

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
MARCH 1, 2023  
7:30 P.M.**

---

Chairman Charlie Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's March 1, 2023 Public Hearings.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Kathy Clark  
Mr. David Hincks  
Mr. Bob Schwenke  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

None

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the first item on the Agenda.

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff**

1. Request of **Terrace Townhomes, LLC, per Brad Trauth (applicant)** for **Terrace Development Co., LLC, per Phil Drees (owner)** for a Change of Concept Development Plan for an approximate 0.5 acre area located at 2011 Terrace Court, Florence, Kentucky, which is zoned Union Commercial/Planned Development

(UC/PD). The request is to allow the development of six (6) attached single-family residential units.

***This Public Hearing is postponed and will be rescheduled.***

Chairman Rolfsen introduced the second item on the Agenda.

**ZONING MAP AMENDMENT, MICHAEL SCHWARTZ, STAFF**

2. Request of **Banklick Real Estate Holder, per Karen Schwarz (applicant/owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Suburban Residential Two (SR-2) for an approximate 0.48 acre area located at 7309 Dixie Highway, Florence, Kentucky. The request is for a zone change to allow the existing building to be used as a single-family home for rental.

Staff Member, Michael Schwarz, referred to his PowerPoint presentation (See Staff Report). The request is to use an existing office building as a residence. It is located on the east side of Dixie Highway next to St. Paul's Church and School. The site has a two-story building with a detached garage. It also shares a 21 space parking lot. Mr. Schwarz showed aerial photographs of the subject property and adjoining properties. The site is currently zoned C-2. It doesn't permit single family residential uses. He described the surround zoning. The 2040 Future Land Use Map designates the site as Commercial (C) and Suburban Density Residential (SD) Uses. References to the applicable regulations and the Comprehensive Plan are noted in the Staff Report. The prior use of the property was the former Morris & Bressler CPA business. Adjoining properties showed residential uses. There are no planned changes to the property other than it being a residential use. It will be a single-family rental property.

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

Ms. Karen Schwarz, applicant, stated that the description by Staff is accurate. A garage door will be added to the building. Chairman Rolfsen asked if the backyard would be fenced? Ms. Schwarz replied that if it is required, they would install a fence.

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

Ms. Joanne Nesmith, Principal at St. Paul's, expressed a concern about the safety of her students. Can a sex offender possibly rent the house? How does she monitor the restrictions of where sex offenders live?

Mr. Szurlinski responded that a sex offender must register himself or herself and be monitored by the State Probation and Parole Office. There are a lot of restrictions. The Boone County Sheriff's Office also monitors where sex offenders live. Cooperation with the land owner is always a good

thing. The Kentucky State Police website lists where sex offenders live. The State Probation and Parole Office has to approve the location before a sex offender moves into a residence.

Mr. Costello noted that the rules apply to all residences in the area located close to the school.

Ms. Nesmith stated that she did not care whether the backyard was fenced or not. Her students won't play in that area.

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 March 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 5, 2023 at 7:00 p.m. in the Fiscal Courtroom.** Chairman Rolfsen closed the Public Hearing at 8:40 p.m.

**APPROVED:**

---

**Charlie Rolfsen**  
**Chairman**

**Attest:**

---

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Pamela Goetting  
Ms. Corrin Gulick, Vice Chairwoman  
Mr. Steve Harper, Temporary Presiding Officer  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Eric Richardson  
Mr. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Kathy Clark  
Mr. David Hincks  
Mr. Bob Schwenke  
Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

None

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the third item on the Agenda at 7:41 p.m.

**CHANGE OF CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

3. Request of **WCG Holdings, LLC, per Justin Cooper (applicant) for Eric Deters (owner)** for a Change of Concept Development Plan for an approximate 13 acre area located at 159 Walton Nicholson Road, Boone County, Kentucky, which is zoned Industrial One (I-1). The request is to allow the development of a 60,000 square foot online shipping and fulfillment services building with access onto Walton Nicholson Road.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report). The site contains approximately 13 acres. It is located on the south side of Walton-Nicholson Road, 300 feet east of Mullen Drive and 1,100 feet west of Aosta Valley Drive. The site has approximately 445 feet of road frontage along Walton-Nicholson Road and was part of a Zoning Map Amendment request in 2021 that was approved by the Boone County Fiscal Court. It is currently zoned I-1. The site is currently vacant and has a 1.1 acre pond and a 50 foot wide electric transmission easement. The proposed use is an online shipping and fulfillment services building. Mr. Schwartz described the current uses allowed in an I-1 zoning district and surrounding properties. Pages 1 and 2 of the Staff Report outline the applicable regulations to the request. Mr. Schwartz noted the topography of the site. The 2040 Future Land Use Map identifies the site for Industrial (I) uses. Pages 3-5 of the Staff Report includes references to the Comprehensive Plan. The pavement width of Walton-Nicholson Road is 22 feet. Mr. Schwartz reviewed photographs of the site and adjoining properties. He showed the approved Concept Development Plan which included a 7,200 square foot landscaping business building. The proposed building is a 60,000 square foot warehouse fulfillment center. There is a provision for 39 off-street parking spaces and 2 docks. A landscape plan has been submitted showing Buffer Yard A on the north, south and west sides and Buffer Yard D on the east side. Comments have been received from the Kentucky Transportation Cabinet (KTC) indicating that a Traffic Impact Study would be required and that the proposed curb cut would have to be moved further to the east of Mullen Drive. Staff Comments are identified on Page 6 of the Staff Report. Mr. Schwartz noted that an encroachment permit application was never submitted for the previously approved landscaping business use.

In response to Mr. Costello, Mr. Schwartz explained that the property will not be annexed into the City of Walton. The applicant is proposing a septic tank system.

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

Mr. Steve Berling, Engineer, stated that his client needs to relocate his business since he is renting space at 2 different locations. Mr. Deters no longer owns the property. He did own it at the time of application submission. The sanitary sewer would be down in a hole. The existing sewer is up above. Mr. Costello asked if the applicant currently had sewer or not? Mr. Justin Cooper replied yes. Mr. Berling stated that the business will have a few toilets and a few sinks. The business doesn't need a great deal of water. Public sanitary sewer is not a necessity. The proposed building is in the same location of the originally approved building. The east side of the site is heavily landscaped – 85 foot buffer yard. The building will sit below the road. The lake will be reduced in size a bit. He will apply for an encroachment permit. The proposed building will be 28 feet tall and he will bring drawings of the building to the Zone Change Committee meeting.

Mr. Justin Cooper, applicant and owner, stated that his company is an on-line fulfillment center. His company brings certain brands to the market and to Amazon. They are organic and natural products, some local and pet/human based products. Currently, they are located off Mineola Pike and in Burlington. Covid was a game changer for them. They also sell beauty products and baby

items. Truck traffic will be minimal – one carrier in and out each day. They don't ship unless the truck is full.

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

Mr. Paul Washburn stated that he owns the 23 acres behind the site. He will build his home on the 23 acres. He doesn't have a problem with the project.

Ms. Stephanie Townsend, 217 Walton-Nicholson Road, stated that she lives directly next to the property. She expressed several concerns especially traffic. There are accidents reported and unreported. It seems that the curb cut should be as close as possible to Mullen Drive. Will she see the backside of the building? Chairman Rolfsen asked the applicant to provide sight views of the building for the neighbor. Mr. Berling stated that the building will sit below Ms. Townsend's property line. The neighbor will only see the roof of the building based on the elevation but may not see it at all with the 85 foot wide landscape buffer. Mr. Berling explained that the real solution is to grade the property across the street for a distance of about 50 feet. The Traffic Impact Study will address the sight distance issue. The majority of their traffic leaves the proposed business site at 3:30 p.m.

Mr. Clint Green, 12762 Percival Road, stated that he would like to see the entrance located closer to Mullen Drive. Perhaps they could access to Mullen Drive? The sun is a problem when traveling west on Walton-Verona Road late in the afternoon.

Ms. Stephanie Hollingsworth, 137 Zinfandel Lane, noted that she is trying to get a guardrail installed on Walton-Nicholson Road. What about the lighting on the property? What about landscaping towards the back of the site? Mr. Berling replied that he would extend it when they submit their Site Plan. Ms. Hollingsworth asked about the business growth in the future? Will there be more trucks in 3-5 years?

Ms. Julia Ramus, 182 Zinfandel Lane, noted there are 82 children on her street and there is a lot of traffic in her neighborhood. She didn't understand why the developer won't go into the City of Walton and pay taxes for their city services?

Ms. Ashley Cooper, wife of the business owner, stated that the business is a small family business. They don't have that many employees and they have been with the business for a long time. Maybe they will find a home in Walton?

Mr. Hank Darnell, 317 Pinot Court, expressed a concern about access to Mr. Washburn's property. Mr. Schwartz responded that access would be from Malbec Lane or through the subdivision. What about overnight operations and lighting? The warehouse on Hoop Drive is well lit. It looks like Area 51.

Mr. Dan Martin, City of Walton Council, asked how many employees? He explained that the 7,200 square foot building for I-1 was okay in 2021. Would the Board feel the same with a 60,000 square foot building on a former agricultural site? Did Mr. Deters ever intend to do the agricultural business? Did he just do it to get a higher property value? How much of the lake is being lost? Will there be a larger retaining wall for the change in elevation?

Ms. Cooper inquired about the number of trucks with mulch coming in and out per day? Mr. Costello explained that the prior approval was not retail oriented. It was a landscaping business not open to the public. Ms. Cooper thought that the proposed use was more controlled for traffic purposes. Mr. Berling responded that he will put the curb cut at the safest location. The lighting will come off the building and it will sit low. There won't be light poles. The proposed landscaping business did not take off with the Deters family. That is why they sold the property. Mr. Berling stated that he doesn't like to build retaining walls. It will be a cut slope. The existing power line impacts the location of the building. Some of the lake will be taken for fill work. The lake will still be about an acre in size

Mr. Cooper stated that they want to consolidate their business and not grow it any further. They move a lot of freight but within one truck. They can grow their business but not by adding trucks. Currently, they have 11 employees. Ultimately, they may grow to 12-15 employees. That is their business model.

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

Ms. Gulick asked if the truck operations or loading/unloading area is in the back of the building? Can the dock operation be on the opposite side of the residences or the west side? Mr. Berling replied that it is a very low area and it would require more fill material to raise the site. The present location of the loading docks just has a little bit of fill. It will have up to 3 docks. All cuts are to the east and fills are to the west. It is a big hole. Ms. Gulick asked how can the development be controlled in terms of growth? She inquired why the applicant needs 3 docks if they only have one truck a day? Mr. Cooper replied that some trucks are dropped and staged.

Mr. Lunnemann asked about outdoor storage? Mr. Cooper replied there won't be outside storage. Mr. Lunnemann asked whether the original application involved reviewing the list of I-1 uses? Mr. Schwartz responded that there were some strike outs but it was really tied to the approved Concept Development Plan – landscape contractor. It could be tied to an online fulfillment business.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 15, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on April 5, 2023 at 7:00 p.m. in the Fiscal Courtroom.** Chairman Rolfsen closed the Public Hearing at 8:33 p.m.

**APPROVED:**

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

**Attest:**

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