

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
AUGUST 4, 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 August 4, 2021 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
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
Mrs. Jackie Steele
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Pamela Goetting
Mrs. Lori Heilman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin Wall, Director, Zoning Services
Mr. Michael Schwartz, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the July 21, 2021 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Lunnemann moved to approve the Minutes as presented. Mrs. Steele 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 July 8, 2021 and August 4, 2021.

EXPENSES:

Accounting Fees	\$ 1,734.48
Attorney Fees	4,200.00
Auto Expense	101.69
Consultant/Professional Svcs Fees	3,745.00
Filing Fees (CLURS)	1,050.00
Legal Ads/Recruitment	281.38
Miscellaneous Expense	259.30
Office & Board Meeting Supplies	1,477.10
Office Equipment / Expense	10,312.61
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	<u>1,083.00</u>

TOTAL: \$ 24,744.56

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 5,799.72
Health/Dental/Life/LTD	12,646.38
Retirement – BCPC Portion	26,378.67
Salaries – Staff Expenses	79,514.62
Salaries – BCPC & BOA	<u>1,125.00</u>

TOTAL: \$125,464.39

GRAND TOTAL: \$150,208.95

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. Patton seconded the motion and it carried unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Todd Morgan, Staff

1. 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.

Mrs. Kegley moved to defer the request until September 1, 2021. Mr. Lunnemann seconded the motion and it passed unanimously. Chairman Rolfsen announced that the Committee Meeting for the request will be held on August 18, 2021 at 5:00 p.m.

ZONING MAP AMENDMENT – Janet Kegley, Chairman, Michael Schwartz, Staff

2. Request of **Steve Berling (applicant)** for **Eric Deters and Mary Deters (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) for the approximate 37 acre tract located on the south side of Walton-Nicholson Road, approximately 150 feet east of the Walton-Nicholson Road/Mullen Drive intersection, to the immediate south and west of the property at 217 Walton-Nicholson Road, and at the western terminus of Malbec Lane, Boone County, Kentucky. The request is for a zone change to allow landscape, construction, and nursery uses.

Staff Member, Michael Schwartz showed a revised Concept Development Plan that depicted a reduced zone change area of 13.25 acres. The revised Plan shows no planting bed. All of the activity on the site will occur north of the existing ponds. He read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report) and Conditions. He noted the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Lunnemann and Ms. Gulick voting in favor of the request.

At this time, Chairman Rolfsen asked if anyone wanted to speak in favor or against the request?

Mr. Steve Berling, applicant, stated that he was available to answer any questions.

Seeing no further comments, 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. Ms. Gulick seconded the motion.**

Chairman Rolfsen asked if the applicant would need to go to the Board of Adjustment for a greenhouse? Mr. Schwartz responded that it depends on whether the proposed use is considered an agricultural use or an agricultural exemption (setbacks only). If it involves a greenhouse, it is then considered a nursery and a zone change would be required or a Board of Adjustment submittal.

Mr. McMilliann inquired on whether the property was located in the City of Walton? Mr. Schwartz replied that the site is located in Unincorporated Boone County. The applicant does not intend to annex the property into the City of Walton.

Mr. Szurlinski stated that he appreciated the work of the Committee, Staff and the applicant as he had some concerns about the development and the revised plan addressed those concerns.

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

ZONING MAP AMENDMENT – Rick Lunnemann, Chairman, Kevin Wall, Staff

3. Request of **The Drees Company – Matt Mains (applicant)** for **Weaver Road Properties, LLC (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for the 3.0733 acre site located on the north/east side of Weaver Road, approximately 520 feet south of the Weaver Road/Ascot Drive intersection, to the immediate south of the properties at 15 through 21 Tattersall Lane, and to the immediate west of the properties at 901 through 923 Dapple Grey Drive, Boone County, Kentucky (annexation into the City of Florence is pending). The request is for a zone change to allow attached dwelling units; and the request of **The Drees Company – Matt Mains (applicant)** for **Weaver Road Properties, LLC (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) for the 16.5410 acre site located at 903 Weaver Road, and between the properties at 8986 and 9034 Evergreen Drive, Boone County, Kentucky (annexation into the City of Florence is pending). The request is for a zone change to allow attached and detached dwelling units.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report) and Conditions. He noted there was a revised Concept Development Plan in which the applicant dropped a building as well as increased the setbacks and buffer yards along Saddlebrook Subdivision. He noted the Committee voted unanimously to approve the request with Mr. Lunnemann, Ms. Gulick and Mrs. Kegley voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the zone change request?

Mr. Alex Martin, The Drees Company, stated that his company agrees with all of the conditions.

Chairman Rolfsen asked how many total units Drees is proposing to build? Mr. Wall replied 135 units.

Ms. Heinke Lillenstein, President of the Morgan Trace HOA, inquired on whether fencing was considered? Mr. Wall responded that the Committee increased the size of the buffer yard and the plantings. Mr. Lunnemann thought that it was sufficient. Mr. Martin stated that a fence was not warranted since they increased the setback and increased the buffer yard.

Mr. Lunnemann 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 and Conditions. He also requested that the Planning Commission's recommendation be sent to the Boone County Fiscal Court in case the annexation does not go through. Mr. Harper seconded the motion.

Mr. McMillian inquired about another way in and out of the development? Mr. Martin replied that one of the conditions deals with working with the Kentucky Farm Bureau in order to construct an emergency drive. They have contacted the Farm Bureau and they are reviewing the Drees request. Drees will construct the emergency access to the property line. To date, they don't have an agreement. They will do anything they can do to make the connection. They can't control someone else's property. Mr. Costello explained that whenever the Farm Bureau makes a request before the Planning Commission, we can't request the connection if it is not made previously. Mr. Martin also noted that the divided entrance serves as another way to get in and out of the site. Mr. Wilson stated that it is an agreed condition of a zone change. If they can't abide by it, they would have to resubmit.

Mr. Schwenke stated that it has to be a workable situation. It is not good enough if they don't get the adjacent property owner to agree to connect. Mr. Wilson replied that the Zoning Administrator will make the decision on whether the applicant meets the condition or not. Mr. Lunnemann stated that this condition is standard to what we have written previously. The applicant doesn't own the adjacent property so they can't be required to build it on someone else's property. Mr. Schwenke stated that it could be a road to nowhere. Mr. Martin explained that they have given their plans to corporate office and they are reviewing their plans. They haven't said no. Mr. McMillian stated we need safety. Mrs. Steele asked if a traffic signal was going to be installed. Mr. Martin replied they have not heard from the State. They are planning for stop signs. Mr. Schwenke asked should we vote on this request now without answers? Mr. Costello responded there is a time limit.

Seeing no further comments, **Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mr. Harper. The motion found Mr. Bessler, Ms. Gulick, Mr. Harper, Mrs. Kegley, Mr. Lunnemann, Mr. Patton, Mr. Rolfson, Mrs. Steele, Mr. Szurlinski and Mr. Turner voting in favor of the request and Mr. McMillian and Mr. Schwenke voting against the request. The motion passes by a vote of 10 to 2.**

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

4. Request of **Kathy Hinkebein (applicant)** for **Gomez Family LLC – Octavio Corraera (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 2.78 acre site located on the east side of Bill Wentz Drive, between the properties located at 8509 and 8519 US 42, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a car wash and a restaurant.

Staff Member, Kevin Wall stated there are 2 versions of the Concept Development Plan. He read the Committee Report, which recommended approval based upon Findings of Fact (see Committee Report) and Conditions. He noted the Committee voted unanimously to approve the

request with Mrs. Kegley, Mr. Lunnemann and Ms. Gulick voting in favor of the request. Chairman Rolfsen asked if there was anyone who wanted to speak in favor or against the request.

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 and Conditions. Mr. Szurlinski seconded the motion and it passed unanimously.**

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

5. Comfort Inn – 7454 Turfway Road

Staff Member, Kevin Wall, referred to a Power Point presentation. The site is located at the corner of Hansel Avenue and Turfway Road. The building was originally a Red Roof Inn and the proposal is to change the building colors. They proposal is to change the colors to gray and white. There are 3 options for roofing – keep it as is or choose either a Sand Castle color or Estate Gray color.

The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request as submitted with the 3 options for the roof.

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:

CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

6. Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

Ms. Gulick moved to schedule the Public Hearing for Item #6 on September 1, 2021 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

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

OKI: Mr. Patton
No Report

OTHER:

There being no further business to come before the Planning Commission, **Mr. Harper moved to adjourn the meeting. Mr. McMillian seconded the motion and it passed unanimously. The meeting was adjourned at 7:45 P.M.**

APPROVED

**Charlie Rolfsen
Chairman**

Attest:

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