

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JUNE 1, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 7:49 p.m. and welcomed the audience to the Planning Commission's June 1, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. David Hincks
Mrs. Janet Kegley
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. Steve Harper
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

1. Request of **Paul Hemmer Company (applicant)** for **Patsy C. Bullock Living Trust, Nancy S. Bullock, and Prologis LP (owners)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Industrial One (I-1); and (2) a Variance reducing the spacing of driveways along a street frontage from five hundred (500) feet to one hundred (100) feet for an approximate 19.8 acre area located at 3024 Bullock Lane and 3080 Bullock Lane, Boone County, Kentucky. The request is for a zone change and variance to allow a warehouse/logistics building.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is approximately 19.3 acres. It has roughly 680 feet of road frontage along Petersburg Road and approximately 1,380 feet of frontage along Bullock Lane. There is a perennial blue line stream that runs through the site approximately 100 feet south of Petersburg Road. The site is occupied by two residential structures as well as several accessory structures. Access to the site today is from two curb cuts off Bullock Lane. There is a mature tree line in the northern portion of the site. Mr. Schwartz described the residential and industrial land uses that adjoin the site. Most of the property is zoned SR-1 and there is a small portion of the site that is zoned C-2. The site doesn't have any frontage on Langley Drive but there is a request by the applicant to reduce the spacing of driveways along a street frontage from 500 feet to 100 feet. The access would then be placed off Langley Drive. Topographically, the site slopes upward from the blue line perennial stream to the south central portion of the site at an average grade of 9% and then slopes downward to the south property line at an average grade of 2%. The Comprehensive Plan's Future Land Use Map designates most of the site as Business Park (BP) and a small portion Commercial (C). Pages 3-5 of the Staff Report refer to the applicable sections of the Comprehensive Plan. The site is located in the 55 DNL Airport Noise Contour. Mr. Schwartz showed photographs of the site and adjoining properties. He referred to the submitted Concept Development Plan. A single building of 230,000 square feet is proposed with 209 parking spaces and 70 dock bays. The docks will be on the east side of the building. Access is solely from Langley Drive. A connection to the adjoining property is planned. Provisions have been made for retaining walls, fencing and landscaping along Bullock Lane. The applicant has provided traffic information. The applicant will have to address the existing bus stop. Will it have to be moved? The proposed curb cut will be 100 feet from an existing curb cut off Langley Drive. Cross section drawings have been submitted by the applicant. One has been submitted on the north side of the building, the center part of the building and the south side of the building. Parts of the building will sit above the grade of Bullock Lane while other portions will be at grade and below Bullock Lane. The applicant has provided examples of tree species and building architecture.

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

Ms. Megan deSola, Viox & Viox, Inc., referred to her PowerPoint presentation and stated that the project will be a partnership between Hemmer and Prologis. Hemmer will build the building and Prologis will own and manage it. Prologis owns and operates 28 buildings comprising of 6.5 million square feet with 55 customers in Northern Kentucky. The site is part of Airpark West Business Park. Ms. deSola referred to the text of the Comprehensive Plan that highlights industrial and business park due to the expansion of CVG Airport and Business Park uses recommended because of their close proximity to the east-west runway flight path. The proposed project is compatible with the Boone County Comprehensive Plan. It is consistent with a development trend surrounding CVG and the growing economic impact. It is designed to divert truck traffic to Langley Drive and away from the residential neighborhood along Bullock Lane.

Mr. Justin Verst, Viox & Viox, Inc., stated that they intentionally put the dock doors facing the east side of the site due to the elevation of Bullock Lane. Residents will only see the automobile parking from Bullock Lane. All the truck noise will be contained to the east side. The building sits back approximately 100 feet from Bullock Lane. All utilities will be served off Langley Drive. The site has road frontage on KY 20 but it is not preferred. Access off Langley Drive is preferred since it provides access through an industrial subdivision that is already in place. The result is having two curb cuts closer than 500 feet from each other. They could have a joint access point if both uses are compatible with each other. They don't have a tenant yet for the proposed building. Mr. Verst reviewed the criteria for granting variances, which includes special circumstances. The special circumstance is not owning the triangular parcel in front of the lot. The strict application of the ordinance would prevent a reasonable use of the property. They will either relocate the bus stop or adjust the location of the curb cut.

Mr. Nate Adams, Viox & Viox, Inc., stated that Buffer Yard A is required around the site. Most of the landscaping north of the building will be kept. Buffer Yard A will be planted in the east and south sides. Buffer Yard D will be planted on the west side. It is 10 times more plants than a Buffer Yard A. He reviewed the plant material for the north cross section, middle cross section (6 foot berm) and the south cross section (6 foot high privacy fence). They have selected trees that are fast growing. They would like to install a fence in the south cross section area because there is not enough room for a berm.

Mr. Verst showed a series of architectural renderings of the proposed building. It will be very similar to the Palmer-Donavin building at Prologis Park 275. In addition, a preliminary photometric plan and light fixture information was submitted showing 0 foot candle readings at the property line. Drawings for a representative sign were also submitted as a concept. It would be a typical sign that would match what is already in the industrial park.

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

Mr. Ray Thiessen, 3131 Bullock Lane, stated that it is a good plan but he is the only person who lives along an industrial building. He had a concern about noise. There is no enforcement of it in

the dock area. His house and pool shake. People use the berm to go to the bathroom. He is happy that Hemmer is involved because they always say what they are going to do. He likes the traffic coming off Langley Drive. He referred to Page 5 of the Staff Report that discusses the impact of trucks – smell, noise, etc. They drag trailers along the concrete. Rules need to be established and enforced.

Mr. Joel Shepherd, 3055 Bullock Lane, stated that he likes the fact of not allowing traffic on Bullock Lane. They have had employees park on the cul-de-sac and walk over to the industrial building. The fence might stop that from occurring. He wants it to stay that way – no industrial traffic on Bullock Lane. Everyone on Bullock Lane has a septic tank. He asked the Planning Commission to require the developer to possibly put public sanitary sewer lines on Bullock Lane as part of the project. Public sanitary sewer is available at Langley Drive and at KY 20.

Mr. Travis Dunhoft, 3035 Bullock Lane, submitted a letter and two petitions (see Exhibit A). He inquired on whether the request included a variance in the building setback? Mr. Schwartz replied that the building setbacks are meeting the requirements. The variance request is solely related to the curb cut off Langley Drive. He mentioned that he spoke with Mr. Paul Sorrel, who is the local Fish & Game Officer, and the proposed project will not affect the green space but he doesn't see how it will not impact the creek. Has there been an environmental study performed on the site? The construction of the proposed building will affect the foundation of their homes and septic tank systems. He stated that 11 of 12 residents favored the developer pay to extend public sanitary sewer to Bullock Lane and paying for connecting it to that sanitary public sewer line. The residents would have no expense to the connection. The last petition stated that the developer buy the houses along Bullock Lane. Again, 11 out of 12 people signed the second petition agreeing to it. The proposed development will destroy the value of their homes by \$25,000 each based on the opinion of 3 realtors. Each house would cost \$325,000 plus moving expenses for a total of \$4 million.

Ms. Susan Sitz, 3065 Bullock Lane, submitted a letter (see Exhibit 2). She explained that she and her family chose to live on Bullock Lane because it was country living. She has lived there for 6 years. The sound from the existing buildings is atrocious at all hours of the day. It is the sound from the truck not from the buildings. It will be worse in her front yard. She expressed a concern about stormwater from the pavement and building. She grew up on a 10 acre farm and she now has 1acre. She is concerned about the type of people working at the facility. Ms. Sitz stated that she doesn't want the project at all but the next step would be to buy her out. She doesn't want to have to move her family as her daughter has a nice park-like setting.

Ms. Julia Rice, 3021 Bullock Lane, stated that the creek does flood. She never thought that the Bullocks would ever sell out. If she doesn't get the right amount for her house, they will have to go around her. She is 69 years old and doesn't feel like moving.

Mr. Chris VanMeter, stated that his Mom lives in the second house. He asked whether the Board

would require a fence all the way down Bullock Lane? It would provide security and privacy for the residents.

Mr. Jonathan Sitz, 3065 Bullock Lane, noticed that a lot of people sleep in their trucks and landscaping needs to be maintained after it is planted. A lot of times it is forgotten.

Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mrs. Steele asked what does the 2040 Plan say about the neighborhood in the future? Mr. Schwartz replied that it recommends Business Park. It is a mixed-use land use classification. He reaffirmed that developer could buy out the neighborhood to pursue a future business park use.

Mr. Lunnemann asked where the sanitary sewer services are located and can they serve the Bullock Lane area? Mr. Verst responded that 3-4 houses on Bullock Lane could be served by a line located off Langley Drive. It is a lower elevation towards KY 20. Mr. Verst stated that he would have to look into it further.

Mr. Patton inquired about having lower light poles in the auto parking areas? This would limit the glowing effect.

Ms. Gulick asked about staging areas and the flow of truck traffic. Mr. Dan Colletto, Prologis, stated that parking on Langley Drive is not allowed. They will park in the truck court area or at the dock. They will also monitor parking on Langley Drive. Ms. Gulick again asked if there will be queuing areas? Mr. Colletto replied no because of the type of building that it is – limited in overall size and depth. It will have less trucks. Mr. Colletto responded that they don't normally provide a lot of truck parking on their site.

Chairman Rolfsen asked if the developer would install a security gate or fence to control access to the site? Mr. Colletto replied that it depends if there is one or multiple users. Chairman Rolfsen stated that the impact will be different since it is unknown who is going to be the tenant. A good example would be a food business where refrigerated trucks have to run all night long.

Chairman Rolfsen stated that any new stormwater that the development generates has to be detained for a certain amount of time on the subject site.

Mr. Patton asked the applicant to consider prohibiting some of the uses permitted in an I-1 zoning district like uses involving refrigerated trucks. He also referred to the Comprehensive Plan and the Future Land Use Map. The neighborhood could be in the middle of BP designated area on both sides of it. Is this the time to develop the site?

Ms. Gulick expressed a concern of the 3 entrances almost touching each other and possibly connecting to an existing curb cut to avoid this situation.

Mr. Schwenke noted that the trend is a Business Park full of big box industrial buildings.

Mr. Wilson explained that the Future Land Use Element recommends a land use. It is a multi-year plan. It may or may not be the time to change particular uses. Just because it agrees with the Future Land Use designation, doesn't mean now is the time to do it.

Mrs. Clark inquired about any environmental studies being conducted for the site? Mr. Schwartz replied that none had been submitted. Mr. Verst responded that it would be the next step to hire a consultant to look at the stream and environment.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 6, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:08 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit A – Letter and Petition from Travis Dunhoft, 3035 Bullock Lane
Exhibit B – Letter from Susan B. Sitz, June 1, 2022, 3065 Bullock Lane

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. David Hincks
Mrs. Janet Kegley
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. Steve Harper
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 9:09 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is 10.3 acres in size located 1,500 feet east of the terminus of Southpark Drive. The site has approximately 950 feet of I-275 road frontage. In 2016, there was a zone change application on the same site. The request was for an I-1 zoning district to allow an auto auction facility. Both the Planning Commission and the Fiscal Court denied the request in 2016. The site is currently zoned Suburban Residential One (SR-1) and Commercial Services (C-3) and is vacant. Carder-Dolwick Nature Preserve is located northeast of the site. Mr. Schwartz described the zoning and current land use of the adjoining properties. Self-storage and commercial recreational vehicle parking are permitted uses in the I-1 zoning district. The site slopes from west to east and upward to the center of the site at an average grade of 8%. It then slopes downward at an average grade of 12%. The Comprehensive Plan's Future Land Use Map designates the site as Industrial (I) and there are references to the Plan's Goals and Objectives on Pages 3 & 4 of the Staff Report. Southpark Drive is a County maintained sub-collector street with two driving lanes. Mr. Schwartz showed photographs of the site and adjoining properties. There is an overhead electric line that runs through the middle of the property. The line is located in a 100 foot wide easement area. The submitted Concept Development Plan shows 100,000 square feet of storage use in 5 buildings. In addition, there are 37 spaces for recreation vehicles. It also shows a security fence and retaining walls. Access would involve the extension of Southpark Drive. Mr. Schwartz superimposed the Concept Development Plan onto a GIS map. It shows the 100 foot wide utility easement and the access easement over the McGlasson property. The proposed driveway is not located in the easement area. Pages 6 & 7 of the Staff Report outline a series of Staff Comments. The two most glaring comments is the proposed driveway not being located in the recorded easement area. Second, at least 3 of the proposed buildings are located in the utility easement area. Building within the utility easement area requires written permission from the easement holder.

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

Mr. Akram Othman, applicant and owner, stated that he applied for a zone change to allow an auto auction in 2016 and it was denied because of traffic. He thought about apartments on the site but was advised accordingly based on the Comprehensive Plan. He wants to invest in his property. He decided to do something quiet with no traffic or sanitary sewer – public storage.

Chairman Rolfsen asked how he was going to put buildings under an electric easement? Mr. Othman replied that he will apply to Duke Energy and may have to move the buildings away from or closer to the interstate. Chairman Rolfsen asked how he can move the access easement? Mr. Othman stated that he has an agreement with Mr. McGlasson to move it anyway he wants. The Chairman asked the applicant to provide that written document to the Committee.

Mr. Eric Russo, The Hillside Trust, stated that his organization is the owner of the nature preserve next to the site. It is 34 acres in size. It is an incredible and fragile piece of property. It is a beautiful gorge in Boone County. It has survived a de-icing spill from the Airport in the late 1980s and a water line constructed in the early 1990s. It is experiencing a lot of erosion in Elijah Creek. In 2016, he opposed the auto auction which could cause damage to the Carder Dolwick Nature Preserve plus water run off from the increase in impervious surfaces. He expressed a concern for the size of the detention pond due to the increase in run off as a result of climate change in the last 10-15 years. His concerns revolve around the impact not only during construction but ongoing with maintenance. The proposal is equally as bad as the previous application and he is against the request.

Mr. Othman stated that Mr. Russo was unhappy and opposed the auto auction proposal in 2016 because of oil, tires and garbage. The public storage use has no garbage or sewer. Chairman Rolfsen asked if the vehicles/boats would be stored outside? Mr. Othman replied yes.

Mr. Costello asked about the information source on the GIS map. Mr. Schwartz replied that he placed the applicant's drawing on the GIS base map. Mr. Costello asked if the Staff could properly evaluate the use with limited information like setbacks, grading limits, etc.? Mr. Schwartz responded no, but it would occur when the applicant officially submits the project for Site Plan Review if the zone change is approved. No information from the electric company granting permission to the applicant has been submitted. Chairman Rolfsen asked if a building can be put in the electric easement area, can 100,000 square feet of storage buildings be constructed on the site? Mr. Schwartz replied that he doesn't know if it can be done at the same amount. The key would be to keep the buildings out of the easement area but also to meet the building setbacks. The 2016 Plan showed the building out of the easement area. Surface parking is allowed in the easement area. Mr. Schwartz verified that the 2016 Committee Report predominantly noted that the reason the request was denied was due to traffic, especially at the main intersection of KY 237 and Southpark Drive. The change is that the proposed use would generate less traffic than an auto auction use.

Mrs. Kegley noted that the new location of the access road is possibly crossing the creek at a different location. There is a curve in the road and maybe it is less steep?

Mr. Schwartz also asked if the extension of Southpark Drive to the site would be a public street or a private driveway? This was a concern from the County Engineer as he thought it should be a public street with a cul-de-sac. Mr. Othman replied that the extension will be a driveway since it won't have a lot of traffic. He also stated that he was flexible.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 6, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:29 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. David Hincks
Mrs. Janet Kegley
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. Steve Harper
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the third item on the Agenda at 9:30 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

3. Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 16.7 acres in size and is located at 176 Maher Road. About 3.7 acres of the site will not be rezoned as it will remain as a buffer and zoned RSE. About 13 acres of the site is being requested to be rezoned from RSE to I-1 to allow a roofing company. Ms. Hagenseker described the surrounding uses as outlined in the Staff Report. The Comprehensive Plan's Future Land Use Map designates this site for Rural Density Residential (RD). Pages 5-6 refer to the Comprehensive Plan. The submitted Concept Development Plan indicates the construction of a 12,000 square foot building with a 16 foot wide gravel surface driveway and a concrete driveway apron. An approximate 35,000 square foot gravel surface equipment yard will be created, which will be enclosed with a gate and an 8 foot tall chain link fence. A nine stall parking area will be provided for customers and employees. The site has a 100 foot wide utility easement. The applicant did provide photographs of typical buildings he is proposing. Ms. Hagenseker showed photographs of the site and adjoining properties. It included a photo of the Norfolk-Southern rail line on the west side of the site. A one acre pond exists on the site.

Staff Comments are listed on Pages 7-8 of the Staff Report. First, Staff questions if industrial zoning should be permitted on the east side of the railroad tracks. Second, Staff is concerned about left turns being made out of the driveway. Third, the freestanding sign near the entrance was constructed without a permit. Free standing signs in the I-1 zone must be monument in style and are limited to 10 feet in height and 100 square feet in area. Fourth, a waiver to allow a gravel driveway and gravel outdoor parking and storage area was submitted as part of the request. The Zoning Administrator will take final action on this request but is seeking input from the Planning Commission and Fiscal Court. Staff would like to note that this type of waiver is typically approved only when there are tracked vehicles that break up pavement. Fifth, a variance was submitted to reduce the driveway width to 16 feet. Staff has concerns because two vehicles might not be able to pass. At a minimum, Staff would recommend that some gravel pullover areas be added if the variance application is approved. Sixth, Staff would like the applicant to better explain where landscaping is proposed:

- a. Is Buffer Yard A proposed along the entire street frontage along Maher Road?
- b. Are supplemental evergreen trees being proposed in the eastern buffer to meet code?
The current buffer is comprised almost entirely of deciduous trees.

- d. The proposed outdoor storage lot is shown all the way to the western property line. A 10 foot buffer is required.

Seventh, Staff received comments from Walton Fire, SD1 and the Northern Kentucky Health Department that are attached to the Staff Report. Eighth, the applicant provided a cover letter that outlines the request and includes their rationale for the zone change. Finally, the following issues should be addressed and clarified by the applicant: Will the existing, dilapidated barn be removed? What are the days/hours of operation? Will there be any additional security lighting, and if so, what type? Will the existing gate be staying? Are any other industrial uses being proposed? Staff observed that a vehicle and large rock pile were out by the road. Staff would like the applicant to address if any rock or vehicle parking would occur near Maher Road?

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

Mr. James Elliott, applicant and owner, stated that he owned the property for a year and half. The property was abandoned for the past 25 years – untouched and overgrown. There were many buildings on the site that were abandoned. He has improved the property by rock lining the lake and putting in the driveway. He owns a small roofing company that specializes in metal roofing of high end homes and buildings. He wants to park his trucks, trailers and equipment on the site along with living on the property so he can be close to his Mom. He would also store roofing and siding products on the site. He will remove the barn from the site so he can build his home on the property. He will also remove the illegal sign on the property. He and his crew would leave his yard around 6:00 a.m. and return at 7:00 p.m. They would have a maximum of 6 trucks on the site. There will be no manufacturing in the building. The building will store some copper products and will be used to service the trucks. There will be no storage of old asphalt products on the site. Those products will be recycled at the Bavarian landfill. Three security lights have been installed on the site. They sit on 8 foot high poles. The proposed building would have a barn/residential look from Maher Road.

Mr. Brock Mackay, Viox & Viox, Inc., stated that a lot of people has approached him about this property in the past. The challenge is that the applicant is a small contractor and the I-1 zone is the only zone to allow his use. Acquiring I-1 zoned land is a challenge today as the big box developers are buying up the land. The residential zoning really doesn't belong next to the railroad. The western side of the property is the noisiest because of the train horn. The proposed use is tucked away in the northwest corner of the site. The site can be buffered with existing and new vegetation. Mr. Mackay showed the location of the old railroad crossing on the west side of the site. Mr. Elliott researched it and found out that the railroad will not let the applicant use it anymore so access to the site has to be off Maher Road. Mr. Mackay stated that it is really a low intensity use.

Chairman Rolfsen asked if there was anyone else in the audience that wanted to speak in favor or against the development? Ms. Linda Meister, 328 Maher Road, state she was against the

rezoning because she would like to keep her side of the railroad tracks residential and not industrial. It will set a precedent for other people to come in and rezone it to industrial.

Ms. Tandy Elliott, 219 Maher Road, stated that the property was a place for the homeless. It was a mess. It is well suited for industrial use because of the powerlines.

Mr. Jordan Hendrick, 207 Maher Road, asked about the future. If the applicant sells the property, can FedEx buy it and expand since it is already zoned industrial? Is selling the property the real goal since a sign was on the property or is he really going to build a house? Chairman Rolfsen replied that the Planning Commission can limit the use of the property to Mr. Elliott's business only. Any change in the use would require a new Public Hearing. A more intense industrial use would impact Maher Road. Mr. Hendrick inquired about customer parking? The parking is based on the size of the proposed building. The applicant usually goes to the customer's house to offer his services.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 6, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 10:12 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mrs. Jackie Steele
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Harper
Mr. Bob Schwenke
Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Ms. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the fourth item on the Agenda at 10:13 p.m.

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

4. Request of **Rick Newman and Susan E. Newman (applicants)** for **Susan E. Newman and Old Lexington Pike LLC (owners)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Planned Development (A-2/PD) district and a Commercial Services/Planned Development (C-3/PD) district for an approximate 36.5 acre area located at 2841 – 2885 Verona Mudlick Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan for an expansion and building addition to the existing heavy equipment rental/service business.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. He showed the submitted Concept Development Plan. The existing shop will be demolished and replaced with a new building. In the future, there is a planned 20,000 square foot storage building behind the existing cell tower. The existing 4,125 square foot, one story office building will remain while the maintenance shop will be demolished. A two-story office addition, with an office mezzanine, is shown immediately to the west of the existing office. It will be 13,891 square feet in area. A two-story parts and service showroom addition is proposed. It will be 4,472 square feet in area. A new parts department with a first floor locker area and mezzanine totaling 11,570 square feet is also proposed. There is a first floor patio proposed along with a proposed one-story metal building with 14 service bays and a wash bay. That building is 23,193 square feet in size. Mr. Morgan showed several building elevations of the existing office building and new building. There are four different options for the front façade. He preferred options A & B because of the pitched metal roof. The garage doors will be 20 feet high. Mr. Morgan reviewed the site history dating from 1991 to 2015. The site was placed into the PD zoning district due to the proposed auction use and the fact that zoning code changed to allow the sale of heavy equipment only in an I-2 zoning district. Mr. Morgan referred to the required landscape buffer that was required in the previous application. He asked the applicant to address the issue at the Public Hearing. The site is currently zoned C-3/PD and A-2/PD. He showed photographs of the site and adjoining properties. The site has two signs of which one was not approved. The Comprehensive Plan's Future Land Use Map designates the site for Industrial (I) use. Other references to the Comprehensive Plan are noted in the Staff Report, pages 3-6.

In terms of Staff Comments, Staff has received some comments from the Boone County Building Department, the Boone County Public Works Department and the Kentucky Transportation Cabinet. The proposed project needs to be analyzed based upon the Planned Development standards – architecture, landscaping and signage. There are a lot of signs on the building but they are not excessive – mostly in the bay area. They do exceed the zoning code but it could be allowed if part of the PD application. The tanker truck sign should be discussed as it is not permitted unless part of the PD application. Mr. Morgan stated that he would like the applicant to address the following questions:

1. How many employees work on the site now? How many employees will there be if the business expansion is approved?
2. The floor plan shows a training room? Will this room be used to train outside guests?
3. The 2015 conditions of approval limited the outdoor auctions to 12 events a year. Is this condition being met?
4. Why has the auction portion of the site been broken into two distinct areas?
5. Are there any current plans to construct the 20,000 square foot storage and parts building?
6. Is the landscaping that was part of the 2015 Concept Plan and 2016 Site Plan going to be installed?

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

Mr. Brock MacKay, Viox & Viox, Inc., stated that the Planned Development (PD) was the tool to develop the site versus the industrial zoning district. The proposed expansion requires them to resubmit under the PD requirements. Mr. MacKay confirmed that the 2015 application was part of a lawsuit by the adjoining property owner as it was an appeal from a decision made by the Boone County Fiscal Court and the Planning Commission. It dealt with access.

Mr. Rick Newman, applicant, stated that his business has been located at the site for 32 years and they have outgrown it. When they started they had 25 pieces of equipment inventory. Now, they have over 700 pieces in 5 different branches of the business. He built the office building about 15 years ago and the number of employees has grown significantly. They have 80 employees at the five different branches. The proposed training room would be more for internal technicians. The auction concept has changed due to COVID 19. It went to on-line auctions. There is no need to have vehicles and people on site anymore. There are no more live auctions on the site. The remaining auctions are in the back lot – sharply reduced. He doesn't know how many auctions. The proposed storage facility will be built in the future so they want to show it now to avoid coming back in the future. Mr. Newman stated that he is confused about the tree line. There were some ash trees that died along the property line. They removed them and the brush along the guardrail in the front of the property. Also, he noted that he rents 20 water towers (trucks) and they are owned by this company. It isn't a sign but it advertises the name of his company for those who rent the water truck. If it is a violation, he will move it to the back lot. It does move to off-site locations. Mr. Bessler asked if he moved the truck 10 feet once a month, would it be a violation? Mr. Wilson stated that a violation issue is not a subject for the Public Hearing.

Chairman Rolfsen asked if there was anyone else in the audience that wanted to speak for or against the request? Seeing no one, he asked if any Commissioners had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 6, 2022 at 7:00 p.m. in the Fiscal Courtroom.
The Chairman Rolfsen closed the Public Hearing at 10:37 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director