

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
JANUARY 4, 2023  
7:30 P.M.**

---

Chairman Charlie Rolfsen opened the Public Hearing at 7:36 p.m. and welcomed the audience to the Planning Commission's January 4, 2023 Public Hearings.

**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. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler

**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  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

**ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Alaina Hagenseker, Staff**

1. Request of **Heritage Fellowship, per Jeremy Weaver (applicant)** for **Heritage Assembly of God, Inc., per Vernel Perry (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 20.7 acre area located at 7216 US 42, Florence, Kentucky, which is zoned Suburban Residential Two (SR-2) and Office One (O-1). The request is for a Special Sign District to allow a free standing sign having an electronic message board/panel in an Office One (O-1) district.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The request is from Heritage Assembly of God Church to remove two existing free-standing signs and replace them with a monument sign with a full color electronic message board panel. The proposal is to install a 49.96 square foot monument sign of which 24.98 square feet will be a full color electronic message screen. The Special Sign District application is required because electronic message boards are not permitted in an O-1 zoning district. Mrs. Hagenseker showed photographs of the existing signs, the subject site and adjoining properties. The applicant submitted drawings showing the proposed signs and the location of where the new sign will be located. Mrs. Hagenseker referred to Section 3440 of the Zoning Regulations and the purpose of the Special Sign District regulations - special circumstances of an area or specific property. She offered potential conditions of the proposal should the Planning Commission approve it. One condition relates to display intervals of a minimum of 5 seconds. The second condition suggests that no message shall contain more than one still photo and/or 3 lines of text. A third potential condition includes any portion of an alphanumeric message that is not displayed on a still photo, shall use a black background. Finally, the proposed sign shall not be used to advertise off premise businesses.

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

Mr. Jeremy Weaver, applicant, stated that the original sign has been in place since 1975. They are trying to upgrade the premises. It will be used to update school events.

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

Seeing no one, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Harper asked what was the bottom panel on the proposed sign? Mr. Weaver replied that it was the base with their address on it.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 18, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on February 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:42 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. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler

**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, AICP, Senior Planner  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:43 p.m.

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

2. Request of **ECE, Inc, per R. Wayne Erpenbeck (applicant)** for **Tri-Saint Investments, LLC, per Tim Bishel (owner)** for a Zoning Map Amendment from Public Facilities (PF) and Industrial One (I-1) to Urban Residential One (UR-1) for an approximate 18.2 acre area located along the west side of Beaver Road, between Mary Grubbs Highway and Skyway Drive, approximately 800 feet north of Mary Grubbs Highway, having a Parcel Identification Number (PIDN) of 078.00-00-002.00, Walton, Kentucky. The request is for: (1) a zone change to allow 214 multi-family residential dwelling units within sixteen (16) buildings; and (2) a variance reducing a portion of the rear yard buffer yard width from sixty (60) feet (Buffer Yard C) to twenty (20) feet (Buffer Yard B).

Staff Member, Michael Schwartz, referred to his PowerPoint presentation. The site is located on the west side of Beaver Road approximately 800 feet north of Mary Grubbs Highway. The site is "C" shaped and wraps around the National Guard Armory. It has approximately 880 feet of road frontage along Beaver Road. The site is vacant and heavily wooded. It is surrounded by industrial uses to the north, a veterinary business to the south and agricultural land to the west. The eastern portion of the site is currently zoned PF while the western portion is zoned I-1. The proposed zoning is UR-1. Pages 1 and 2 of the Staff Report outlines the applicable regulations to the request. An apartment use is a permitted use in the proposed UR-1 zoning district. The Comprehensive Plan's Future Land Use text identifies multi-family uses generally and an apartment use is a permitted use in the UR-1 zoning district. The topography of the site rises 6% on the northern end to a 9% drop towards the western side. The 2040 Future Land Use Map designates the site as Public/Institutional (P), Industrial and Commercial (C) uses. Beaver Road is a 2 lane arterial road with no sidewalks. Pages 3-6 of the Staff Report contains those sections from the Comprehensive Plan that are pertinent to the request. On Pages 3-4 of the Staff Report, there are references to the area in question. It states that before this area is developed, improvements should be made to Stephenson Mill Road along with the I-75/Mary Grubbs Highway interchange. References to the Boone County Transportation Plan are also made in the Staff Report. It identifies 2 future road projects related to the interchange and Mary Grubbs Highway. Mr. Schwartz showed photographs of the site and adjoining properties.

The submitted Concept Development Plan shows the construction of 214 multi-family dwelling units in 16 buildings. The development is about 11.75 dwelling units per acre. There is a provision for 381 parking spaces and utilities such as water, sanitary sewer and storm sewer. Sidewalks and buffer yards are planned for the project along with 2 curb cuts. The Variance request involves reducing the buffer yard width from 60 feet to 20 feet in the northwest corner of the site. On Page 7 of the Staff Report, there are findings relative to whether the proposal meets the requirements of the zoning regulations. Staff did receive comments on the project from the City of Walton and the Kentucky Transportation Cabinet (KTC). Those comments pertain to the proposed two curb cuts and the proposed interchange improvements. There is a concern by Staff relative to the congestion and safety on Beaver Road and the interchange. Due to the need for improvements,

the proposed development may be premature. Final action for the Zoning Map Amendment will be taken by the City of Walton and the Planning Commission for the Variance.

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

Mr. Wayne Erpenbeck, applicant, stated that he does not think the existing zoning is appropriate because of the property being odd shaped. It is also split zoned with Public Facilities (PF) and Industrial One (I-1) zoning. The topography and creek make the site very difficult to develop. It is more suited for apartments. If it was developed for industrial purposes, it would need more grading and mitigation fees (\$350,000). They would like to leave some of the site wooded (2.5 acres). The interchange is an issue regardless of the type of development that may occur now or in the future. They would be willing to eliminate one of the entrances based on the State's input. They will not build 200 apartments tomorrow. It will be a phased development. They are not apartment developers. They are an investment company. There is a need for affordable housing in this area. It will involve constructing 2-3 buildings per year. The Comprehensive Plan states that we need affordable housing located near where we work. There is industrial area in the area and more planned to the west.

Mr. Tim Bishel, owner of Superior Structures, operates his business out of the old Clarion Building next to the site. He does business with Lowe's and Home Depot. He moved his manufacturing plant from Ohio to Kentucky. He has 17 acres remaining as part of the purchase of the Clarion Building. He felt there was a need for housing for workers. He wants to construct 1-2 bedroom energy efficient apartments. They will use brick and stone and some prefabricated materials. He prefers larger than normal decks and solar panel roofs. Included in such a project would be pickleball and other types of recreational courts. There are no plans for a club house or pool. The project will occur in the next 6-10 years. Traffic will improve over time. What is occurring today is not sustainable. The amount of people in his manufacturing building is far less (50) than when Clarion was operating (300).

Mr. Erpenbeck offered to set limits on phasing due to the current condition of the interchange and planned improvements.

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

Mayor Gabe Brown, City of Walton, submitted a monthly operating report for Walton Wastewater Treatment Plant #1 (see Exhibit 1). Walton is unique to Boone County as it operates its own sanitary sewer system. Currently, they have a design plan to expand the wastewater treatment plant. It is a 3-4 year project when it is sent out to bid. The report shows a normal capacity of 50 – 60%. Walton is slightly higher than the normal range – 70 – 75%. The capacity is about 80 – 85% as one has to factor in large rain events. The plant expansion was designed in 2019 and now the cost is \$4 million. Walton does not have the capacity for 214 apartments even phased out. He didn't necessarily disagree with the proposed use but felt it was premature. The traffic

solution may not occur until to 2028. He is asking that the zone change be denied at this time. It may be a great project 5 years from now for affordable housing. Walton can't sustain this project from a wastewater standpoint.

Mr. Dennis Kelly, 12231 Gaines Way, stated if the proposed residential units are built around the National Guard Armory, it will create problems. There are chances of break-ins. There is enough affordable housing in Florence and Burlington.

Ms. Michelle Kelly, 12231 Gaines Way, stated there are a lot of truck stops in the area and new apartments on the east side of I-75 in Walton.

Seeing no one else, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Hincks stated that one of the primary reasons people move to Walton is the high performing school district. He asked if the developer considered the impact of the development on the school district? The elementary and middle schools are at capacity. Apartment residents will not pay property tax but will have children that may use the schools. It is a major concern as well as the traffic and sewer capacity. The interchange is congested and there were recent fatalities.

Mr. Schwenke stated that even though Clarion closed down, the landfill traffic has grown over time, as well as the industrial park traffic (Dayton Freight). Until the roads get fixed, we shouldn't be adding anything more.

Ms. Gulick expressed a concern about traffic at this location. She asked about the status of the traffic study? Mr. Erpenbeck replied that they are in the process of hiring a consultant to do one. Ms. Gulick noted that the interchange intersection has been flagged as one of the top safety concerns for District #6. No improvements will be made soon – over 5 years away. There are no plans to improve Beaver Road. Mr. Erpenbeck responded that it would be a phased development and he is willing to negotiate it until the situation improves. He compared it with what he did with phasing of Northpointe Subdivision – single family versus multi-family timing. He would agree to phase the project until some time the improvement is approved.

Chairman Rolfsen asked if the National Guard Armory was aware of the proposed project? Mr. Schwartz responded that the Staff received no comments as well as from the Walton-Verona School District. Mr. Erpenbeck stated that generally apartment complexes are not big student generators like single family developments. Mr. Erpenbeck stated that he will have building drawings for the Committee Meeting.

Mrs. Kegley asked the applicant to look at his phasing relative to sanitary sewer capacity. Mr. Erpenbeck explained that the earliest someone would move in would be 2024 if they start the project.

Mr. Schwenke asked the applicant to discuss the project with the National Guard Armory. What are their concerns?

Mr. Costello asked the developer if the proposed residential is a tax credit project and if the units were three bedroom? Mr. Bishel replied no but his manufacturing business received the credits

to move to Kentucky. He used to build custom homes and used to own apartment buildings. The project is not modeled after an existing project in the area. He further stated that he doesn't know if there will be any 3 bedroom units. Mr. Costello recommended that the developer contact the Superintendent about the project as he did not contact the School District or the City of Walton about utilities according to the application form. Mr. Costello mentioned that the School District is building an Intermediate School to accommodate the growth at the elementary school level.

Chairman Rolfsen asked if the applicant would be ready to show building design by the Committee Meeting on January 18, 2023? The applicant responded yes.

Mr. Lunnemann asked what was the expected price point for the project? Mr. Bishel replied that he didn't know at this time – maybe by the time of the Committee Meeting.

Chairman Rolfsen inquired about the sanitary sewer service for the condos being built behind the Kroger store. Does the chart reflect it? Mayor Brown replied there are many outstanding projects that are phased. They are in the pipeline and not part of the report. It could put them in more of a bind if the improvements are not done or delayed. They want to continue to develop but also not put wastewater in the creeks.

Mrs. Kegley asked when is the projected completion date for the plant expansion? Mayor Brown replied they have to go into the bid and bond phase of the project. It would be a minimum of 2.5 years with a maximum of 4 years for completion.

Mrs. Steele expressed the view that the applicant has a lot of things to address and weigh whether it is worth pursuing at this time or wait a while when the infrastructure is available based on the project's impact. Mayor Brown stated that at this time, the project is DOA before the City of Walton.

Mr. Lunnemann asked if the 850,000 GPD represents the current capacity or expected expansion capacity? Mayor Brown replied that it is current capacity. The expected expansion capacity would be over 1,000,000 GPD.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 18, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on February 1, 2023 at 7:00 p.m. in the Fiscal Courtroom.** Chairman Rolfsen closed the Public Hearing at 8.34 p.m.

**APPROVED:**

\_\_\_\_\_  
**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

**Exhibit 1 – City of Walton Water Treatment Plant - Monthly Operating Report**



**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. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler

**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, AICP, Senior Planner  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:35 p.m.

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

3. Request of **Prime Car Wash, LLC, per Adam Jones (applicant)** for **Broadway Circle, LLC, per Mike Hanich (owner)** for a Concept Development Plan/Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) district for an approximate 1.3 acre area located at 7592 and 7600 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan/Change in an Approved Concept Development Plan to allow a car wash.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The project involves the former Swifty gas station and a former car rental site next door. It is located across the street from the Florence Skate Park. The proposal is to construct a 11,250 square foot car wash with 5 bays. One bay is the wash bay and the other four are for detail work. The proposal will have a vacuum area. It will have 17 parking stalls and two 12' wide stacking lanes. The site will only have 1 access point while 2 others that exist will be removed. The applicant is asking for a waiver of the street frontage buffer from 10 feet to 5 feet in width along KY 18. The applicant is also asking to place the fence as close as possible to the parking lot instead of the middle of the buffer area. Mr. Morgan showed building elevations. The building will be made of colored block. The rear of the building has a curtain wall and the 2 sides have awnings. The front elevation needs to be "dressed up". He showed photographs of a similar building built in Indiana. A landscaping plan was submitted for review. Mr. Morgan asked what type of trees will be planted in the front since there is an overhead utility line? The site drains towards the rear yard. Both parcels are zoned C-2/PD. He showed photographs of the subject site and adjoining properties. The Future Land Use Map designates the site for Commercial (C) use. The site is located within Area 1 of the Central Florence Strategic Plan. It recommends low to moderate turnover commercial uses and principally permitted uses. That is why the applicant is following the long-review process due to the fact that car washes are normally conditional uses in a C-2 zoning district. Also, the property next door had a previously approved Concept Development Plan for a car rental business. There are also references about materials and color in the Study on Page 2 of the Staff Report. Dark colors are not recommended.

In terms of Staff Comments, Mr. Morgan asked whether Prime Car Wash has any peak time of traffic generation or stacking information from their other facilities? What is the maximum number of employees that could work from the site at any given time? A sidewalk connection between the building and public sidewalks should be installed to KY 18. What are the days and proposed hours of operation? The submitted building elevation shows that light fixtures are proposed on all 4 sides of the building. Foot candle and glare impacts need to be analyzed. Are any light poles proposed? If so, how tall will they be and how will the fixtures be oriented? The Landscaping Plan needs to be reviewed more closely – the 5 foot waiver and fence. Can portions of the building be flipped as the proposed front of the building is the least aesthetically pleasing side? Can the dumpster in the front be relocated? Can the metal garage door facing KY18 be replaced with glass? What about the roof mechanicals – are they screened from KY 18? What do the exterior vacuums look

like? What is the proposed pad used for? Is a monument sign is proposed? He recommended building mounted signs be limited to 8 feet tall and 32 square feet. All proposed building mounted signs shall be constructed with channel letters. How many building mounted signs are being proposed? Agency letters have been received from the City of Florence, the Florence Fire Department, the Boone County Building Department and the Kentucky Transportation Cabinet (KTC). KTC stated that it would not allow left turning movements out of the site. In addition, an email from Jon Roberts was received and given to each Board member (see Exhibit 1). He expressed a concern about mist affecting his laundry business next door.

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

Mr. Doug Woeste, Kleingers Group, stated that the reduction in the buffer in the front is related to turning radius for larger vehicles. A sidewalk connection to KY 18 will be made. The lighting will meet the zoning code requirements. It won't spill onto the neighbors. They don't want the fence to be in the middle of the buffer because it would be in a drainage swale. They will discuss the type of trees with the utility company. The concrete pad will be for an employee to greet customers. They will meet all signage requirements and they are willing to move the dumpster from the front.

Mr. Adam Jones, owner of Prime Car Wash, stated that the peak time is usually 10:00 a.m. to 4:00 p.m. Usually, they have 12 employees and up to 16 on warm sunny days and after it snows. Most of the help are high school kids who don't drive. Only 5 vehicles are for employees. Winter hours are from 8:00 a.m. to 7:00 p.m. and summer hours are from 8:00 a.m. to 8:00 p.m. They will install glass instead of a metal door. They are happy to work with the Planning Commission on materials for the building as they have 6 buildings with 6 different designs. The roof mechanicals are not visible. There will be about 6 vacuums. They would like 2 building mounted signs and 1 out front. They have the ability to stack 16 cars before they go through the tunnel. No water or mist leaves the building. It is contained.

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

Ms. Kelly Messer, 7 Cardinal Drive, inquired about the noise and what would be done to buffer the noise? Is this the best location for a car wash since there are several in the area? Would one off Turfway Road be a better location? What about water runoff? They already get a lot. The right turn out will only make people come down her street at the light to make a left turn. What about idling cars and pollution in the stacking lane? Chairman Rolfsen responded that any new stormwater generated from the project will have to be retained on site.

Ms. Messer stated that she and her neighbors already have slated fences along the property line. Mr. Morgan noted that the fence has to be a solid wood fence to serve as a noise barrier and to stop headlight glare. He also said that Mr. Hunt was unsure whether the current design of the applicant's stormwater system meets the City of Florence stormwater requirements. Mr. Messer

did not oppose moving the fence closer to the building rather than having it in the middle of the swale.

Ms. Vicki Fathman, 5 Cardinal Drive, stated that the existing detention pond does not work. It is her biggest problem especially with no one taking care of it now. Chairman Rolfsen explained that the developer would have to fix the problem as part of the construction.

Mr. Woeste replied that they are not using the existing pond but installing an underground detention system approved by the City of Florence.

Chairman Rolfsen asked if the applicant was okay with only a right turn out of the site? Mr. Woeste responded that he is not happy as there may be some unintended consequences with that limitation.

Mr. Lunnemann asked about the vacuum noise – what is the impact on the neighbors? Mr. Jones replied virtually none because they are a Dyson brand and one will not notice it due to the noise from KY 18 and the Airport. The vacuums are courtesy for people who have their car washed and not detailed. They are hardly used. The detailers have their own vacuums inside the building.

Mrs. Clark asked how are they the “Gold Star” of car washes? Mr. Jones replied due to taking only 20 minutes and the use of technology.

Ms. Gulick asked if the applicant had any data regarding the stacking of vehicles? If so, how will it be accessed? Mr. Jones responded that they maintain all of their properties. The coffee is offered to their customers only. It is a Starbucks coffee machine. They are not a coffee shop.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 18, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on February 1, 2023 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 9:10 p.m.**

**APPROVED:**

---

**Charlie Rolfsen**  
**Chairman**

**Attest:**

---

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

**Exhibit 1 – Email from Jon Roberts**