

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
JULY 5, 2023  
7:00 P.M.**

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Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 5, 2023 Business Meeting. Mr. Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Eric Richardson  
Mr. Steve Turner  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the June 21, 2023 Business Meeting and Public Hearing. He asked if there were any comments or corrections?

Mrs. Goetting moved to approve the Minutes as presented. Mr. Harper 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 8, 2023 and July 5, 2023.

**EXPENSES:**

|                                   |               |
|-----------------------------------|---------------|
| Accounting Fees                   | \$ 775.00     |
| Attorney Fees                     | 4,400.00      |
| Auto Expense                      | 119.49        |
| Consultant/Professional Svcs Fees | 3,163.75      |
| Filing Fees (CLURS)               | 850.00        |
| Legal Ads/Recruitment             | 642.40        |
| Miscellaneous Expense             | 150.75        |
| Office & Board Meeting Supplies   | 285.06        |
| Office/Equipment Maintenance      | 173.70        |
| Office Equipment / Expense        | 597.25        |
| Office/Liability Insurance        | 26,792.37     |
| Postage Expense                   | 1,000.00      |
| Printing/Pub/Dues/Subscriptions   | 156.40        |
| Professional Development          | <u>798.00</u> |

**TOTAL: \$ 39,904.17**

**SALARIES AND BENEFITS:**

|                           |                 |
|---------------------------|-----------------|
| FICA-BCPC Portion         | \$ 6,250.92     |
| Health/Dental/Life/LTD    | 13,557.30       |
| Retirement – BCPC Portion | 28,335.80       |
| Salaries – Staff Expenses | 82,297.74       |
| Salaries – BCPC & BOA     | <u>1,780.00</u> |

**TOTAL: \$141,884.46**

**GRAND TOTAL: \$181,788.63**

Ms. Gulick 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 TEXT AMENDMENTS, Rick Lunnemann, Chairman, Michael Schwartz, Staff**

1. Request of the **Boone Fiscal Court, per Jeff Earlywine, County Administrator**, to consider Zoning Text Amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (1) add Short Term Rental as a Conditional Use within the Graves Road – Residential (GR-R) district; (2) add Short Term Rental as a Conditional Use within the Graves Road – Commercial (GR-C) district; and (3) add Short Term Rental as a Conditional Use within the Graves Road – Business Park (GR-BP) district. The request is to hear and evaluate comments on proposed 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 for two parts of the request and recommended denial of the third part. The vote was unanimous.

Seeing no further comment from the Board Members, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact. Mrs. Clark seconded the motion and it passed unanimously.**

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff**

2. Request of **Tom Gill (applicant/owner)** for a Change of Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2.65 acre area located at 7864 Commerce Place, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the expansion of an existing auto body repair facility outdoor vehicle storage area.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and a Condition. The vote was unanimous by the Committee. The applicant has signed the condition letter.

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

Mr. Stacey Graus, attorney, explained that the request is not much just adding storage for cars and adding more buffering to screen the storage area. It is not a significant change but a necessary one.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and one Condition. Mrs. Goetting seconded the motion and it passed unanimously.**

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Michael Schwartz, Staff**

3. Request of **Tony Berling (applicant)** for **Ireland Properties, LLC (owner)** for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow an 8,000 square foot building addition and a new 4,000 square foot building.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous by the Committee. The applicant has signed the condition letter.

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

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

Seeing no further comment, **Ms. Gulick moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Hincks seconded the motion and it passed unanimously.**

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Harper, Chairman, Todd Morgan, Staff**

4. Request of **Restaurant Holdings LLC, per Ana Pelhank (applicant)** for **MassiveG2.0 LLC (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district for an approximate 0.56 acre area located at 7303 Turfway Road being immediately to the northwest of the property located at 6808 Burlington Pike, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow an approximate 2,300 square foot eating and drinking establishment with drive-through service.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions. The vote was unanimous by the Committee. The applicant has signed the condition letter.

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

Ms. Sara Kramer, Woolpert, stated that she submitted all the information requested from Taco John's on Friday. She felt that the company met all of the Planning Commission's requirements.

Seeing no further comment, **Mr. Harper moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously.**

**ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Michael Schwartz, Staff**

5. Request of **CT Realty, per Cole Moody (applicant) for Skas Properties LLC (owner)** for: (1) a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 0.83 acre area located at 5390 Limaburg Road, Boone County, Kentucky; and (2) a Conditional Use Permit to allow a truck stop on an approximate 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky. The request is for the development of a Clean Energy Truck Hub to provide fueling and parking for a compressed natural gas truck fleet on an overall 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky.

At this time, Mrs. Steele left the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions of the Zoning Map Amendment request. In addition, Mr. Schwartz read the recommendation of the Conditional Use Permit application. The Committee recommended approval based upon Findings of Fact and a Condition (see Committee Report). The Conditional Use Permit application is final action by the Boone County Planning Commission. It does not go to the Boone County Fiscal Court. The vote was 3-1 with Mr. Harper, Mrs. Kegley and Mr. Lunnemann voting in favor of the request and Ms. Gulick voting against the request. The applicant has signed the condition letter.

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

Mr. Jonathan Woche, McBride, Dale, Clarion, representing the applicant, stated that his client agrees with the conditions. It is a unique case. First, it is a very small Zone Change request. Second, the property can't be used without the Zone Change. The Conditional Use Permit for the truck stop is unique because they don't have all of the elements that are typical of a truck stop. It is a clean truck hub that will use compressed natural gas and not diesel gas.

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, stated that there is a tree line along her property line and the Golf Ranch has refused to do any maintenance in this area. She would like the applicant to keep the tree line. Mid-Valley Oil has torn out an area to maintain their oil line. The oil line crosses Limaburg Road onto her property. She provides access to Mid-Valley Oil. Her house has been at its location for 7 years. She has a concern about having no bathroom facilities. Employees will just go outside. A six foot chain link fence doesn't work for her. There is a truck stop at the end of the street and industrial buildings off Lakeland Park Drive. There is only one way out from the subdivision. Lakeland Park Drive and Limaburg Road aren't big enough roads. It is a 640 parking spot truck stop. There is more land adjacent to the site. Hopefully the Planning Commission will look at the big picture of development on Limaburg Road. There must be other ways to reroute traffic through the Airport property. There will be hundreds of trucks with only a 6 foot fence and a bush. She understands growth but would like a higher fence and more trees.

Seeing no further comments, **Mrs. Kegley moved to approve both the Zoning Map Amendment and Conditional Use Permit requests by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion. The motion included the one additional condition mentioned earlier.**

Chairman Rolfsen asked the applicant about bathrooms. Mr. Wocher replied there would be port-o-lets with proper screening. Mr. Dale Wilson asked Mr. Wocher if the applicant would accept the provision of port-o-lets as an additional condition? Mr. Wocher responded yes on behalf of the applicant. Chairman Rolfsen asked if the existing tree line would be retained? Mr. Schwartz replied that the trees in the Zone Change area are minimal in terms of amount. Mr. Schwartz described the requirements of Buffer Yard D, which includes a berm, a fence and evergreen trees. The proposed fence will be in the middle or on the property owner side of the berm. It can't be on the outside. Mr. Wocher said he was flexible about the placement of the fence. He offered a condition of retaining the existing buffer. The fence will be an opaque fence. There will be two types of fence-security and opaque.

Mr. Szurlinski expressed a concern about the use and its impact on Limaburg Road. He has been on the road many times. It is not necessarily a proper placement of the proposed use. It is just not now.

Mr. Wocher noted they have done a Traffic Impact Study. It was completed and concluded not to require turn lanes. A level of service analysis was done and they volunteered to make turn lane improvements based upon available right-of-way. Truck traffic already exists onto Limaburg Road.

Ms. Gulick echoed Mr. Szurlinski's comments. She said it's not so much at the facility's entrance but rather there is no plan to improve all of the Limaburg Road. There is no funding. It will at some time but once it is in a plan, then it has to be funded. For that reason, she is opposed to the project.

Chairman Rolfsen asked if the project included a single user? The single user is not known at this time. What happens if the single user require everyone to make a left turn?

Mr. Wocher responded that they assessed it from all truck traffic to the north.

Mr. Mike Timko, traffic consultant, stated the Traffic Impact Study is based upon an existing facility in Groveport, Ohio. Not a lot of trucks leave at 8:00 a.m. It is throughout the day. There is no huge peak. The most is 90 trucks at the peak hour. It is usually mid-morning.

Ms. Gulick stated that typically trucks don't have the same peak hour as a commuter. She asked who the main user is in the Groveport, Ohio facility? Mr. Timko responded that he didn't know who the end user was at that facility.

Mr. Szurlinski asked if the applicant looked at any other intersections on Limaburg Road? Mr. Timko replied four – the one closest to the south, the proposed intersection and 2 others to the north. The one to the south if very bad now.

**At this time Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Harper. The vote found Mr. Bessler, Mrs. Goetting, Mr. Harper, Mr. Hincks and Mrs. Kegley in favor of the requests and Mrs. Clark, Ms. Gulick, Mr. Lunnemann, Mr. Rolfsen, Mr. Schwenke and Mr. Szurlinski voting against it. The motion to approve the request is denied by a vote of 6-5.**

Mr. Wilson asked Mr. Szurlinski to confirm that his vote was "no". Mr. Szurlinski replied that is correct.

At this time, Chairman Rolfsen asked Staff to read the Findings of Fact for Denial of the request. Mr. Schwartz referred to the Findings of Fact for Denial as outlined in a previous email sent to the Zone Change Committee prior to their Committee Meeting. He read the Findings of Fact for Denial (see Exhibit 1) of the Zoning Map Amendment and Approval of the Conditional Use Permit based on the Findings of Fact and Condition outlined in the Committee Report. Should the Boone County Fiscal Court overturn the Planning Commission's denial of the Zoning Map Amendment and since the Fiscal Court has no jurisdiction on the Conditional Use Permit, it is recommended to approve the Conditional Use Permit request.

**Mr. Lunnemann moved to deny the Zoning Map Amendment request and approve the Conditional Use Permit with one condition as presented by Staff by Resolution to the Boone County Fiscal Court. He explained why he voted differently from at the Committee Meeting based upon the Commissioners' input. Ms. Gulick seconded the motion. The vote found Mrs. Clark, Mrs. Goetting, Ms. Gulick, Mr. Lunnemann, Mr. Rolfsen, Mr. Schwenke and Mr. Szurlinski voting yes to deny the Zoning Map Amendment but approve the Conditional Use Permit and Mr. Bessler, Mr. Harper, Mr. Hincks and Mrs. Kegley voting no to the denial. The motion to deny the Zoning Map Amendment request and approve the Conditional Use Permit passed by a vote of 7-4.**

At this time Mrs. Steele returned to the meeting room.

**TECHNICAL/DESIGN REVIEW, Michael Schwartz, Staff**

6. Residence Inn – 370 Meijer Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The site went through a Change in Concept Development Plan review in September, 2022. He mentioned that the City of Florence several adopted Conditions. The City adopted the submitted materials and color schemes. All rooftop equipment shall have parapet walls. All building mounted signage shall be approved per the submitted sign drawings. Finally, the proposed monument sign shall be upgraded with a masonry base and an architectural feature based upon the Houston-Donaldson Study special sign requirements. It is recommended that the rooftop equipment screening and the monument sign provisions be included as Conditions of Approval.

**Mrs. Steele moved to approve the request as presented by Mr. Schwartz with the Conditions. Mr. Lunnemann seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**ZONING MAP AMENDMENTS, Michael Schwartz, Staff**

7. Request of **CPRE TP Boone Limaburg LLC/Chavez Properties, per Martin Chavez (applicant) for CPRE TP Boone Limaburg LLC, per Martin Chavez (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 1.0 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky. The request is to place an overall approximate 27.4 acre area located at 5460-5468 Limaburg Road, Boone County, Kentucky, in one zoning district so that it can be developed in accord with the I-1 district (this issue was deferred from July 5, 2023).

**ZONING MAP AMENDMENT, Steve Lilly, Staff**

8. Request of **Dan Hughes (applicant/owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 3.9 acre area located at 8269 Pleasant Valley Road, and includes the adjoining parcel having a Parcel Identification Number (PIDN) of 062.00-00-008.25, Florence, Kentucky. The request is to allow for the future subdivision of the property into smaller residential lots.

**CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff**

9. Request of **Capital Growth Buchalter, Inc., per Kirk Farrelly (applicant)** for **Victor Connell, Carolyn Riley-Connell, and ZNM Properties, LLC, per Gerry Pizzano (owners)** for a Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study (C-3/PD/PO) district for an approximate 2 acre area located at 7640 and 7670 Burlington Pike, being the properties located at the northwest corner of the Burlington Pike/Cardinal Drive intersection, Florence, Kentucky. The request is for a Concept Development Plan to allow a 5,919 square foot convenience store with gasoline pumps.

**ZONING MAP AMENDMENT, Michael Schwartz, Staff**

10. Request of **Maronda Homes (applicant)** for **DFK Direct Investments Wach LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Planned Development (RSE/PD) and Suburban Residential One (SR-1) to Rural Suburban/Planned Development (RS/PD) for: (1) an approximate 50.78 acre area located along the north side of Burlington Pike, between Main Street and Caroline Williams Way, approximately 1,100 feet east of Caroline Williams Way, and being across from the Burlington Pike/Saddle Ridge Drive intersection; and (2) an approximate 0.76 acre area located at 6539 and 6540 Hammer Court, Boone County, Kentucky. The request is for the development of a one hundred four (104) lot single-family residential subdivision.

**Mr. Szurlinski moved to schedule the Public Hearings for Items #7, #8 and #9 on August 2, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mr. Hincks seconded the motion and it passed unanimously.**

**Mr. Bessler moved to schedule the Public Hearing for Item #10 on August 16, 2023 at 7:30 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.**



**H. Executive Director's Report:**

Mr. Kevin P. Costello, AICP, reminded the Board members that there will be no Business Meeting on July 19, 2023 since the Fiscal Courtroom will be under renovation. However, the Zone Change Committee Meeting will be held on that day in the Information Services Department Training Room (Room 204A) on the second floor of the Boone County Administration Building.

Mr. Costello introduced Mr. James Horton, GISP. He stated that Mr. Horton was retiring from the Planning Commission on August 1, 2023 as a member of our GIS Staff. Mr. Horton grew up in Petersburg and his last day of work is July 31, 2023. He is the main person for Boone County information. He knows the history of the County having grown up in the community. He will be missed by everyone and is respected by public officials and real estate professionals. Mr. Horton stated that he hasn't been to a meeting in 15 years. He thanked the Board for support of the Staff over the years. When he started, Boone County GIS was involved in a pilot project in the City of Florence. He was hired in August, 1996. It took him 4 years to draw all the parcels. He enjoyed his experience with the Planning Commission. Chairman Rolfsen stated that Mr. Horton has the most positive attitude of any human being. He is a diamond in the rough. He wished him the best of luck and he will be missed.

**I. Committee Reports:**

- Airport (Randy Bessler)  
No Report
- Administrative/Personnel (Tom Szurlinski)  
No Report
- Enforcement (Tom Szurlinski)  
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)  
No Report
- Technical/Design Review (Rick Lunnemann)  
No Report
- Executive (Charlie Rolfsen)  
No Report

**J. Chairman's Report: (Charlie Rolfsen)  
No Report**

**K. OKI Report: (Randy Bessler)  
No Report**

**L. Other:**

**M. Adjournment:**

There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Goetting seconded the motion and it passed unanimously. The meeting was adjourned at 7:58 P.M.**

**APPROVED**

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**Charlie Rolfsen  
Chairman**

**Attest:**

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

**Exhibit – Boone County Planning Commission Adopted Findings of Fact for Denial**