

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
JANUARY 5, 2022  
7:30 P.M.**

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Chairman Rolfsen opened the Public Hearings at 7:46 p.m. and welcomed everyone to the Planning Commission's January 5, 2022 Public Hearings.

**COMMISSION MEMBERS PRESENT:**

Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Steve Harper  
Mrs. Janet Kegley

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Ms. Jenna LeCount, AICP, Director, Community Development Services  
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the first item on the Agenda.

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

1. Request of **Glenn Crone (applicant)** for **RES Property and Land Development, LLC (owner)** for a Change in an Approved Concept Development Plan in an Industrial One (I-1) district for an approximate 6.3 acre area located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit the construction of a 3,360 square foot storage building.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site is roughly 6.3 acres located on the west side of Dixie Highway and about 400 feet south of Frogtown Road. It has approximately 300 feet of frontage along Dixie Highway. The history of the site is identified on Page 1 of the Staff Report. He showed the approved 2019 Concept Development Plan. The request was to change the zoning from C-3 to I-1. The site is currently occupied by a one story, 1,300 square foot office building and 2 one story storage buildings totaling approximately 2,400 square feet. Access is provided by a single curb cut to Dixie Highway. Mr. Schwartz showed photographs of the site. The proposal is to build a third storage building of 3,360 square feet. Pages 1 & 2 of the Staff Report identify the applicable regulations of the zoning ordinance that are relevant to this issue. The 2040 Future Land Use Map designates the majority of this site for Commercial Use. A small portion of the site is identified for High Suburban Density (HSD) uses. Another portion of the site is designated as Rural Lands. Pages 3-5 of the Staff Report contain pertinent sections of the Comprehensive Plan. Mr. Schwartz showed some elevation drawings of the proposed storage building. The proposal includes retaining the existing buildings, retention of all the other existing conditions and to construct a 21 foot high, 3,360 square foot storage building with 2 overhead bay doors. Pages 5 and 6 of the Staff Report identify the conditions that were imposed upon the applicant at the time of the original zone change. Those conditions still apply and should be carried forward for record keeping purposes. The request is to simply amend the originally approved Concept Development Plan.

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?

Mr. Corey Gamm, counsel for RES Property and Land Development, LLC, stated that the purpose of the proposed building is to comply with the underlying conditions of zoning approval. There is one condition that requires parts to be stored inside a building. The building will be used to store equipment and trucks to transport the equipment.

Chairman Rolfsen asked if any Board members had any questions?

Mr. Patton inquired about the required landscape buffers. Mr. Schwartz responded that there aren't any requirements because the building is not in the front yard or side yard. There are no landscaping buffer or design requirements. Chairman Rolfsen asked whether the proposed metal

building blends in with the area? Mr. Schwartz replied that there are not a lot of buildings to compare with in the area – mobile homes, the interstate, industrial buildings across Dixie Highway, etc. The proposed building won't be seen as it is tucked in the middle of the site and behind another building. Chairman Rolfsen noted it is rare that we see an all metal building these days. Even if the building materials were upgraded, the building still wouldn't be seen.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 19, 2022 at 5:00 P.M. via live video teleconference. This item will be on the Agenda for the Business Meeting on February 2, 2022 at 7:00 p.m.** The Chairman Rolfsen closed the Public Hearing at 7:55 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**COMMISSION MEMBERS PRESENT:**

Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Steve Harper  
Mrs. Janet Kegley

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Ms. Jenna LeCount, AICP, Director, Community Development Services  
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen introduced the second item on the Agenda at 7:56 p.m.

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

2. Request of **Lee Rickey (applicant and owner)** for a Zoning Map Amendment from Rural Suburban Estates/Planned Development (RSE/PD) district to Rural Suburban Estates (RSE) district for a 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 between the properties at 3300 and 3446 Burlington Pike, and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residential dwellings.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is approximately 51 acres in size and located along the northern side of Burlington Pike, 1,100 feet east of Caroline Williams Way and directly across from Saddle Ridge Drive. The site has 1,650 feet of frontage along Burlington Pike. The history of the site is identified on Page 1 of the Staff Report. In 2019, the zoning of the site was changed from RSE to RSE/PD to allow the development of 60 single family residential lots at an intensity of 1.18 units per acre. One access point onto Burlington Pike was approved. The site is largely wooded. There is a 100 foot wide overhead electrical easement that runs in the center of the site. There is also an intermittent blue line stream that runs along the northern property line and public water and sanitary sewer exists around the site. Hidden Creek II Subdivision is located to the north and Hidden Creek Subdivision is located to the west of the site. Saddle Ridge Subdivision is located to the south across from the site. Pages 2 and 3 of the Staff Report contain the zoning regulations that are pertinent to the site. Topographically, there is an east-west ridge in the center of the site. The topography runs downward to the north and south from the ridge at an average grade of 6%. The 2040 Future Land Use Map designates the majority of the site Suburban Density Residential (SD) and a small portion Rural Density Residential (RD) and Developmentally Sensitive (DS). Pages 3-6 of the Staff Report discuss the relationship of the request with the Comprehensive Plan. Burlington Pike is a State maintained arterial street with a posted speed limit of 45 mph and has no sidewalks. The site is also in the 55 DNL Airport Noise Contour. Mr. Schwartz showed photographs of the site and adjoining properties. The submitted Concept Development Plan calls for a maximum of 20 lots at an intensity of 0.39 units per acre. The proposal will include a public or private street system. The applicant has provided traffic data in which the proposed development will generate an average of 69 weekday trip ends. Page 7 of the Staff Report contains the conditions of the previous application and approval. It also contains Staff Comments, which includes a desire for a street connection to the east and the possible extension of existing utilities. Page 7 also includes specific requirements that the applicant will need to address. Pages 7 and 8 of the Staff Report also include comments from outside agencies. A major comment is from the Kentucky Transportation Cabinet. They will not require a Traffic Impact Study but access to the site will have to be aligned with Saddle Ridge Drive subject to a sight distance evaluation. Boone County Schools has no problem with the project due to the low number of lots and expected number of school children. Finally, the request is a zone change to take it back to its original RSE zoning.

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

Mr. Lee Rickey, applicant/owner, stated that he bought the property after the latest zone change took place. He decided to back off the higher density because he receives a lot of requests for people who want to build on 2-5 acre lots. Mr. Rickey explained that the lot size varies from 1.3 acres to 5.62 acres. He is also considering two private streets with 5 lots on each private street. Mr. Rickey noted that the comment about realigning the access to the site was news to him. It doesn't make sense to him but he will address it later on. Mr. Schwartz stated that the location of the curb cut on the proposed plan is exactly where it was approved in concept in 2019 by the Fiscal Court. The State will have the final approval of the curb cut location. Mr. Rickey stated that he will have to take a step back and analyze the new location because of the steep grade.

Chairman Rolfsen noted that the previous developer didn't proceed with the 2019 plan because the core samples wouldn't support single family residential development. Mr. Rickey responded that he has completed a geotechnical study of the site. It is one of the reasons why he lessened the density.

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

Mr. Chuck Young, 6176 Saddle Ridge Drive, stated that the realignment of the curb cut is a deal breaker because it is a safety issue. There is heavy commercial traffic on KY 18. Visibility of KY 18 is very limited. It puts everyone egressing from Saddle Ridge Drive in jeopardy. Maybe there should be a traffic signal at the intersection. Reducing the number of lots from 60 to 20 is an improvement. He expressed a concern about storm water runoff. Chairman Rolfsen explained the storm water rules about maintaining additional runoff from the site. Mr. Young noted the storm water problems from Arborwood Subdivision.

Mr. Bruce Belknap, 6020 Saddle Ridge Drive, stated that he is the first house and he thinks the proposal is pretty good compared to the last two proposals. There is a lot of traffic and there hasn't been accidents lately but he is sure it will happen. The previous approved curb cut is a better location for being seen. He was aware of the blue rock strata test of the ground. He explained that research was done by the EPA concerning a certain type of bat nesting or roosting in the trees. It was the typical Indiana Brown Bat. Mr. Rickey responded that he was not aware of any type of report.

Mr. Larry Edmister, 3567 Burlington Pike, stated that he supported the reduced density for the site. He asked if there was a plan to clear cut the forest? Would the road where it connects to KY 18 have a stop sign or stop light in the future? Chairman Rolfsen replied that the State would make that decision. Mr. Rickey stated that clearing the site would be very minimal. The only clearing would be for the road and utilities. The site would be marketed as wooded lots.

Mr. Charlie Bray, 3300 Burlington Pike, stated that he owned the working horse farm next door. He supports the density reduction but he still wants the applicant to install a 6 foot high chain link fence just like the previous approved plan. It prevents kids from entering his property since it is a working horse farm. Mr. Bray stated that he was surprised that Mr. Rickey bought it since someone from the Drees Company visited him on December 1, 2021 as they were thinking of developing the property based upon the approved plan. The fence should be put back in the proposed plan in order to have more protection. He is also interested in relocating his driveway to the proposed public street. He would then close his existing driveway off KY 18. Mr. Bray stated that he is okay with that but it has to be designed to accommodate horse trailers.

Mr. Beau Archambault, 7213 Front Street, owns the large farm next to the site on the east side. He agrees with requiring a fence along his property line. He has two ponds and livestock in the field. He also supports the lower density. He asked about the number of neighbors next to him from the new plan? Is it 1, 2 or 3? He noted that there is a fence between the Kinman Farm and residents in Hunter's Ridge Subdivision. An old field fence does not keep kids away.

Chairman Rolfsen asked Mr. Rickey about installing a fence? Mr. Rickey responded that he was aware of the previous plan. He doesn't think it will be an impact with 20 or fewer lots. He thought the cost would be \$30,000 for 1,000 feet of fence. Mr. Costello mentioned that the land use didn't change next door. Mr. Schwenke stressed that it is the "good neighbor" policy as it might be a hazard for children. Mr. Schwenke stated that the applicant is changing the use next to the farms. Mr. Rickey noted that if he reduces the number of lots, it may only affect one lot and it could be tied to the development of that lot or construction of the house.

Mr. Costello asked if the applicant wanted the Planning Commission to review 2 different plans – one with 15 lots and one with 10 lots? Mr. Rickey responded that he hasn't made up his mind simply because of the market.

Mr. Lunnemann asked the applicant to address the issue of maintaining private streets at the Committee Meeting. He supports public streets versus private streets. Mr. Rickey replied that he is aware of the need to have a maintenance and access agreement and he will make it available along with another layout of the lots.

Mrs. Goetting asked if the applicant was going to develop the property and build the houses himself? Mr. Rickey responded that he would sell the lots to other builders or individuals not to another developer. She asked if the homes have to be a certain square footage? Mr. Rickey stated he would have established building standards and restrictions.

Mrs. Steele stated that it looks like there would only be one family next to the 2 adjoining properties to the east. A 6 foot high chain link fence seems like a large expense. Is that expense worth protecting one family from those 2 properties? Would something shorter make a difference? Mr. Costello noted that other kids may live in the subdivision or neighborhood. She asked if there was a chain link fence at Hidden Creek? Mr. Costello replied that he didn't know. Mr. Schwenke stated that it all depends on what is next door – horses and cattle versus other homes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 19, 2022 at 5:00 P.M. via live video teleconference. This item will be on the Agenda for the Business Meeting on February 5, 2022 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:35 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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



**COMMISSION MEMBERS PRESENT:**

Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Steve Harper  
Mrs. Janet Kegley

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Ms. Jenna LeCount, AICP, Director, Community Development Services  
Mr. Michael D. Schwartz, Director, Zoning Services

Chairman Rolfsen announced that the Car Max Public Hearing has been postponed at the request of the applicant. It will be rescheduled at a later date. He introduced the third item on the Agenda at 8:36 p.m.

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Jenna LeCount, Staff**

3. Request of **Viox and Viox, Inc., per Michelle Bollman (applicant)** for **IPT Park West DC, LLC, per Ben Burwinkel (owner)** for a Change in an Approved Concept Development Plan in an Industrial One (I-1) district for a 6.254 acre area located along the southeast side of Worldwide Boulevard, between North Bend Road and Graves Road, approximately 2,300 feet southwest of North Bend Road, and being between the properties at 1155 and 1405 Worldwide Boulevard, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit trailer parking and storage.

Staff Member, Jenna LeCount, referred to her PowerPoint presentation. The request originated from the need to alleviate some of the challenges of tractor trailer parking along Worldwide Boulevard and Park West Subdivision. The Change in Concept Development Plan application was also a result of a condition from a 1989 zone change application. There were 12 conditions placed on the property in question. Condition #5 prohibited motor freight terminals in the industrial park. There is no definition within the zoning code of what a motor freight terminal means. The previous Zoning Administrator decided that the applicant needed to apply for a Change in Concept Development Plan in order to allow the proposed use. The 6.2 acre site is currently a vacant lot located between 2 developed properties – Amazon and Wayfair. The property has 300 feet of road frontage. The current zoning of the property is I-1. The site is relatively flat with the exception of the southern property line area. The 2040 Future Land Use Map forecasts this site as Industrial (I) and references to the Comprehensive Plan are noted in more detail on Page 3 of the Staff Report. The applicant has requested two waivers. The first one is to remove the VUA landscaping island requirement in the front yard setback. It has been determined that this is not required in the I-1 zoning district. The second requested waiver was to allow a 6 foot tall privacy fence in the front yard. It is not necessary since there is no proposed structure on the property and the proposed fence is located more than 50 feet from the public right of way, which would be the front setback line. The submitted Concept Development Plan shows 120 trailer parking spaces to help alleviate truck parking problems within Park West Subdivision. The drawing does not show sidewalk connections to adjacent properties. This can be addressed at the Site Plan Review stage. The applicant is proposing a 6 foot high fence surrounding the parking lot. It will be a mix of aluminum and chain link fencing. It will include gated access to the parking lot but no operational details have been provided. Ten lighting fixtures are proposed to illuminate the proposed parking lot. A photometric drawing will be required to be submitted at a later date. A sign is proposed near the entrance of the parking lot. Additional details will need to be provided. A potential driveway connection to the adjoining property to the east is being offered. The applicant should address the timing of this access point and how it affects landscaping, lighting, etc. The applicant has submitted a landscaping plan showing new plant material and the preservation of existing trees on the south side of the development. Ms. LeCount showed a cross section of the existing tree line from I-275 to the proposed parking lot. She also showed some photographs of the site and adjoining properties.

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

Mr. Justin Verst, Viox & Viox, Inc., stated that the developer is Prologis and explained that the proposed use is the storage of trailers on a short term basis. It is not intended to include tractor (cab) and trailers. It is not a staging area where tractor trailers park temporarily until they are called to empty or fill up trailers. The intent is to get the trailers out of the users lot. Prologis would like to lease the parking lot to one user like Amazon. That user would have exclusive access and control of the parking lot gate. If it was Amazon, they would have to submit a Site Plan to redesign their site since there is car parking in the area where the connection is planned.

Mr. Matt Wispe, Viox & Viox, Inc., explained that detention of storm water would occur along the front of the site. He showed an example of the type of signage they would install similar to the sign next door. There is a large buffer south of the proposed parking lot. Some of it is private property and some of it is interstate highway. They are planning to make the site look good with a lot of landscaping for a parking lot. He reviewed the cross-section drawing. The existing buffer is elevated quite a bit from the elevation of I-275 and the proposed parking lot. He showed a detail of the proposed fence. It matches what is already in the industrial park. He also showed a picture of the proposed directional sign.

Mr. Verst discussed accessing the vacant property to the south. It has frontage on KY 237 but may be difficult to access due to the close proximity to the interchange. This property sits at least 20 feet above their client's property. It is not compatible. It may be more likely to connect to the frontage road that exists to the east. The parking lots connect and the grades match. The driveway location is consistent with other driveway locations in the park. Even if it is moved to the middle, it still doesn't meet the spacing requirements. He doesn't expect a lot of traffic just trailers from time to time. The entire industrial park only has sidewalks on one side of the street and not on the side where this project would be located. He doesn't expect pedestrian traffic with this use since it is a trailer parking lot. The only sidewalk on the same side of this project is Amazon and it only leads to a bus stop. Currently, there are street trees planted where a sidewalk would be located. They don't have gate details yet because it depends on who Prologis leases the site to in the future.

At this time, Chairman Rolfsen asked if the applicant was going to allow more than one company to store trailers there? If it is more than one company, it will be a nightmare because of the expected volume and the number of trailers already next door. Mr. Verst replied that the intent is to lease it to one company. If Amazon decides to lease it to others, then they will have to police it. Most of the trailers stay weeks/months in the lot.

Mr. Lunnemann asked to show the location of the gate. Mr. Verst responded and noted that the gate would be located far enough to get a trailer off Worldwide Boulevard to avoid back ups.

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

Mr. Danny McGlasson, 1856 Perry Lane, asked what are the access options for his family's 6 acre parcel?

Mr. Costello replied that he assumed that Mr. McGlasson's family was compensated when the right of way for I-275 was purchased. It resulted in a landlocked parcel with limited road frontage on KY 237. Options include working with any of the adjacent property owners for building or parking lot expansions. There is also a frontage road available to connect to in the future.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 19, 2022 at 5:00 P.M. in via live video teleconference. This item will be on the Agenda for the Business Meeting on February 2, 2022 at 7:00 p.m.** The Chairman Rolfsen closed the Public Hearing at 9:08 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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