





# EXHIBIT

“A”

## STAFF REPORT

#3

Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

June 1, 2022

### REQUEST

- A. The first part of the request is to rezone an approximate 13-acre area located on Maher Road from RSE to I-1 to allow a roof contractor to occupy the property.
- B. The second part of the request is for a variance reducing the driveway width from twenty-four (24) feet to sixteen (16) feet.
- C. The third part of the request is for a waiver to allow a gravel driveway and gravel outdoor parking and storage area. The Zoning Administrator will take final action on this request but is seeking input from the Planning Commission and Fiscal Court.

### CONCEPT PLAN

- A. Approximately 3.7 acres of the eastern portion of the site is to retain the RSE zoning designation.
- B. Construction of a 12,000 square foot (120'x100') building.
- C. A 16-foot-wide gravel surface driveway. The driveway apron area will be upgraded from gravel to concrete to stop gravel from being carried to Maher Road.
- D. An approximate 35,000 square foot gravel surface equipment yard, which is enclosed with a gate an 8' tall chain link fence. It should be noted that the surfacing is shown to the property line.
- E. A 9-stall concrete parking lot for customers and employees.

### SITE HISTORY

- A. The site has been zoned RSE since the adoption of the 1980 zoning ordinance.

### APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
  - 1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or

1. The existing zoning classification is inappropriate, and that the proposed zoning classification is appropriate; or
  2. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
- B. Section 1130 (Industrial One District) of the Boone County Zoning Regulations states that “The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area”
- C. Section 1131 of the Boone County Zoning Regulations identifies “Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities as a principally permitted use in the I-1 district.”
- D. Section 3151 of the Boone County Zoning Regulations states that “All commercial, office, and employment uses that provide trash and/or garbage collection areas shall be completely enclosed within a structure to minimize their visual impact from public streets, internal circulation areas, and adjoining properties. Provisions for adequate vehicular access to and from trash collection areas shall be required as determined by the Zoning Administrator. Such enclosure structure shall be constructed of brick or masonry walls and/or wooden fences which are a minimum of five (5) feet tall or one foot higher than the trash container to be screened. Chain link fences with slats are not acceptable enclosure materials. The gates or doors of the garbage collection area or dumpster enclosure shall be kept completely closed except at times when the area or dumpster is being serviced.
- E. Section 3314 of the Boone County Zoning Regulations identifies “All parking and loading spaces set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface. Interlocking, concrete pavers that permit grass to grow through openings are an acceptable substitute for asphalt concrete or portland cement concrete for parking spaces and driveways that serve 50 or less parking spaces provided that at least 50 percent of the paver surface is exposed

as the driving surface.”

- F. Section 3323 of the Boone County Zoning Regulations states that “Interior vehicular circulation by way of access roads shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic, the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet. Internal driveways must be clearly divided from parking areas with directional signs or markings in each aisle or driveway.
- G. Section 3620 of the Boone County Zoning Regulations addresses when a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by 50 percent if the buffer yard width is increased from 10 feet to 20 feet and can be eliminated if the buffer yard area is increased to 30 feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.”
- H. Section 3645 of the Boone County Zoning Regulations requires a buffer yard A, having a minimum width of 10 feet between development within an I-1 zone and adjacent I-1 zone. Section 3645 requires a Buffer Yard D, having a minimum width of 80 feet (there is a 40-foot-wide option), to be provided along the perimeter of the site adjoining a residential district.
- I. Section 3413 of the Boone County Zoning Regulations permits the site to have one (1) on-premise monument sign with a maximum height of ten (10) feet and a maximum sign area of 100 square feet when a property is zoned Industrial One (I-1).
- J. Section 303 of the Boone County Zoning Regulations states that at the time of filing an application for a zoning map amendment, an applicant may also request a dimensional variance for the same development.
- K. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- L. The Planning Commission should evaluate the requested variance as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
  - 1. Findings listed in Section 251:
    - a. 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:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - (2) 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;
  - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. 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.

#### SITE CHARACTERISTICS

- A. The site contains 16.62 acres and is located along the northwest side of Maher Road, approximately 500 feet east of Dixie Highway and approximately 1,000 feet west of Tonya Drive.
- B. The site has approximately 660 feet of frontage along Maher Road.
- C. An approximate 1-acre pond is located on the southern portion of the site.
- D. There is an existing stand of mature trees, having a depth of approximately 400 feet at the densest portion, along the north and east property lines of the site.
- E. The site is currently vacant but has a dilapidated barn in the northeast corner of the property.
- F. Access to the site is from an existing driveway off Maher Road.
- G. Two utility easements run through the site. One is east to west near the center of the site, and the second runs north to south near the western property line.
- H. Maher Road is a county-maintained collector street providing for two-way traffic within two driving lanes. There are no sidewalks along the roadway.

#### ADJACENT LAND USES AND ZONING

- North: Vacant land (I-1/CD)
- South: Single family dwellings (RSE)
- East: Single family dwellings (RSE)

West: Railroad tracks, industrial uses, and vacant industrial lots (I-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Rural Density which is “low density residential uses of up to one dwelling unit per acre.”
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:
1. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  2. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  3. 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).
  4. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
  5. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  6. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned. (Economy Goal B, Objective 5).
  7. Future industrial districts should be identified in advance of residential development so that potential impacts are known and can be addressed. (Economy Goal B, Objective 6).
  8. 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).
- C. This site is located in the Richwood East Future Land Use Geographical Area. This geographical area contains the following passages which relates to the proposal:
1. Due to its design and its dangerous intersection with U.S. 25, Maher Road should remain an enclave of residential uses, and no industrial access should be provided along this road. Industrial uses abutting these 139 residential areas must be planned with adequate buffering for the existing and future residential development. The industrial area to the south of Maher Road should be accessed via Frogtown Road, and the possibility of extending East Frogtown Road to connect with Maher Road should be explored because of the better visibility at the railroad crossing and intersection with U.S. 25. The frontage along U.S. 25 is suitable for a mixture of commercial and light industrial activity with proper access management provisions. (p. 139).

D. The following Future Land Use Development Guidelines from Our Boone County Plan 2040 relate to the application:

1. 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. Open Space and Cluster subdivision designs should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography p. 95).
2. 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. Buffer areas should use and supplement existing site features where possible (Buffering, p. 95).
3. 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 (Landscaping p. 96).
4. 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. In addition, the amount of travel time saved for services relying on routing (such as school buses, waste collection, mail, and other delivery services) is invaluable, not to mention the importance of simply connecting neighborhoods and people to each other. More importantly, the connectivity between developments promotes safety as emergency response vehicles have multiple ways of gaining access to a property during an emergency (Access Management p. 96).

STAFF COMMENTS

A. Staff has the following comments and concerns regarding the request:

1. Staff questions if industrial zoning should be permitted to the east of the railroad tracks, the Planning Commission and Fiscal Court should carefully consider where industrial zoning should stop and where residential zoning should begin.
2. Staff is concerned about left turns being made out of the driveway.
3. The freestanding sign near the entrance was constructed without a permit. The sign would not meet the I-1 sign code. Freestanding signs in the I-1 zone must be monument in style and are limited to 10 feet in height and 100 square feet in area.
4. A waiver to allow a gravel driveway and gravel outdoor parking and storage area was submitted as part of the request. The Zoning Administrator will take final action on this request but is seeking input from the Planning Commission and Fiscal Court. Staff would like to note that this type of waiver is typically approved only when there are tracked vehicles that break up pavement.
5. A variance was submitted to reduce the driveway width to 16 feet. Staff has concerns because two vehicles might not be able to pass. At a minimum, staff would recommend that some gravel pullover areas be added if the variance application is approved.
6. Staff would like the applicant to better explain where landscaping is proposed.
  - a. Is Buffer Yard A proposed along the entire street frontage along Maher Road?
  - b. Are supplemental evergreen trees being proposed in the eastern buffer to meet code? The current buffer is comprised almost entirely of deciduous trees.
  - c. The proposed outdoor storage lot is shown all the way to the western property line. A 10 foot buffer is required.
7. Staff received comments from Walton Fire, SD1, and the Northern Kentucky Health Department that are attached to the staff report.
8. The applicant provided a cover letter that outlines the request and includes their rationale for the zone change.

B. The following issues should be addressed and clarified by the applicant:

1. Will the existing barn be removed?
2. What are the days/hours of operation?
3. Will there be any additional security lighting, and if so what type?
4. Will the existing gate be staying?
5. Are any other industrial uses being proposed?
6. Staff observed that a vehicle and large rock pile were out by the road. Staff would like

the applicant to address if any rock or vehicle parking would occur near Maher Road.

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The 2040 Future Land Use Map would need to be amended if the request is approved.
- B. The request for the proposed Variance needs to be evaluated by the Boone County Planning Commission in terms of Kentucky Revised Statute (KRS) 100.243, Article 2 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Alaina Hagenseker  
Planner

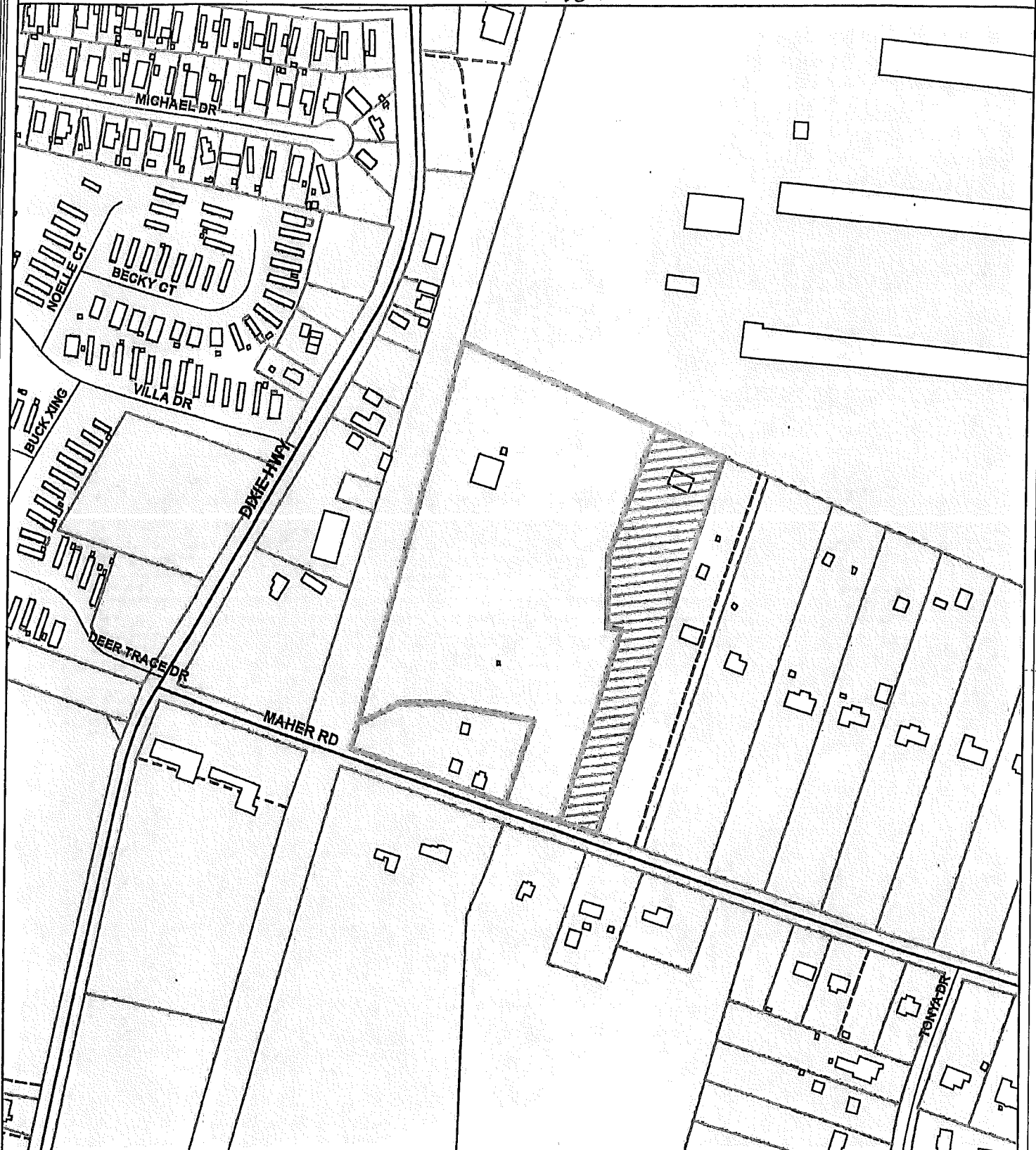
ACH/ss

Attachments:

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Applicant's Narrative
- \*Concept Development Plan
- \*Email from Randy Childress 5/25/22
- \*Email from Andy Aman 5/9/22
- \*Email from Justin Hancock 5/9/22

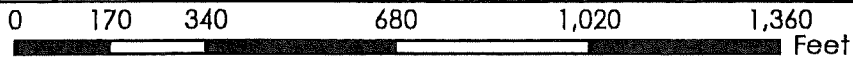
# Site Vicinity map

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



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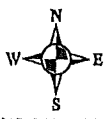
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1 inch = 333 feet

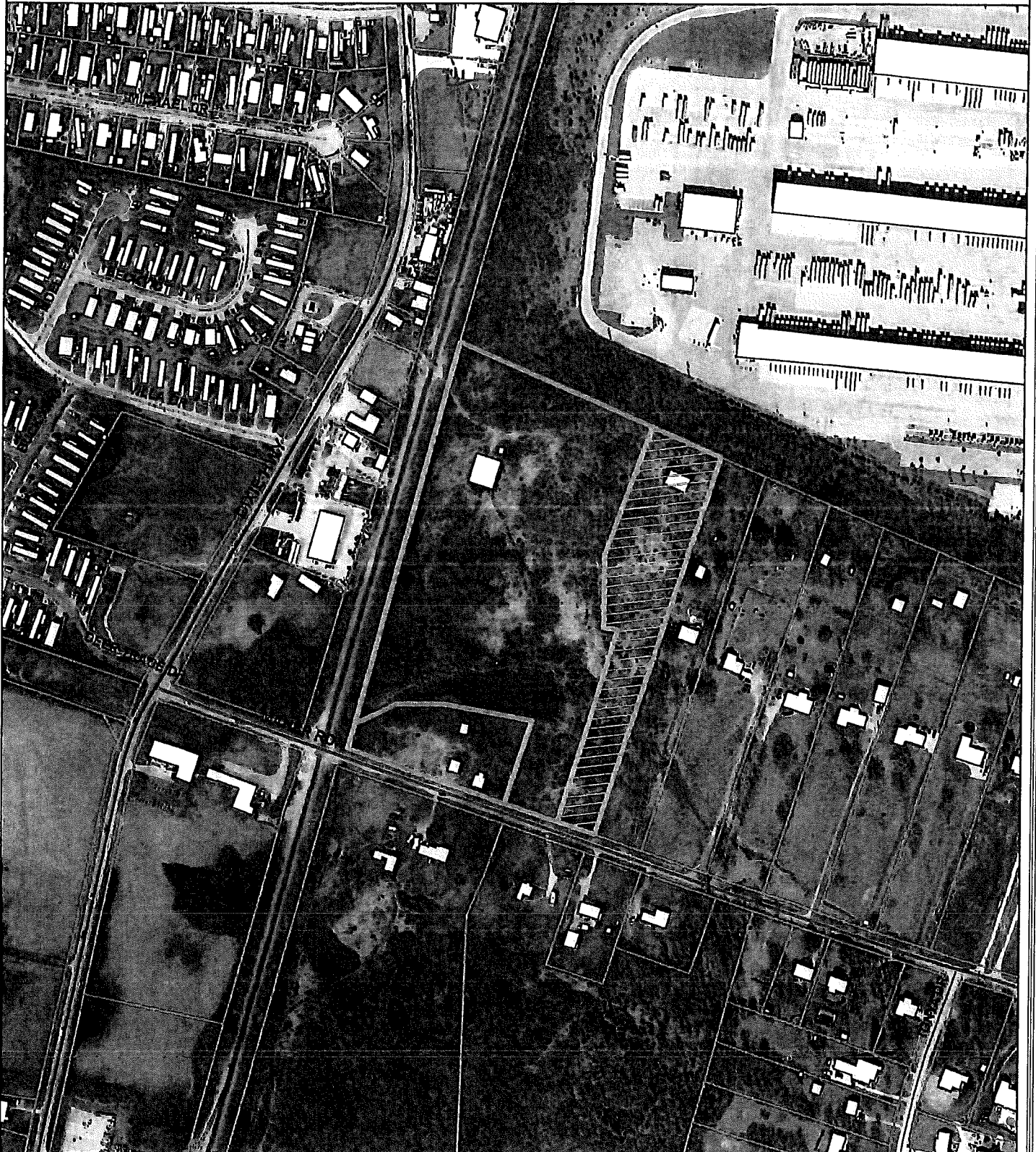


**Boone County GIS - Putting Northern Kentucky on the Map**



# Aerial Map

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



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0 170 340 680 1,020 1,360  
1 Inch = 333 feet  
Feet

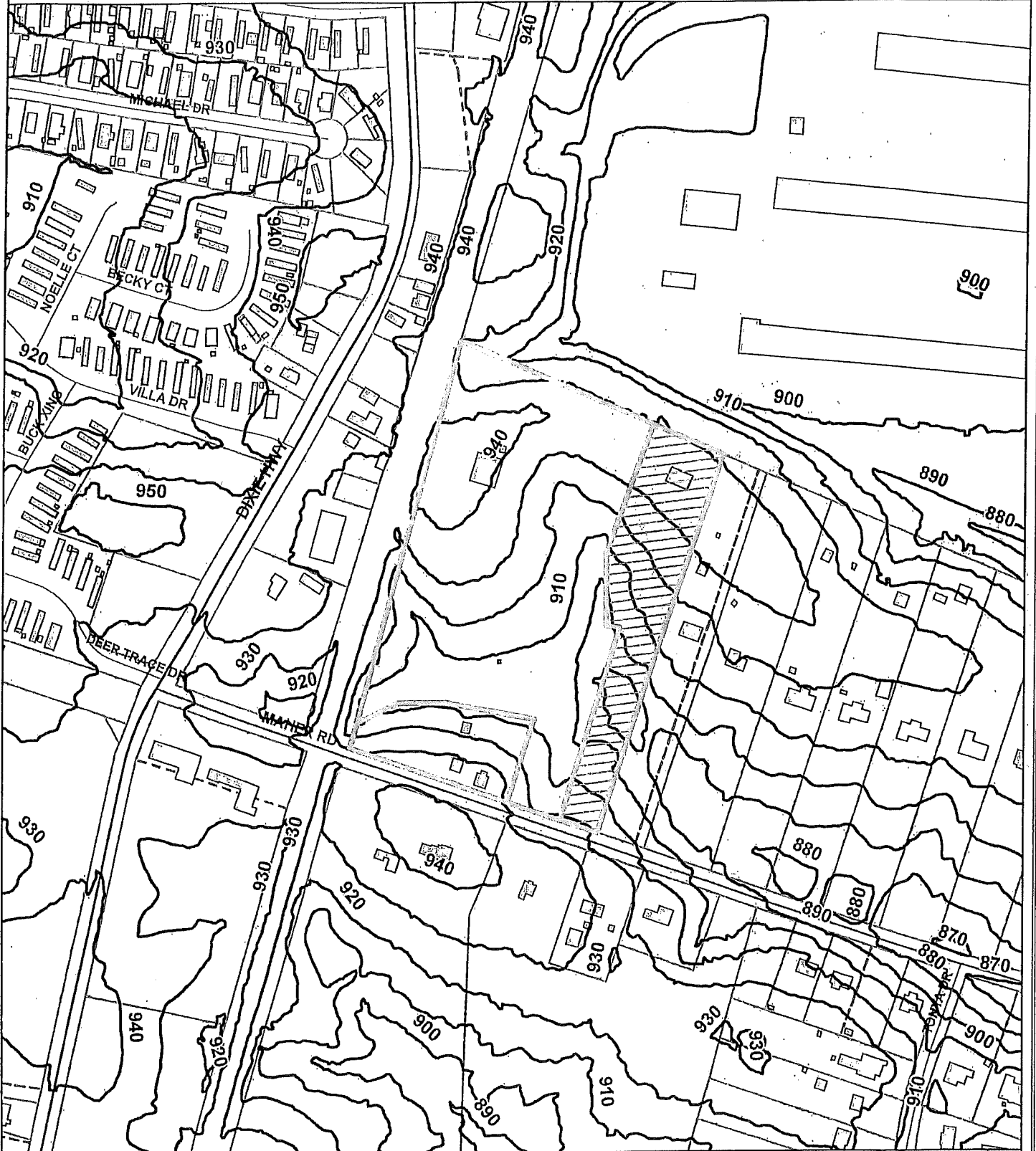


**Boone County GIS - Putting Northern Kentucky on the Map**



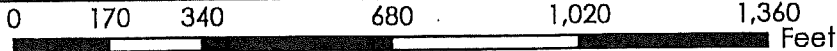
# Topography Map

www.boonecountygis.com



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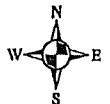
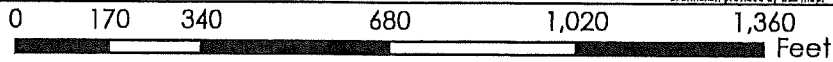
# Zoning Map

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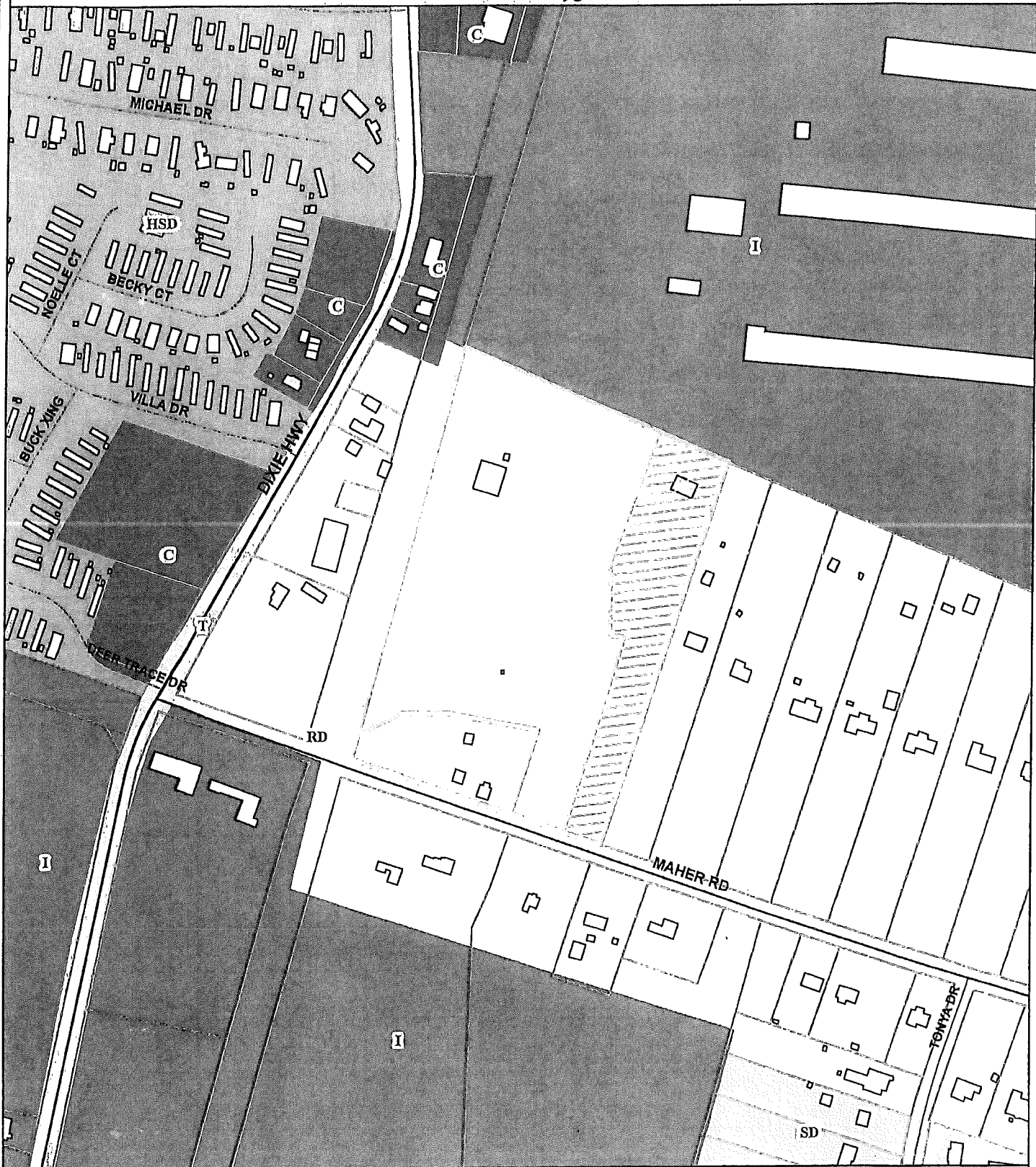
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**Boone County GIS - Putting Northern Kentucky on the Map**

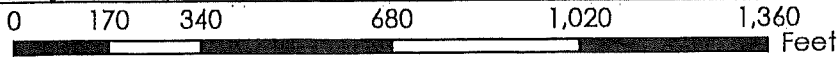
# 2040 Future Land Use Map

www.boonecountygis.com

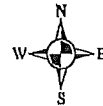


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**Boone County GIS - Putting Northern Kentucky on the Map**





12. 1151 815 2058  
Deed Book Page Number Group Number

13. Have you had a pre-application meeting with the BCPC staff:  Yes  No

14. Have you submitted a Concept Development Plan:  Yes  No

15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input checked="" type="checkbox"/> Boone County Public Works Department  | <input type="checkbox"/> Local School District                        |
| <input type="checkbox"/> Boone County Water District  | <input type="checkbox"/> Northern Kentucky Health Department          |
| <input type="checkbox"/> Cincinnati Bell  | <input type="checkbox"/> Owen Cooperative Electric, Inc.              |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input type="checkbox"/> Sanitation District No. 1                    |
| <input type="checkbox"/> Duke Energy  | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department  | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input type="checkbox"/> Kentucky Transportation Cabinet  |   |

16. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone  Florence  Walton  Union

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

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

ORIGINAL Property Owner's Signature: James Elliott  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: James Elliott  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: \_\_\_\_\_ Fee Received: \_\_\_\_\_ Receipt #: \_\_\_\_\_

2. Number of Copies Received: \_\_\_\_\_

3. Has the following been submitted (check all that apply):

- Completed Application
- Concept Development Plan
- Legal Description
- Names and Mailing Addresses of Adjacent Property Owners

4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_

5. Staff Reviewer: \_\_\_\_\_

6. Committee Chairperson: \_\_\_\_\_

7. Scheduled Public Hearing Date: \_\_\_\_\_

8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: \_\_\_\_\_

- \_\_\_\_\_ Approved
- \_\_\_\_\_ Approved with Conditions
- \_\_\_\_\_ Denial
- \_\_\_\_\_ Other

9. Resolution Number: \_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
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# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road,  
Erlanger, Kentucky 41018

Tel: 859.727.3293  
Fax: 859.727.8452  
www.vioxinc.com

April 29, 2022  
Boone County Planning Commission  
2950 Washington St.  
Burlington, KY 41005  
Attn: Mr. Schwartz

RE: James Elliott Roofing Proposal – Project Narrative  
Dear Mr. Schwartz:

This narrative is regarding the zoning map amendment application for James Elliott Roofing and the proposal's relationship to the comprehensive plan. Per Boone County zoning ordinances, I-1 seems to be the only zone that allows Contractors to operate a facility/office, despite the size of the company. Per our discussion, typical I-1 uses should not be permitted on Maher Road per the language in the comprehensive plan. However, there does not seem to be another zone, conditional use option, or other mechanism to allow the presence of a local contractor that produces very low traffic.

The proposed facility needs a 300' wide zoning corridor parallel to the railroad tracks at the terminal western end of Maher Road. I do not believe this part of the property is appropriate for residential because of the active railway line and the required horn blowing for the crossing. The property is bordered by I-1 uses to the north and west. The proposed site plan keeps the building within the northwest corner of the site and approximately 450 feet from the next adjoining residential lot.

The business currently has 6 employees and uses six dually work trucks with trailers. Employees arrive early in the morning. Crews leave for job sites around 6am and return in the afternoon. A building materials delivery truck will make a delivery once a month. These materials will be stored in the yard and primarily be roofing material and siding. Lockable containers for tools and construction equipment may also be placed in the fenced in yard. The security fence will be screened on the south side and east side. The structure will be a metal barn; see precedent images attached.

I have received several inquiries over the years to develop this property. None of them have been compatible. I believe this specific proposal is an appropriate use of this property (300 ft. western portion only), and the client is agreeable to condition it that way. If there is a less intense underlying zone other than I-1, or a conditional use option in RSE, that would allow a small-scale local contractor to operate, our client would be open to that. I-1 appears to be the only option.



Per noise abatement research, train horns usually range between 130-150 decibels and are required to be at least 110 decibels at 100 ft.

As a cross reference, the FAA has established 65 DNL as the threshold above which aircraft noise is considered to be incompatible with residential areas. Note, a DNL noise contour does not represent the noise levels present on any specific day but represents the energy-average of all 365 days of operation during the year. The relative distance of a contour from an airport along each route is a function of the frequency of use of each runway end for total arrivals and departures, as well as its use at night, and the type of aircraft assigned to it. Therefore, it is difficult to make a direct comparison to trains without the same methods applied but a study is unavailable. Please see attached noise chart from the American Academy of Audiology for additional comparisons.

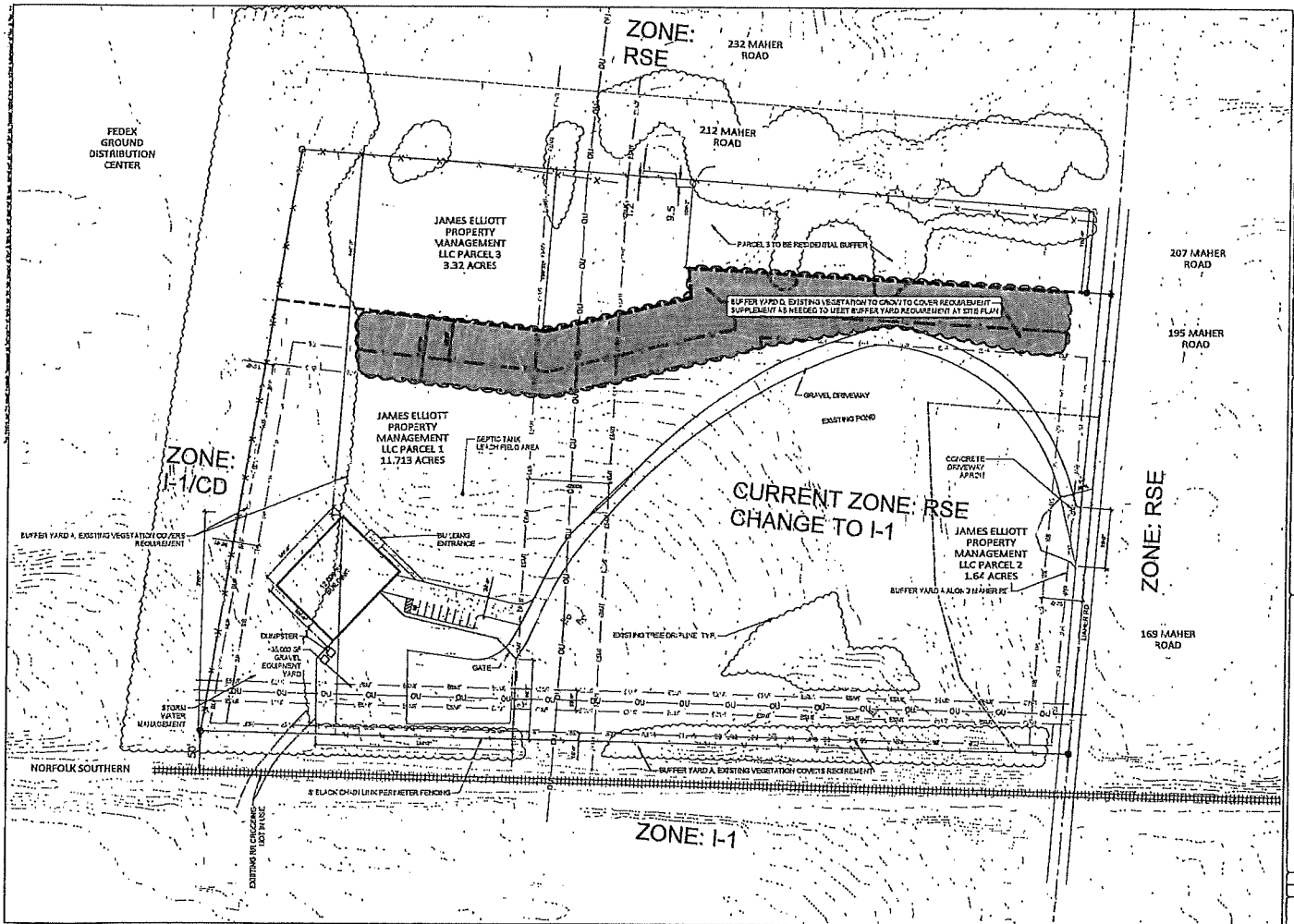
Trains are required to sound off two long, one short, and one long burst and repeat the sequence prior to crossing. The trains on this rail line operate 24 hours a day and can exceed twenty trains a day. The noise level exceeds tolerance levels compatible with residential. The findings indicate the existing zoning classification given to the property is inappropriate, particularly the western part, and the proposed zoning classification is appropriate.

Thanks for your consideration of the specifics of this application.

Sincerely,

Brock M. MacKay, PLA, ASLA, CLARB  
Director of Landscape Architecture & Planning





**176 MAHER ROAD ZONE CHANGE SUBMITTAL**  
 176 MAHER RD. BOONE COUNTY, KY  
 CONCEPT PLAN

NO.	DATE	REVISION

# LEVELS OF NOISE In decibels (dB)

<b>PAINFUL &amp; DANGEROUS</b>	
Use hearing protection or avoid	140 <ul style="list-style-type: none"> <li>• Fireworks</li> <li>• Gun shots</li> <li>• Custom car stereos (at full volume)</li> </ul>
	130 <ul style="list-style-type: none"> <li>• Jackhammers</li> <li>• Ambulances</li> </ul>
<b>UNCOMFORTABLE</b>	
Dangerous over 30 seconds	120 <ul style="list-style-type: none"> <li>• Jet planes (during take off)</li> </ul>
<b>VERY LOUD</b>	
Dangerous over 30 minutes	110 <ul style="list-style-type: none"> <li>• Concerts (any genre of music)</li> <li>• Car horns</li> <li>• Sporting events</li> </ul>
	100 <ul style="list-style-type: none"> <li>• Snowmobiles</li> <li>• MP3 players (at full volume)</li> </ul>
	90 <ul style="list-style-type: none"> <li>• Lawnmowers</li> <li>• Power tools</li> <li>• Blenders</li> <li>• Hair dryers</li> </ul>
Over 85 dB for extended periods can cause permanent hearing loss.	
<b>LOUD</b>	
	80 <ul style="list-style-type: none"> <li>• Alarm clocks</li> </ul>
	70 <ul style="list-style-type: none"> <li>• Traffic</li> <li>• Vacuums</li> </ul>
<b>MODERATE</b>	
	60 <ul style="list-style-type: none"> <li>• Normal conversation</li> <li>• Dishwashers</li> </ul>
	50 <ul style="list-style-type: none"> <li>• Moderate rainfall</li> </ul>
<b>SOFT</b>	
	40 <ul style="list-style-type: none"> <li>• Quiet library</li> </ul>
	30 <ul style="list-style-type: none"> <li>• Whisper</li> </ul>
<b>FAINT</b>	
	20 <ul style="list-style-type: none"> <li>• Leaves rustling</li> </ul>

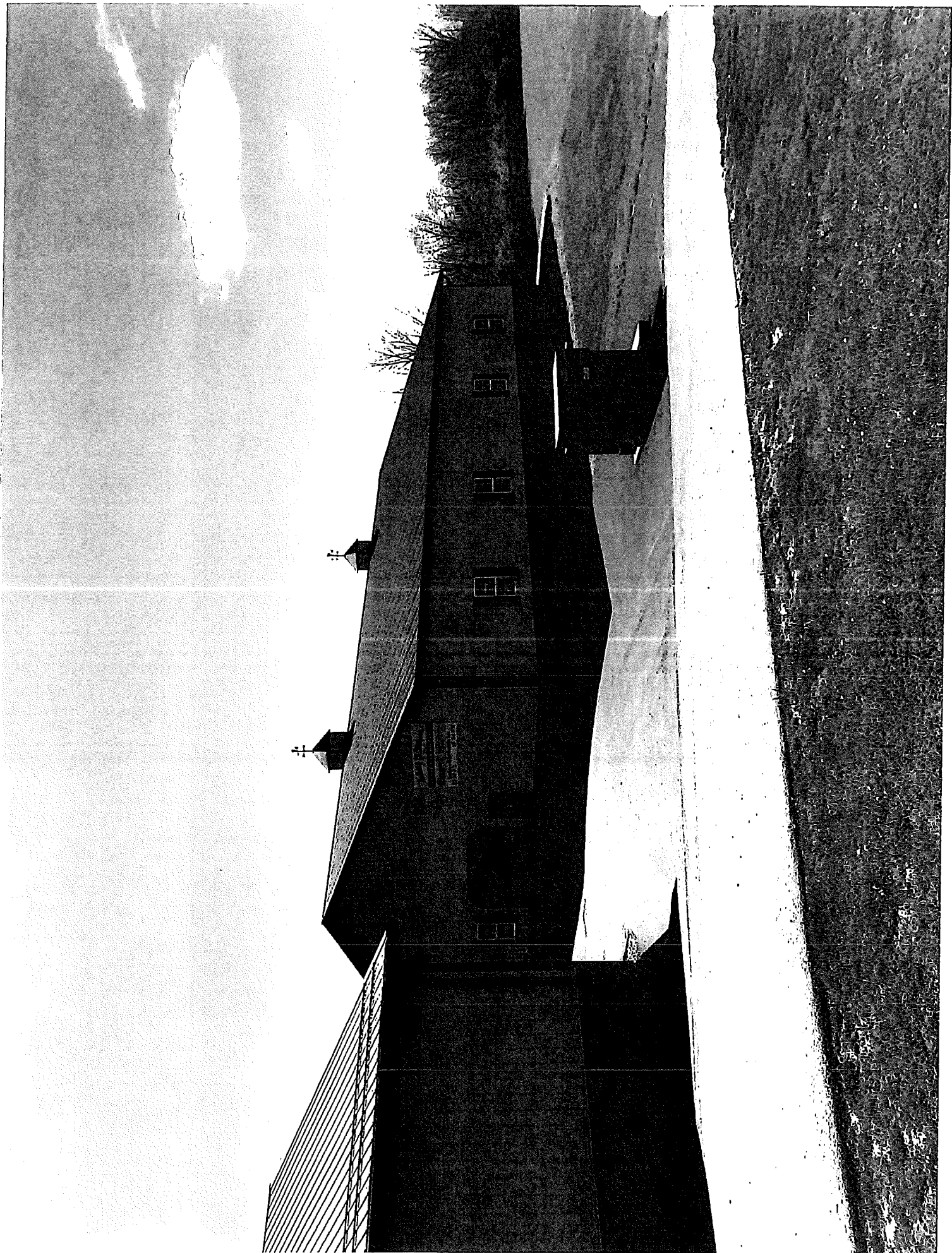
## OCTOBER IS NATIONAL AUDIOLOGY AWARENESS MONTH AND NATIONAL PROTECT YOUR HEARING MONTH

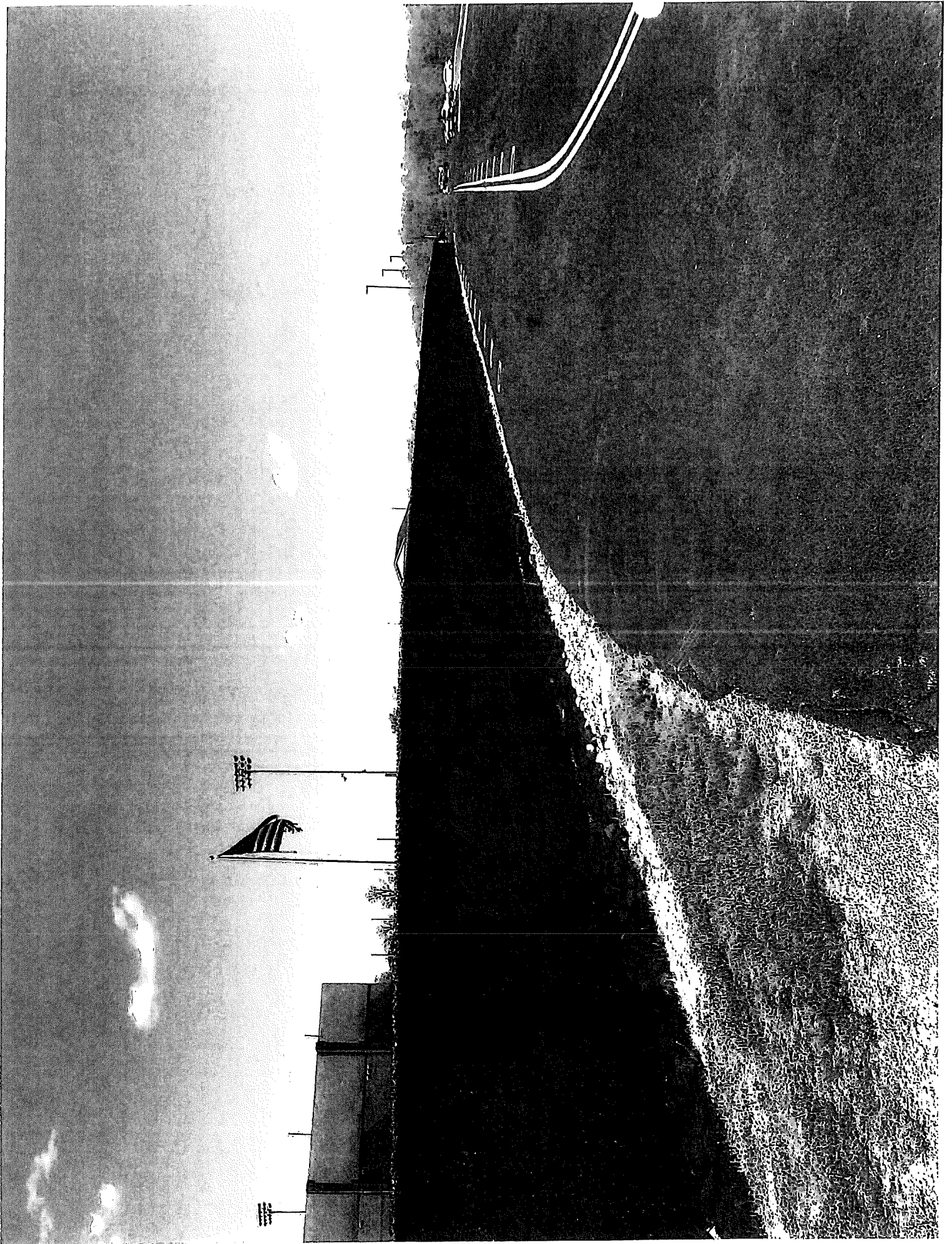
Visit [www.HowsYourHearing.org](http://www.HowsYourHearing.org) to learn more about audiology and hearing loss.

Think you may have a hearing loss? Click on the "Find an Audiologist" link of the Web site to locate and set up an appointment with an audiologist in your area to get your hearing tested.









## **Brock MacKay**

---

**From:** Daniel Rice <Drice@boonecountyky.org>  
**Sent:** Friday, April 29, 2022 7:50 AM  
**To:** Brock MacKay  
**Subject:** RE: 176 Maher Road

Brock,

After talking with you and reviewing the site, Public Works sees no issue with the ingress and egress of 176 Maher Rd.

**Thanks,**

**Daniel Rice**

**Engineering Services Supervisor**

**Boone County Public Works**

Office: 859-334-4809

Cell: 859-743-1395

[drice@boonecountyky.org](mailto:drice@boonecountyky.org) | <http://www.boonecountyky.org>

**From:** Brock MacKay <bmackay@vioxinc.com>  
**Sent:** Thursday, April 28, 2022 2:15 PM  
**To:** Daniel Rice <Drice@boonecountyky.org>  
**Subject:** 176 Maher Road

### **EXTERNAL MESSAGE**

Daniel,

Thanks for the phone conversation regarding 176 Maher Road and access for the proposed use of James Elliott Roofing. Per our conversation, he is a small sized construction company that works in roofing and siding, has a few crews/trucks leaving early in the morning (6am) and returning in the afternoon. Every once in a while there will be a building materials delivery, maybe once every few weeks. The driveway location is in the same location as it was historically for other uses, however we are angling it down to help manage the turning movements for construction trucks/trailers, manage topography, and prevent traffic going down Maher Road. We can discuss details of the driveway apron at the site plan level if approved through zoning. The residential lot will be preserved and would have its own driveway if James built a home on it.

I appreciate your general review for any overarching concerns at this stage.

Thanks,

Brock M. MacKay, PLA, ASLA, CLARB  
V.P. Landscape Architecture & Planning



T: 859.727.3293

M: 859.250.4024

[bmackay@vioxinc.com](mailto:bmackay@vioxinc.com) | [www.vioxinc.com](http://www.vioxinc.com)

466 Erlanger Road | Erlanger, KY 41018

*~Celebrating 75 years of business in Greater Cincinnati~*

**From:** [Randy Childress](#)  
**To:** [Alaina Hagenseker](#)  
**Subject:** RE: Zoning Map Amendment/Variance for James Elliott Roofing - 176 Maher Road, Walton KY  
**Date:** Wednesday, May 25, 2022 11:08:06 AM  
**Attachments:** [image001.png](#)

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**EXTERNAL MESSAGE**

It would be a recommendation to have a box attached for the gate, however we do not always require it unless there are life safety or other hazards. As I looked at the plan the gate is for the main equipment yard but we will still be able to access the entry/parking area. This will allow up to access the building and have a turn-around for the long access road. I do have a question. I had no issues with the Zoning Amendment. Will this submittal also cover his major site plan for the property? Will they be providing a utility plan?

**From:** Alaina Hagenseker <[ahagenseker@boonecountyky.org](mailto:ahagenseker@boonecountyky.org)>  
**Sent:** Wednesday, May 25, 2022 9:05 AM  
**To:** Randy Childress <[Randy.Childress@Florence-KY.gov](mailto:Randy.Childress@Florence-KY.gov)>  
**Subject:** RE: Zoning Map Amendment/Variance for James Elliott Roofing - 176 Maher Road, Walton KY

Randy,

I was double checking through this plan for my staff report. Will you require a Knox Box for their security gate, since where the gate is proposed, no vehicles would be able to get around it without going into the pond?

**Alaina Hagenseker**  
**Planner, Zoning Services**



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264  
[Boone County Planning Commission](#)

**From:** Randy Childress <[Randy.Childress@Florence-KY.gov](mailto:Randy.Childress@Florence-KY.gov)>  
**Sent:** Monday, May 9, 2022 2:23 PM  
**To:** Alaina Hagenseker <[ahagenseker@boonecountyky.org](mailto:ahagenseker@boonecountyky.org)>  
**Subject:** RE: Zoning Map Amendment/Variance for James Elliott Roofing - 176 Maher Road, Walton KY

**EXTERNAL MESSAGE**

No comments on the proposal

**From:** Alaina Hagenseker <[ahagenseker@boonecountky.org](mailto:ahagenseker@boonecountky.org)>

**Sent:** Monday, May 9, 2022 10:02 AM

**To:** Randy Childress <[Randy.Childress@Florence-KY.gov](mailto:Randy.Childress@Florence-KY.gov)>

**Subject:** FW: Zoning Map Amendment/Variance for James Elliott Roofing - 176 Maher Road, Walton KY

Good Morning,

James Elliott Roofing has submitted a Zoning Map Amendment application change the zone of the property from RSE to I-1. I have attached the applicant's cover letter and pertinent Concept Development Plans for your review. The public hearing for this request has been scheduled for June 1, 2022, at 7:30 P.M. Please let me know if you have comments regarding the request after you have had a chance to review the plans. I would like to receive all comments back by May 23<sup>rd</sup> so I time to review the comments and include them in my Staff Report. Please feel free to contact me if you have any questions.

Thanks for your help.

**Alaina Hagenseker**  
**Planner, Zoning Services**



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317  
Burlington, Kentucky 41005  
(P) 859-334-2196 (F) 859-334-2264  
Boone County Planning Commission

**From:** [Andy Aman](#)  
**To:** [Alaina Hagenseker](#)  
**Subject:** RE: Zoning Map Amendment/Variance for James Elliott Roofing - 176 Maher Road, Walton KY  
**Date:** Monday, May 9, 2022 9:48:02 AM  
**Attachments:** [image001.png](#)

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## **EXTERNAL MESSAGE**

SD1 comments as follows:

Storm:

This project may need to submit for and obtain a Storm Water Permit from SD1 with a disturbance of 1-acre and greater.

Sanitary:

If there will be any new sanitary sewer connection(s) with this project sanitary sewer permits will need to be obtained from SD1.

Regards,

***Andy Aman***

Plan Review Manager

SD1

1045 Eaton Dr

Ft. Wright, KY 41017

859-578-6880

[aaman@sd1.org](mailto:aaman@sd1.org)

[www.sd1.org](http://www.sd1.org)

**From:** Alaina Hagenseker <[ahagenseker@boonecountyky.org](mailto:ahagenseker@boonecountyky.org)>

**Sent:** Friday, May 6, 2022 4:57 PM

**To:** Jerry Noran <[jnoran@boonecountyky.org](mailto:jnoran@boonecountyky.org)>; Robert Franxman <[rfranxman@boonecountyky.org](mailto:rfranxman@boonecountyky.org)>;

Andy Aman <[aaman@sd1.org](mailto:aaman@sd1.org)>; joey.vest@waltonfireky.com; Charlie Alexander

<[charlie.alexander@waltonfireky.com](mailto:charlie.alexander@waltonfireky.com)>; [steve.divine@nkyhealth.org](mailto:steve.divine@nkyhealth.org); [justin.hancock@nkyhealth.org](mailto:justin.hancock@nkyhealth.org)

**Cc:** Jeff Earlywine <[jearywine@boonecountyky.org](mailto:jearywine@boonecountyky.org)>; Matthew Webster

<[mwebster@boonecountyky.org](mailto:mwebster@boonecountyky.org)>

**Subject:** Zoning Map Amendment/Variance for James Elliott Roofing - 176 Maher Road, Walton KY

Good Morning,

James Elliott Roofing has submitted a Zoning Map Amendment application change the zone of the property from RSE to I-1. I have attached the applicant's cover letter and pertinent Concept Development Plans for your review. The public hearing for this request has been scheduled for June 1, 2022, at 7:30 P.M. Please let me know if you have comments regarding the request after you have had a chance to review the plans. I would like to receive all comments back by May 23<sup>rd</sup> so I time to review the comments and include them in my Staff Report. Please feel free to contact me if

you have any questions.

Thanks for your help.

**Alaina Hagenseker**  
**Planner, Zoning Services**



**BOONE COUNTY**  
**PLANNING COMMISSION**

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Boone County Planning Commission

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Public Records Notice: I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at (859) 331-2436 or via email to [records@sd1.org](mailto:records@sd1.org). Your request will not be forwarded.

**From:** [Justin Hancock](#)  
**To:** [Alaina Hagenseker](#)  
**Cc:** [Jerry Noran](#); [Robert Franxman](#); [Andy Aman](#); [joey.vest@waltonfireky.com](mailto:joey.vest@waltonfireky.com); [Charlie Alexander](#); [steve.divine@nkyhealth.org](mailto:steve.divine@nkyhealth.org); [Jeff Earlywine](#); [Matthew Webster](#)  
**Subject:** Re: Zoning Map Amendment/Variance for James Elliott Roofing - 176 Maher Road, Walton KY  
**Date:** Monday, May 9, 2022 9:47:01 AM  
**Attachments:** [image001.png](#)

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## EXTERNAL MESSAGE

Good Morning,

Thank you for reaching out to the Northern Kentucky Health Department for comments pertaining to the Concept Development Plans for 176 Maher Road (James Elliott Roofing). As for our office, it appears that city sewer is not accessible for this property. If this is indeed the case, then a septic site evaluation will need to be completed by our office to ensure that this property is suitable for an onsite septic system (if plumbing is to be installed in the proposed building). This would also be needed for any other structures that plan on being built with the intent of utilizing plumbing fixtures. The site evaluation application is available on our website at [www.nkyhealth.org](http://www.nkyhealth.org)

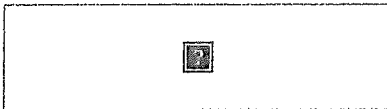
Thanks for reaching out to our department and I hope this information is beneficial.

Kind regards,

**Justin Hancock, REHS**  
Environmental Health Manager

**Northern Kentucky Health Department**  
New address: 8001 Veterans Memorial Drive Florence, KY 41042  
Office: 859-363-2022 | Fax: 859-578-7871

[justin.hancock@nkyhealth.org](mailto:justin.hancock@nkyhealth.org)



EEO/M/F/Vets/Disabled/LGBTQ+

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On Fri, May 6, 2022 at 4:57 PM Alaina Hagenseker <[ahagenseker@boonecountyky.org](mailto:ahagenseker@boonecountyky.org)> wrote:

Good Morning,

James Elliott Roofing has submitted a Zoning Map Amendment application change the zone of the property from RSE to I-1. I have attached the applicant's cover letter and pertinent Concept Development Plans for your review. The public hearing for this request has been scheduled for June 1, 2022, at 7:30 P.M. Please let me know if you have comments

regarding the request after you have had a chance to review the plans. I would like to receive all comments back by May 23<sup>rd</sup> so I have time to review the comments and include them in my Staff Report. Please feel free to contact me if you have any questions.

Thanks for your help.

**Alaina Hagenseker**

**Planner, Zoning Services**



**BOONE COUNTY**  
**PLANNING COMMISSION**

2950 Washington Street, Room 317

Burlington, Kentucky 41005

(P) 859-334-2196 (F) 859-334-2264

Boone County Planning Commission

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#2

**TO:** Boone County Planning Commission

**FROM:** Corrin Gulick, Chairman

**DATE:** July 6, 2022

**RE:** Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

### FINDINGS OF FACT:

#### ZONING MAP AMENDMENT FINDINGS OF FACT

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

1. The Committee has concluded that the proposed I-1 district is appropriate and the existing RSE district is inappropriate for the following reasons:
  - a. The site adjoins the railroad tracks, and the decibel levels of trains would not be conducive with residential zoning. The applicant provided a decibel level chart that is part of the record, and it shows the train decibel level to be 130dB at the intersection of Maher Road and Dixie Highway which is noted as "painful and dangerous and to use hearing protection or avoid."
  - b. The existence of the 100-foot-wide utility easement, which runs through the property east to west and an additional 25-foot-wide utility easement running north to south, would make development of the property residentially undesirable.
  - c. The Committee noted that an approximate 3-acre portion of the parcel will remain zoned RSE and serve as a self-imposed buffer between the proposed I-1 zoning adjoining the residential homes along Maher Road. Conditions have been added to require supplemental evergreens and street frontage.

#### ZONING MAP AMENDMENT CONDITIONS:

1. The approval shall be based on the submitted Concept Development Plan except as modified by the conditions below. The Zoning Administrator can permit minor changes to the plan.

2. No aggregate storage or vehicle parking shall be permitted along Maher Road.
3. All signage shall comply with the Sign Regulations for the I-1 zoning.
4. The driveway shall intersect with Maher Road at a 90-degree angle.
5. The following landscaping shall be required
  - a. Street frontage landscaping per section 3620 of the Zoning Regulations.
  - b. Supplemental evergreen landscaping will be required between the east of the development driveway and the single-family residential dwelling located at 212 Maher Road. Boone County Planning Commission Staff and the applicants landscape architect shall determine how much landscaping and what types (nursery stock, whip plantings, seed mixes) are required when a Major Site Plan application is submitted for review.
6. The approval is limited to the following principally permitted use:
  - a. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and Sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
7. The building shall not have a showroom or other public displays that promote high volume of traffic.
8. Gravel surfacing shall not encroach into required buffer yards.
9. The first 50' of the driveway, measured from the Maher Road right-of-way, shall be improved with concrete or asphalt to prevent gravel from being carried onto the road.

#### VARIANCE FINDINGS OF FACT

We, the Committee, recommend that the full Planning Commission take final action to approve the above referenced variance request, subject to the condition that the above referenced zoning map amendment is approved by the legislative body, based on the following findings of fact:

1. The proposed 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 approving the proposed variance, development of the site will provide for a consistent development pattern along this portion of the roadway.

2. The proposed variance is being requested as part of a proposed zoning map amendment with the submittal of a proposed Concept Development Plan. Since the requested variance is part of, and being reviewed in light of, the proposed zoning map amendment and concept development plan, it is the decision of this committee that the proposed variances should only be approved and be in effect if the proposed zoning map amendment is approved by the legislative body.

VARIANCE CONDITIONS:

1. The driveway width can be reduced to a minimum of 18 feet.
2. At least one gravel pullover area shall be required on the driveway to allow two vehicles to pass.

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 Development Plan Committee Vote.

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

DATE: June 15, 2022

**ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff**


2. Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

REMARKS:


We, the Committee Members were present 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.

\_\_\_\_\_  
**Janet Kegley**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Corrin Gulick (Chairwoman)**

For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**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 \_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Steve Harper**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Jackie Steele (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_

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

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Steve Harper  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the third item on the Agenda at 9:30 p.m.

**ZONING MAP AMENDMENT, Alaina Hagenseker, Staff**

3. Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 16.7 acres in size and is located at 176 Maher Road. About 3.7 acres of the site will not be rezoned as it will remain as a buffer and zoned RSE. About 13 acres of the site is being requested to be rezoned from RSE to I-1 to allow a roofing company. Ms. Hagenseker described the surrounding uses as outlined in the Staff Report. The Comprehensive Plan's Future Land Use Map designates this site for Rural Density Residential (RD). Pages 5-6 refer to the Comprehensive Plan. The submitted Concept Development Plan indicates the construction of a 12,000 square foot building with a 16 foot wide gravel surface driveway and a concrete driveway apron. An approximate 35,000 square foot gravel surface equipment yard will be created, which will be enclosed with a gate and an 8 foot tall chain link fence. A nine stall parking area will be provided for customers and employees. The site has a 100 foot wide utility easement. The applicant did provide photographs of typical buildings he is proposing. Ms. Hagenseker showed photographs of the site and adjoining properties. It included a photo of the Norfolk-Southern rail line on the west side of the site. A one acre pond exists on the site.

Staff Comments are listed on Pages 7-8 of the Staff Report. First, Staff questions if industrial zoning should be permitted on the east side of the railroad tracks. Second, Staff is concerned about left turns being made out of the driveway. Third, the freestanding sign near the entrance was constructed without a permit. Free standing signs in the I-1 zone must be monument in style and are limited to 10 feet in height and 100 square feet in area. Fourth, a waiver to allow a gravel driveway and gravel outdoor parking and storage area was submitted as part of the request. The Zoning Administrator will take final action on this request but is seeking input from the Planning Commission and Fiscal Court. Staff would like to note that this type of waiver is typically approved only when there are tracked vehicles that break up pavement. Fifth, a variance was submitted to reduce the driveway width to 16 feet. Staff has concerns because two vehicles might not be able to pass. At a minimum, Staff would recommend that some gravel pullover areas be added if the variance application is approved. Sixth, Staff would like the applicant to better explain where landscaping is proposed:

- a. Is Buffer Yard A proposed along the entire street frontage along Maher Road?
- b. Are supplemental evergreen trees being proposed in the eastern buffer to meet code?  
The current buffer is comprised almost entirely of deciduous trees.

- d. The proposed outdoor storage lot is shown all the way to the western property line. A 10 foot buffer is required.

Seventh, Staff received comments from Walton Fire, SD1 and the Northern Kentucky Health Department that are attached to the Staff Report. Eighth, the applicant provided a cover letter that outlines the request and includes their rationale for the zone change. Finally, the following issues should be addressed and clarified by the applicant: Will the existing, dilapidated barn be removed? What are the days/hours of operation? Will there be any additional security lighting, and if so, what type? Will the existing gate be staying? Are any other industrial uses being proposed? Staff observed that a vehicle and large rock pile were out by the road. Staff would like the applicant to address if any rock or vehicle parking would occur near Maher Road?

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

Mr. James Elliott, applicant and owner, stated that he owned the property for a year and half. The property was abandoned for the past 25 years – untouched and overgrown. There were many buildings on the site that were abandoned. He has improved the property by rock lining the lake and putting in the driveway. He owns a small roofing company that specializes in metal roofing of high end homes and buildings. He wants to park his trucks, trailers and equipment on the site along with living on the property so he can be close to his Mom. He would also store roofing and siding products on the site. He will remove the barn from the site so he can build his home on the property. He will also remove the illegal sign on the property. He and his crew would leave his yard around 6:00 a.m. and return at 7:00 p.m. They would have a maximum of 6 trucks on the site. There will be no manufacturing in the building. The building will store some copper products and will be used to service the trucks. There will be no storage of old asphalt products on the site. Those products will be recycled at the Bavarian landfill. Three security lights have been installed on the site. They sit on 8 foot high poles. The proposed building would have a barn/residential look from Maher Road.

Mr. Brock Mackay, Viox & Viox, Inc., stated that a lot of people has approached him about this property in the past. The challenge is that the applicant is a small contractor and the I-1 zone is the only zone to allow his use. Acquiring I-1 zoned land is a challenge today as the big box developers are buying up the land. The residential zoning really doesn't belong next to the railroad. The western side of the property is the noisiest because of the train horn. The proposed use is tucked away in the northwest corner of the site. The site can be buffered with existing and new vegetation. Mr. Mackay showed the location of the old railroad crossing on the west side of the site. Mr. Elliott researched it and found out that the railroad will not let the applicant use it anymore so access to the stie has to be off Maher Road. Mr. Mackay stated that it is really a low intensity use.

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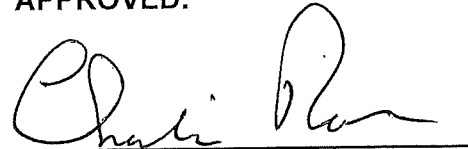
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Ms. Tandy Elliott, 219 Maher Road, stated that the property was a place for the homeless. It was a mess. It is well suited for industrial use because of the powerlines.

Mr. Jordan Hendrick, 207 Maher Road, asked about the future. If the applicant sells the property, can FedEx buy it and expand since it is already zoned industrial? Is selling the property the real goal since a sign was on the property or is he really going to build a house? Chairman Rolfsen replied that the Planning Commission can limit the use of the property to Mr. Elliott's business only. Any change in the use would require a new Public Hearing. A more intense industrial use would impact Maher Road. Mr. Hendrick inquired about customer parking? The parking is based on the size of the proposed building. The applicant usually goes to the customer's house to offer his services.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on June 15, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on July 6, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 10:12 p.m.**

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

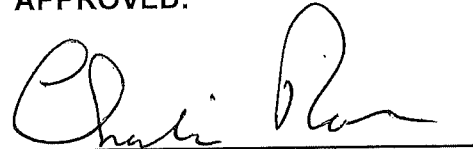
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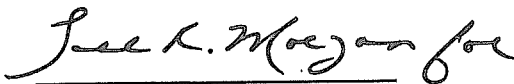
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APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Steve Harper  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen introduced the third item on the Agenda at 9:30 p.m.

**ZONING MAP AMENDMENT, Alaina Hagenseker, Staff**

3. Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is approximately 16.7 acres in size and is located at 176 Maher Road. About 3.7 acres of the site will not be rezoned as it will remain as a buffer and zoned RSE. About 13 acres of the site is being requested to be rezoned from RSE to I-1 to allow a roofing company. Ms. Hagenseker described the surrounding uses as outlined in the Staff Report. The Comprehensive Plan's Future Land Use Map designates this site for Rural Density Residential (RD). Pages 5-6 refer to the Comprehensive Plan. The submitted Concept Development Plan indicates the construction of a 12,000 square foot building with a 16 foot wide gravel surface driveway and a concrete driveway apron. An approximate 35,000 square foot gravel surface equipment yard will be created, which will be enclosed with a gate and an 8 foot tall chain link fence. A nine stall parking area will be provided for customers and employees. The site has a 100 foot wide utility easement. The applicant did provide photographs of typical buildings he is proposing. Ms. Hagenseker showed photographs of the site and adjoining properties. It included a photo of the Norfolk-Southern rail line on the west side of the site. A one acre pond exists on the site.

Staff Comments are listed on Pages 7-8 of the Staff Report. First, Staff questions if industrial zoning should be permitted on the east side of the railroad tracks. Second, Staff is concerned about left turns being made out of the driveway. Third, the freestanding sign near the entrance was constructed without a permit. Free standing signs in the I-1 zone must be monument in style and are limited to 10 feet in height and 100 square feet in area. Fourth, a waiver to allow a gravel driveway and gravel outdoor parking and storage area was submitted as part of the request. The Zoning Administrator will take final action on this request but is seeking input from the Planning Commission and Fiscal Court. Staff would like to note that this type of waiver is typically approved only when there are tracked vehicles that break up pavement. Fifth, a variance was submitted to reduce the driveway width to 16 feet. Staff has concerns because two vehicles might not be able to pass. At a minimum, Staff would recommend that some gravel pullover areas be added if the variance application is approved. Sixth, Staff would like the applicant to better explain where landscaping is proposed:

- a. Is Buffer Yard A proposed along the entire street frontage along Maher Road?
- b. Are supplemental evergreen trees being proposed in the eastern buffer to meet code? The current buffer is comprised almost entirely of deciduous trees.

- d. The proposed outdoor storage lot is shown all the way to the western property line. A 10 foot buffer is required.

Seventh, Staff received comments from Walton Fire, SD1 and the Northern Kentucky Health Department that are attached to the Staff Report. Eighth, the applicant provided a cover letter that outlines the request and includes their rationale for the zone change. Finally, the following issues should be addressed and clarified by the applicant: Will the existing, dilapidated barn be removed? What are the days/hours of operation? Will there be any additional security lighting, and if so, what type? Will the existing gate be staying? Are any other industrial uses being proposed? Staff observed that a vehicle and large rock pile were out by the road. Staff would like the applicant to address if any rock or vehicle parking would occur near Maher Road?

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

Mr. James Elliott, applicant and owner, stated that he owned the property for a year and half. The property was abandoned for the past 25 years – untouched and overgrown. There were many buildings on the site that were abandoned. He has improved the property by rock lining the lake and putting in the driveway. He owns a small roofing company that specializes in metal roofing of high end homes and buildings. He wants to park his trucks, trailers and equipment on the site along with living on the property so he can be close to his Mom. He would also store roofing and siding products on the site. He will remove the barn from the site so he can build his home on the property. He will also remove the illegal sign on the property. He and his crew would leave his yard around 6:00 a.m. and return at 7:00 p.m. They would have a maximum of 6 trucks on the site. There will be no manufacturing in the building. The building will store some copper products and will be used to service the trucks. There will be no storage of old asphalt products on the site. Those products will be recycled at the Bavarian landfill. Three security lights have been installed on the site. They sit on 8 foot high poles. The proposed building would have a barn/residential look from Maher Road.

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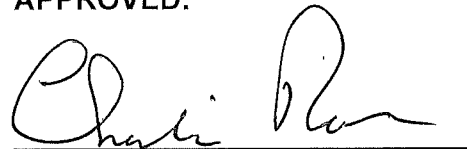
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APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY FISCAL COURTROOM  
BURLINGTON, KENTUCKY  
BUSINESS MEETING  
JULY 6, 2022  
7:00 P.M.**

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Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 6, 2022 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. David Hincks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele, Secretary/Treasurer  
Mr. Tom Szurlinski  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kenny Vaught

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the June 15, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes as presented. Mrs. Goetting seconded the motion and it carried unanimously.

**BILLS:**

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between June 2, 2022 and July 6, 2022.

**EXPENSES:**

Accounting Fees	\$ 882.95
Attorney Fees	4,575.00
Auto Expense	347.48
Consultant/Professional Svcs Fees	2,520.00
Filing Fees (CLURS)	1,250.00
GIS Operations	411.60
Miscellaneous Expense	719.30
Office & Board Meeting Supplies	453.86
Office Equipment / Expense	364.49
Office/Liability Insurance	23,505.57
Postage Expense	673.70
Printing/Pub/Dues/Subscriptions	<u>509.54</u>

**TOTAL: \$ 36,213.49**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 7,829.40
Health/Dental/Life/LTD	13,917.79
Retirement – BCPC Portion	23,065.97
Salaries – Staff Expenses	107,310.82
Salaries – BCPC & BOA	<u>1,620.00</u>

**TOTAL: \$159,587.95**

**GRAND TOTAL: \$195,801.44**

Ms. Gulick moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Lunnemann seconded the motion and it carried unanimously.

### RECOGNITION OF FORMER BOARD MEMBERS

Chairman Rolfsen introduced former Planning Commissioner member, Ms. Lori Heilman. Mr. Costello stated that Ms. Heilman was appointed by Mayor Diane Whalen in 2015 after serving on the Florence Board of Adjustment. Lori was reappointed in 2019 and served almost 2 terms from 2015 to 2021. Her first meeting was on February 4, 2015 and one of her first votes was the approval of Boonespring in Union. More importantly, Lori served as Chair of the Technical/Design Review Committee and as an alternate on the Zone Change Committee. On behalf of the Board, Mr. Costello welcomed her back and thanked her for her years of service. Ms. Heilman stated that she was very thankful for her years on the Planning Commission and each member is to be commended. Chairman Rolfsen thanked her again.

### ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

1. Request of **Akram Othman (applicant and owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for an approximate 10.3 acre area located along the north side of Interstate 275 (I-275), approximately 1,500 feet east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change to allow self-storage and recreational vehicle storage.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request, with Ms. Gulick and Mr. Lunnemann voting in favor of the request. The developer and property owner has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Eric Russo, The Hillside Trust, stated that his organization owns the Carder-Dolwick Nature Preserve located next to the site. They have owned it for 38 years. It is a very delicate nature preserve and a spectacular ravine. The proposed access road and buildings could greatly impact the nature preserve without strict enforcement and regulations. What about oil and salt from the vehicles and its long term impact?

Chairman Rolfsen asked if there was a motion to proceed?

**Ms. Gulick moved to approve the Request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Lunnemann seconded the Motion.**

Chairman Rolfsen asked if the applicant was present? He asked if there was a limit on not allowing the storage of vehicles outside of the buildings? Was that a condition? Mr. Schwartz replied that it wasn't a condition. In fact, the applicant requested outside storage at the Public Hearing. Chairman Rolfsen responded that there will be rusted vehicles and boats leaking.

Mr. Schwenke inquired about the access easement. What was decided? Mr. Schwartz responded that the applicant revised the Concept Development Plan to show the road or driveway in the easement area. It is possible to build the road to a public street standard. Vehicles

will be able to park in the utility easement area. It will be up to the County Engineer to determine what part of the easement area will include a public street. Mr. Schwenke asked whether the buildings could be placed in the easement area? There was a condition that allowed the buildings in the easement area only if there was written permission from the easement holder. Mr. Schwartz noted that the applicant could move the buildings around the site but only if he could meet the setbacks, landscaping requirements and buffer yards. Ms. Gulick noted that the revised Concept Development Plan showed the buildings outside the utility easement area. Mr. Schwenke stated that if the parking of vehicles could be behind the buildings, it would look half as bad from I-275. Mr. Schwartz mentioned that the revised plan has 3 buildings around the perimeter and the parking in the center of the site or in the utility easement area. Mr. Lunnemann suggested sharing the revised drawing with the Board. Mr. Schwartz distributed copies of the revised plan.

Mrs. Goetting inquired about the gravel road and chain link fence as stated at the Public Hearing? Mr. Schwartz replied that the applicant will have to meet the zoning requirements regarding paved surfaces and chain link fences are not permitted in the front yard. The Staff will determine what is considered the front yard. A chain link fence will not be allowed along I-275. The fence would be a maximum of 4 feet in height, ornamental and 50% opacity.

Mr. Szurlinski shared the same concerns as the nature preserve property owner. Where does the run off from the parking lot go? Mr. Schwartz replied that it goes to the bottom, the right hand side of the site or the detention area. Mr. Szurlinski stated that he felt more comfortable with it.

Mr. Costello reminded the Board that the revised plan is a work in progress as the applicant must meet all the requirements as noted in the Staff Report. He asked if the applicant needs to install an oil separator? Mr. Schwartz responded there is nothing in the zoning regulations that requires it, maybe SD1.

Mr. Lunnemann stated that at the Public Hearing he had a lot of concerns. However, the applicant came to the Committee Meeting and seemed to address most of the concerns from the Public Hearing. He moved the road where the easement is located. He kept the buildings out of the utility easement and therefore received his vote of approval.

Chairman Rolfsen continued to express a concern about the appearance of the use from I-275. The exit is the gateway to Hebron. Outside storage should be restricted to the inside the buildings for appearance purposes.

Mr. Wilson reminded the Board that a recommendation must be made within 60 days unless an extension of time is requested by the originator of the application. There was an extension granted until Friday, July 8, 2022.

Mrs. Kegley asked how high is the site above the highway? Mr. Schwartz replied that some of it is higher and lower than the elevation of I-275.

Mr. Schwenke asked if there were any limitations on the amount of outside storage? Mr. Schwartz replied that it is only limited by setback requirements and the buffer yard requirements. The applicant also has to maintain driveway aisles. There has to be a larger buffer yard (Buffer Yard D) along the Conservation zoning district and Buffer Yard A along the interstate and other 2 sides.

Chairman Rolfsen asked for a vote on the original motion made by Ms. Gulick recommending approval and seconded by Mr. Lunnemann. The vote found Mr. Bessler, Ms. Gulick, Mr. Harper, Mr. Lunnemann, Mrs. Steele and Mr. Szurlinski voting in favor of the request and Mrs. Clark, Mrs. Goetting, Mr. Hincks, Mrs. Kegley, Mr. Patton, Mr. Rolfsen, Mr. Schwenke and Mr. Turner voting against the request. The motion recommending approval failed by a vote of 6-8.

Chairman Rolfsen stated that he didn't have a problem with the request if he could add a condition of no outside storage of vehicles but the applicant is not present to agree to the additional condition.

**Ms. Gulick moved to deny the request based upon the following Findings of Fact. First, the request is not consistent with the Comprehensive Plan. Second, there is insufficient information on how the development will not impact adjacent natural areas. Third, the proposed I-1 district is not appropriate due to the steep hillsides. Fourth, there have been no major changes of an economic, physical, or social nature which were not anticipated in the adopted Comprehensive Plan that substantially alter the area's character, and Fifth, the storage of vehicles outside of the building is inappropriate due to the proximity of the sensitive natural area and visibility from I-275.**

Mr. Schwartz elaborated that the request is not consistent with the Comprehensive plan primarily due to steep hillsides on the area. The applicant didn't provide information on how the hillsides will be treated. In addition, there is insufficient information about how the access will be constructed.

Mr. Rolfsen seconded the motion made by Ms. Gulick to deny the request. The vote found Mrs. Clark, Mrs. Goetting, Mr. Harper, Mr. Hincks, Mrs. Kegley, Mr. Patton, Mr. Rolfsen, Mr. Schwenke, Mrs. Steele and Mr. Turner voting in favor of the recommendation to deny the request and Mr. Bessler, Ms. Gulick, Mr. Lunnemann and Mr. Szurlinski voting against the recommendation to deny the request. The motion to deny the request passed by a vote of 10-4.

Mr. Wilson reminded everyone that the Boone County Fiscal Court makes the final decision on the request after reviewing the Planning Commission's recommendation.

**ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff**

2. Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Brock Mackay, Viox & Viox, Inc., stated that he was present on behalf of the owner and offered to answer any questions.

Chairman Rolfsen asked if there was a motion to proceed? **Ms. Gulick moved to approve the Requests of the Zoning Map Amendment and Variance by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Hincks seconded the motion and it passed unanimously.**

**CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Todd Morgan, Staff**

3. Request of **Rick Newman and Susan E. Newman (applicants)** for **Susan E. Newman and Old Lexington Pike LLC (owners)** for a Change in an Approved Concept Development Plan in an Agricultural Estate/Planned Development (A-2/PD) district and a Commercial Services/Planned Development (C-3/PD) district for an approximate 36.5 acre area located at 2841 – 2885 Verona Mudlick Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan for an expansion and building addition to the existing heavy equipment rental/service business.

At this time, Bob Schwenke left the meeting room because he stated that he had a conflict of interest with the applicant.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request with Mr. Lunnemann and Ms. Gulick voting in favor of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Seeing no one, Chairman Rolfsen asked if there was a motion to proceed? **Mr. Lunnemann moved to approve the Request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Szurlinski seconded the motion and it passed unanimously.**

At this time, Mr. Schwenke entered the meeting room.

**ZONING MAP AMENDMENT, Kim Patton, Chairman, Michael Schwartz, Staff**

4. Request of **Paul Hemmer Company (applicant)** for **Patsy C. Bullock Living Trust, Nancy S. Bullock, and Prologis LP (owners)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Industrial One (I-1); and (2) a Variance reducing the spacing of driveways along a street frontage from five hundred (500) feet to one hundred (100) feet for an approximate 19.8 acre area located at 3024 Bullock Lane and 3080 Bullock Lane,

Boone County, Kentucky. The request is for a zone change and variance to allow a warehouse/logistics building.

**Mr. Patton moved to defer the request until the August 3, 2022 Business Meeting. The Committee Meeting will be July 20, 2022 at 5:00 p.m. Mrs. Goetting seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**ZONING MAP AMENDMENT, Alaina Hagenseker, Staff**

5. Request of **Arteno's Advanced Irrigation, LLC, per Jon Arteno (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Agricultural Estate (A-2) district for an approximate 2.9 acre area located approximately 250 feet east of Limaburg Road, between Conner Road and Youell Road, approximately 350 feet south of Conner Road, and having a Parcel Identification Numbers (PIDN) of 048.00-00-006.03, Boone County, Kentucky. The request is for a zone change to allow the retail sale of farm and garden supplies and agriculture related equipment.

**ZONING MAP AMENDMENT, Todd Morgan, Staff**

6. Request of **NorthPoint Development, per Mark Gloyeske (developer)** for **Greenfield Farm Inc., per James Dressman (owner)** a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 209 acre area located on the west side of Dixie Highway, south of the property at 11765 Dixie Highway and north of the properties at 12097 and 12119 Dixie Highway, and on the north side of Chambers Road at the northeast quadrant of the Chambers Road/I-75 overpass, and to the north, northeast, and west of the property at 262 Chambers Road, and south of the property at 60 Logistics Boulevard, Boone County, Kentucky. The request is for a zone change to allow a subdivision for warehousing, distribution, manufacturing, light industrial, and office/warehouse uses.

**Mr. Patton moved to schedule the Public Hearings for Items #5 & 6 on August 3, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.**

**CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

7. Request of **Evans Engineering, for Plaza Street Partners (applicant)** for **Meijer Stores Limited Partnership (owner)** for a Change in an Approved Concept Development Plan in an Office Two/Commercial two/Planned Development/Houston-Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) district for an approximate 1 acre area located along the south and west sides of Meijer Drive, between Houston Road and Spiral Boulevard, approximately 300 feet southeast of Houston Road, and being part of the property at 4990 Houston Road, Florence,

Kentucky. The request is for a Change in an Approved Concept Development Plan for an eating and drinking establishment.

**ZONING MAP AMENDMENT/CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff**

8. Request of **BRG Realty Group LLC, per Robert Croswell (applicant)** for **Hebron Fire Protection District, per Frank Tepe (owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Public Facility (PF) district to Commercial Two/Planned Development (C-2/PD) district for an approximate 0.63 acre area located in the southwest portion of the property at 3120 North Bend Road, Boone County, Kentucky and a request of **BRG Realty Group LLC, per Robert Croswell (applicant)** for **Mary Ann Wolfe Trust (owner)** for a Concept Development Plan for an approximate 16 acre area located at the northeast corner of the intersection of North Bend Road with Cougar Path, Boone County, Kentucky. The request is for a zone change/change of concept plan and concept plan to allow 264 apartment units within 11 buildings, commercial outlots, and a new public street between North Bend Road and Limaburg Road.

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

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

**Mr. Patton moved to schedule the Public Hearings for Items #7, 8 & 9 on August 17, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.**

**ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Alaina Hagenseker, Staff**

10. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Mr. Patton moved to schedule the Public Hearing for Item #10 on September 7, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.

**2020 ZONING REGULATIONS UPDATE, Michael Schwartz, Staff**

11. Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider a series of text and map amendments to the **Boone County Zoning Regulations** and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement ***Our Boone County Plan – Plan 2040***. This includes a waiver of the 60-day action requirement per KRS 100.211 (2)(c)(2).

Mr. Patton moved to schedule the Public Hearing for Item #11 on September 21, 2022 at 7:30p.m. in the Fiscal Courtroom. Mrs. Clark seconded the motion and it passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin P. Costello, AICP, referred to 3 Memorandums dated June 27, 2022 regarding engineering/surveying services, a waiver of application fees and extending the contract of Scott Berthold for legal services. First, the Planning Commission must extend the contract with Brown Engineering, LLC until November 1, 2022 with the same terms and rates. **Mr. Patton moved to authorize the Executive Director to extend the contract with Brown Engineering, LLC based on Mr. Costello's memo. Mrs. Steele seconded the motion and it passed unanimously.** Second, Mr. Costello explained that the Planning Commission hired Mr. Scott D. Bergthold in 2020 to assist Staff in updating the SOB regulations as part of the 2020 Zoning Update. This contract expired in 2021 due to Covid19 so it is necessary to change the dates from June 1, 2022 to December 31, 2022. The terms and rates of the contract will remain the same. **Mr. Lunnemann moved to authorize the Executive Director to extend the contract with Scott D. Bergthold based upon Mr. Costello's memo. Mrs. Steele seconded the motion and it passed unanimously.** Third, the East Bend Baptist Church has applied for a \$300 waiver of fees for their Conditional Use Permit and Minor Site Plan Review applications. **Mr. Schwenke moved to waive the \$300.00 application fee based upon Mr. Costello's memo. Mr. Harper seconded the motion and it passed unanimously.**

**COMMITTEE REPORTS:**

**AIRPORT:** Mr. Bessler  
No Report

**ADMINISTRATIVE/PERSONNEL:** Mr. Szurlinski  
No Report

**ENFORCEMENT:** Mr. Szurlinski  
No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke  
No Report

TECHNICAL/DESIGN REVIEW: Mr. Lunnemann  
No Report

EXECUTIVE: Chairman Rolfsen  
No Report

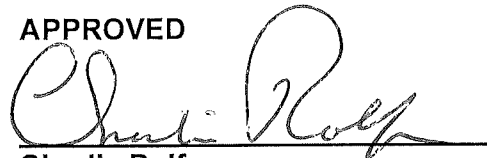
CHAIRMAN: Chairman Rolfsen

OKI: Mr. Patton

OTHER:

There being no further business to come before the Planning Commission, **Mrs. Goetting moved to adjourn the meeting. Mr. Patton seconded the motion and it passed unanimously. The meeting was adjourned at 7:50 P.M.**

APPROVED



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

# SUPPORTING INFORMATION



# VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road  
Erlanger, Kentucky 41018

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Fax: 859.727.8452

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April 29, 2022

Boone County Planning Commission

2950 Washington St.

Burlington, KY 41005

Attn: Mr. Schwartz

RE: James Elliott Roofing Proposal – Project Narrative

Dear Mr. Schwartz:

This narrative is regarding the zoning map amendment application for James Elliott Roofing and the proposal's relationship to the comprehensive plan. Per Boone County zoning ordinances, I-1 seems to be the only zone that allows Contractors to operate a facility/office, despite the size of the company. Per our discussion, typical I-1 uses should not be permitted on Maher Road per the language in the comprehensive plan. However, there does not seem to be another zone, conditional use option, or other mechanism to allow the presence of a local contractor that produces very low traffic.

The proposed facility needs a 300' wide zoning corridor parallel to the railroad tracks at the terminal western end of Maher Road. I do not believe this part of the property is appropriate for residential because of the active railway line and the required horn blowing for the crossing. The property is bordered by I-1 uses to the north and west. The proposed site plan keeps the building within the northwest corner of the site and approximately 450 feet from the next adjoining residential lot.

The business currently has 6 employees and uses six dually work trucks with trailers. Employees arrive early in the morning. Crews leave for job sites around 6am and return in the afternoon. A building materials delivery truck will make a delivery once a month. These materials will be stored in the yard and primarily be roofing material and siding. Lockable containers for tools and construction equipment may also be placed in the fenced in yard. The security fence will be screened on the south side and east side. The structure will be a metal barn; see precedent images attached.

I have received several inquiries over the years to develop this property. None of them have been compatible. I believe this specific proposal is an appropriate use of this property (300 ft. western portion only), and the client is agreeable to condition it that way. If there is a less intense underlying zone other than I-1, or a conditional use option in RSE, that would allow a small-scale local contractor to operate, our client would be open to that. I-1 appears to be the only option.



Per noise abatement research, train horns usually range between 130-150 decibels and are required to be at least 110 decibels at 100 ft.

As a cross reference, the FAA has established 65 DNL as the threshold above which aircraft noise is considered to be incompatible with residential areas. Note, a DNL noise contour does not represent the noise levels present on any specific day but represents the energy-average of all 365 days of operation during the year. The relative distance of a contour from an airport along each route is a function of the frequency of use of each runway end for total arrivals and departures, as well as its use at night, and the type of aircraft assigned to it. Therefore, it is difficult to make a direct comparison to trains without the same methods applied but a study is unavailable. Please see attached noise chart from the American Academy of Audiology for additional comparisons.

Trains are required to sound off two long, one short, and one long burst and repeat the sequence prior to crossing. The trains on this rail line operate 24 hours a day and can exceed twenty trains a day. The noise level exceeds tolerance levels compatible with residential. The findings indicate the existing zoning classification given to the property is inappropriate, particularly the western part, and the proposed zoning classification is appropriate.

Thanks for your consideration of the specifics of this application.

Sincerely,

Brock M. MacKay, PLA, ASLA, CLARB  
Director of Landscape Architecture & Planning



## **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 22, 2022

James Elliott  
12420 Hutton Drive  
Walton, Kentucky 41094

RE: Request of **James Elliott Property Management LLC, per James Elliott (applicant and owner)** for: (1) a Zoning Map Amendment from Rural Suburban Estates (RSE) to Industrial One (I-1); (2) a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet; and (3) a Waiver to allow a gravel driveway and parking/storage area rather than a hard surface for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The request is for a zone change, variance, and waiver to allow a roofing contractor.

Dear Mr. Elliott:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change/Concept Plan Committee at their June 15, 2022 meeting. If the property owner/developer agrees to the 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, July 1, 2022.

### CONDITIONS

1. The approval shall be based on the submitted Concept Development Plan except as modified by the conditions below. The Zoning Administrator can permit minor changes to the plan.
2. No aggregate storage or vehicle parking shall be permitted along Maher Road.
3. All signage shall comply with the Sign Regulations for the I-1 zoning.

4. The driveway shall intersect with Maher Road at a 90-degree angle.
5. The following landscaping shall be required:
  - a. Street frontage landscaping per section 3620 of the Zoning Regulations.
  - b. Supplemental evergreen landscaping will be required between the east of the development driveway and the single-family residential dwelling located at 212 Maher Road. Boone County Planning Commission staff and the applicants landscape architect shall determine how much landscaping and what types (nursery stock, whip plantings, seed mixes) are required when a Major Site Plan application is submitted for review.
6. The approval is limited to the following principally permitted use:
  - a. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and Sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
7. The building shall not have a showroom or other public displays that promote high volume of traffic.
8. Gravel surfacing shall not encroach into required buffer yards.
9. The first 50' of the driveway, measured from the Maher Road right-of-way, shall be improved with concrete or asphalt to prevent gravel from being carried onto the road.
10. The driveway width can be reduced to a minimum of 18 feet.
11. At least one gravel pullover area shall be required on the driveway to allow two vehicles to pass.

Sincerely,

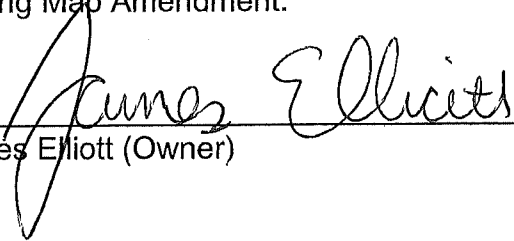


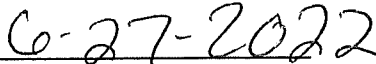
Alaina Hagenseker  
Planner, Zoning Services

ACH/ss

AGREEMENT

I, James Elliott, hereby agree to the conditions listed herein for the above referenced Zoning Map Amendment.

  
\_\_\_\_\_  
James Elliott (Owner)

  
\_\_\_\_\_  
Date

2022-19

**ORDINANCE 2022-19**

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF JAMES ELLIOTT PROPERTY MANAGEMENT LLC, PER JAMES ELLIOTT (APPLICATE AND OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO INDUSTRIAL ONE (I-1) AND A VARIANCE REDUCING THE WIDTH OF A DRIVEWAY FROM TWENTY-FOUR (24) FEET TO A MINIMUM OF SIXTEEN (16) FEET FOR AN APPROXIMATE 16.7 ACRE AREA LOCATED AT 10486 DIXIE HIGHWAY AND 176 MAHER 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 Rural Suburban Estates (RSE) to Industrial One (I-1) and a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher 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 Variance.

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

**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 Rural Suburban Estates (RSE) to Industrial One (I-1) and a Variance reducing the width of a driveway from twenty-four (24) feet to a minimum of sixteen (16) feet for an approximate 16.7 acre area located at 10486 Dixie Highway and 176 Maher Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOK. 1151, PAGE NO. 815 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That as a basis for this approval for a Zoning Map Amendment request and Variance 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 shall be and are hereby incorporated by reference as if fully set out in this Ordinance and 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 marked as "Exhibit B."

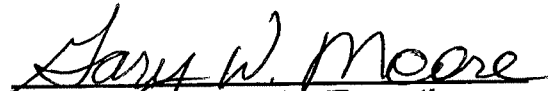
**Section Three**

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

**First Reading the 26<sup>th</sup> day of July, 2022**

**Second Reading the 9<sup>th</sup> day of August, 2022**

**Adopted this 9<sup>th</sup> day of August, 2022      Yes   4      No   0**

  
**Gary W. Moore, Judge/Executive  
Boone County Fiscal Court**

**ATTEST:**

  
**Shonda Schulkers,  
Fiscal Court Clerk**

# 176 MAHER ROAD ZONE CHANGE SUBMITTAL

JAMES ELLIOTT ROOFING  
176 MAHER RD  
WALTON, BOONE COUNTY, KY 41094

## SITE DATA

Parcel ID: 075.00-00-009.04 & 075.00-00-009.23  
Parcel Address: 10486 DIXIE HWY, WALTON, KY 41094  
Current Owner: JAMES ELLIOTT PROPERTY MANAGEMENT LLC  
Owner Address: 12420 HUTTON DR, WALTON, KY 41094  
Deed Ref: 1151/815/2058  
Total Acreage of Site: 16.673 Ac.  
Total Acreage of Zone Change: 13.353 Ac. (11.713 & 1.64 Ac.)  
Current Zone: RSE

## SITE ZONING DATA

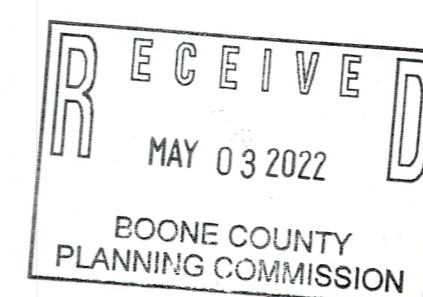
Proposed Zone: I-1 (16.673 ACRES)  
LOT 1 (3.32 ACRES) TO REMAIN RSE  
Min. Lot Size = 20,000  
Max. Intensity = 25,000 sf  
Min. Frontage = 150'  
Max. Ht. = 50 ft  
Min. Front Yard Setback = 50'  
Min. Rear Yard Setback = 30' (50')\*  
Min. Side Yard Setback = 10' (50')\*

\*When adjoining any of the following zoning districts: A-1, A-2, R, CONS, RSE, RS, SR-1, SR-2, SR-3, UR-1, UR-2, UR-3, MHP, and R-1F

PARKING: 1.00 space per employee on the largest shift for which the building is designed, plus 1.00 space for each automobile used in the business.

### Buffer Yard Req:

Adjoining RSE = Buffer Yard D - 80'  
Adjoining I-1 = Buffer Yard A - 10'  
Adjoining Street = Buffer Yard A - 10'



## VICINITY MAP

SCALE: NTS

SITE

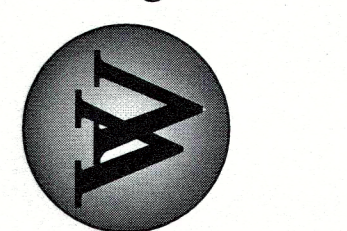
## SHEET INDEX

COVER  
CONCEPT PLAN

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CHK.	BY	DATE	REVISION
BMM	NHA		

**VIOX & VIOX**  
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602 Lila Avenue • Milford, Ohio 45150  
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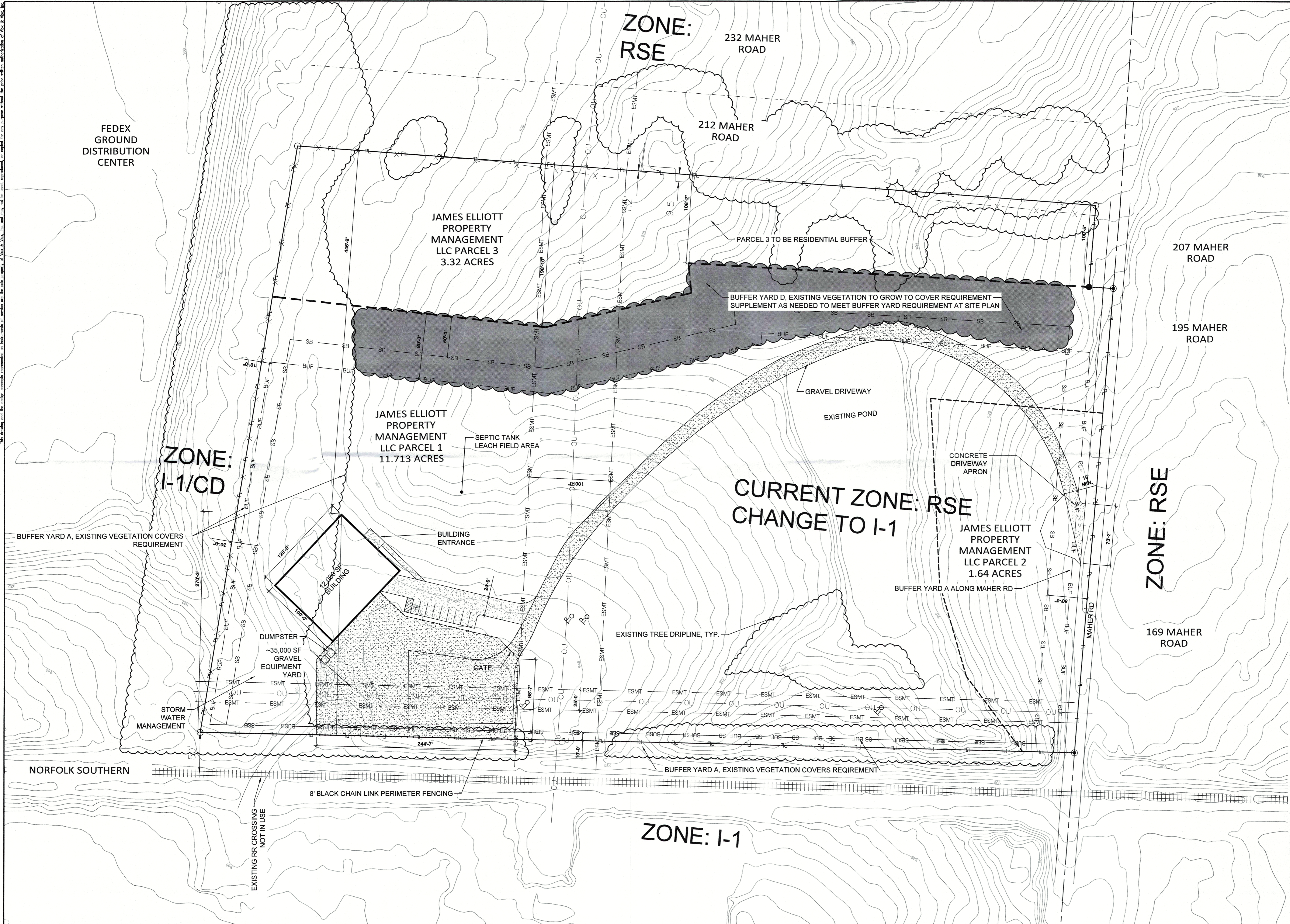
176 MAHER ROAD ZONE  
CHANGE SUBMITTAL  
176 MAHER RD, BOONE COUNTY, KY

Project No: 199999904	Checked: BMM
Date: 4/27/22	Ref: NHA

Sheet:  
**COVER**

Zoning Map Amendment  
Variances  
APPROVED w/ conditions  
Staff alaina  
Date 7.7.22  
Boone County  
Planning Commission

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FEDEX  
GROUND  
DISTRIBUTION  
CENTER

ZONE:  
RSE

232 MAHER  
ROAD

212 MAHER  
ROAD

JAMES ELLIOTT  
PROPERTY  
MANAGEMENT  
LLC PARCEL 3  
3.32 ACRES

PARCEL 3 TO BE RESIDENTIAL BUFFER

BUFFER YARD D, EXISTING VEGETATION TO GROW TO COVER REQUIREMENT  
SUPPLEMENT AS NEEDED TO MEET BUFFER YARD REQUIREMENT AT SITE PLAN

207 MAHER  
ROAD

195 MAHER  
ROAD

JAMES ELLIOTT  
PROPERTY  
MANAGEMENT  
LLC PARCEL 1  
11.713 ACRES

SEPTIC TANK  
LEACH FIELD AREA

GRAVEL DRIVEWAY

EXISTING POND

ZONE:  
I-1/CD

BUFFER YARD A, EXISTING VEGETATION COVERS  
REQUIREMENT

BUILDING  
ENTRANCE

CURRENT ZONE: RSE  
CHANGE TO I-1

CONCRETE  
DRIVEWAY  
APRON

JAMES ELLIOTT  
PROPERTY  
MANAGEMENT  
LLC PARCEL 2  
1.64 ACRES

BUFFER YARD A ALONG MAHER RD

ZONE: RSE

169 MAHER  
ROAD

STORM  
WATER  
MANAGEMENT

DUMPSTER  
~35,000 SF  
GRAVEL  
EQUIPMENT  
YARD

GATE

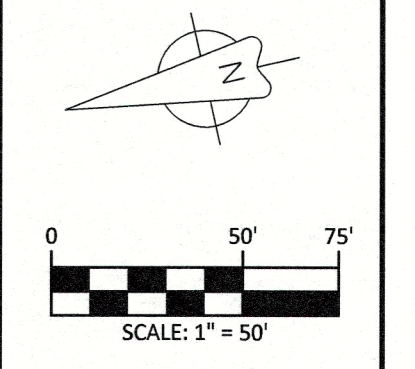
EXISTING TREE DRIPLINE, TYP.

NORFOLK SOUTHERN

8' BLACK CHAIN LINK PERIMETER FENCING

ZONE: I-1

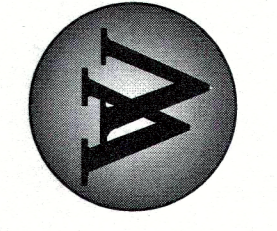
EXISTING RR CROSSING  
NOT IN USE



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Item	Revision	Date	By	CHK
1			NHA	BMM

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**176 MAHER ROAD ZONE  
CHANGE SUBMITTAL**  
176 MAHER RD, BOONE COUNTY, KY

CONCEPT PLAN

Project No: 199999904	Checked: BMM
Date: 04/27/22	Ref: NHA

LC-1