

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

Chairman Charlie Rolfsen opened the Public Hearing at 8:09 p.m. and welcomed the audience to the Planning Commission's October 5, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Todd Morgan, Staff

1. Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant)** for **Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The site is located in unincorporated Boone County and is off Turfway Road. The applicant is requesting a Special Sign District for alternative signage. He showed a map the of existing signage. The proposal is for 4 new signs. One involves replacing the existing monument sign and installing 3 banners as permanent signs. The banners would be located on the building. The new monument sign would be 12 feet tall and 121.78 square fee in size. The Houston-Donaldson Study allows a maximum of an 8 foot high monument sign with a total of 48 square feet in area with a masonry base. The applicant has submitted two options for this type of sign. One option has a color background and darker masonry on the base. The other option is a blue background and beige base. The dimensions would remain the same. Signs 2 & 3 are two vinyl mesh banners. Each banner is 22' x 10". The banners would be visible from Turfway Road. The Houston-Donaldson Study allows up to a 150 square foot building mounted sign on any 2 sides that face the street. However, board signs, graphics, painted on buildings, internal illuminated awnings and electronically changeable copy are prohibited. Banners are currently allowed under the TAD process. Sign #4 is also a banner, 10' x 30' in size, to be located near the warehouse entrance facing the employee parking lot. It is also visible from the road. The site is zoned I-1/PD/HDO. Mr. Morgan showed photographs of the site and adjoining properties. Existing directional signs will remain on site. The existing monument sign is 32.33 square feet in size and 6'3" in height. Some of the existing building mounted signage will remain in place. The Future Land Use Map designates the site for Business Park (BP) uses. Mr. Morgan explained the purpose of a Special Sign District is to respond to special circumstances of development or redevelopment. He also noted references to the Comprehensive Plan in the Staff Report. He asked the applicant to see if the monument sign could be downsized to meet code? In addition, would the banners be in place year round?

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

Mr. Tanner Nichols, Frost, Brown, Todd, LLC, stated that he was counsel for Perfetti. He noted that the Company could downsize the proposed monument sign but they have been planning the project for 6 months. They want to show Boone County that they are a unique asset in the community. It is an international company. Many people drive by the site and don't realize its location. The banners will be up year round.

Ms. Sylvia Buxton, President of the North American Division of Perfetti, referred to her PowerPoint presentation. They have an iconic brand. She played a video of the company which described the business and its candy products. It is a global company and employs over 600 people at their Erlanger facility. The Airhead brand is almost 40 years old and was created in Erlanger. They are ranked fifth in the United States in terms of confectionery manufacturers. The proposed signs will drive awareness of the company. They are a great place to work. Their employees participate in many community services each year.

Chairman Rolfsen asked if what was proposed was part of their national branding? Ms. Buxton replied yes. The balloon is named Oscar. He is the logo of the Airheads brand. It is used to recruit new employees. They use it in social media. She said that they sell their product on-site just like Galerie au Chocolate and Wayfair. It would be a factory store. They do tours of the factory. Option 1 shows someone is holding the balloon. Option 2 shows someone is in the balloon basket.

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

Mr. Schwenke asked if it was feasible to make the banners more permanent signs? Ms. Buxton responded that the banners look like murals and last 7-10 years.

Mrs. Kegley asserted that it seems like a lot of signage when it is all put together. She thought that permanent banners sometimes get lost or unnoticed since they don't change like banners over time.

Chairman Rolfsen asked if anyone in the audience had any comments or questions?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 19, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:28 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the second item on the Agenda at 8:29 p.m.

ZONING MAP AMENDMENT AND CHANGE IN CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

2. Request of **Viox and Viox, per Megan de Sola (applicant)** for **Our Lady of Good Counsel Church and Home Sweet Home Trust (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for an approximate 9.1 acre area located at 404 Beaver Road, 430 Beaver Road, 438 Beaver Road, 11972 Skyway Drive, 11982 Skyway Drive, 11990 Skyway Drive, 11991 Skyway Drive, 11977 Skyway Drive, the property with the following Property Identification Number (PIDN): 077.00-03-007.01, and the right-of-way of Skyway Drive, Boone County, Kentucky and a Request of **Viox and Viox per Megan de Sola (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Change of Concept Development Plan in a Public Facilities (PF) district for an approximate 13.8 acre area located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change and change of concept development plan to allow the construction of a school building, field house, and a storage barn, use of the existing church, use of existing single-family residential dwellings for church related purposes, and the redesign of parking areas and access drives.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The request is to construct a new boys school next to the existing church. In 2011, a zone change was approved to rezone 13.8 acres from SR-1 to PF to allow a K-12 school in the church building. It was subject to 3 conditions which included a maximum number of students. Part of the site is located in unincorporated Boone County and the applicant has filed an intent to annex into the City of Walton. The submitted Concept Development Plan indicates a 1,920 square foot barn near the existing ballfield, a 14,620 square foot fieldhouse, a two story, 63,000 square foot boys school with 15 classrooms and a 312 person auditorium. It would serve 360 K-12 students. The plan is to vacate Skyway Drive since the proposed school will be located in this area. The 4 existing houses east of Skyway Drive would remain and be converted to a church use. The existing houses to the west of Skyway Drive would be demolished because of the new parking lot and school. Two hundred thirteen parking spaces are proposed. Mr. Morgan described the traffic circulation. It encourages more stacking. The site drops 70 feet from the road. Mr. Morgan described the zoning and land uses on the site and adjoining properties. He showed photographs of the site, which included a portable stage. The Future Land Use Map designates this site as Public/Institutional (P) and Rural Density Residential (RD). The Staff Report includes the applicable regulations that apply to the zone change as well as refers to the Comprehensive Plan and the need for private schools. He referred to Item #4 and Item #8 on Page 6 of the Staff Report as it relates to Goals and Objectives – public facility locations and traffic impacts. The applicant has submitted a traffic study and sections of it are in the Staff Report. It has been submitted to the State. Mr. Morgan stated that he has received some comments from different agencies. Letters and emails are included in the Staff Report. It includes comments from the Kentucky Transportation Cabinet, the Boone County Public Works Department and the Boone County Building Department. With Skyway Drive being eliminated, the church and school will have 4

access points and the applicant would normally need 1,500 feet of road frontage. If the State approves the 4 access points, the Zoning Administrator would also approve a spacing waiver. Mr. Morgan referred to the 14 questions he had with the application. The questions are identified on Page 7 of the Staff Report. They involve building elevations/architecture, auditorium size, school activities, athletic fields lighting, paved parking, the use of the 4 remaining houses, the use of school buses, daycare use, moving access points, sidewalks on Beaver Road, status of the outside stage and student size of Our Lady of Sacred Heart. Finally, what about school safety signs located on Beaver Road? Are the signs required and when? If Skyway Drive is vacated, then the lots in the back would have no road frontage. Should a consolidation plat be submitted?

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

Ms. Megan deSola, applicant, described the history of Our Lady of Assumption Church, which opened in 2010. The Assumption Academy for boys and girls opened in 2011 inside the church building. In 2018, the church built the Sacred Heart Academy (K-3 for boys & girls) and (4-10 girls only). They expect to expand to 11-12 grades (girls only). Assumption Academy still operates inside the church (4-12 grade boys). Enrollment continues to grow. Now they want to construct a new Assumption Academy (K-12 boys). Sacred Heart would then become K-12 for girls. The maximum enrollment for the boys school will be 360 students. The maximum enrollment for the girls school will be 250 students (currently 220 students). Ms. deSola reviewed the zoning history of the site from 2010-2015. The total site is 22.9 acres of which 13.7 acres is located in the City of Walton and is zoned PF. The remaining 9.1 acres is located in unincorporated Boone and is zoned SR-1. The PF zoned property is part of the Change in Concept Development Plan application. The proposed building will have a main floor and a lower level. The main level will be 45,500 square feet and the lower level will be approximately 17,500 square feet for a total of 63,000 square feet as well as other site improvements – a drop off loop, parking lot, fieldhouse and a storage barn.

Mr. Justin Verst, Viox & Viox, Inc., showed a map of the City of Walton and pictures of the proposed architecture to match the existing buildings (stone & brick materials). The roof will be metal or asphalt. The traffic study does not show a need for additional lanes on Beaver Road. There is more of a problem at the interchange. An Interchange Study is underway by the State. Recommendations will be made at the end of the year. They have an encroachment permit for a temporary access point. It was difficult to obtain. They had to do detailed studies on speed and sight distances. There are safety issues related to moving curb cuts. Mr. Verst described the school traffic pattern in detail. There is a tremendous amount of stacking space. There are no school buses for the school. It is all private transportation. They have a lot of passenger vehicles that carry 5-6 kids. The traffic study assumes more traffic than it really is today. In the short term, the remaining houses would stay as a rental house and maybe become a church use later on. They may use the property as soccer fields or maintenance facilities in the future. Both schools start times are staggered. The State will allow them to install a school zone sign if there are at least 200 students. There has not been an issue of speed while the girls school has been opened. They would like to pursue it after the boys school opens up. The school zone sign allows you to

lower the speed limit by 10 mph. It is 55 mph on the road today. The average speed is 45 mph because of the hump on Beaver Road. It is not a problem now. The fields will only be used by the school and not by outside groups. They would like to put gravel down on the future parking lot. It wouldn't be open to the public. The intent is to provide security lighting. Lighting the fields will not occur at first since no night games will be played there. It is well lit by the interstate lights. The school will be leaving the church to go to its new building. There will be no pre-school or day care at the new school. The stage is only for the church festival. It will be put up and taken down. A sidewalk will be built all the way over to Beaver Road. They will hold off putting a sidewalk beyond Skyway Drive until they know what they want to build in the area. In the short term, nothing will be built there. Mr. Verst also stated that they are willing to submit a consolidation plat. The auditorium will be sized based on the size of the school.

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

Mr. Chet Hand, 674 Chambers Road, stated that he was in support of the project. Private churches and schools are a critical element of the overall community. Anything we can do as a County to support private churches and schools, we should do it. This community has been a major social and economic draw to our area. We have dozens and dozens of families that have moved into the area specifically for this church.

Mr. Matt Page stated that he lives across from the school/church and expressed a concern about the safety and speed limit on the road. There are a lot of semi trucks on the road. There is a curve on the road that is dangerous for traffic coming from the west. He asked for a school zone sign to be posted. Is the proposed curb cut the same one that was turned down before? The road hasn't changed. Mr. Morgan replied that the applicant's request was for a right out only and the State turned it down. A speed study was conducted to allow a temporary construction entrance only. The posted speed limit was not changed. The speed could be lowered based upon traffic conditions and number of students enrolled. It may have to be requested by the Judge/Executive or Mayor.

Chairman Rolfsen asked why the school wouldn't want a school zone safety sign? Mr. Verst noted that Staff made a good suggestion especially if the posted speed limit is dropped to 45 mph then the school zone speed would be 35 mph. Mr. Rolfsen noted that at least the school safety zone sign acknowledges the presence of a school even if the State doesn't lower the posted speed limit initially.

Ms. Gulick mentioned that the sight distance study itself says that one will not have enough space to stop if you are going 55 mph. If kids are being dropped off, it is imperative that the sign be requested. Mr. Costello stated that the Planning Commission is willing to write a letter of support of the need for the sign.

Chairman Rolfsen inquired about traffic patterns to and from the site? Mr. Verst responded that it

is an even split – about half from the west on Beaver Road and the rest from the interchange. Most of the students are from Boone County (Beaver Road) and south (Crittenden).

Mrs. Clark asked if the school was accredited? Fr. Stanich responded that they are working on the accreditation. It is a process and it will take a few more years.

Ms. Gulick asked the applicant to provide more details on the left turn lane analysis to the Committee. Mr. Verst replied yes.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 26, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:12 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the third item on the Agenda at 9:13 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

3. Request of **Corporex Parks of Kentucky, Inc., per Nicole Chimento and Thomas Banta (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Residential Three/Planned Development (UR-3/PD) district for an approximate 8.3 acre area located at 3337, 3339, 3341, 3343, 3347, and 3351 Mineola Pike, 3340 Booneland Trail, and part of 3336 Booneland Trail, Boone County, Kentucky. The request is for a zone change to allow a multi-family residential development (this issue was deferred from August 17, 2022).

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is located along Mineola Pike and Booneland Trail. It has 760 feet of frontage along Mineola Pike and 215 feet along Booneland Trail. Between 1954 – 1960, single family residential buildings were built on the site as well as the adjoining neighborhood. There are many mature trees on the site. The property is currently zoned RS and it has been zoned that since 1980. Areas to the north and west are zoned I-1 while to the south and east are RS. Pages 1 & 2 of the Staff Report provide relevant sections of the Zoning regulations. The site slopes downward from northeast to southwest with an average grade of 3%. The 2040 Future Land Use Map designates the site as Business Park (BP). Pages 2-5 of the Staff Report provides pertinent pages of the Comprehensive Plan. Mineola Pike is a State road that is currently being widened. Booneland Trail is a County road. Mr. Schwartz showed photographs of the site and adjoining properties. The submitted Concept Development Plan shows a multi-family residential complex showing a maximum of 325 units. It is 39.15 units per acre within 4 buildings. Two curb cuts are identified off Mineola Pike and one curb cut onto Booneland Trail. The applicant has requested specific building setbacks, which are identified in the Staff Report. An illustration rendering has also been submitted. The site will drain into the existing regional stormwater system in Circleport III. Pages 7- 8 of the Staff Report provides an analysis of the submitted Concept Development Plan in relationship to the Zoning Regulations, some of which can be modified through the use of the PD regulations. Staff feels that insufficient information has been submitted relative to the number of bedrooms per unit relative to being compliant with the off-street parking requirements. Landscaping details are lacking in the proposal. Pages 8-9 of the Staff Report outlines the Staff Concerns including the requirements that are to be modified based upon the PD requirements – Item A on Page 8. This also includes the applicability of the PD criteria. Will any of the mature trees be retained? A clearer drawing is necessary to show the requested setbacks. The site does contain a paper right-of-way, Winston Pass. Is the right-of-way vacated as the area will be developed? Has there been a decision by the Kentucky Airport Zoning Commission about the height of the proposed buildings? Mr. Schwartz expressed a concern about reviewing applications piecemeal in this area where there should be an overall master plan.

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

Ms. Nicole Chimento, Corporex, stated that the proposed project is the second phase of the master plan. The previous approved retail was the first phase. The submitted drawing is being refined as they won't develop 325 units. They want feedback. They are still trying to acquire more property around the project. Their goal is to make Circleport a true mixed-use development. They applied for the UR-3/PD zoning because they wanted flexibility in the setbacks. The maximum building height will be 65 feet. They are asking for a reduced set back along Mineola because there is already 20 feet of additional right-of-way. Since there is an electrical easement along the rear of the site they are asking for a reduced 20 foot setback. Since they own the properties on the side, there is a request to reduce the setback to 10 feet. The parking calculations were based on other examples of apartment developments in the area. The buildings will be 3-4 stories in height. All trees must be removed from the site to grade. Winston Pass was vacated in the 1980s and conveyed to the adjoining properties. There is still a utility easement located there and it must be abandoned. Ms. Chimento stated that she wanted feedback on the setbacks in order to determine the elevations of the buildings so the Kentucky Zoning Commission can review the project.

Chairman Rolfsen asked what is the unit mix? Ms. Chimento replied that it would be a mix of studios, one bedrooms, two bedrooms and three bedrooms. How many parking spaces will be needed and what about the number of children for school impact? What about the location – industrial, retail, 4 lane road and Airport? Ms. Chimento responded there is a ton of demand for apartments. The multi-use path and sidewalks will connect the residential with the retail and office uses. The mixture of uses will support each other.

Mr. Costello asked about the comments from the CVG Airport? Ms. Chimento stated that they are outside of the noise contours. She noted that Mr. Banta has spoken to the Airport. They always express a concern around the Airport in terms of noise and residential uses. Mr. Costello mentioned the concern for height safety. Ms. Chimento will make the determination on height and safety based upon the exact location of the buildings. Corporex originally applied to the Kentucky Airport Zoning Commission but removed the application. They can't build the buildings unless the Kentucky Airport Zoning Commission gives their approval.

Mrs. Kegley inquired about landscaping? Nothing is shown on the submitted plan.

Mr. Patton stated that he lives in Hebron and the planes fly out of the noise contour. He suggested installing stronger windows and more insulation.

Mr. Lunnemann stated that the Concept Development Plan is pretty basic. It is difficult to react to it when it is just a couple of boxes on a piece of paper. What will the buildings look like? What are the amenities and landscaping? What is the price point or rent?

Ms. Gulick inquired about more details about access? What about the new road elevation relative to the proposed project? She expressed the same concern about Airport noise and the height of the buildings. Ms. Chimento responded that the curb cut locations have been negotiated with the Kentucky Transportation Cabinet. Ms. Gulick inquired about traffic control. Will there be a requirement of a traffic signal? Ms. Chimento responded that Mike Bezold thought there

would not be a need for one with only 13,000 cars a day on Mineola Pike.

Mrs. Clark asked for a breakdown of each type of dwelling unit. Ms. Chimento replied that they will have about 35% studio/one bedroom, 50% two bedroom and 15% three bedroom.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 19, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:40 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the fourth item on the Agenda at 9:41 p.m.

ZONING MAP AMENDMENT, Alaina Hagenseker, Staff

4. Request of **Tanenbaums LLC, per Damian Tanenbaum (applicant/owner)** for a Zoning Map Amendment from Commercial One (C-1) to Industrial One (I-1) for an approximate 0.4 acre area located at 11568 Dixie Highway, Boone County, Kentucky. The submitted Concept Development Plan includes the property located at 11564 Dixie Highway, which is currently zoned Industrial One (I-1). The request is for a zone change to allow a fitness club, warehouse space, and retail space.

Staff Member, Alaina Hagenseker, referred to her presentation. The site is approximately 200 feet south of Logistics Boulevard and 0.91 miles south of Richwood Road. It has 218 feet of road frontage along Dixie Highway for this proposed development. In 1990, there was an approved Zoning Map Amendment request that only allowed a sporting goods store. The request is to rezone an approximate 0.4 acre area at 11568 Dixie Highway from C-1 to I-1 to allow a fitness club, warehouse space and retail space. Mrs. Hagenseker described the surrounding zoning and land uses. The Future Land Use Map designates the site for Commercial (C) and not Industrial (I). Pages 3-4 of the Staff Report includes references to the Comprehensive Plan. The submitted Concept Development Plan provides for 39 parking spaces, a 6,272 square foot fitness club, a 5,000 square foot warehouse club, a 900 square foot future retail space, a 2 foot wide gravel shoulder and provisions for stormwater detention.

In addition, Staff had some additional comments about the project. First, the east and south property lines meet the required buffer area but no landscaping is shown. A waiver can be requested at the site plan level to waive the landscape requirements in this area. Second, there is no required buffer at the north property line. Third, the applicant is showing a 2' gravel shoulder requested by KYTC and is improving the northwest portion of the site from the existing gravel to seed/sod. Fourth, Staff would like to know if there will be any outside storage of workout/gym equipment? Outside storage is an accessory use of the I-1 zoning. Fifth, any construction or improvements done in the right of way will require an encroachment permit from the Boone County Public Works Department.

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

Mr. Benjamin Mason, Mason-Carr Civil Engineers, stated that he was representing the applicant and addressed the concerns. They can apply for a waiver of the buffer area if necessary. They are improving a parking area with pavement. There will be no outside storage.

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

Mr. Russell West, 11578 Dixie Highway, stated that he bought his property in 2006. He expressed a concern about 39 parking spaces located about 40 feet from a bedroom window as well as noise (music and car alarms) and traffic. He also noted a concern about security with people coming and going. It could have 156 people in a 4.4 acre parking area. He just received the August 19th letter that was sent to him. He just found out about the extent of the project today. What will it do to his property value? He doesn't want the proposed use.

Mr. Costello asked what is the zoning of the property? Mrs. Hagenseker replied that the whole site is zoned I-1 and C-1. The neighboring property is zoned I-1. Mr. Costello asked if the neighboring property had a pre-existing, non-conforming status for a residential use? He asked Staff to investigate the matter. The fitness center will be located in the existing building. It is a principally permitted use in an I-1 zoning district.

Ms. Randi Winterhalt, 1925 Whispering Trails, stated that the last class in the gym will be at 8:00 p.m. so there won't be any late in the evening activity like noise, music, etc. There is a 5:00 – 6:00 a.m. class but they only have 7 people in each class.

Chairman Rolfsen 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 October 19, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 9:59 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Pamela Goetting
Mrs. Jackie Steele

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Chairman Rolfsen introduced the fifth item on the Agenda at 10:00 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

5. Request of **Christopher J. Kiely and Laura VanRijswijck Kiely (applicants/owners)** for a Zoning Map Amendment from Graves Road-Residential (GR-R) to Suburban Residential One (SR-1) for an approximate 1.4 acre area located at 2250 Williams Road, Boone County, Kentucky. The request is for a zone change to revert the property back to the SR-1 district with no other improvements.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is located on the east side of Williams Road and is currently zoned GR-R after the adoption of the I-275/Graves Road Study in April, 2021. Pages 1 & 2 of the Staff Report describe the applicable regulations to this request. A single family house is located on the 1.4 acre parcel as well as some accessory structures. There is an extensive group of mature trees along the front of the property and to the north. Areas to the north and west are currently zoned SR-1. Properties to the south and east of the site are zoned GR-R. The subject property is relatively flat from Williams Road to the existing house and then drops 8% beyond the house. The Comprehensive Plan designates the site for Suburban Density Residential (SD) uses. Williams Road is a county maintained collector street. The I-275/Graves Road Study designates the site for HSD uses. Mr. Schwartz showed photographs of the site and adjoining properties. The primary reason for the zone change is that the property owner is concerned about the area located south and east that could develop for a higher density residential use. If it did, there is only a Buffer Yard A or a 10 foot buffer required between both properties since it is identical zoning. If the applicant's property was zoned SR-1, then a 60 foot buffer yard would be required or a 30 foot buffer yard with a fence/berm between both properties.

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

Mr. Chris Kiely, applicant, stated that he didn't ask to be rezoned but his property was included in the Study. It makes sense since it squared up the property with the property next door. The problem is the 60 foot buffer requirement versus the 10 foot buffer requirement. His lot is only 120 feet wide. The value of his lot and house is more than what the developer wants to pay. He thought Hills Development would buy his property since the rough drawing showed it. If the developer bought his property, half of it would have to be a buffer. It doesn't gain anything. Mr. Kiely stated that he needs help to obtain SR-1 zoning. If Hills submits plans, then he is out. There is nothing he can do. There may be other properties with this same dilemma – Dave Pattison's property and his neighbors. The I-275/Graves Road Study has an aesthetically pleasing look to it. What can be retained if Hills doesn't have to do it based on the current zoning of both properties? A 40 foot high building will have an impact on his property because of only a 10 foot buffer requirement. His only option is to pursue the zone change before they submit plans. He just wants a larger setback. If Hills submits an application, he asked the Planning Commission to insist on being a good

neighbor. He is not against development. It may be worthwhile to take a look at other properties in the area again.

Mrs. Kegley asked if the property next door that is zoned GR-R would first go through Staff and not the Planning Commission? Mr. Schwartz replied yes to see if it meets the current regulations. The current requirement based upon today's zoning is a 10 foot buffer. Staff could ask for a larger buffer but it is not required.

Chairman Rolfsen directed the Staff to prepare Findings of Fact for Approval and place this request before the full Planning Commission at its October 19, 2022 Business Meeting.

Seeing no further questions or comments, Chairman Rolfsen announced that this item will be on the Agenda for the Business Meeting on October 19, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 10:17 p.m.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director