

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
MAY 3, 2023  
7:30 P.M.**

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Chairman Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's May 3, 2023 Public Hearings.

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Jackie Steele, Secretary/Treasurer

**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

Chairman Rolfsen introduced the first item on the Agenda.

**ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Michael Schwartz, Staff**

1. Request of **CT Realty, per Cole Moody (applicant)** for **Skas Properties LLC (owner)** for: (1) a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for an approximate 0.83 acre area located at 5390 Limaburg Road, Boone County, Kentucky; and (2) a Conditional Use Permit to allow a truck stop

on an approximate 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky. The request is for the development of a Clean Energy Truck Hub to provide fueling and parking for a compressed natural gas truck fleet on an overall 17.1 acre area located at 5390 Limaburg Road, Boone County, Kentucky.

Staff Member, Michael Schwartz, referred to his PowerPoint presentation (See Staff Report). The request involves rezoning a 0.83 acre area from Rural Suburban (RS) to Industrial One (I-1) at 5390 Limaburg Road. The request also includes a Conditional Use Permit application to allow a truck stop as defined in the zoning regulations. The zone change site is part of a larger 17.1 acre development. The site history is found on Page 1 of the Staff Report. The site has 150 feet of road frontage along Limaburg Road. The area already zoned I-1 is occupied by a golf driving range. The subject area is occupied by a driveway leading to the only curb cut along Limaburg Road. A tree line exists along the north, south and east property lines. Mr. Schwartz described the surrounding land uses, which includes single-family homes and industrial development in the area. Pages 1-3 of the Staff Report includes the pertinent sections of the zoning code that pertains to the request. The proposed use is classified as a truck stop since it calls for dispensing fuel for trucks. The topography of the site slopes west to east at a 2% grade. The Future Land Use Map designates the site for Recreation (R) and Suburban Density Residential (SD) uses. Pages 4-6 of the Staff Report includes portions of the Comprehensive Plan. Limaburg Road is a County maintained road and contains no sidewalks. It is located in the 55 DNL Noise Contour. He showed photographs of the site and adjoining properties.

Mr. Schwartz reviewed the submitted Concept Development Plan. It includes 4 fast fill natural gas fuel dispensers for Clean Energy customers, 92 fast fill natural gas fuel dispensers for box trucks for Clean Energy customers, 264 "time fill" natural gas fuel dispensers for truck cabs for Clean Energy customers, 280 passenger vehicle parking spaces, 3 office buildings each having 1,440 square feet of space, a 4,800 square foot vehicle service building, perimeter landscaping, security fencing, stormwater detention and use of the existing curb cut on Limaburg Road. Mr. Schwartz commented that people will drive their personal vehicles, park their car, get in a box truck or truck cab, pick up a trailer or make deliveries and return to the same location for refueling. Staff has reviewed the Concept Development Plan and notes that it has substantially met the requirements of the Zoning Regulations. The applicant has provided trip generation figures that show the facility generates 60 trips during the AM peak hour and approximately 75 trips during the PM peak hour. The applicant has provided a Project Description and Justification Statement. All areas adjacent to the 17.1 acre property that are zoned I-1 and are planned for industrial uses in the future. The Recreation Future Land Use classification for the site largely reflects the use of the property today. The Hebron Fire District and the Boone County Building Department had no comments on the request. The Boone County Public Works Department replied and requested a Traffic Impact Study to be submitted at the Site Plan stage as road improvements may be necessary. Pages 7 & 8 of the Staff Report list a series of questions and Staff concerns. The applicant has submitted a reply to these items as part of the Staff Report. Mr. Schwartz showed some drawings of what the facility will look like if approved. There are 2 parts to the request. The

first is a small Zoning Map Amendment request out front. The recommendation on this request will be forwarded to the Fiscal Court for final action. The second request is for a Conditional Use Permit for the truck stop that is only approved by the Planning Commission.

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

Ms. Anne McBride, representing CT Realty, stated that it is a really unique zoning request and use for the subject property. About 4.6% of the site is zoned RS. A vast majority of the site is zoned I-1. The access to the site is zoned RS. One can't go through the RS Zoning to get to the I-1 zoned portion. It has to be zoned the same to have the use in question. The property is zoning landlocked, as it can't be developed completely unless all of it is zoned I-1. The Future Land Use Map for the site reflects the existing zoning at the time. There have been major changes in the area as lifestyles have changed. More people are working from home as a result of Covid. There is a lot of empty office space and e-commerce has changed the retail sector. More distribution centers have been built for storage and delivery business. All of that could not have been anticipated with the current Comprehensive Plan. The 0.83 site can only be used for residential purposes given the current RS zoning. A Conditional Use Permit application is being pursued for a truck stop but it is not one in a truest sense. The facility is not open to the public but involves the private clients that it serves. It does not have diesel fuel, a restaurant, showers, truck washing, or a lounge. It serves truck cabs only and box trucks. There are no trailers. The fuel is renewable compressed natural gas. Ms. McBride described the filling process for vehicles. There are many benefits of this use for the environment. One of their clients wants to meet their carbon neutral goal by 2040. The use is not as noisy as diesel trucks. There is no idling. Ms. McBride distributed a handout to the Board members showing the site and surrounding properties. It shows the neighboring industrial uses already in place. The proposed use is less objectionable. The site is about 1,200 feet from the Airport. The I-1 zoning already in place allows distribution related uses. She indicated that they would comply with all of the requirements of the Boone County Zoning Regulations. It includes trash dumpsters and landscaping to screen the use from the existing residences. Parking will be provided on paved surfaces. A monument sign is being proposed and will meet all of the requirements along with lighting. In regard to the Conditional Use Permit, the use is harmonious with the Comprehensive Plan. The access is the only thing seen from the road due to screening and setback. It is compatible to other uses in the area and it isn't hazardous to the area. There are adequate public facilities in the area. It is a less intense use versus other uses that are permitted in the I-1 district.

Mr. Ralph Anderson, CT Realty, described his company as an industrial developer. They are in all markets nationwide. Their client is Clean Energy Fuels. He has 7 projects underway of 24 that will eventually be constructed. Eight of the projects have been constructed of which 3 are his projects. For every one compressed natural gas truck, one diesel truck will leave the road. The trucks have been purchased and when put into service, a diesel truck will be eliminated by their client. It really is a carbon negative initiative as it captures the gas and returns it to the grid when put into the truck. The operations are local operators or drivers that may own a franchise. It is not

a shifting type of operation. Trucks operate when they are needed. A peak time may be a 3 hour shift.

Mr. Chuck Nelson, Clean Energy Fuels, stated that the goal of the program is to reduce the carbon footprint. The company captures manure and greenhouse gases, cleans it and puts it back into the pipeline to put in vehicles. One diesel truck idling is noisier than 10 Clean Energy gas trucks. Waste haulers usually run their vehicles on natural gas. It is quieter. The natural gas trucks don't idle. There will be other fleets of vehicles that will use the facility but it is not open to the general public. It is for local drivers.

Chairman Rolfsen asked if anyone wanted to speak in favor or against the request?

Mr. Travis Miller, OKI Regional Council of Governments, stated that he is not in favor or against the zoning request but rather supports the use of compressed natural gas. OKI's Metropolitan Transportation Plan supports the use of alternative fuels. It will improve air quality in the region. The I-75 corridor from the State line to Walton is an alternative fuel corridor. It was done to promote compressed natural gas, particularly for freight users. It is also recommended in OKI's Regional Strategic Plan.

Mr. Lee Crume, B-NKY, stated that his organization supports the project as it adds to the region's effort to encourage low carbon emissions and renewable energy. Trucks are part of our community and this project minimizes the impact using compressed natural gas. It is less pollution and noise.

Ms. Tammy McDaniel, 1805 Lakeland Park Drive, stated that she supports a clean environment. She wonders what it is like living next door to the facility? All day long, there are cars driving down Lakeland Park Drive due to the industrial in the area. There is trash and needles. The road is not big enough for this project. Limaburg Road is not big enough for a truck stop. There are sometimes backups on Limaburg Road. More development is coming. She is concerned about lighting and property values. Her house was impacted by the Amazon blasting. She assumes that Mr. Anderson and Mr. Nelson don't live by these types of facilities. Imagine what it would be like to live next to it. They have to live with it constantly. She likes having the driving range next to her.

Mr. Art Crawford, 5320 Limaburg Road, stated that he agreed with Ms. McDaniel as he moved to the area 3 years ago and occasionally he has a golf ball in his yard. He expressed a concern about the project's impact.

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

Mr. Hincks inquired about the safety of filling a truck with compressed gas versus diesel fuel? Mr. Nelson replied that natural gas has significant safety standards. This includes pressure monitoring and emergency shutdowns. A diesel leak occurs on the ground and is flammable. Natural gas is

lighter than air and goes up. It vents into the air. Natural gas has to be the perfect mixture of methane and oxygen to have any type of ignition. Clean Energy has many stations across the United States and follows all the national standards. Natural gas has an odor and is the same type of gas for water heaters and stoves. They don't store the gas on-site as it is only in the pipeline to be put into vehicles. There are controls and sensors in place for safety purposes. Mr. Hincks asked how the proposal is not like a truck stop? Ms. McBride replied that a truck stop like Flying J is open to the public. Truck stops use diesel fuel. The proposed facility doesn't sell food or tires or have showers or truck washes. It doesn't have trailers and drivers don't sleep on-site. It has more security because it is private and not open to the public. Mr. Nelson noted that the gas would originate from a gas line already in existence on Limaburg Road.

Chairman Rolfsen asked what happens if there is a gas leak? Mr. Nelson responded that it is monitored by controls from gas detection systems. They also monitor the pressures in the system. The site is monitored 24/7 by a command center. It is designed with an emergency shut down fault system. They would dispatch the local fire department and personnel from their company.

Chairman Rolfsen asked about the lighting? Mr. Nelson replied that there will be lighting in the parking area for safety and security purposes. They usually follow the local requirements. Lighting will be diverted down and inward. He showed that the lighting will be directed from the canopy to the compound area. There will be berms along the drive areas and additional landscaping around the perimeters to better buffer the use from the residential. They are trying to be a good neighbor.

Chairman Rolfsen asked who is the company that will be using the facility? Mr. Nelson replied that it could be CCX, Amazon or FedEx. The company owns the trucks and hires local companies/drivers to use them.

Ms. Gulick expressed a concern about traffic. Is the Traffic Impact Study completed yet since the County Engineer required it? Mr. Anderson responded that it is in process. She felt there are safety concerns about Limaburg Road. What type of improvements to Limaburg Road is the developer offering?

Mr. Nelson replied that any improvements would be based on the recommendations outlined in the Traffic Impact Study. It could include road widening or safety signage. Mr. Anderson noted the box trucks have less of an impact than tractor trailers.

Chairman Rolfsen inquired about the directions of the traffic to and from the facility. It may affect improvements on the road from both directions or in one direction dependent on who uses the facility like Amazon. It is not a signalized intersection.

Ms. Gulick mentioned that it is difficult to control it if there are third party companies using the facility. Mr. Anderson replied that enforcement will occur regardless of who is using the facility. He also explained that at other facilities they have made the necessary road improvements.

Mr. Wilson mentioned that the applicant noted that the facility will be unmanned. How will it be enforced? Mr. Anderson replied it would be law enforcement or code enforcement. Chairman Rolfsen asked who is enforcing the fact that someone may sleep overnight at the facility even though it may not be a truck stop? Mr. Nelson replied that they have security cameras and 24/7 monitoring. Anything done on private property would be under their enforcement whereas on the public road would be the County.

Mr. Lunnemann asked the applicant to address the completion of the Traffic Impact Study, lighting and landscaping. It is essential to know what needs to be done to the road before the Planning Commission acts. Again, what direction will the vehicles come from and leave the site?

Mr. Costello asked if the proposed facility would be better suited to be located on Airport property next to the proposed user(s)? Mr. Nelson replied that their facilities are typically not located next to warehouse hubs or sorting facilities. It is typically day routes and not long haul routes.

Chairman Rolfsen inquired on the location of a similar facility? Mr. Anderson replied it is located in the Columbus market or in Groveport.

Mr. Schwenke commented that it could be one client today but change in the future to 5 or 6 with different traffic patterns. Mr. Costello explained one could limit the use to what is there today and not allow trailers to avoid the heavy traffic and congestion. One could also cap the number of parking spaces.

Ms. McBride stated that the vast majority of the site is already zoned I-1 so it could be a vast distribution facility with trucks and trailers all night. There are other uses than can occur by right as long as they meet the Site Plan Review requirements.

Mrs. Clark asked if the facility was unmanned, had no employees, with a security fence and cameras, and if something happens, would they depend on local law enforcement?

Mr. Anderson replied that they would rely on local law enforcement. On-premise problems would be monitored by Clean Energy electronically via video and by local on-site service folks. The Command Center is in Denver and Newport Beach, California. The drivers also have safety officers and have to follow rules. The individual driver is trained to fill up their own vehicle.

Mr. Szurlinski asked what was the purpose of the buildings on the north side? Mr. Nelson responded the building is used for small meetings with staff and drivers. It could involve the dispatcher or safety officer. There is no public access to the building. The other building is used for light maintenance/service – headlights, wiper blades, fluids, etc. Maintenance workers are usually on-site each day. A truck won't start unless the hose is disconnected from the vehicle. It is not manned like a gas station.

Ms. McDaniel expressed a concern about vapors in the air. Will it be a problem if she has a backyard fire or has fireworks? Where will the private cars be located on the site as it affects lighting the site? What will be the impact on her property?

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 17, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 7, 2023 at 7:00 p.m. in the Fiscal Courtroom. Secretary/Treasurer Steele closed the Public Hearing at 8:48 p.m.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

Exhibit A – Email from Rob Franxman  
Exhibit B – Surrounding Industrial Properties

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Jackie Steele, Secretary/Treasurer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the second item on the Agenda at 8:49 p.m.

**ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff**

2. Request of **The Point/Arc of Northern Kentucky (applicant)** for **G. Sharpco Inc. (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Office Two (O-2) to Suburban Residential Two (SR-2) for an approximate 2.37 acre area located at 6125 First Financial Drive, Boone County, Kentucky. The request is for a zone change/change of concept development plan to allow the development of a detached single-family residential dwelling for a residential care facility for handicapped persons.

Staff Member, Todd Morgan, referred to his PowerPoint presentation (See Staff Report). The site is located at 6125 First Financial Drive and is 2.34 acres in size. The request is to rezone the site from Office Two (O-2) to Suburban Residential Two (SR-2) to allow a detached single-family residential care facility for handicapped persons. The Concept Development Plan shows a 6,064 square foot house with 6 bedrooms, as well as a guest room, 3.5 bathrooms, dining room, living room, den, office, kitchen, laundry and a two car garage. All bedrooms will have one bed. Mr. Morgan showed an elevation of the proposed home. It will include brick and stone construction. It would also have two porches. In 2007, a Change in Concept Plan was approved for a 15,000 square foot office building and a day care facility. The site drops back towards the rear lot line. Mr. Morgan showed photographs of the site. The Future Land Use Map designates the site for Commercial (C) use. It was based on the 2007 Concept Development Plan approval. The definition of a Residential Care Facility is defined on Page 2 of the Staff Report. This use is allowed by right if the property is already zoned residential. That is why the applicant is requesting a residential zoning district. On Pages 4 and 5 of the Staff Report, there are additional references to the Comprehensive Plan. In terms of Staff Comments, Mr. Morgan asked the applicant to address the following: Will the bedrooms only contain one bed? Second, how many employees care for the residents? How many employees work on the largest shift? Are there any company vehicles kept on site? Do any of the residents drive? Who certifies the residents have a disability? Would any accessory structures or amenities be located in the rear yard? What will the building materials be? Will street trees be installed along First Financial Drive? What is the basis for the zone change? If the zone change is approved, street trees are normally required but no additional landscaping. The Burlington Fire Department submitted a letter regarding the request and responded with not having any issues with the proposed project.

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

Mr. Brian Dunham, attorney, stated that the property owner is willing to donate the property to The Point/Arc of NKY. He addressed the questions mentioned in the Staff Report. The maximum number of residents will be 6. There could occasionally be another overnight family visitor. There will be 8-10 employees at the proposed facility. There will be 2-3 people on a typical staff shift. It could drop down to one staff person for the overnight shift. There will be one agency vehicle on the property, a passenger van. None of the residents drive. Residents are referred by other case agencies. Residents have to be medically stable. The agency is Medicaid certified by the Commonwealth of Kentucky. All residents have to be qualified under the Kentucky Support for Community Living Waiver. It requires clients to be intellectually disabled – a cognitive impairment of an IQ below 70 and requires support for their functioning. They have no affiliation with addiction recovery or criminal court. None of their clients are recovering addicts. A residential care facility is a lot different than a transitional care facility. There are no plans currently for accessory structures or amenities. Building materials will include brick, stone, fiber cement and asphalt shingles.

Ms. Judy Gerding, President of the Point, stated that they have 18 group homes – 3 in Campbell County, 6 in Boone County and 9 in Kenton County. Their mission is to help individuals with developmental disabilities reach their highest potential educationally, residentially, socially and vocationally. Their group homes are located in subdivisions – on Meadowview, Richmond Drive, Oakbrook, Collier Drive and Preservation Drive. All the homes have 3-6 people. The proposed building will be their 19th home. The home will cost \$1.5 million and it will serve some of their aging clients. They currently have 60 residents in their 18 homes. Ms. Gerding distributed a picture of their homes.

Mr. Dunham pointed out the existing buildings in area. It includes office buildings and residences. The Cadell family and Hemmer folks are fully supportive of the request. He is proposing to move the existing SR-2 zoning line to their property. The proposal is more of a natural buffer from the office and retail uses. The building is a single story building similar in size to the Hemmer building. The proposed building is not their typical group home. It will accommodate their older clients. It wouldn't really fit in a traditional subdivision. He understood the Future Land Use Map designates the site as Commercial but it is understood that the boundaries are approximate and subject to refinement. Holistically, it is in agreement with the Comprehensive Plan. It allows for the mixture of land uses of residential and commercial. It provides appropriate housing opportunities and addresses the needs of disabled adults and the aging population. On page 120 of the Comprehensive Plan, it identifies the need to protect the residences in Kingsgate Subdivision and the proposed use does that because it is a residential use. It is less impactful to the subdivision. It is in agreement with the Comprehensive Plan. There has been a change since the adoption of the Comprehensive Plan. Covid has resulted in less of a need for suburban office spaces as people are working from home. The current office zoning is inappropriate and the proposed residential zoning is more appropriate to the adjoining neighborhoods.

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

Ms. Ann Lightner, 2865 Anson Lane, Petersburg, stated she likes the fact that The Point are local people. She was hoping that they could fit more people in their bedrooms because people like roommates. It is a wonderful thing that the land is to be donated. It is a good project for the community.

Ms. Mary Beth Scott, 6036 Kingsgate Drive, stated that she is in favor of the project. It is good people helping good people. She was a former Special Education teacher and it is good for the community. People can live on their own with minimal help.

Ms. Deborah Collins, 6042 Kingsgate Drive, stated that she was for it. Ms. Scott then spoke to Ms. Collins. Her son is autistic and is living with her. It is a positive move so when she and her husband cannot take care of their son, perhaps there is an option to move to this type of facility around the corner from their house. He is presently on a list to move into a facility for the past 17 years.

Ms. Gerding replied there are many rules that limit the number of people in each room. They also assist families in securing funding for relocating clients to their facilities.

Chairman Rolfsen asked if any Commissioner had any questions or comments for the applicant. He asked about accepting autistic clients? Ms. Gerding replied that there are other funding programs that fund autistic clients to stay in their homes. They have all levels of care in their group homes. Their homes are ranch style to avoid steps and are handicapped accessible.

Chairman Rolfsen asked if the facility has at least 1 staff person present all day? Ms. Terri Angel responded that the plan is to have an RN and a LPN dedicated to the proposed home. It is licensed for 6 people. It will require 24 hour staffing. They have to care for the needs of their clients. They have alarms to prevent people from leaving the building although the building is staffed every day.

**Seeing no further questions or comments, Chairman Rolfsen announced that Committee Meeting for this item will be on May 17, 2023 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on June 7, 2023 at 7:00 p.m. in the Fiscal Courtroom.** Chairman Rolfsen closed the Public Hearing at 9:31 p.m.

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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

Exhibit C – Photo of The Point homes