

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
AUGUST 4, 2021  
7:30 P.M.**

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Chairman Rolfsen opened the Public Hearing at 7:48 p.m. and welcomed everyone to the Planning Commission's August 4, 2021 Public Hearing.

**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 T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff**

1. 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.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site is located on the northeast side of Donaldson Highway and approximately 300 feet northwest of Turfway Road. He showed the previously approved Concept Development Plan from 1999. It included an approximate 10,000 square foot truck tire storage and installation facility and a sidewalk connection to the existing Bob Sumerel corporate office off Cox Avenue. The site has 418 feet of road frontage along Donaldson Highway. A billboard exists on the site today. Mr. Schwartz showed photographs of the site and adjoining properties. The site is zoned I-1/PD/HDO. The I-1 zoning district does not permit junkyards as defined in the zoning code. The site slopes downward from south to north at an average grade of 9%. The Future Land Use Map designates the site for Industrial. Pages 3-5 of the Staff Report refers to sections of the Comprehensive Plan that are relevant to the issue. Donaldson Highway is currently two lanes. The State is planning a major reconstruction of Donaldson Highway. The Houston-Donaldson Study recommends industrial uses for the site and they should be developed in a park-like setting. The submitted Concept Development Plan includes the retention of the existing billboard as well as a 16,450 square foot fenced, gravel truck tire storage area. Access would be provided via a new curb cut onto Donaldson Highway approximately 400 feet northwest of Turfway Road. The Kentucky Transportation Cabinet has provided a comment about limiting the proposed curb cut to a right turn in and out movement. There is a provision for on-site storm water detention. Pages 6-8 of the Staff Report identifies those items that don't meet the strict regulations of the zoning order or those regulations that don't meet the underlying zoning district requirements. However, most of them can be modified using the Planned Development (PD) regulations. Staff has provided emails from outside departments and agencies. Page 9 of the Staff Report identifies Staff Concerns relative to this Plan's compatibility to the Houston-Donaldson Study and PD overlay District. The applicant should address why the proposed facility is necessary at the proposed location rather than being located to the northeast on the site and accessed from the existing corporate facility location. Finally, the request is a Concept Development Plan review and not a Zone Change application.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Todd Sumerel of Sumerel Tire introduced Mr. Bob Sumerel, his dad and founder of the company. A connection to the corporate office building is difficult because of the topography. It is a deep ravine. The tires that are to be stored on the site are for earth moving vehicles. The

site is designed so that the tires will not be seen as they will keep as many trees as possible. They are willing to move the development back from the road, but they have to be careful because of the stream location. Currently, they have a site in Erlanger. It is a clean site. They are willing to install landscaping.

Mr. Costello suggested that the applicant show more in terms of screening at the site because it is in a highly visible corridor leading to the airport. Mr. Sumerel responded by informing the Board that he will send some pictures of the Erlanger facility. The proposed fence is a chain link fence with slats. He offered to have a more decorative fence.

Chairman Rolfsen asked if the existing billboard is staying? Mr. Sumerel replied that it can be taken down as they own it and lease it.

Chairman Rolfsen asked if any of Board members had any questions? Mr. Patton suggested that the applicant consider moving the proposed storage area further back from the road. Mr. Sumerel mentioned that the State will be purchasing a small amount of right-of-way from them to widen Donaldson Highway.

Ms. Gulick noted that there will be a multi-use path constructed on Donaldson Highway and utility lines will be relocated. She suggested obtaining information about the proposed new right-of-way along Donaldson Highway. The multi-use path might affect the location of the proposed fence.

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

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 18, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 1, 2021 at 7:00 p.m.** The Chairman Rolfsen closed the Public Hearing at 8:05 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**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 T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:06 p.m.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff**

2. 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. Michael Schwartz, referred to his PowerPoint presentation. The site is located at the southeast corner of Cougar Path and North Bend Road. It comprises 3.9 acres. In December, 2020, the zoning of this site was changed from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD). The approved Concept Plan showed the existing former library building and parking lot. The only addition was a fenced in pet exercise area. Access to the site is from a 60 foot wide easement on the church property. Mr. Schwartz showed an aerial photograph of the site and photographs of the adjoining properties. A 6,300 square foot building serves as a pet kennel and day care on the subject property. Office uses are a permitted use in the C-2 district. Multi-family or attached single family homes are a conditional use in the C-2 zoning district but would be a principally permitted use under the PD regulations if the Concept Development Plan is approved. Pages 1 and 2 of the Staff Report provide the applicable regulations to review the proposed project. The site slopes upward from the northwest corner of the site to the southeast corner of the site. There is a berm located along the north side of the existing driveway. The Future Land Use Map designates the site as Commercial (C). There is specific text in the Comprehensive Plan that refers to the former library site. It suggests commercial, office or retail uses. Pages 3-5 of the Staff Report provide the relevant sections of the Comprehensive Plan. Cougar Path is a County maintained road. The site is located in the Airport's 60 DNL contour. It is the second level up in terms of Airport noise.

Mr. Schwartz reviewed the features submitted with the Concept Development Plan. The proposal is to retain the existing pet day care and kennel and exercise area. Also proposed are 14 single family attached units in 3 building clusters as well as a 2,400 square foot office building. Twenty eight parking spaces are proposed – 1 space in each garage and 1 space on each driveway. Fourteen additional parking spaces are being provided for the residential use and 40 spaces are provided for the per day care/kennel office uses. Sidewalks are planned on both sides of the driveway and on the west side of the 60 foot easement area. Stormwater management is provided on the site. Pages 6-9 of the Staff Report identifies those items that don't meet the strict regulations of the C-2 district. Most of those can be modified by using the PD regulations. Page 9 of the Staff Report identifies the Staff Concerns relative to modifications that need to be made using the PD Overlay District. Commercial traffic is proposed to pass through the residential component of the project. There is a need for buffering and retention of existing trees between the church property and the site.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Brad Trauth, applicant, introduced himself and his Engineer, Mr. Jim Bertrum. He showed color renderings of the proposed townhomes. The intent is to select a color that is compatible to the other buildings in the area. All the units will be 3 bedroom, 2.5 bath units on a slab. They will have attached garages and patios. He owns about 60 two story units in Northern Kentucky and the community needs more housing. Mr. Trauth noted that his company has built a 9 unit building in Park Hills (2015), a 16 unit building in Fort Wright (2016), a 12 unit building in Crescent Springs (2021) and is proposing to build a 12 unit building in Burlington (2021). Mr. Bertrum added that he will address the items mentioned by Staff at the upcoming Committee Meeting.

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

Mr. Dennis Repenning, Attorney for Hebron Baptist Church, described his two major issues – the law as it relates to the zone change request and also how the proposed project affects Hebron Baptist Church. The Church shares its campus with one particular tenant – the pet resort. The proposed development is going to create obstacles – financial and logistical - that will render it difficult for the Church to continue to do what they currently are doing.

Mr. Jay Fossett, Attorney representing Hebron Baptist Church, referred to his PowerPoint presentation. Does this project comply with the Boone County Comprehensive Plan and the Boone County Zoning Regulations? The proposed project does not comply with either one. Mr. Fossett reviewed the history of Comprehensive Planning. Every City/County must have a comprehensive plan before adopting zoning. The Comprehensive Plan looks toward the future. He reviewed the process in adopting the Plan 2040 Comprehensive Plan. It took 2 years to adopt. Mr. Fossett reviewed the text of Plan 2040 and noted that it focuses on the former Lent's Branch Library site to be commercial, office or retail uses or possibly public facilities. There is no mention of residential uses. The applicant didn't talk about the Comprehensive Plan and now he knows why, because it is not mentioned. The C-2 zoning district does not permit a residential use with the exception of a conditional use. But the proposed residential use is not an integral or subordinate function of a permitted commercial use, professional or personal use. It is also not a commerce center as noted in the C-2 Conditional Use criteria. On that basis alone, the use is not appropriate based upon Section 1020 of the C-2 zoning district. The PD criteria also states that the use has to conform with the Comprehensive Plan and it doesn't. In addition, there is no High Suburban Density Residential in the area. Residential neighborhoods are located further away from KY 237 more towards KY 20 and Connor Road. Commercial zoning acts as a buffer from residential areas. In reviewing the PD criteria, the applicant has failed to meet 3 criteria – open space, preservation of existing site features, and landscaping. Current open space will be developed if the project is approved. Some of the site features, namely trees, will be removed. There are no plans to install substantial landscaping. What about building materials and transportation connections – sidewalks? The proposed Concept Development Plan does not comply with many dimensional requirements and there is insufficient information about the project as outlined in the Staff Report. The request should be denied since it doesn't conform to the Comprehensive Plan, completed 2 years ago, that would justify the proposed change.

Mr. Shawn Dobbins, Pastor, Hebron Baptist Church, explained the mission and activities of the Church. The Church has been good neighbors as they have served the Connor Campus. They have a good neighbor policy in which they allow people to use their parking lot. They have a preschool and a food pantry on the site. He stated that they are not against progress or development but in this instance and particular plan, it will produce an undo burden – financial and logistical impact on their property. He preferred that the property develop commercially and not have residences.

Mr. Reppenning stated that there are good neighbors and not so good neighbors. Years ago, the library was granted an easement to access their property. When the pet resort purchased the library, a new agreement was needed to maintain the driveway. In the past, the library facility shared in any expense of the road/easement. The pet resort has ignored every request to enter into a new agreement and share in the most recent resurfacing. The Church was stuck with a bill for \$4,000. The easement is a matter of law and there is no agreement for maintenance. Mr. Trauth expressed interest with such agreement but he doesn't own the land or easement. There is also another issue as there is another driveway off Limaburg Road on the Church property that will be used by the residents. There is no sharing of expenses of the other driveway. Also, there is no drawing of the proposed office building. He questioned the viability of the project because of the changes in ownership and investment.

Ms. Marilyn Sutton, Finance Director of the Hebron Baptist Church and Crossroads Preschool, explained that the preschool has 115 three and four year old children registered for this year. They have drop off and pick-up four times a day, nine months a year. Most traffic comes from Cougar Path down their road. They have two sessions a day – 9:00 a.m. – 12:00 noon and 12:30 p.m. – 3:00 p.m. The increased traffic from 14 residences on the shared driveway will impede the smooth transition of drop offs and pick-ups. The driveway is not a highway. It is a two lane road. There is no room to park on the side of the road. It not only involves the traffic from the residents but also delivery trucks. The State Licensing Board requires them to uphold the health and safety of their children. They are inspected by the State and they have an outdoor playground. Children from the residences will want to use the Church's playground. They won't be able to control children that trespass. Any damage to the playground from people who don't belong there are at the expense of the church. Church members won't allow their kids to use the playground if there are other kids from the neighborhood at the playground.

Mr. Steven Kinman, Trustee Chairman of Hebron Baptist Church, expressed a concern about liability or the 24/7/365 residential exposure and the lack of green space. The current businesses and schools in the area don't have the same type of exposure. Their playground and parking lot will be exposed to others in the area – bike riding and skateboarding. Injuries and property damage will occur. The liability always falls on the property owner. The submitted drawing shows limited parking as well. Visitors will use the Church's parking lot. Their property is not a public park. If the Zone Change is approved, there will be additional costs. The Church will have to install cameras, data storage for the cameras, gates, walls, fencing, etc. This will give the impression that they are not a welcoming church. None of these proposed expenses have been budgeted. The Church and Crossroads Preschool strongly support the Plan 2040 recommendations.



Chairman Rolfsen asked if any of the Board Members had any questions?

Mr. Patton noted that the prior application was simple with a building in place using the existing easement. The proposed project troubles him. The Comprehensive Plan talks about this site connecting into Cougar Path and this project doesn't. If the 2 property owners are not playing together on the private road, introducing 12 more property owners who are not required to work together really concerns him. Usually, there is an HOA in place to take care of maintenance. The current access is a non-starter for him.

Chairman Rolfsen asked if the applicant was going to allow parking on the drive? Mr. Schwartz replied that the existing serpentine driveway acts as a driveway for the commercial activity. There are different requirements on the width of a driveway aisle and parking aisle. Chairman Rolfsen asked what is the issue of repairing of the entrance drive? Mr. Jason Burcham replied that no one from the Church approached him about an agreement from the previous application. They just handed him a \$4,000 bill. He received no estimates. The townhomes will be owned by one person and not individually owned. There will be one owner for 14 units. It will be the Pet Resort, Trauth Properties and the Church. He noted that trespassing occasionally occurs and sometimes it can't be controlled. Mr. Costello stated that the Planning Commission had an understanding that the Church and Mr. Burcham were going to complete a new maintenance agreement for the private drive. There would have to be one for the private drive and for the easement area. Mr. Trauth mentioned that he would be interested in direct access to his development from Cougar Path. He had the impression that it wasn't allowed due to spacing. The existing 60 foot wide easement was set up to serve both sites. Chairman Rolfsen asked the applicant to research that potential access. He thought it was too much development off the recorded easement. Mr. Bertrum stated that the residential traffic causes less traffic than commercial or retail traffic. Chairman Rolfsen stated that when you share driveways, it becomes a nightmare. Mr. Patton mentioned that you could have separate entrances for the residential and the commercial

Mr. Costello inquired about taking another look at the design of the project. The existing road was designed to enhance the library. The location of it really limits the layout of the other uses. Does the easement area need to be widened to support future growth and development? Mr. Trauth responded that they looked at other options. A new design could benefit the Church and the applicant.

Ms. Gulick expressed some major concerns about driving through residential to get to commercial. That causes all kinds of issues with safety and parking. Separating the driveways and getting a second curb cut will be a major obstacle because of the queue of traffic at the signal. It is not a good practice to have an entrance in the middle of an area of stacked cars. That creates more safety concerns. What is the separation between the dogs and proposed residential? Mr. Burcham replied that the dogs are not outside all day. It is an indoor pet facility. Ms. Gulick wanted to see more of a buffer between the outdoor dog area and the residential and drainage patterns.

Mr. Bertrum replied there is a berm presently located in the area in question. They are planning to use it. There will be a landscaping plan.



Mr. Trauth agreed there is a lot of useable space on the site. He showed several options of how he looked at the development of the site from moving the driveway to putting in lots along Cougar Path. He thought that multi-family housing was less traffic than all commercial. The residential use would be a better fit considering the traffic from the pre-school.

Chairman Rolfsen asked the applicant to bring information about building materials to the Committee Meeting. He suggested eliminating the office use.

Mr. Patton suggested either all office or all residential, not both.

Mr. Trauth stated that the office will be small in size, about 2,000 square feet and the proposed building is located close to KY 237, a busy highway.

Chairman Rolfsen also suggested providing more green space or a play area since there will be three bedroom units. Mr. Trauth responded that the site is next to 3 schools that already have playground equipment that is open to the public.

Mr. McMillian stated that kids and dogs don't mix well sometimes. What type of fence will they install? Mr. Burcham replied that he installed a fence around the Pet Resort play area only, not along the perimeter of the property.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 18, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September, 2021 at 7:00 p.m.** The Chairman Rolfsen closed the Public Hearing at 9:33 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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