be land use planning and would also concentrate on infrastructure and other community development activities as described in the material sent to the Board.

Mr. Harper moved to approve the Revised Staff Organizational Chart. Mrs. Steele seconded the motion and it passed unanimously.

COMMITTEE REPORTS:

AIRPORT: Mr. Bessler
No Report

ADMINISTRATIVE/PERSONNEL: Mr. Lunnemann
No Report

ENFORCEMENT: Mr. Bunger
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke
No Report

TECHNICAL/DESIGN REVIEW: Mrs. Heilman
No Report

EXECUTIVE: Chairman Rolfsen
No Report

CHAIRMAN: Chairman Rolfsen
No Report

OTHER: Mr. Patton announced that he went on a tour of the new Amazon building at CVG Airport. The scale of it is amazing. It is a four story building and there are 2 more phases yet to come. The first phase will have about 2,500 employees. Mr. Costello offered to send some photos.

There being no further business to come before the Planning Commission, **Mr. Patton moved to adjourn the meeting. Ms. Steele seconded the motion and it passed unanimously. The meeting was adjourned at 8:18 P.M.**

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A – Statement/Email from Cheryl Hall