

APPLICATION FORM

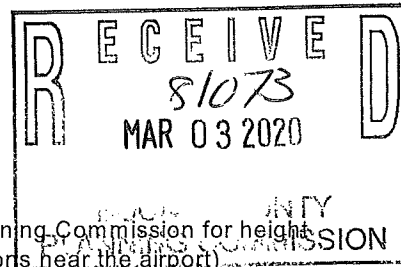
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project PLEASANT VALLEY STORAGE
2. Location of Project 8495 PLEASANT VALLEY ROAD FLORENCE KY
3. Total Acreage of Site 2.72
4. Current Zoning of Site C-1
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) MINI WAREHOUSES
7. Names of Applicant(s) LEE RICKEY
8. Address of Applicant(s) 189 WEBER LANE FLORENCE KY 41042
9. Name of Property Owner(s) CATHERINE MICHELS
10. Address of Property Owner(s) 1547 YOUELL ROAD HEBRON KY 41048
11. Proposed Building Intensities (please specify) 4 BUILDINGS TOTAL OF 15,350 SF
12. Are there any existing buildings on the site? NO
13. Deed Book 10060 Page No. 231 Group No. 2038 B
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



- Boone County Building Department
Northern Kentucky Health District
USDA NRCS/Boone County Conservation District
KY Division of Water
Local School District
Local Fire District
Other:

# EXHIBIT

“A”

## STAFF REPORT

Request of Lee Rickey (applicant) for Paul F. Michels Trust c/o Catherine Michels (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3), and two dimensional variances, for a 2.752 acre tract located on the northwest corner of the Pleasant Valley Road/Haines Drive intersection, and across Pleasant Valley Road from the intersection with Lendale Drive (8495 Pleasant Valley Road), Boone County, Kentucky. The request is for a zone change to allow mini-warehouses and variances for the front yard building setback and fence height in the front yard area.

June 3, 2020

### PROPOSAL

This application is for a zone change from C-1 to C-3 for a 2.752 acre tract located on the west side of Pleasant Valley Road, across from the intersection with Lendale Drive, in unincorporated Boone County (former Michels asphalt plant site). The site is currently vacant. Per a revised Concept Development Plan that was submitted on 5/29/20 (dated 5/28/20), the proposal is for three mini-warehouse buildings. No outside storage or commercial parking of recreational vehicles or other vehicles is proposed.

The application includes two variances. The first variance is from Table 31.1 to allow buildings #1 and #2 to encroach into the 50 foot front yard setback. The proposed front yard setback is 45.1 feet for building #1 (4.9' encroachment) and 40.5 feet for building #2 (9.5' encroachment). The second variance is from Section 3655 "Fences" of the Boone County Zoning Regulations to allow a fence in the front yard area that exceeds the 4 foot maximum permitted height (6' high fence is proposed). Per a scaled dimension from the revised Concept Development Plan that was submitted on 5/29/20, the fence is now proposed to be slightly outside of the front yard as defined by Article 40 of the zoning regulations.

The Concept Development Plan shows the following three buildings:

Building 1:	2,040 square feet (5 units)
Building 2:	6,300 square feet (10 units)
Building 3:	5,460 square feet (10 units)
TOTAL:	13,800 square feet (25 units)

A photo of the proposed building prototype is on sheet 2 of the Concept Development Plan. This photo shows a pitched roof structure with corrugated metal siding, metal roofing, high overhead doors, and a water table that is created by using a contrasting color. The plan notes that the roof pitch for buildings #1 and #2 which face Pleasant Valley Road is 6:12

and building #3 at the rear of the site is proposed have a "single slope roof."

A paved area is proposed between the three buildings and along the Pleasant Valley Road frontage between buildings #1 and #2. The plan notes that the paved area is 18,050 square feet (approximately 0.41 acres). Two standard parking spaces are proposed on the north side of building #3. A 6 foot high, black aluminum picket fence with a sliding gate is proposed to enclose the main paved area of the site (fence detail is on sheet 2 of the Concept Development Plan). A detention basin is proposed in the north part of the site. An existing driveway apron on Pleasant Valley Road is proposed for access. The project is not planned to use public water or sanitary sewer.

The plan notes that landscaping from Buffer Yard B (20' minimum width) is proposed along the street frontage, Buffer Yard A (10' minimum width) is proposed along the south boundary, and Buffer Yard C (30' or 60' minimum width options) is proposed along the west boundary. The plan shows that existing vegetation is proposed to be retained along the south boundary, the west boundary, and the undeveloped, southernmost portion of the site that extends along Pleasant Valley Road to Haines Drive. A schematic landscape plan is shown on sheet 1 of the Concept Development Plan. A 6 foot high, 24 square foot monument sign with "ground mounted illumination" is proposed near the access drive into the site (detail on sheet 2 of the Concept Development Plan).

#### ADJACENT LAND USES AND ZONING

The land uses and zoning adjoining the subject site include the following:

- A. An apartment complex is located to the immediate north/northwest (SR-1/PD). A vacant site is located further to the north along Pleasant Valley Road (SR-1 and SR-1/PD) and a subdivision of detached single family dwellings (Kensington Place at Farmview) is located further to the northwest (SR-1/PD).
- B. An automobile repair facility, a car wash, and a mini-warehouse facility are located to the immediate south/southwest (C-3). A variety of commercial uses along Haines Drive are located further to the south (C-3). A relatively large tract which contains a detached single family dwelling near US 42 is located further to the west and southwest (RS and SR-1).
- C. An industrial subdivision along Lendale Drive (I-1) and a church (UR-1/PD) are located to the east on the opposite side of Pleasant Valley Road. A subdivision of detached single family dwellings (Boone Valley Estates) is located to the northeast (SR-2) and a fast food restaurant with a drive-through is located to the southeast between Old Toll Road and US 42 (C-2/PD).

### SITE CHARACTERISTICS

The site contains 2.752 acres and has approximately 760 feet of frontage along Pleasant Valley Road. The site is currently vacant. The Utterback Branch of the South Fork of Gunpowder Creek (aka Rosetta Creek) runs along the west boundary and the South Fork of Gunpowder Creek runs along the south boundary. Both water courses are perennial blue line streams. Mature tree cover exists along both water courses. The topography of the central portion of the site is fairly level and the channels of both water courses are relatively steep. The high point of the site is in the southern portion of the tract near Pleasant Valley Road at approximately el 800. The low point is at the base of each creek channel at approximately el. 776. Soil types on the site include Cynthiana flaggy silty clay loam (CyF), Faywood silty clay loam (FdD3), and Lindside silt loam (Ln). A public water main exists along Pleasant Valley Road and a public sanitary sewer main exists at the southwest corner of the site. Both of these utilities are owned by the City of Florence. Pleasant Valley Road is listed as an arterial roadway in Section 3210 "Functional Roadway Classification" of the Boone County Zoning Regulations.

### SITE HISTORY

At the request of the property owner, the tract was rezoned from I-1 to C-1 as part of the 2012-13 Countywide Zoning Update. The Planning Commission approved a Major Site Plan on October 30, 2008 for clearing and grading. Before that time, an asphalt plant had been operated on the site for several decades. The prior I-1 zoning is shown on the 1980 zoning map.

At the request of the current applicant, a public hearing was held on 2/5/20 for a zone change from C-1 to C-3 to allow mini-warehouses and outdoor commercial recreational vehicle parking, and a variance for fence height in the front yard area. This plan included two mini-warehouse buildings with a total of 12,110 square feet. In response to the public hearing comments, the applicant presented a revised Concept Development Plan to the Zone Change Committee on 2/19/20. Due to the scope of changes shown, which included an additional variance, a new public hearing was needed and the Zone Change Committee did not act on the request. The initial application was withdrawn on 3/3/20.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element provides the following text for the area along nearby US 42 and for Area 13 "Pleasant Valley" at large (p. 124).

- A. Mixed-use development, that has commercial uses focused along U.S. 42 and varying types of residential uses, should occur southwest of its intersection with Pleasant Valley Road. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union.

The remaining portions of this section of Boone County should develop in a Suburban Residential manner. Major subdivisions in the area should provide internal connector roads with no driveway access or parking. Improvements to Fowlers Creek Road and bridges over Gunpowder Creek could provide connections from subdivisions along U.S. 42 and Pleasant Valley Road to the Longbranch and Camp Ernst Road area; these connections should be aligned with existing or planned intersections on U.S. 42 and the new Pleasant Valley Road to be constructed in 2019.

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of existing site features to determine positive and useful attributes, as well as features that should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," p. 95).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. ("Buffering," p. 95).

- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to soften the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," p. 96).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and sight distance for access points, adequate spacing between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterial or collector streets should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial street system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," p. 96).
- E. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view ("Design, Signs, and Cultural Resource Preservation," p. 97).

The Demographics Element provides the following statements regarding amenities and consumer needs.

- A. Furthermore, by continuing to monitor the composition of the population, Boone County will be more prepared to provide proper and adequate amenities that encourage them to stay in the county rather than moving elsewhere for their needs

to be met. Knowing the makeup of the population will assist in providing the appropriate housing, employment, and retail shopping opportunities to meet their needs at the countywide level as well as within specific areas within the county as development plans and zone change requests are reviewed ("Identify the Needs of the Population," p. 19).

The Our Boone County - 2040 Plan's Goals and Objectives include the following pertinent statements.

- A. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems ("Overall," Objective 3).
- B. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population ("Demographics," Goal A, Objective 3).
- C. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County ("Demographics," Goal A, Objective 4).
- D. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design ("Environment," Objective 2).
- E. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical ("Environment," Objective 7).
- F. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy ("Economy," Goal A, Objective 2).
- G. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses ("Economy," Goal B).
- H. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses ("Economy," Goal B, Objective 1).
- I. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems ("Economy," Goal B, Objective 2).

- J. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking ("Economy," Goal B, Objective 3).
- K. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions ("Transportation," Goal A, Objective 1).
- L. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and with the regional multi-modal transportation system ("Transportation," Goal B, Objective 9).

### STAFF COMMENTS

#### 1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

The Planning Commission and Fiscal Court need to consider the Comprehensive Plan as it relates to this request. The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element does not discuss this specific site, but it discusses the vicinity around the nearby US 42/Pleasant Valley Road intersection and the area at large. The "13. Pleasant Valley" section (p. 124) states, "Mixed-use development, that has commercial uses focused along U.S. 42 and varying types of residential uses, should occur southwest of its intersection with Pleasant Valley Road. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary." This section also states, "The remaining portions of this section of Boone County should develop in a Suburban Residential manner," and it outlines details regarding the types of transportation improvements that should be provided with major residential subdivisions.

The Demographics Element ("Identify the Needs of the Population," p. 19) discusses the provision of "proper and adequate amenities" for county residents "that encourage them to stay in the county rather than moving elsewhere for their needs to be met." In this context, the Element mentions, "appropriate housing, employment, and retail shopping opportunities to meet their needs at the countywide level as well as within specific areas within the county as development plans and zone change requests are reviewed." The Goals and Objectives

emphasize placing businesses in suitable and appropriate locations, compatibility with surrounding land uses, and buffering ("Economy," Goal A, Objective 2; "Economy," Goal B; and "Economy," Goal B, Objective 1).

The governing bodies will also need to consider the alternate statutory findings for the requested zone change of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

## 2. USE OF SITE

The proposed use of the site is exclusively mini-warehouses. Unlike the application that was recently withdrawn, the current proposal does not include commercial recreational vehicle parking. Other than short term customer parking, any storage of vehicles on the site would be within the mini-warehouse units. Mini-warehouses are customarily a low activity, low traffic generating use, but they tend to have a utilitarian character more akin to industrial and interchange commercial districts. When considering the Goals and Objectives emphasis on suitable and appropriate business locations and compatibility as discussed above, the governing bodies will need to determine whether the character and nature of the proposed facility is proper for this location, especially when acknowledging that this site is the juncture between commercial, industrial, civic, multi-family residential, and single family residential uses, and fronts on a five lane arterial roadway (45 mph posted speed limit). Conversely, the proposed facility is relatively small in comparison to typical mini-warehouses in the community.

The size of the paved area is related to the proposed use. The plan notes that the paved area contains 18,050 square feet (approximately 0.41 acres). The driveway between buildings #2 and #3 is 60 feet wide. When considering that the site will conceivably be frequented by box trucks, vehicles hauling trailers, boats, campers, etc., the pavement widths are reasonable. For informational purposes, the gate across the entrance drive is located approximately 89 feet from the edge of pavement on Pleasant Valley Road.

## 3. DESIGN ISSUES

Building Design: The photo of the building prototype on sheet 2 of the Concept Development Plan shows a pitched roof structure (gable design) with corrugated metal siding, metal roofing, high overhead doors, and a water table that is created by using a contrasting color. The plan notes that the roof pitch for buildings #1 and #2 which face Pleasant Valley Road is 6:12 and building #3 at the rear of the site is proposed have a "single slope roof." Buildings #1 and #2 near the Pleasant

water

Valley Road frontage are located to obscure/screen the view into the site.

In consideration of the site's location on an arterial roadway, the diverse uses surrounding the site, and the Future Land Use Development Guidelines directives regarding overall design and aesthetic impacts ("Design, Signs, and Cultural Resource Preservation," p. 97), Staff recommends that the building design be further refined to minimize the utility/industrial aesthetic, especially for buildings #1 and #2. Modifications could include adding hip style pitched roofs, adding a complementary/contrasting material or metal siding texture (such as for the water tables and in the gables visible from the street), and adding simple details such as decorative vents in the gables visible from the street. Due to the length of building #2 (140'), cosmetic dormers should be considered for the roof plane which faces Pleasant Valley Road. More substantial changes for high visibility areas could include using brick and/or stone and paneled overhead doors. The applicant should explain or provide materials which illustrate the intended color scheme, focusing on subdued, natural colors.

Buffer Yards: Buffer Yard B (20' minimum width with specified plantings) is proposed along the site's Pleasant Valley Road frontage. Section 3620 "Landscaping Along Street Frontages" that applies to this part of the site under the zoning regulations is based on the smaller and less intense Buffer Yard A (10' minimum width with largely ornamental plantings). A schematic landscape plan which shows mostly large deciduous trees, with smaller deciduous and evergreen trees at targeted locations, was provided for the street frontage area. For the areas between buildings #1 and #2 and the street, Staff recommends that the large shrub option for Buffer Yard B be followed. As stated in Section 3645, Buffer Yard B includes a substantial amount of evergreen trees. The extent of the 'screen plantings' along the Pleasant Valley Road frontage can be used as a factor in determining the nature and extent of modifications to the proposed building design discussed above.

The retention of existing, mature tree cover is shown on the plan in the south and west buffer yards. Buffer Yard A is noted along the south property line adjoining commercial uses. This buffer yard scales to approximately 38 feet wide at the narrowest point.

Buffer Yard C (30' and 60' width options with specified plantings) is proposed along the west property line adjoining a multi-family residential development. The majority of the west building (#3) is setback at least 60 feet from the west property line, but the northern-most portion of this structure is setback approximately 56 feet. Additionally, the west portions of building #1 and the paved area are both setback approximately 53 feet from the west property line. Due to this issue, a 6 foot high berm, opaque fence, or masonry wall is required within the affected part of the

buffer yard (i.e., must follow the supplemental standards for the 30' wide Buffer Yard C option where the landscape area is less than 60 feet wide).

Based on the submitted plan, Staff recommends that a screen of multiple types of evergreen trees be provided: 1.) to screen the open vista between buildings #1 and #2, and at the south end of building #2, and complemented with large shrubs and deciduous trees (this concept can be achieved under Buffer Yard B which is noted on the plan); 2.) along the high side of the west buffer yard adjoining buildings #1 and #3, the paved area, and the detention basin; and 3.) to supplement the existing trees on the slope in the west buffer yard.

Lighting: Lighting is not described in the application materials, although wall fixtures are shown on the photo of the prototypical building design. Staff recommends that: 1.) lighting and light fixtures be contained within the paved limits of the site; 2.) building mounted fixtures be sconce style fixtures versus wall packs; and 3.) freestanding masts not exceed 12 feet in height. The requirements of Section 3316 "Lighting" of the zoning regulations will still need to be met.

Signage: A 6 foot high, 24 square foot monument sign with "ground mounted illumination" is proposed near the access drive into the site (detail on sheet 2 of the Concept Development Plan). This sign follows the recommendations in the staff report for the application that was recently withdrawn. Staff's only comment on this issue is that the applicant needs to clarify the intended materials for the monument structure and the sign face.

Other: For the applicant's information, all applicable requirements of the zoning regulations will need to be met at the site plan stage. This includes the provision of a van accessible handicap parking space.

#### 4. OTHER OUTSIDE AGENCY COMMENTS.

Comments from the Kentucky Transportation Cabinet, District 6, that were forwarded by the applicant, state that this site has full access "by Permit" (2/26/20 e-mail from Carol Callan-Ramler, P.E., Transportation Specialist, are attached).

Rob Franxman, P.E., Boone County Engineer, stated that he has no objection to this request (this comment was made in relation to the first Concept Development Plan submitted for this application).

Staff has requested comments on the application from the Florence Fire/EMS Department. Such comments have not been received as of this writing. Any written comments received will be forwarded to the Zone Change Committee for review.

5. REQUESTED VARIANCES

As stated above, two variances have been requested. The first variance is from Table 31.1 to allow buildings #1 and #2 to encroach into the 50 foot front yard setback. The proposed front yard setback is 45.1 feet for building #1 (4.9' encroachment) and 40.5 feet for building #2 (9.5' encroachment).

The second variance is from Section 3655 "Fences" of the Boone County Zoning Regulations to allow a fence in the front yard area that exceeds the 4 foot maximum permitted height (6' high fence is proposed). The proposed fence meets the "decorative design" and opacity requirements of Section 3655. Per a scaled dimension from the revised Concept Development Plan that was submitted on 5/29/20, the fence is now proposed to be slightly outside of the front yard as defined by Article 40 of the zoning regulations. Due to the conceptual nature of the plan and the fact that the fence is very close to the regulatory front yard, Staff recommends that the Planning Commission still consider the fence height variance.

Section 251 "Application and Standards for Variances" of Boone County Zoning Regulations is attached. This section outlines the statutory variance criteria set forth in KRS 100. Specific facts to consider in relation to the requested variances include:

- A. The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Commercial." The tracts immediately across Pleasant Valley Road from the subject site are designated as "Industrial" and "Public/Institutional." The designations for the other tracts surrounding the subject site include "Commercial," "Recreation," "High Suburban Density Residential," and "Suburban Density Residential."
- B. An industrial subdivision (I-1) and a church (UR-1/PD) are located immediately across Pleasant Valley Road from the subject site. Large retaining walls run along the church's Pleasant Valley Road frontage.
- C. Pleasant Valley Road is an arterial roadway per Section 3210 "Functional Roadway Classification" of the zoning regulations. The section adjoining the subject site is a five lane road with a multi-use path on each side. The center lane is cross hatched between the Lendale Drive and Haines Drive intersections. The portion of the Pleasant Valley Road right-of-way that adjoins the subject site is approximately 100 feet wide at the narrowest point. Buildings #1 and #2, the subjects of the front yard setback variance, are setback approximately 93 feet and 59 feet respectively from the curb along Pleasant Valley Road.

- D. The site has several unique characteristics, including: 1.) it is bound on two sides by creek valleys; 2.) it is triangular shaped; and 3.) the southern leg of the site is narrow, thus, limiting its utility. Related to this issue, 13,080 square feet of building area is proposed (5,015 sf per acre). Under the requested C-3 zone, a maximum of 49,536 square feet of building area would be permissible (18,000 square feet per acre). Under the current C-1 zone, a maximum of 30,272 square feet of building area is permitted (11,000 square feet per acre).
- E. Depending on the vantage point, the placement of buildings #1 and #2 will either screen or obscure the view into the site. While a "screening" type fence is not permitted in the front yard area per Section 3655 "Fences" of the zoning regulations, a taller (6' versus 4') decorative picket fence may help obscure the view into the site, particularly in combination with the landscaping recommendations discussed above.

### CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate this application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the Our Boone County - 2040 Plan, which is the adopted comprehensive plan, and the potential impacts on the existing and planned uses in the area. The Planning Commission also needs to evaluate the requested variances in terms of Section 251 "Application and Standards for Variances" of the zoning regulations. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

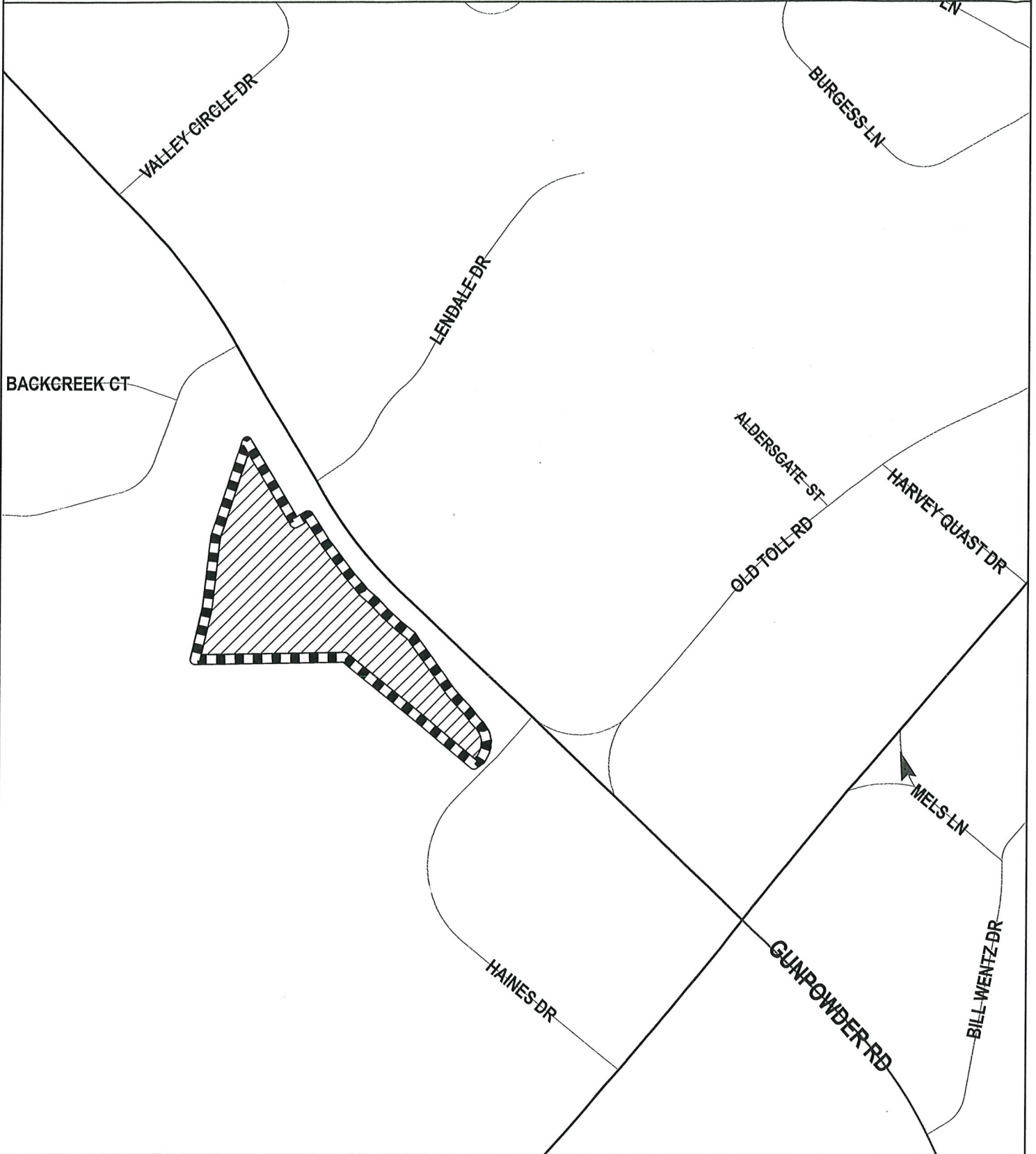
### **Attachments:**

- Location map
- Aerial photograph with zoning
- 2040 Future Land Use Map excerpt
- Natural Features map

- 2/26/20 e-mail from Carol Callan-Ramler, P.E., Transportation Specialist, KYTC District 6
- Section 251 "Application and Standards for Variances" of Boone County Zoning Regulations
- Application materials including Concept Development Plan dated 5/28/20

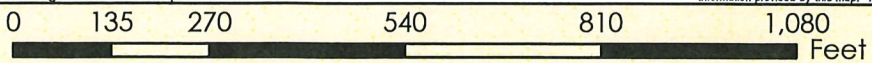
# Location

[www.boonecountygis.com](http://www.boonecountygis.com)



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 265 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

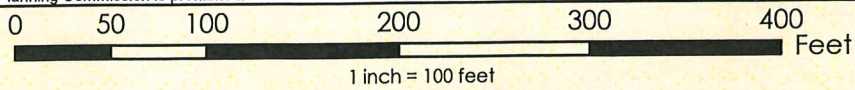
# Zoning

[www.boonecountygis.com](http://www.boonecountygis.com)



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Map Created: xx/xx/2020

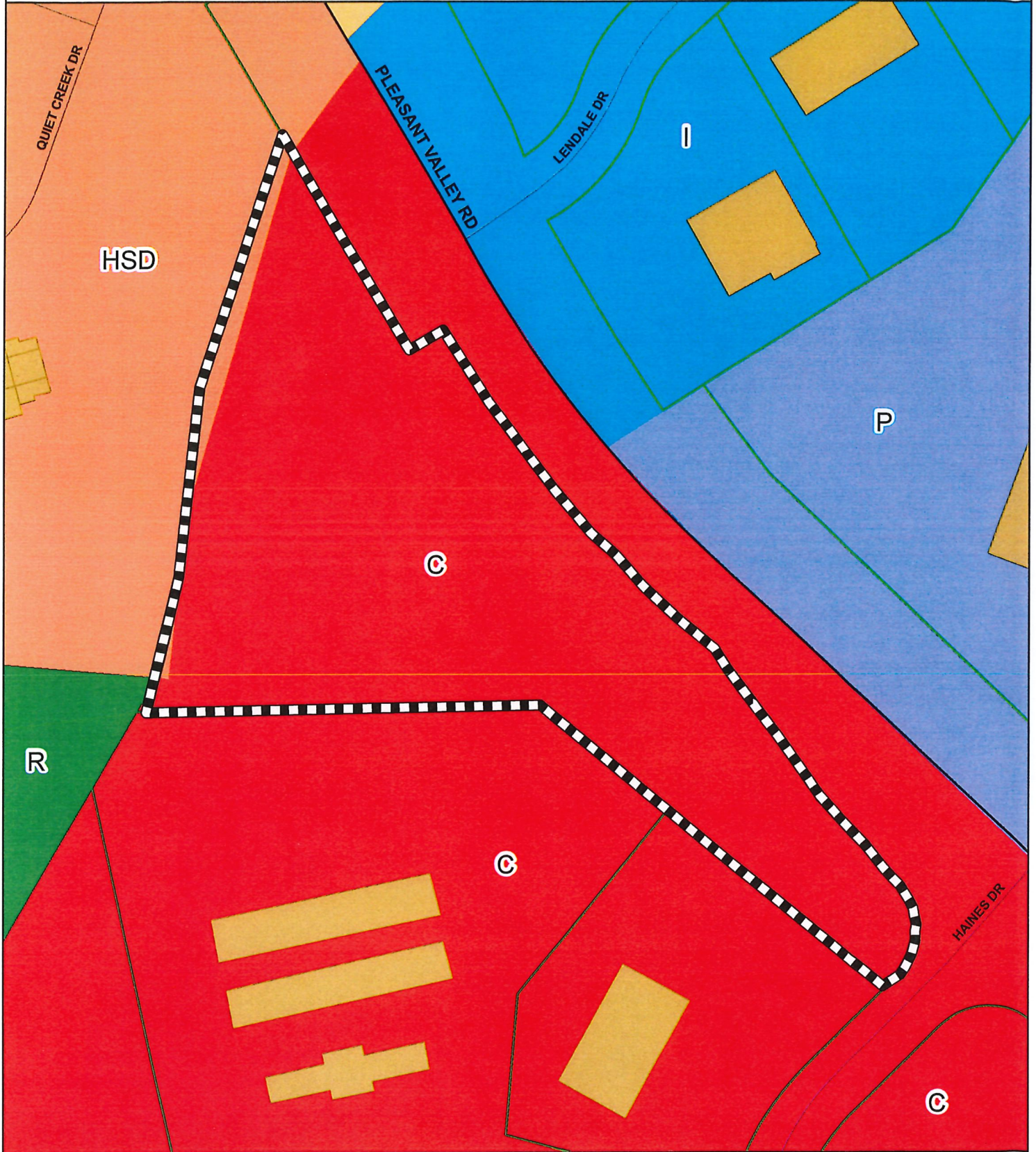
**Boone County GIS - Putting Northern Kentucky on the Map**



Print File: 12.mxd  
ArcMap Document: \* .mxd

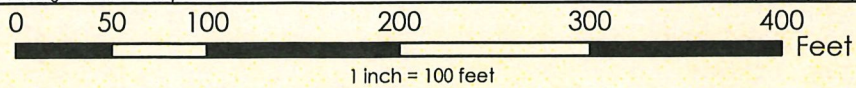
# 2040 Future Land Use

[www.boonecountygis.com](http://www.boonecountygis.com)



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

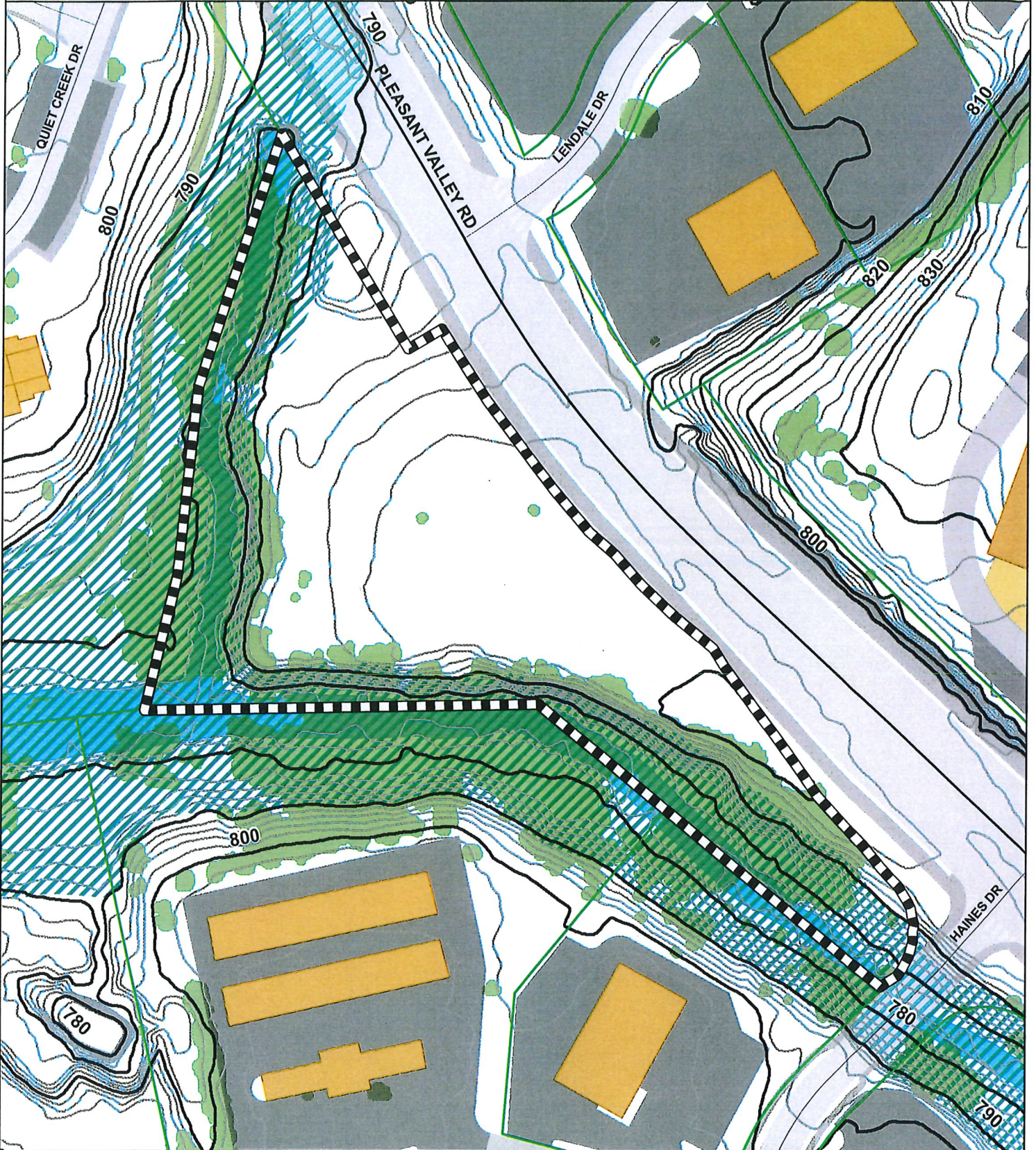


**Boone County GIS - Putting**



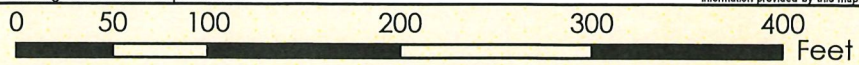
# Natural Features

[www.boonecountygis.com](http://www.boonecountygis.com)



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 100 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

Boone County GIS  
ArcMap Document: \*.mxd

## Kevin Wall

---

**From:** Lee Rickey <lee@potterhousegroup.com>  
**Sent:** Monday, March 02, 2020 8:00 AM  
**To:** Kevin Wall  
**Cc:** Lee Rickey  
**Subject:** 8495 Pleasant Valley\_Drive Access  
**Attachments:** STATE PLAN SHEET 18.pdf; STATE PLAN SHEET 20 (1).pdf

### EXTERNAL MESSAGE

Hi Kevin

Below is an email that was sent over to us stating we have full access to the site pending application for permit. Also attached is the plan from the state showing arrows into subject parcel.

**From:** Callan-Ramler, Carol A (KYTC) <[Carol.Callan-Ramler@ky.gov](mailto:Carol.Callan-Ramler@ky.gov)>  
**Sent:** Wednesday, February 26, 2020 4:32 PM  
**To:** James Bertram <[JBertram@ctconsultants.com](mailto:JBertram@ctconsultants.com)>  
**Subject:** RE: Pleasant Valley Access | 6-8001.10 Parcel 23 - 8495 Pleasant Valley Rd.

Hi Jim,

As discussed, the property located at 8495 Pleasant Valley Road, identified as Parcel 23 on KYTC's reconstruction plans, has full access to the site by Permit.

Therefore, please contact Linzy Brefeld at District 6 as plans are being identified for the site, so as to obtain a permit.

Thanks,

Carol

Carol Callan-Ramler, P.E.

Transportation Specialist

**KY Transportation Cabinet – Program Management**

District 6

421 Buttermilk Pike

Covington, KY 41017

859-426-6942 (direct)

859-341-2700 (main)

--

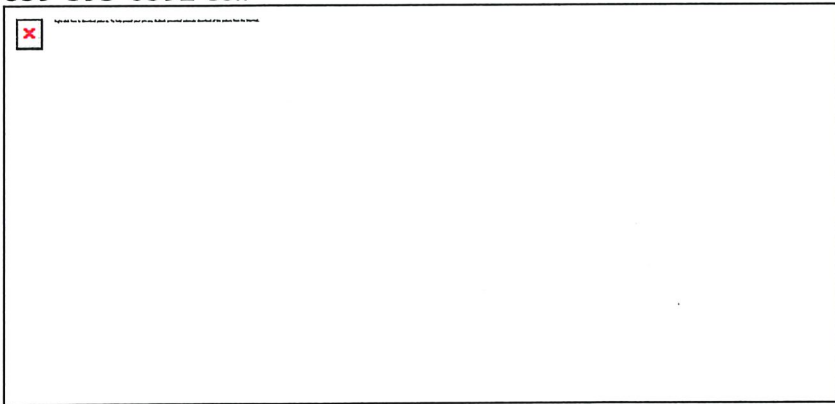
Lee M. Rickey

**Potter House Group, Inc.**

[www.potterhousegroup.com](http://www.potterhousegroup.com)

859-384-2006 office

859-393-6592 cell



Follow us on:



**Notice:** This E-Mail/telefax message and any documents accompanying this transmission may contain privileged and/or confidential information and is intended solely for the addressee(s) named above. If you are not the intended addressee/recipient, you are hereby notified that any use of, disclosure, copying, distribution, or reliance on the contents of this E-Mail/telefax information is strictly prohibited and may result in legal action against you. Please reply to the sender advising of the error in transmission and immediately delete/destroy the message and any accompanying documents.  
Thank you.





## **SECTION 251 Application and Standards for Variances**

---

A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
  - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

APPLICATION FORM

**ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION**

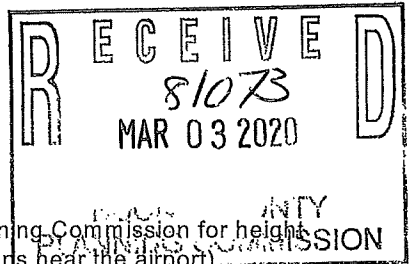
**SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED**

(See Boone County Zoning Regulations)

**SECTION A (To be completed by applicant)**

1. Name of Project PLEASANT VALLEY STORAGE
2. Location of Project 895 PLEASANT VALLEY ROAD FLORENCE KY
3. Total Acreage of Site 2.72
4. Current Zoning of Site C-1
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) MINI WAREHOUSES
  
7. Names of Applicant(s) LEE RICKEY  
Phone No. 859-393-6592 Fax No. \_\_\_\_\_ E-Mail lee@patterhousegroup.com
8. Address of Applicant(s) 189 WEBER LANE  
FLORENCE KY 41042  
City State Zip
9. Name of Property Owner(s) CATHERINE MICHELS  
Phone No. 859-331-7118 Fax No. 859-331-3614 E-Mail pcem@MICHELSCONSTRUCTION.COM
10. Address of Property Owner(s) 1547 YOVELL ROAD  
HEBRON KY 41048  
City State Zip
11. Proposed Building Intensities (please specify) 4 BUILDINGS  
TOTAL OF 15,350 SF
12. Are there any existing buildings on the site? NO  
How many? \_\_\_\_\_
13. Deed Book 1066 Page No. 231 Group No. 2038 B
14. Are you also applying for:  
 \_\_\_\_\_ Conditional Use Permit  
 Dimensional Variance 1. FRONT YARD SETBACK  
FENCE HEIGHT FRONT YARD TO BE 6' TALL
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Public Services Dept.
- \_\_\_\_\_ Duke Energy
- \_\_\_\_\_ Sanitation District #1
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen Electric Cooperative, Inc.
- \_\_\_\_\_ Boone County Public Works Department
- Kentucky Transportation Cabinet
- \_\_\_\_\_ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)
- \_\_\_\_\_ Boone County Building Department
- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ USDA NRCS/Boone County Conservation District
- \_\_\_\_\_ KY Division of Water
- Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_



18. Project Jurisdiction/Location
[check] Unincorporated Boone County
Florence
Walton
Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action

Check if Applicable

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan\* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on

20. ORIGINAL Property Owner's Signature [Signature: Catherine Muehle]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature [Signature: J. M. R.]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 3-3-20
2. Review Fee \$ 3,670.40 R# 81073

- 3. Check what has been submitted:
Application
Fee
Legal Description
Concept Development Plan
Address of Adjoining Property Owners
Number of Copies of Plan Received\*\*

4. Date Application is Administratively Complete as Defined in KRS 100.211

5. Staff Reviewer KENN WALL

6. Committee Chairman

7. Scheduled Public Hearing Date 4/1/20 6/3/20

8. Boone County Planning Commission Action:

- Approval
Approval with Conditions
Denial

Resolution #

9. Other:

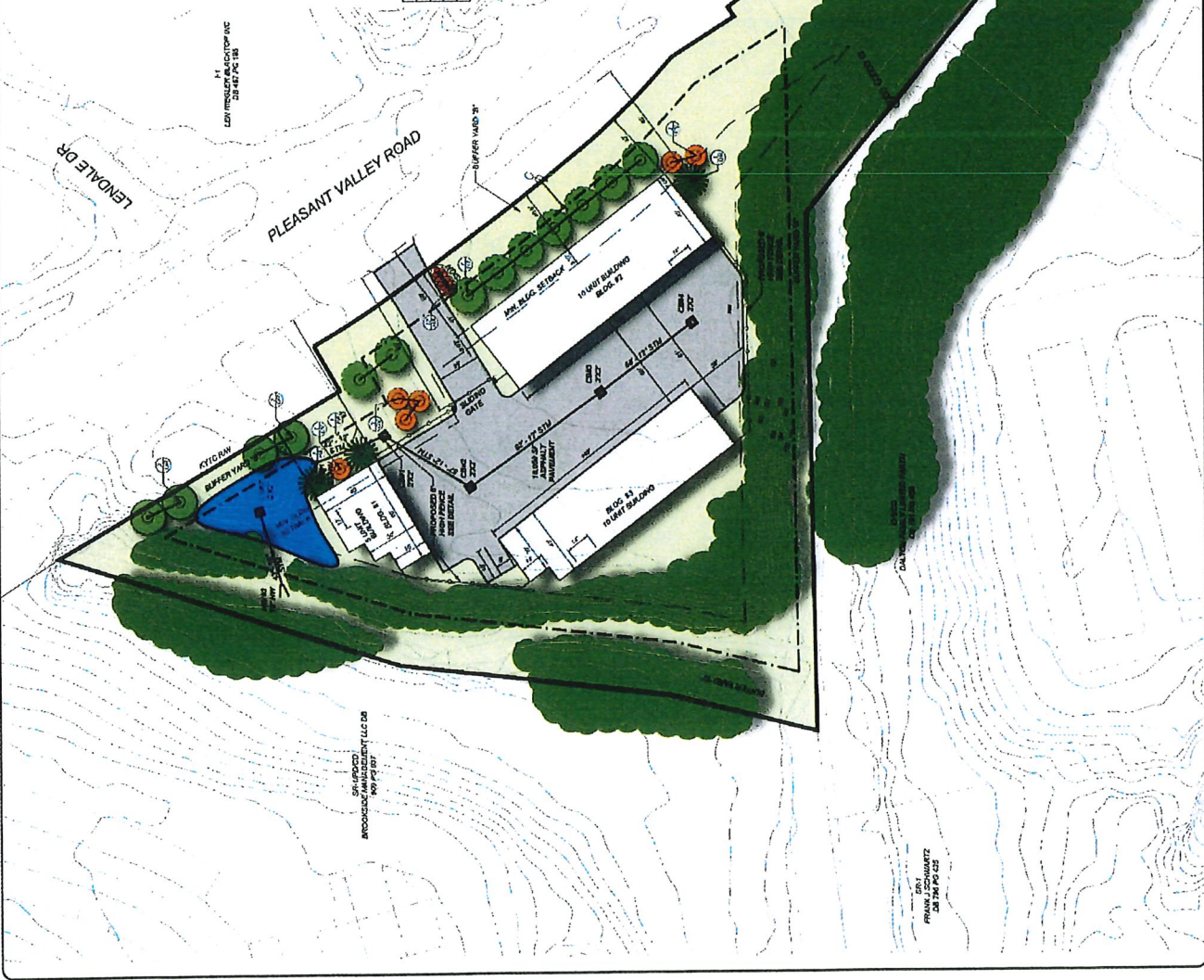
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.



NO.	REV/NO.	DATE
1		
2		

KEY	BOTANICAL NAME	COMMON NAME	SIZE
OK	Quercus rubra	RED OAK	3.5" CALIPER
GT	Gladiolus macranthus 'Skyline'	THORNLESS HONEYLOCUST	3.5" CALIPER
CV	Conspicua villosa 'Winter King'	WINTER KING HAMMOTHORN	3.5" CALIPER
PA	Prunella americana	NORWAY SPRUCE	8" HEIGHT
RA	Rhus aromatica 'Sens-Low'	SMO-LOW SUMAC	5 GAL



SITE DATA  
 EXISTING ZONING: C-1  
 PROPOSED ZONING: C-3

DEVELOPER:  
 POTTERHOUSE GROUP  
 188 WEBER LANE  
 FLORENCE, KY 41042  
 858-384-2005

OWNER:  
 MICHAEL PAUL F. TRUST  
 542 PALMER CT  
 CRESTVIEW HILLS, KY 41017

PROPERTY ADDRESS:  
 8465 PLEASANT VALLEY RD  
 FLORENCE, KY 41042



PREPARED BY:  
 ANDRZEJCZAK ARCHITECTURE LLC DB  
 809 PG 007

PREPARED BY:  
 FRANK J. SCHWARTZ  
 306 796 PG 025



**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: July 1, 2020

RE: Request of **Lee Rickey (applicant)** for **Paul F. Michels Trust c/o Catherine Michels (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3), and two dimensional variances, for a 2.752 acre tract located on the northwest corner of the Pleasant Valley Road/Haines Drive intersection, and across Pleasant Valley Road from the intersection with Lendale Drive (8495 Pleasant Valley Road), Boone County, Kentucky. The request is for a zone change to allow mini-warehouses and variances for the front yard building setback and fence height in the front yard area.

### REMARKS:

We, the Committee, recommend approval of the above referenced requests based on the following findings of fact and with the following conditions.

### FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment and accompanying Concept Development Plan are in agreement with the Our Boone County - 2040 Plan, which is the adopted Comprehensive Plan, due to the following reasons.

The Our Boone County - 2040 Plan's Future Land Use Map designates the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The proposed mini-warehouse development is in agreement with the Commercial designation.

The Land Use Element does not discuss this specific site, but it discusses the vicinity around the nearby US 42/Pleasant Valley Road intersection and the area at large. The "13. Pleasant Valley" section (p. 124) states, "Mixed-use development, that has commercial uses focused along U.S. 42 and varying types of residential uses, should occur southwest of its intersection with Pleasant Valley Road. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary." Since the proposed mini-warehouse facility is a low activity use and a low traffic generator, it will function as a transitional

use between the commercial uses in the adjoining Haines Subdivision located on the US 42/Pleasant Valley Road intersection to the south, and the residential uses to the north and west, and to the industrial and church uses on the opposite side of Pleasant Valley Road. The Goals and Objectives state, "Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County" ("Demographics," Goal A, Objective 4). The proposal will provide self storage services which are comparable to those provided on the adjoining site to the south/southwest.

The Future Land Use Development Guidelines ("Design, Signs, and Cultural Resource Preservation," p. 97) state, "Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention." Per the changes made by the applicant in response to the comments made at the Public Hearing and the agreed conditions, the final building design will be appropriate for, and compatible with, the surrounding uses. The only signage proposed is a 6 foot high, 24 square foot monument sign, thus, the minimal use of signs is proposed. Buffer Yard B, versus the less stringent Buffer Yard A which is required under normal circumstances, is proposed along the site's street frontage. Existing vegetation in the creek valleys along the south and west boundaries is proposed to be retained, and the west buffer yard adjoining an existing apartment complex will be enhanced where required by the Buffer Yard C requirements. This basic landscaping and buffer yard scheme agrees with the Future Land Use Development Guidelines ("Utilization of Existing Vegetation and Topography," p. 95; "Buffering," p. 95; and "Landscaping," p. 96) and the Goals and Objectives ("Environment," Objective 7 and "Economy," Goal B, Objective 1).

2. Two variances have been requested with this zone change application. The first variance is from Table 31.1 to allow Buildings #1 and #2 to encroach into the 50 foot front yard setback. The proposed front yard setback is 45.1 feet for Building #1 (4.9' encroachment) and 40.5 feet for Building #2 (9.5' encroachment). The second variance is from Section 3655 "Fences" to allow a fence in the front yard area that exceeds the 4 foot maximum permitted height (6' high fence is proposed).

The site has several unique characteristics, including: 1.) it is bound on two sides by creek valleys; 2.) it is triangular shaped; and 3.) the southern leg of the site is narrow, thus, limiting its utility. Related to this issue, 13,080 square feet of building area is proposed (5,015 sf per acre). Under the requested C-3 zone, a maximum of 49,536 square feet of building area would be permissible (18,000 square feet per acre). Under the current C-1 zone, a maximum of 30,272 square feet of building area is permitted (11,000 square feet per acre).

The portion of the Pleasant Valley Road right-of-way that adjoins the subject site is approximately 100 feet wide at the narrowest point. Buildings #1 and #2, the subjects of the front yard setback variance, are setback approximately 93 feet and 59 feet respectively from the curb along Pleasant Valley Road. Based on these facts, the Committee has concluded that the requested variances arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone, and that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. Therefore, the Committee recommends approval of the requested variances.

4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the Our Boone County - 2040 Plan. The Committee has also concluded that the attached conditions are necessary to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The development shall follow the attached Concept Development Plan sheets except where modified by the agreed conditions outlined below.
2. The landscape concept shown on Sheet 1 of the Concept Development Plan is accepted in principle, but it is understood that the detailed requirements of Article 36 of the Boone County Zoning Regulations must be met at the Site Plan stage.
3. The use of the site shall be limited to mini-warehouses.
4. The two mini-warehouse units on both the north and south ends of Building #2 (four units total) shall be setback 5 feet (westward) from the east building line of the center six units to create jogs in the footprint and three dimensional breaks in the front facade and roof line. The floor area affected by these changes to the footprint (280 square feet total) may be used elsewhere on the site and the total approved floor area shall remain 13,800 square feet per the submitted Concept Development Plan.
5. A 4 foot high brick wainscot shall be provided on the east facade and northernmost facade (north exterior wall for the three 40' deep units) of Building #1, and the north, south, and east facades of Building #2. The roof pitch for Buildings #1 and #2 shall be 6/12.

6. The monument sign structure shall be constructed of brick which matches the wainscots on the buildings.
7. Building mounted light fixtures shall be sconce style as indicated in the image on the lower right side of Sheet 2 of the Concept Development Plan. Any freestanding light mast(s) shall have a maximum height of 12 feet. All exterior light fixtures shall be downlit.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.





**BOONE COUNTY PLANNING COMMISSION  
VIA LIVE VIDEO TELECONFERENCE  
PUBLIC HEARING  
JUNE 3, 2020  
7:30 P.M.**

---

Chairman Rolfsen opened the Public Hearing at 7:46 p.m. and welcomed everyone to the Planning Commission's June 3, 2020 Public Hearing.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mrs. Katie Nolan  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. John Harney, GISP, GIS Systems Administrator

Chairman Rolfsen introduced the first item on the Agenda at 7:46 p.m.

**ZONING MAP AMENDMENT AND VARIANCES - Kevin Wall, Staff**

1. Request of **Lee Rickey (applicant)** for **Paul F. Michels Trust c/o Catherine Michels (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3), and two dimensional variances, for a 2.752 acre tract located on the northwest corner of the Pleasant Valley Road/Haines Drive intersection, and across Pleasant Valley Road from the intersection with Lendale Drive (8495 Pleasant Valley Road), Boone County, Kentucky. The request is for a zone change to allow mini-warehouses and variances for the front yard building setback and fence height in the front yard area.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation. He noted that the Board should be familiar with the site. The previous Public Hearing was held in February, 2020. The site is the old Michels Asphalt plant site. It is located across from Lendale Drive off Pleasant Valley Road. He showed an aerial photo of the site. Residential zoning is located west of the site with apartments. There is an industrial park located across the street along with the Florence United Methodist Church. The Haines Subdivision is located south of the site and is zoned C-3. The site is currently vacant and relatively flat. Creeks are located along the southern and western boundaries. The Future Land Use Map from the Comprehensive Plan designates the site as Commercial (C).

Mr. Wall presented the submitted Concept Development Plan. The proposed use is mini-warehouses. There will be 3 buildings. It is just under 14,000 square feet in size and there will be 25 units. There will be no RV parking proposed on the subject site. If someone wants to park an RV, then a unit would have to be rented and the RV would have to be parked inside the unit. Two variance requests are being proposed. One is a front yard setback. The required setback is 50 feet but the applicant is asking for a 45.1 front yard setback for Building #1 and 40.5 feet for Building #2. The second variance is from Section 3655 of the Zoning Regulations to allow a fence in the front yard area that exceeds the 4 foot maximum permitted height. A 6 foot high black aluminum picket fence is being proposed. A building prototype is shown on Page 2 of the Concept Development Plan. The plan notes that the roof pitch for Buildings #1 and #2, which face Pleasant Valley Road is 6:12 and Building #3 is proposed to have a single slope roof. Buffer Yard B is proposed along the street frontage. Buffer Yard A is proposed along the commercial area and Buffer Yard C is proposed along the west boundary near the apartment complex. Mr. Wall referred to the Detail Sheet showing the 6 foot high fence, building prototype, proposed signage and landscaping. He showed photographs of the site and adjoining properties. Mr. Wall referred to the Site History section of the Staff Report. The site was rezoned from I-1 to C-1 as part of the 2012-2013 Zoning Update at the request of the property owner. A zone change Public Hearing was held on February 5, 2020 to change the zoning of the site from C-1 to C-3 to allow mini-warehouses and commercial RV parking. Based upon comments at the Public Hearing, the applicant attempted to revise the Concept Development Plan. Due to the scope of the changes shown, which included an additional variance, a new Public Hearing was needed and the Zone Change Committee did not act on the original request. The initial application was withdrawn on March 3, 2020.

In terms of the Comprehensive Plan, the Staff Report outlines the request's relationship with the Comprehensive Plan on Pages 3-7. There is a specific reference in the text that identifies the Pleasant Valley Road area.

In terms of Staff Comments, there is a discussion about the Comprehensive Plan and Statutory Findings and Criteria for a Zoning Map Amendment on Pages 7 & 8 of the Staff Report. There is also a discussion of the use and how it impacts the site. The submitted plan has a fair amount of paving. Mr. Wall pointed out that the paved area is about 0.41 acres in size. The gate across the entrance drive is located approximately 89 feet from the edge of pavement of Pleasant Valley Road. This could accommodate 3-4 vehicles and probably less if hauling trailers. He referred to the design issues stated in the Staff Report on Pages 8-10. Staff recommends that the building design be further refined to minimize the utility/industrial aesthetics, especially for Buildings #1 and #2. In regard to Buffer Yards, the plan mostly shows large deciduous trees along the frontages. Mr. Wall recommended the large shrub option between Buildings #1 and #2 and the street. As stated in Section 3645, Buffer Yard B includes a substantial amount of evergreen trees. Relative to the west Buffer Yard, a 6 foot high berm, opaque fence or masonry wall is required where the buffer yard is less than 60 feet wide. Mr. Wall recommended 3 different places to add evergreen trees in addition to what is shown. Lighting is not described on the application. Wall fixtures are shown on the typical building design. Lighting and light fixtures are recommended to be contained within the paved limits of the site. Building mounted fixtures should be sconce style versus wall packs. Finally, freestanding masts should not exceed 12 feet in height. A 6 foot high, 24 square foot monument sign with ground mounted illumination is proposed near the access drive. The only issue is to clarify the intended materials for the monument structure and the sign face. The applicable requirements of the zoning regulations will need to be met at the site plan stage and this includes the provision of a van accessible handicap parking space.

In terms of outside agency comments, we received one from the Kentucky Transportation Cabinet stating that the site has full access by permit. The County Engineer noted that he had no objection to the request relative to the first submittal. The plan really hasn't changed that much since the original submittal. No comments have been received to date from the Florence Fire/EMS Departments.

The applicant's two variance requests are outlined in depth on Pages 11-12 of the Staff Report. The first variance is to allow Buildings #1 and #2 to encroach into the 50 foot front yard setback (45.1 feet [4.9'] 40.5 feet [9.5']). The second variance is to allow a fence height of 6 feet instead of a maximum of 4 feet. Mr. Wall also referenced the variance criteria and standards in his analysis of each variance request on Pages 11-12 of the Staff Report.

In conclusion, Mr. Wall noted that the Planning Commission and the Fiscal Court should evaluate the application in terms of the 3 criteria, the Comprehensive Plan, and potential impacts on the existing and planned uses in the area. The Planning Commission alone also needs to evaluate the requested variances in terms of Section 251 of the Zoning Regulations. The Future Land Use Map will not need to be amended if the request is approved.

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

Mr. Lee Rickey, applicant, stated that he designed the buildings located the closest to Pleasant Valley Road with a 6:12 pitched roof. He noted that he took away a lot of the evergreen trees in order to open it up. A comment was made previously to maintain nice landscaping but open it up more so it can be seen from the street. Some of the buildings had to be moved as a result of the soil test borings.

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

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

Mrs. Heilman asked Staff if it was possible to talk to the Kentucky Transportation Cabinet about plantings in the front? It seems that the site across the street was supposed to have some plantings in the right-of-way but it didn't meet the State requirements? Now there is no buffer there. She asked if the Staff can get some certainty for the site in question that when we act on the submitted plan, the landscaping will be allowed to be planted.

Mr. Wall responded that the project site across the street needed a variance and the landscaping was supposed to be approved by the State. At the time, the design for widening Pleasant Valley Road was in flux and the State wouldn't allow the landscaping in the right-of-way. The subject site is different. The proposed landscaping will be located on the applicant's lot. As a result, State approval is not necessary.

Mr. Lunnemann stated that the site serves as the entry way into the Florence area and metal buildings are not appropriate. Could 2 color buildings be possible to break up the view of the building? A metal building is a metal building. Has there been any thought of enhancing the buildings that directly face Pleasant Valley Road? It could involve changing the materials on the building side that faces the road.

Chairman Rolfsen asked Staff to comment. Mr. Wall referred to Building #2, which is 140 feet long. He noted that there are some recommendations in the Staff Report. He mentioned adding some dormers, more detailing and possibly other building materials.

Mr. Rickey responded that he would like to do the two tone in the middle and offered the 6:12 roof pitch. It will be tall with the end gables. He agreed to look at the adding some false dormers. In regard to different building materials, he stated that he would have to look into it further from an expense standpoint.

Mr. Lunnemann emphasized that he did not like the idea of a large metal building facing Pleasant Valley Road. Perhaps that side could be rock or brick on the bottom with metal siding. Mr. Rickey agreed to look into that option.

Chairman Rolfsen inquired about public water serving the development? Mr. Rickey responded there wouldn't be within the development. Will there be electric in each unit? Mr. Rickey replied yes. Mr. Wall added that the Fire Department didn't express any concerns on the original application.

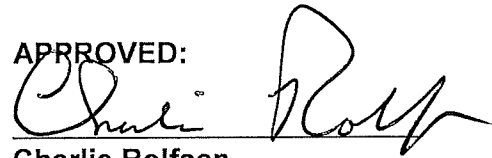
Mrs. Kegley stated that if the applicant wanted to use cultured stone, then he should look at some vertical detailing versus horizontal at the bottom of the building. Maybe 10-15 feet of stone going up the middle of the building would break up the look of the building. The landscaping could be installed on either side of the vertical treatment.

Mr. Schwenke asked if any of the units would have heat for the RVs? Mr. Rickey stated that he would install individual electric meters in each unit. They could plug into a 30 or 60 amp for the RV.

He also added that there is a water main/fire hydrant along Pleasant Valley Road. Mr. Schwenke noted that the fire hydrant should be sufficient for the fire department. He thought that if you have RVs parked on the site, you might need water. Mr. Rickey explained that adding water to the site is another cost to him and he has a small number of units. Not sure if the cost could be justified. His property would also have to be annexed in the City of Florence for water and sanitary sewer. It is a small development.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 17, 2020 at 5:00 P.M. in the via live video teleconference. This item will be on the Agenda for the Business Meeting on July 1, 2020 at 7:00 P.M. in the Boone County Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:25 P.M.**

APPROVED:



**Charlie Rolfsen**  
**Chairman**

**Attest:**



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

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: June 17, 2020

**ZONING MAP AMENDMENT AND VARIANCES - Janet Kegley, Chairwoman, Kevin Wall, Staff**

1. Request of **Lee Rickey (applicant)** for **Paul F. Michels Trust c/o Catherine Michels (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3), and two dimensional variances, for a 2.752 acre tract located on the northwest corner of the Pleasant Valley Road/Haines Drive intersection, and across Pleasant Valley Road from the intersection with Lendale Drive (8495 Pleasant Valley Road), Boone County, Kentucky. The request is for a zone change to allow mini-warehouses and variances for the front yard building setback and fence height in the front yard area.

**REMARKS:**

We, the Committee Members were present via live video teleconference at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

\_\_\_\_\_  
**Kim Bunger**  
For Project \_\_\_ Absent   
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Lori Heilman (Alternate)**  
For Project \_\_\_ Absent   
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Janet Kegley (Chairwoman)**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_ Absent   
Against Project \_\_\_

\_\_\_\_\_  
**Rick Lunnemann**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Randy Bessler (Alternate)**  
For Project \_\_\_ Absent   
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Kim Patton**  
For Project \_\_\_ Absent   
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

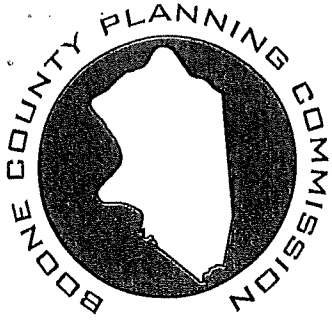
\_\_\_\_\_  
**Katie Nolan (Alternate)**  
For Project \_\_\_ Absent   
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Brad Shipe**  
For Project \_\_\_ Absent   
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

  
Recorded Vote by Kevin T. Wall, AICP

**TOTAL:** \_\_\_ DEFERRED 2  FOR PROJECT \_\_\_ 7 ABSENT  
\_\_\_ AGAINST PROJECT \_\_\_ ABSTAIN

# **SUPPORTING INFORMATION**



# BOONE COUNTY PLANNING COMMISSION

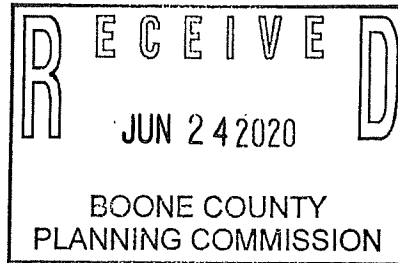
[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

June 18, 2020

Catherine Michels  
Paul F. Michels Trust  
c/o Lee Rickey  
189 Weber Lane  
Florence, KY 41042



RE: Recommended Conditions of Approval for Rickey/Michels Zone Change and Variance Application for Approximate 2.752 Acre Site at 8495 Pleasant Valley Road, Boone County, Kentucky.

Dear Ms. Michels:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their June 17, 2020 meeting. If you, as the authorized representative of the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, June 26, 2020.

## CONDITIONS

1. The development shall follow the attached Concept Development Plan sheets except where modified by the agreed conditions outlined below.
2. The landscape concept shown on Sheet 1 of the Concept Development Plan is accepted in principle, but it is understood that the detailed requirements of Article 36 of the Boone County Zoning Regulations must be met at the Site Plan stage.
3. The use of the site shall be limited to mini-warehouses.
4. The two mini-warehouse units on both the north and south ends of Building #2 (four units total) shall be setback 5 feet (westward) from the east building line of the center six units to create jogs in the footprint and three dimensional breaks in the front facade and roof line. The floor area affected by these changes to the footprint (280 square feet total) may used elsewhere on the site and the total approved floor area shall remain 13,800 square feet per the submitted Concept Development Plan.

Catherine Michels  
June 18, 2020  
Page 3

5. A 4 foot high brick wainscot shall be provided on the east facade and northernmost facade (north exterior wall for the three 40' deep units) of Building #1, and the north, south, and east facades of Building #2. The roof pitch for Buildings #1 and #2 shall be 6/12.
6. The monument sign structure shall be constructed of brick which matches the wainscots on the buildings.
7. Building mounted light fixtures shall be sconce style as indicated in the image on the lower right side of Sheet 2 of the Concept Development Plan. Any freestanding light mast(s) shall have a maximum height of 12 feet. All exterior light fixtures shall be downlit.

Sincerely,



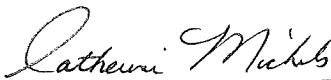
Kevin T. Wall, AICP  
Director, Zoning Services

KTW/tlb

enclosure

AGREEMENT

I, the authorized representative of the property owner of the 2.752 acre site at 8495 Pleasant Valley Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment and Variance application.

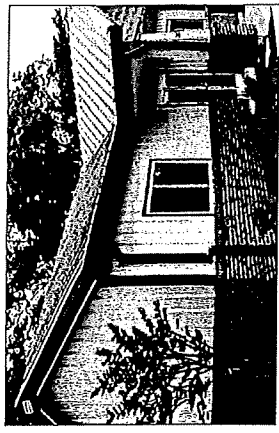


Catherine Michels  
Authorized Property Owner Representative  
Paul F. Michels Trust

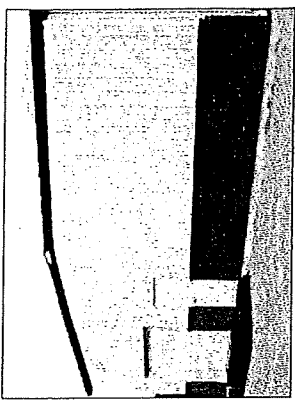
6/23/2020

Date





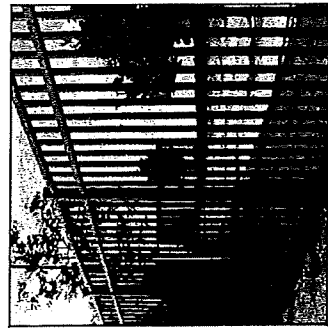
RESIDENTIAL STEEL BUILDING  
BUILDING 1 & 2 - 6:12 PITCH



RESIDENTIAL STEEL BUILDING  
BUILDING 1 & 2 - 6:12 PITCH



RESIDENTIAL STEEL BUILDING  
BUILDING 3 - SINGLE SLOPE ROOF



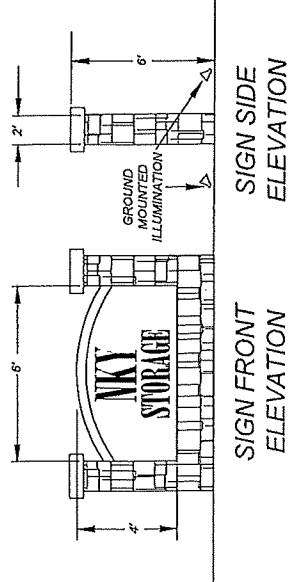
PROPOSED FENCE TYPE



GLEDITSIA TRIACANTHOS  
'SKYLINE'  
SKYLINE HONELOCUST



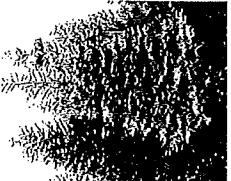
RHUS AROMATICA 'GRO-LOW'  
GRO-LOW SUMAC



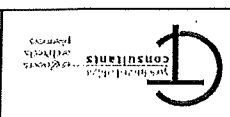
QUERCUS RUBRA  
RED OAK



CRATAEGUS VIRIDIS 'WINTER KING'  
WINTER KING HAWTHORN



PICEA ABIES  
NORWAY SPRUCE



NO	DATE	DESCRIPTION
1	10/15/11	ISSUE FOR PERMITTING
2	11/15/11	REVISED FOR COMMENTS
3	12/15/11	REVISED FOR COMMENTS
4	01/15/12	REVISED FOR COMMENTS
5	02/15/12	REVISED FOR COMMENTS
6	03/15/12	REVISED FOR COMMENTS
7	04/15/12	REVISED FOR COMMENTS
8	05/15/12	REVISED FOR COMMENTS
9	06/15/12	REVISED FOR COMMENTS
10	07/15/12	REVISED FOR COMMENTS
11	08/15/12	REVISED FOR COMMENTS
12	09/15/12	REVISED FOR COMMENTS
13	10/15/12	REVISED FOR COMMENTS
14	11/15/12	REVISED FOR COMMENTS
15	12/15/12	REVISED FOR COMMENTS
16	01/15/13	REVISED FOR COMMENTS
17	02/15/13	REVISED FOR COMMENTS
18	03/15/13	REVISED FOR COMMENTS
19	04/15/13	REVISED FOR COMMENTS
20	05/15/13	REVISED FOR COMMENTS
21	06/15/13	REVISED FOR COMMENTS
22	07/15/13	REVISED FOR COMMENTS
23	08/15/13	REVISED FOR COMMENTS
24	09/15/13	REVISED FOR COMMENTS
25	10/15/13	REVISED FOR COMMENTS
26	11/15/13	REVISED FOR COMMENTS
27	12/15/13	REVISED FOR COMMENTS
28	01/15/14	REVISED FOR COMMENTS
29	02/15/14	REVISED FOR COMMENTS
30	03/15/14	REVISED FOR COMMENTS
31	04/15/14	REVISED FOR COMMENTS
32	05/15/14	REVISED FOR COMMENTS
33	06/15/14	REVISED FOR COMMENTS
34	07/15/14	REVISED FOR COMMENTS
35	08/15/14	REVISED FOR COMMENTS
36	09/15/14	REVISED FOR COMMENTS
37	10/15/14	REVISED FOR COMMENTS
38	11/15/14	REVISED FOR COMMENTS
39	12/15/14	REVISED FOR COMMENTS
40	01/15/15	REVISED FOR COMMENTS
41	02/15/15	REVISED FOR COMMENTS
42	03/15/15	REVISED FOR COMMENTS
43	04/15/15	REVISED FOR COMMENTS
44	05/15/15	REVISED FOR COMMENTS
45	06/15/15	REVISED FOR COMMENTS
46	07/15/15	REVISED FOR COMMENTS
47	08/15/15	REVISED FOR COMMENTS
48	09/15/15	REVISED FOR COMMENTS
49	10/15/15	REVISED FOR COMMENTS
50	11/15/15	REVISED FOR COMMENTS
51	12/15/15	REVISED FOR COMMENTS
52	01/15/16	REVISED FOR COMMENTS
53	02/15/16	REVISED FOR COMMENTS
54	03/15/16	REVISED FOR COMMENTS
55	04/15/16	REVISED FOR COMMENTS
56	05/15/16	REVISED FOR COMMENTS
57	06/15/16	REVISED FOR COMMENTS
58	07/15/16	REVISED FOR COMMENTS
59	08/15/16	REVISED FOR COMMENTS
60	09/15/16	REVISED FOR COMMENTS
61	10/15/16	REVISED FOR COMMENTS
62	11/15/16	REVISED FOR COMMENTS
63	12/15/16	REVISED FOR COMMENTS
64	01/15/17	REVISED FOR COMMENTS
65	02/15/17	REVISED FOR COMMENTS
66	03/15/17	REVISED FOR COMMENTS
67	04/15/17	REVISED FOR COMMENTS
68	05/15/17	REVISED FOR COMMENTS
69	06/15/17	REVISED FOR COMMENTS
70	07/15/17	REVISED FOR COMMENTS
71	08/15/17	REVISED FOR COMMENTS
72	09/15/17	REVISED FOR COMMENTS
73	10/15/17	REVISED FOR COMMENTS
74	11/15/17	REVISED FOR COMMENTS
75	12/15/17	REVISED FOR COMMENTS
76	01/15/18	REVISED FOR COMMENTS
77	02/15/18	REVISED FOR COMMENTS
78	03/15/18	REVISED FOR COMMENTS
79	04/15/18	REVISED FOR COMMENTS
80	05/15/18	REVISED FOR COMMENTS
81	06/15/18	REVISED FOR COMMENTS
82	07/15/18	REVISED FOR COMMENTS
83	08/15/18	REVISED FOR COMMENTS
84	09/15/18	REVISED FOR COMMENTS
85	10/15/18	REVISED FOR COMMENTS
86	11/15/18	REVISED FOR COMMENTS
87	12/15/18	REVISED FOR COMMENTS
88	01/15/19	REVISED FOR COMMENTS
89	02/15/19	REVISED FOR COMMENTS
90	03/15/19	REVISED FOR COMMENTS
91	04/15/19	REVISED FOR COMMENTS
92	05/15/19	REVISED FOR COMMENTS
93	06/15/19	REVISED FOR COMMENTS
94	07/15/19	REVISED FOR COMMENTS
95	08/15/19	REVISED FOR COMMENTS
96	09/15/19	REVISED FOR COMMENTS
97	10/15/19	REVISED FOR COMMENTS
98	11/15/19	REVISED FOR COMMENTS
99	12/15/19	REVISED FOR COMMENTS
100	01/15/20	REVISED FOR COMMENTS

PLEASANT VALLEY BOAT STORAGE  
8405 PLEASANT VALLEY ROAD  
FLORENCE, BOONE COUNTY, KY  
ZONE CHANGE EXHIBIT

PROJECT NO. 20084  
ZONE CHANGE-2

**ORDINANCE NO. 2020 –**  
**NOT PASSED**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, THE REQUEST OF LEE RICKEY (APPLICANT) FOR PAUL F. MICHELS TRUST C/O CATHERINE MICHELS (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL ONE (C-1) TO COMMERCIAL SERVICES (C-3), AND TWO DIMENSIONAL VARIANCES FOR A 2.752 ACRE TRACT LOCATED ON THE NORTHWEST CORNER OF THE PLEASANT VALLEY ROAD/HAINES DRIVE INTERSECTION AND ACROSS PLEASANT VALLEY ROAD FROM THE INTERSECTION WITH LENDALE DRIVE (8495 PLEASANT VALLEY ROAD), BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Commercial One (C-1) to Commercial Services (C-3), and two dimensional Variances for a 2.752 acre tract located on the northwest corner of the Pleasant Valley Road/Haines Drive intersection and across Pleasant Valley Road from the intersection with Lendale Drive (8495 Pleasant Valley Road), Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment and Variances.

**NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY AS FOLLOWS:**

**Section One**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Commercial One (C-1) to Commercial Services (C-3), and two dimensional Variances for a 2.752 acre tract located on the northwest corner of the Pleasant Valley Road/Haines Drive intersection and across Pleasant Valley Road from the intersection with Lendale Drive (8495 Pleasant Valley Road), Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial One (C-1) zone is more particularly described in DEED BOOK. 1066, PAGE NO. 231 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That as a basis for this approval of a Zoning Map Amendment request and two dimensional Variances are the findings of fact, and conditions, of the Boone County Planning Commission as set forth in its Minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."

**Section Three**

This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

**First Reading - the 28<sup>th</sup> day of July, 2020.**

**Second Reading - the 25<sup>th</sup> day of August, 2020**

**Adopted this \_\_\_ day of \_\_\_\_, 2020.      Yes \_\_\_ No \_\_\_\_\_**

\_\_\_\_\_  
**GARY W. MOORE, Judge-Executive  
Boone County Fiscal Court**

**ATTEST:**

\_\_\_\_\_  
**Sharon Burcham,  
Fiscal Court Clerk**

## Treva Beagle

---

**From:** Kevin Costello  
**Sent:** Wednesday, September 02, 2020 9:55 AM  
**To:** Kevin Wall; Treva Beagle  
**Cc:** James Horton  
**Subject:** FW: Lee Rickey Request

It is official. The Rickey request was approved by the Fiscal Court by a vote of 2-1 on August 25, 2020. See below.

KPC

---

**From:** Jeff Earlywine  
**Sent:** Tuesday, September 01, 2020 6:22 PM  
**To:** Kevin Costello  
**Cc:** Dale Wilson  
**Subject:** Re: Lee Rickey Request

Thank you Kevin, all understood. The only caveat was the Governor's executive order temporarily suspending the 90-day time limit. This application seems fair to the applicant.

Jeff

Sent from my iPhone

On Sep 1, 2020, at 4:44 PM, Kevin Costello <[KCostello@boonecountyky.org](mailto:KCostello@boonecountyky.org)> wrote:

Jeff:

I reviewed the video from the August 25, 2020 Boone County Fiscal Court meeting regarding the Lee Rickey Zoning Map Amendment request. I also reviewed KRS 100.211(2)(h)(i), which describes action by the legislative body for these types of requests. In this section of the State law, there is a reference to the a majority of the entire legislative body to override a recommendation by the planning commission. Since the Fiscal Court adopted the Planning Commission's recommendation and the identical conditions, it is our opinion that the Zoning Map Amendment was approved by a vote of 2-1 on August 25, 2020. This was the only vote on the matter. Unless there is some other Kentucky Revised Statute that applies to the adoption process of a county ordinance, KRS 100.211 does not require a majority of the entire legislative body to **approve** a Zoning Map Amendment request that is identical to what was recommended by the Planning Commission.

KPC

*Zoning Ord.  
3 votes needed for approval for ord.*

## Treva Beagle

---

**From:** Kevin Costello  
**Sent:** Friday, September 25, 2020 12:13 PM  
**To:** Treva Beagle  
**Subject:** FW: Lee Rickey Request

**From:** Kevin Costello  
**Sent:** Wednesday, September 02, 2020 9:55 AM  
**To:** Kevin Wall; Treva Beagle  
**Cc:** James Horton  
**Subject:** FW: Lee Rickey Request

It is official. The Rickey request was approved by the Fiscal Court by a vote of 2-1 on August 25, 2020. See below.

KPC

**From:** Jeff Earlywine  
**Sent:** Tuesday, September 01, 2020 6:22 PM  
**To:** Kevin Costello  
**Cc:** Dale Wilson  
**Subject:** Re: Lee Rickey Request

Thank you Kevin, all understood. The only caveat was the Governor's executive order temporarily suspending the 90-day time limit. This application seems fair to the applicant.

Jeff

Sent from my iPhone

On Sep 1, 2020, at 4:44 PM, Kevin Costello <[KCostello@boonecountky.org](mailto:KCostello@boonecountky.org)> wrote:

Jeff:

I reviewed the video from the August 25, 2020 Boone County Fiscal Court meeting regarding the Lee Rickey Zoning Map Amendment request. I also reviewed KRS 100.211(2)(h)(i), which describes action by the legislative body for these types of requests. In this section of the State law, there is a reference to the a majority of the entire legislative body to override a recommendation by the planning commission. Since the Fiscal Court adopted the Planning Commission's recommendation and the identical conditions, it is our opinion that the Zoning Map Amendment was approved by a vote pf 2-1 on August 25, 2020. This was the only vote on the matter. Unless there is some other Kentucky Revised Statute that applies to the adoption process of a county ordinance, KRS 100.211 does not require a majority of the entire legislative body to **approve** a Zoning Map Amendment request that is identical to what was recommended by the Planning Commission.

KPC

## Treva Beagle

---

**From:** Kevin Costello  
**Sent:** Friday, September 25, 2020 12:12 PM  
**To:** Treva Beagle  
**Subject:** FW: Lee Rickey Request

**From:** Kevin Costello  
**Sent:** Wednesday, September 02, 2020 9:57 AM  
**To:** Jeff Earlywine  
**Subject:** RE: Lee Rickey Request

Jeff:  
I didn't know if you had to publish anything. We are using the Fiscal Court date of August 25, 2020 as the official approval date.

KPC

**From:** Jeff Earlywine  
**Sent:** Tuesday, September 01, 2020 6:22 PM  
**To:** Kevin Costello  
**Cc:** Dale Wilson  
**Subject:** Re: Lee Rickey Request

Thank you Kevin, all understood. The only caveat was the Governor's executive order temporarily suspending the 90-day time limit. This application seems fair to the applicant.

Jeff

Sent from my iPhone

On Sep 1, 2020, at 4:44 PM, Kevin Costello <[KCostello@boonecountky.org](mailto:KCostello@boonecountky.org)> wrote:

Jeff:  
I reviewed the video from the August 25, 2020 Boone County Fiscal Court meeting regarding the Lee Rickey Zoning Map Amendment request. I also reviewed KRS 100.211(2)(h)(i), which describes action by the legislative body for these types of requests. In this section of the State law, there is a reference to the a majority of the entire legislative body to override a recommendation by the planning commission. Since the Fiscal Court adopted the Planning Commission's recommendation and the identical conditions, it is our opinion that the Zoning Map Amendment was approved by a vote pf 2-1 on August 25, 2020. This was the only vote on the matter. Unless there is some other Kentucky Revised Statute that applies to the adoption process of a county ordinance, KRS 100.211 does not require a majority of the entire legislative body to **approve** a Zoning Map Amendment request that is identical to what was recommended by the Planning Commission.

KPC

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**August 25, 2020**  
**5:30 P.M.**

**ITEM I.**

**CALL TO ORDER**

- A. Judge/Executive Gary W. Moore Called to Order the meeting of the Boone County Fiscal Court.
- B. Commissioner Cathy H. Flaig presented the Invocation and the Pledge to the Flag.

Present:

Gary W. Moore, County Judge/Executive  
Cathy H. Flaig, Commissioner, District 1 - absent  
Charles E. Kenner, Commissioner, District 2  
Jesse A. Brewer, Commissioner, District 3  
Robert Neace, County Attorney

Staff: Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive  
Matthew H. Webster, Assistant County Administrator  
Robert Franxman, County Engineer  
Benjamin T. Reece, Treasurer - absent  
Lori Zombek, Director of Human Resources  
Sharon Burcham, Fiscal Court Clerk  
Col. Les Hill, Sheriff Department

**ITEM II.**

**APPROVAL OF MINUTES**

A. Judge Moore presented the Minutes from the August 11<sup>th</sup>, 2020 Fiscal Court Meeting for approval. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Minutes from the August 11<sup>th</sup>, 2020, Fiscal Court Meeting, with no changes or corrections. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

**ITEM III.**

**PRESENTATIONS**

A. 1. Judge Moore introduced Mr. George Moore from the Northern Kentucky Health District. Mr. Moore stated the Health Department supports public health programs and services and presented the tax rate as the same as last year, \$2.13 per \$100 assessed value, which will generate an estimated value of \$3.7M. Judge Moore asked the Fiscal Court Clerk to read into the record Item VII. B pertaining to the Health District: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT ACKNOWLEDGING RECEIPT OF THE PUBLIC HEALTH TAX RATE SET BY THE BOONE COUNTY PUBLIC HEALTH TAXING DISTRICT CREATED BY KRS 212.750 AND VERIFYING ITS PLACEMENT ON THE COUNTY TAX BILL. Commissioner Brewer moved, seconded by Commissioner Kenner to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0

2. Judge Moore introduced Mr. Greg Palmer, Treasurer of the Verona Fire Protection District Board of Trustees. Mr. Palmer stated the Fire Board voted to increase their tax rate from .192 to .200 per \$100 assessed value. They had additional expenses of new radios, new pagers, and have a need for new equipment which is scheduled to be replaced.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**August 25, 2020**  
**5:30 P.M.**

**ITEM IV.**

**PERSONNEL MATTERS**

A. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE EXECUTIVE, OF PAUL STEPHENSON TO THE OPEN POSITION OF RESIDENTIAL PLANS EXAMINER FOR THE BOONE COUNTY BUILDING DEPARTMENT. Lori Zombek, Director of Human Resources acknowledged the retirement of Connie Becker and presented the new candidate. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

B. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV B: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF SEASONAL NEW HIRES FOR THE MAINTENANCE DEPARTMENT AT THE BOONE COUNTY GOLF COURSES. Lori Zombek, Director of Human Resources, presented the new candidate. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

C. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE, OF ALEXIS ADDINGTON AS A RETURNING SEASONAL EMPLOYEE FOR THE BOONE COUNTY PARKS DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

D. Judge Moore asked the Fiscal Court Clerk to read into the record Item IV D: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT, BY GARY W. MOORE, COUNTY JUDGE/EXECUTIVE OF SHELBY CAMPBELL TO THE FULL-TIME POSITION OF PROPERTY MAINTENANCE TECHNICIAN/PLUMBER FOR THE PROPERTY MAINTENANCE DEPARTMENT. Lori Zombek, Director of Human Resources, presented the candidate. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

**ITEM V.**

**ORDINANCES**

A. Judge Moore asked the Fiscal Court Clerk to read into the record the First Reading of Item V. A: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT AMENDING CHAPTER 50.010 and 50.212 OF THE BOONE COUNTY CODE OF ORDINANCES HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 1010.11 ON MAY 17, 1994, AND AMENDED BY ORDINANCE 09-96-01 ON SEPTEMBER 24, 1996, RELATED TO SOLID WASTE STORAGE CONTAINERS. Matthew Webster, Assistant County Administrator, stated this Ordinance will clean up language on two parts of our Code that deal with demolition waste.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**August 25, 2020**  
**5:30 P.M.**

B. Judge Moore asked The Fiscal Court Clerk to read into the record the Second Reading of Item V. B: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY FERRARA CANDY COMPANY UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100. Jeff Earlywine, County Administrator, stated this Ordinance is for an economic development incentive by Keebler Company, investing \$19M in expansion, with 75 new jobs with a salary range of \$56,000. Keebler was bought out by Ferrara Candy Company.

C. Judge Moore asked The Fiscal Court Clerk to read into the record the Second Reading of Item V. C: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, THE REQUEST OF LEE RICKEY (APPLICANT) FOR PAUL F. MICHELS TRUST C/O CATHERINE MICHELS (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL ONE (C-1) TO COMMERCIAL SERVICES (C-3), AND TWO DIMENSIONAL VARIANCES FOR A 2.752 ACRE TRACT LOCATED ON THE NORTHWEST CORNER OF THE PLEASANT VALLEY ROAD/HAINES DRIVE INTERSECTION AND ACROSS PLEASANT VALLEY ROAD FROM THE INTERSECTION WITH LENDALE DRIVE (8495 PLEASANT VALLEY ROAD), BOONE COUNTY, KENTUCKY. Jeff Earlywine, County Administrator, stated this project has the Planning Commission's recommendation of unanimous approval with seven (7) conditions that involve the type of building material, lighting and signage. The access point was discussed pertaining to right/left turn in and out of the property. Commissioner Brewer asked for no left turn onto Pleasant Valley. Jeff Earlywine, County Administrator, stated the access permit is approved by the Kentucky Transportation Cabinet. Mr. Lee Rickey, owner of the project stated the Kentucky Engineer granted the access in and out of the property. Commissioner Brewer asked for a sign requesting no left turn out of the property onto Pleasant Valley Road. Rob Franxman, County Engineer, stated the Kentucky Transportation Cabinet has the authority over the Road and can evaluate the safety and accident history. Mr. Rickey commented the existing zone permit would allow greater traffic flow than his project. Commissioner Kenner asked to give access to both left and right turns from the property and monitor the traffic. Judge Moore stated the new development allows for boat and RV storage and removes them from communities. Commissioner Kenner moved to accept the Ordinance with the seven (7) conditions; Motion seconded by Judge Moore, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 2-1. Discussion was had regarding legalities of the vote, Robert Neace, County Attorney, stated the Motion does not pass since three (3) votes are necessary to enact an Ordinance. Judge Moore stated, the Planning Commission's recommendation of approval will carry the form of law at the end of the 90-day period to take action.

D. Judge Moore asked The Fiscal Court Clerk to read into the record the Second Reading of Item V. D: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, PROVIDING FOR A CREDIT OF ITS OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY WABCO USA LLC. UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM (KRS 154.32-010-KRS 154.32-100). Jeff Earlywine, County Administrator, stated this is a Boone County company located in Hebron. They manufacture parts for heavy trucks and braking systems. They have invested \$10-\$15M; offering 123 new jobs with a salary of \$39/hour including benefits. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**August 25, 2020**  
**5:30 P.M.**

E. Judge Moore asked The Fiscal Court Clerk to read into the record the Second Reading of Item V. E: AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, AMENDING ORDINANCE NO. 2019-17, ENACTED ON JULY 23, 2019, AND AMENDED ON NOVEMBER 26, 2019, RELATING TO THE USE OF GOLF CARTS ON CERTAIN DESIGNATED COUNTY STREETS AND ROADWAYS. Matthew Webster, Assistant County Administrator, stated this is a cleanup to align our Ordinance with the State guidelines of allowing golf carts on County roads after dark. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Ordinance. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

**ITEM VI.**

**JUDGE'S REPORT**

A. Judge Moore stated there are no appointments at this time.

**ITEM VII.**

**ADMINISTRATIVE MATTERS**

A. Judge Moore asked The Fiscal Court Clerk to read into the record Item VII. A: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING THE UNAUDITED 2019 DISTRICT TAX SETTLEMENTS FOR ALL SPECIAL DISTRICTS FROM APRIL 16, 2019, THROUGH MAY 15, 2020, FOR THE SHERIFF'S DEPARTMENT. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

C. Judge Moore asked The Fiscal Court Clerk to read into the record Item VII. C: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING AND DIRECTING GARY W. MOORE, COUNTY JUDGE/EXECUTIVE TO SUBMIT TO THE KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT AN APPLICATION FOR \$200,000 IN RECOVERY KENTUCKY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE RECOVERY KENTUCKY PROJECT IN BOONE COUNTY. Matthew Webster, Assistant County Administrator, stated this Resolution gives permission to submit the Application for the Grant. Commissioner Brewer moved, seconded by Commissioner Kenner to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0

D. Judge Moore asked The Fiscal Court Clerk to read into the record Item VII. D: A RESOLUTION OF THE BOONE COUNTY FISCAL COURT APPROVING THE RENAMING OF THE STREET NAME FROM HICKS PIKE CONNECTOR ROAD TO DALE HEIMBROCKWAY LOCATED IN BOONE COUNTY, KENTUCKY. Matthew Webster, Assistant County Administrator, stated this Resolution involves the connector road at Route 42 and Hicks Pike. The owner of the Right Of Way asked that the County grant the name as he has ownership of the road. Judge Moore stated this is a short connector with no houses. Commissioner Brewer moved, seconded by Commissioner Kenner to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**August 25, 2020**  
**5:30 P.M.**

E. Judge Moore asked The Fiscal Court Clerk to read into the record Item VII. E: A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING THE APPOINTMENT OF A VIEWING COMMITTEE REGARDING THE REQUEST TO VACATE A PORTION OF THE RIGHT-OF-WAY AT 9981 SPRUCE LANE, IN UNION, UNINCORPORATED BOONE COUNTY. Rob Franxman, County Engineer, stated this is an application for vacation of Right of Way and we are appointing the reviewing committee. The property has been vacant since 1962. Commissioner Brewer moved, seconded by Commissioner Kenner to approve the Resolution. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0

**ITEM VIII.**

**FISCAL MATTERS**

A. Judge Moore presented the Invoice Reports dated August 25<sup>th</sup>, 2020 and pre-paid Invoice Reports dated August 13<sup>th</sup> and August 20<sup>th</sup>, 2020. Commissioner Kenner moved, seconded by Commissioner Brewer, to approve the Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

B. Judge Moore presented the Golf Invoice Reports dated August 25<sup>th</sup>, 2020 and pre-paid Golf Invoice Reports dated August 14<sup>th</sup>, 2020. Commissioner Brewer moved, seconded by Commissioner Kenner, to approve the Golf Invoice Reports. Judge Moore called for a vote on the motion, ALL PRESENT VOTING - AYE 3-0.

**ITEM IX.**

**OLD BUSINESS**

A. Judge Moore asked if there was any Old Business to come before the Court, none presented.

**ITEM X.**

**NEW BUSINESS**

A. Robert Franxman, County Engineer – Update regarding Fall Clean-Up Program.  
Judge Moore introduced Rob Franxman. Rob explained that due to COVID the Solid Waste program has lost manpower and the recycling/clean-up has had to cancel six events that estimate 5,000 loads of waste. To provide the Fall Cleanup to the residents, the County will offer 2,000 vouchers to use at Bavarian Waste. They County will pay \$25 per voucher and the expense will come through emergency funds of COVID. Commissioner Brewer asked a question, Mike Wilson, Director of Solid Waste responded.

B. Jeffrey Earlywine, County Administrator – 2020 Tax Rate Presentation  
Jeff Earlywine presented slides and offered some options for strategic planning and goals for the future if a new tax rate is established. Judge Moore stated extending water to rural areas and offering broadband would be part of the plan. The Court agreed to advertise for a hearing date to consider a tax rate at or below the 4% growth rate. There was consensus that any and all increased revenue would be encumbered for this specific purpose. The Court also agreed to reschedule its regular meeting on September 22<sup>nd</sup> to the date of September 17<sup>th</sup>.

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**Boone County Administration Building**  
**Fiscal Courtroom (1<sup>st</sup> Floor)**  
**Burlington, Kentucky**  
**August 25, 2020**  
**5:30 P.M.**

**ITEM XI.**

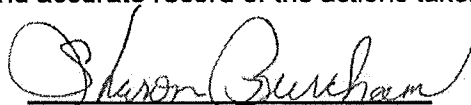
**ADJOURNMENT**

Judge Moore called for adjournment of the Fiscal Court Meeting. Commissioner Brewer moved, seconded by Commissioner Kenner to adjourn the meeting. ALL PRESENT VOTING - AYE 3-0.

NEXT FISCAL COURT MEETING – Tuesday, September 8<sup>th</sup>, 2020 at 5:30 P.M.

**CLERK CERTIFICATION**

The Fiscal Court Clerk does hereby certify that this is a true and accurate record of the actions taken during the Boone County Fiscal Court meeting of August 25<sup>th</sup>, 2020.

  
**Fiscal Court Clerk**

Date: 9 Sept 2020

**Announcements:**

Judge Moore shared condolences to the family of long-time Boone County resident Tom Schwartz, former Captain of the Boone County Police Department and owner of Tom's Papa Dino's Pizza who had passed this week.

Reminded the Court that the September 22<sup>nd</sup>, Court date would be moved to September 17<sup>th</sup>.



