

**BOONE COUNTY PLANNING COMMISSION
VIA LIVE VIDEO TELECONFERENCE
BURLINGTON, KENTUCKY
BUSINESS MEETING
MAY 5, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed everyone to the Planning Commission's May 5, 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, May 5, 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. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
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 April 21, 2021 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes. Mr. Lunnemann 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 April 8, 2021 and May 5, 2021.

EXPENSES:

Accounting Fees	\$ 528.42
Attorney Fees	4,000.00
Auto Expense	34.97
Consultant/Professional Svcs Fees	1,610.00
Filing Fees (CLURS)	900.00
Legal Ads/Recruitment	134.76
Miscellaneous Expense	73.95
Office & Board Meeting Supplies	696.15
Office Equipment/Expense	1,605.16
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	460.00
Professional Development	2,600.00
Refunds	<u>45.00</u>

TOTAL: \$ 13,693.41

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 5,923.93
Health/Dental/Life/LTD	13,199.72
Retirement – BCPC Portion	23,533.08
Salaries – Staff Expenses	81,244.20
Salaries – BCPC & BOA	<u>1,525.00</u>

TOTAL: \$125,425.96

GRAND TOTAL: \$139,119.37

Mr. McMillian 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. Harper seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT – Corrin Gulick, Chairwoman, Michael Schwartz, Staff

1. Request of **City of Florence (owner)** for a Zoning Map Amendment from Public Facilities/Planned Development/Parkway Corridor Study Overlay (PF/PD/PO) to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) for the approximate 1.06 acre site located at 8275 Ewing Boulevard, Florence, Kentucky. The request is for a zone change to allow medical, dental, optical and veterinary clinics and professional office uses that provide medical, dental, optical and veterinary administrative services in an existing building.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report). He noted the Committee voted unanimously to approve the request with Ms. Gulick, Mrs. Kegley, Mr. Bunger and Mr. Lunnemann 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?

At this time, Ms. Heilman entered the virtual Business Meeting.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Zoning Map Amendment by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact. Mr. Szurlinski seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Bunger, Chairman, Kevin Wall, Staff

2. Request of **Farmview Commons LLC (applicant)** for **ERPS, Inc. (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 11.82 acre site located on the northeast corner of the US 42/Farmview Drive intersection and the southeast corner of the Old US 42/Farmview Drive intersection, Florence and Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit eating and drinking establishments and commercial uses, including drive-through facilities, elderly housing facility, multi-family housing, medical offices, and a car wash, and to modify previous conditions of approval concerning architectural design and to permit a 50 foot maximum building height on the entire site.

Mrs. Kegley and Mr. Patton announced that they were recusing themselves from voting on the request due to a potential conflict of interest. Both left the meeting virtually by leaving their cameras and muting their microphones.

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 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. Sean Suder, attorney for the applicant, thanked the Committee for their thoughtful review of the project. His client has agreed to all seventeen of the conditions. He looks forward to moving ahead with the project.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Bunger moved to approve the Change in Concept Development Plan by Resolution to the City of Florence and to the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously (11-0) with Mrs. Kegley and Mr. Patton not voting on the request.**

Mrs. Kegley and Mr. Patton returned to the meeting at this time.

ZONING MAP AMENDMENT – Janet Kegley, Chairwoman, Kevin Wall, Staff

3. Request of **NorthPoint Development (applicant)** for **Greenfield Farm, Inc (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 208.73 acre site located on the west side of Dixie Highway, south of the property at 11765 Dixie Highway and north of the properties at 12097 and 12119 Dixie Highway, and on the north side of Chambers Road at the northeast quadrant of the Chambers Road/I-75 overpass, and to the north, northeast, and west of the property at 262 Chambers Road, and south of the property at 60 Logistics Boulevard, Boone County, Kentucky. The request is for a zone change to allow a subdivision for warehousing, distribution, and light manufacturing uses.

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 Mrs. Kegley, Mr. Bunger, 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. Marc Gloyeske, NorthPoint Development, noted that the Committee meeting was over 2 hours long. The request is in agreement with the Future Land Use Map and several sections of the Comprehensive Plan. The site has been planned for industrial since 2000. The improvements made at the interchange will help support the project. He is available to answer any questions.

Chairman Rolfsen asked if there was a motion to take action? **Mrs. Kegley moved to approve the Zoning Map Amendment by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Patton seconded the motion.**

Mr. Rolfsen asked if any of the Board members had any questions?

Mr. Szurlinski commented that he originally had some concerns about the project but he thought that the work the Committee did in terms of the conditions, especially the buffering and traffic, was good. He felt more comfortable about it and stated that he will vote in favor of it.

Mr. Patton acknowledged that the project has been a challenge for a couple of decades. Mr.

Patton suggested that Staff research the impact of smells on adjoining properties. We have a lot of information about noise and lighting but not a lot about smells. It may smell okay to one person and not to another. He is not sure where the science is with this issue. He asked if a sub-committee could be formed to look into this issue further as we may face it more into the future. Perhaps we need more standards.

Mr. Costello responded that smell is one topic that is being looked at as part of the Zoning Update.

Chairman Rolfsen inquired about the street connection to Dixie Highway? Mr. Wall reviewed Condition #10. The road widening is not scheduled at this time. Funds have been allocated for design only. There is an option of contributing funds or making the improvements after one million square feet of warehouse is built and occupied. The maximum square footage for the site is 3 million.

Mr. Bunger stated that he agreed with the Committee members, the Staff and applicant on the recommended conditions.

Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Patton. The motion passed unanimously.

TECHINAL/DESIGN REVIEW – Lori Heilman, Chairwoman, Todd Morgan, Staff

4. Twin Peaks – 6835 Houston Road

Staff Member, Todd Morgan, referred to a Power Point presentation. The site is located in front of Wal-Mart on Houston Road. The applicant originally went through the Design Review process in December, 2020. The request is LED tube lighting (accents) on the top of the building's 4 sides. However, the Committee only recommended 3 sides. The rear façade will not have the LED lighting accent. This will be the same as approved for the new Texas Roadhouse restaurant and Chuy's restaurant on Houston Road.

Mr. Morgan noted that the Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request showing the LED lighting accent only on 3 facades.

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 and with the stated condition. Mr. Harper seconded the motion and it passed unanimously.

NEW BUSINESS:

ZONING TEXT AMENDMENT – Kevin Wall, Staff

5. Request of the **City of Union** to consider Zoning Text Amendments to Section 3149 "Parking and Storage of Certain Vehicles" of the **Boone County Zoning Regulations** to: (1) add the provisions regarding parking and storage of certain vehicles which currently apply to unincorporated Boone County and the cities of Florence and Walton; and (2) repeal the provisions regarding parking and storage of certain vehicles which currently apply to the City of Union. 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.

ZONING TEXT AMENDMENT – Michael Schwartz, Staff

6. Request of the **Boone County Fiscal Court** to consider a series of Zoning Text Amendments to Articles 6, 7, 8, 9, 16, 20, 23, 25, 31, and 40 of the Boone County Zoning Regulations to: (1) define “short term rental”; (2) allow “short term rentals” in agriculture, recreation, conservation, residential, Employment Planned Development/Residential Planned Development (EPD/RPD), Union Commercial (UC) and Small Community Overlay (SC) zones; and (3) add supplementary performance standards for “short term rentals”. 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.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Kevin Wall, Staff

7. Request of **William Martin (applicant)** for **Hebron Land Company, LLC (owner)** for a Change in Approved Concept Development Plan in a Commercial Four (C-4) zone for a 1.29 acre site located at 2575 North Bend Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit retail, office, commercial service, and eating and drinking establishment uses.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

8. Request of **Ken Butler (owner)** for a Change in Approved Concept Development Plan in Commercial Two/Planned Development (C-2/PD) and Office One/Planned Development (O-1/PD) zones for a .9703 acre site located at 8747 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to modify a previous condition of approval regarding the location of a drive-through menu board sign.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff

9. Request of **Viox & Viox (applicant)** for **ERHAL Holdings LLC (owner)** for a Change in Approved Concept Development Plan in a Urban Residential Two/Commercial Two/Planned Development (UR-2/C-2/PD) zone for an approximate 3.5 acre site located at 1200 Bill Wentz Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an alternate buffer yard planting scheme in the north/northeast most part of the site.

ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

10. Request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Zoning Map Amendment from Suburban Residential Two/Parkway Corridor Study Overlay (SR-2/PO) zone to Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the northern, approximate 1.3 acres of the property located at 7544 Burlington Pike, Florence, Kentucky; and the request of **Lee Richard Cahill (applicant)** for **Marshall Land Management LLC (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) zone for the southern, approximate 1.23 acres of the property located at 7544 Burlington Pike, Florence, Kentucky. Both applications are for a total, approximate 2.53 acre site to allow an eating and drinking establishment, dog park, and food truck parking.

Mr. Patton moved to schedule the Public Hearings for Items #5 through #10 on June 2, 2021 at 7:30 p.m. Mr. Lunnemann seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT: Mr. Costello
No Report

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:

There being no further business to come before the Planning Commission, **Mr. Patton moved to adjourn the meeting. Mr. Schwenke seconded the motion and it passed unanimously. The meeting was adjourned at 7:48 P.M.**

APPROVED

**Charlie Rolfsen
Chairman**

Attest:

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