

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
JULY 7, 2021
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 7, 2021 Business Meeting. It is the first in person Business Meeting since July 1, 2020. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mrs. Jackie Steele

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 June 16, 2021 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? Mr. Costello mentioned a correction on Page 2 in the first paragraph. Instead of \$12,250, it should be \$2,250 increase from the City of Union.

Mr. Patton moved to approve the Minutes as amended. Mr. Turner 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 June 3, 2021 and July 7, 2021.

EXPENSES:

Accounting Fees	\$ 546.18
Attorney Fees	4,000.00
Auto Expense	202.31
Consultant/Professional Svcs Fees	2,425.00
Filing Fees (CLURS)	1,200.00
GIS Operations	1,921.15
Legal Ads/Recruitment	73.18
Miscellaneous Expense	112.15
Office & Board Meeting Supplies	574.15
Office / Equipment Maintenance	3,956.91
Office Equipment / Expense	1,167.36
Office / Liability Insurance	22,732.38
Postage Expense	1,190.10
Printing/Pub/Dues/Subscriptions	<u>12.00</u>

TOTAL: \$ 40,112.87

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,310.35
Health/Dental/Life/LTD	11,887.34
Retirement – BCPC Portion	18,322.42
Salaries – Staff Expenses	99,290.26
Salaries – BCPC & BOA	1,290.00
Workers' Comp Insurance	<u>5,801.40</u>

TOTAL: \$143,901.77

GRAND TOTAL: \$184,014.64

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. Lunnemann seconded the motion and it carried unanimously.

ZONING TEXT AMENDMENT – Lori Heilman, Chairwoman, Kevin Wall, Staff

1. 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**.

Staff Member, Kevin Wall, 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 Mrs. Heilman, Mr. Lunnemann, Mr. Harper and Mrs. Steele voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Zoning Text Amendments by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact. Mr. Harper seconded the motion and it passed unanimously.**

ZONING TEXT AMENDMENT – Lori Heilman, Chairwoman, Michael Schwartz, Staff

2. 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**.

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 Mrs. Heilman, Mr. Lunnemann, Mr. Harper and Mrs. Steele voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mr. Lunnemann moved to approve the Zoning Text Amendments by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact. Mr. Patton seconded the motion and it passed unanimously.**

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

3. 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.

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

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

Chairman Rolfsen inquired about the dog park and food trucks. Mr. Lunnemann responded that the dog park is being developed with a drinking establishment (beer sales). Potentially, one could get something to eat, drink and also walk your dog. It is a unique use for the area. The food truck area is accessing to the bark park area. Food trucks just can't park at the site and not serve food.

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

CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Kevin Wall, Staff

4. 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.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and subject to one Condition (see Committee Report). Mr. Wall noted the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Lunnemann, Ms. Gulick, and Mr. Bunger voting in favor of the request.

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the 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 Condition. Mrs. Kegley seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Todd Morgan, Staff

5. 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.

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

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Ms. Gulick moved to approve the Change in Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Condition. Mr. Schwenke seconded the motion and it passed unanimously.**

CHANGE IN CONCEPT DEVELOPMENT PLAN – Janet Kegley, Chairwoman, Todd Morgan, Staff

6. 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.

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

Seeing no further comments, Chairman Rolfsen asked if there was a motion to take action? **Mrs. Kegley moved to approve the Change in Concept Development Plan 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.**

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

7. Kohl's + Sephora – 61 Spiral Drive

Staff Member, Todd Morgan, referred to a Power Point presentation. He referred to a drawing that showed the existing building mounted signs facing the front parking lot and Houston Road. In 1999, both signs were approved at 193.75 square feet each. The current code allows two 250 square foot signs. The applicant wants to add the word "Sephora" to the existing sign facing the front parking lot. The proposed sign area is 442.06 square feet in 3 sign areas. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the change.

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

NEW BUSINESS:

CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

8. Request of **Tim Greive (applicant)** for **Bob Sumerel Tire Co. (owner)** for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

9. Request of **Brad Trauth – Trauth Property Group (applicant)** for **Thousand Hills Holdings, LLC (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit residential townhomes and an office building in addition to an existing pet daycare facility.

Mr. Lunnemann moved to schedule the Public Hearings for Items #8 and #9 on August 4, 2021 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.

ZONING MAP AMENDMENT AND VARIANCE – Kevin Wall, Staff

10. Request of **Viox & Viox (applicant)** for **9541 US 42 LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD), and a Variance, for a 61.889 acre site located at 9253 and 9357 Old Union Road (on the east side of Old Union Road between the Villas of Fowler's Creek development and the property at 9513 Old Union Road), and

along the west side of US 42 between the US 42/Fowlers Lane intersection and the US 42/Sweet Harmony Lane intersection, Union, Kentucky. The request is for a Zone Change to allow commercial and office uses, residential condominiums, apartments, and green space, and a Variance from Section 2540.1 "Setbacks" of the Boone County Zoning Regulations to allow the 50 foot maximum front yard setback to be exceeded.

Mr. Szurlinski moved to schedule the Public Hearing for Item #10 on August 18, 2021 at 7:30 p.m. Mr. Turner seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, welcomed everyone back to the first in-person Business Meeting in over a year. He referred to his July 2, 2021 Memorandum regarding a contract renewal with Jonathan Brown for engineering and surveying services with Brown Engineering, LLC for FY 2021-2022. The only change in the proposed contract is the term. The rates will remain the same.

Mr. Patton moved to authorize the Executive Director to execute a contract with Brown Engineering, LLC for providing engineering and surveying services to the Boone County Planning Commission based upon his July 2, 2021 Memorandum. Mrs. Kegley seconded the motion and it passed unanimously.

Mr. Costello referred to his July 2, 2021 Memorandum regarding the Director, Community Development position. He explained the history of the position and the need to change the focus of the vacated position after Mr. Jonas' retirement. He introduced Ms. Jenna LeCount and described her prior work experience. He, along with other members of the Senior Staff, interviewed Ms. LeCount and references were checked. Mr. Costello noted that he was impressed with her achievements in making each community she worked in a better place.

At this time, Chairman Rolfsen asked if there was a motion to hire Ms. Jenna LeCount? **Mr. Patton moved to appoint or hire Ms. Jenna LeCount as the Director, Community Development effective August 2, 2021 based upon Mr. Costello's July 2, 2021 Memorandum. Mr. Harper seconded the motion and it passed unanimously.** Chairman Rolfsen invited Ms. LeCount to make any remarks.

Ms. LeCount appreciated the positive vote. She reviewed her educational background and work experience on both sides of the Ohio River. There are so many good things happening now in Boone County and in the future. She is happy to be part of the team. Again, Chairman Rolfsen welcomed her to the Planning Commission.

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 7:29 P.M.**

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director