

12. 295 261 2027
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 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 11/18/2022

ORIGINAL Property Owner's Signature: See Attached
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: See Attached
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

Zoning Map Amendment Application

Signature Page

Owner:

PERFETTI VAN MELLE USA INC., a
Kentucky corporation

By: Bethany E. Ammons
Name: Bethany E. Ammons
Title: Corporate Secretary

Applicant:

PERFETTI VAN MELLE USA INC., a
Kentucky corporation

By: Bethany E. Ammons
Name: Bethany E. Ammons
Title: Corporate Secretary

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

1. Date Received: 9/6/22 Fee Received: \$2830 Receipt #: 86952
2. Number of Copies Received: 7
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: Todd Morgan
6. Committee Chairperson: Steve Harper
7. Scheduled Public Hearing Date: 10/5/22
8. Boone County Planning Commission Action: _____ Date of Action: 11/2/22
 - 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
www.boonecountyky.org

EXHIBIT

“A”

STAFF REPORT

#1

Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant)** for **Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

October 5, 2022

REQUEST

Perfetti Van Melle is seeking Special Sign District approval to allow the following signs on their property:

- A. Sign 1 – A 12' tall, 121.78 square foot monument sign is shown near the northeast access point (two different design options were submitted). The proposed monument sign would replace the existing 6'-3" tall, 32.33 square foot monument sign.
- B. Signs 2 and 3 – Two 264" x 120" (22' x 10') vinyl mesh banners are proposed on the north façade of the building as permanent signs. The proposed office building banners would be highly visible from Turfway Road.
- C. Sign 4 – A 120" x 360" (10' x 30') vinyl mesh banner is proposed on the west façade of the building as a permanent sign. The proposed banner would be located above the factory entrance and be visible from Turfway Road.
- D. The existing directional signs near the access points and building mounted sign on the west façade will be retained.

APPLICABLE REGULATIONS

- A. Section 3440 of the Boone County Zoning Regulations allows for the creation of special sign districts with the appropriate legislative body's approval. "The effect of a special sign district shall be to modify requirements, regulations, and procedures for signs included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development."
- B. The Houston-Donaldson Study's special sign regulations allow the following signage on the property:
 - 1. An 8' tall and 48 square foot monument sign. The base and sides of the sign are required to be finished with a masonry product (excluding smooth or textured concrete block).

2. Up to a one hundred and fifty (150) square foot building mounted sign on any two facades that face a street or main development driveway. The regulations prohibit board signs, graphics painted directly on buildings, internally illuminated awnings, electronically changeable copy, etc.

C. The “administration” section of the Houston-Donaldson Study’s special sign regulations contains the following information:

As stated previously, all proposals that meet the Special Sign District Regulations can proceed directly to the Sign Permit Review Process listed in Section 3405 of the Boone County Zoning Regulations. Proposals that do not meet the Special Sign District Regulations shall be reviewed in one of the following manners as determined by the Zoning Administrator:

1. Design Review Application - Applicant seeking minor changes to the sign code. Any proposal for infrequently changing electronic signs, such as gas prices and hotel room rates, shall be reviewed under this application. Boone County Planning Commission takes final action on Design Review applications.
2. Variance Application - Applicant seeking relief from dimensional requirements of the sign code. Variances cannot be sought for design requirements. The appropriate Board of Adjustment would take final action on a Variance application.
3. Concept Development Plan - An applicant can ask for modifications to the sign code as part of a Concept Development Plan or Change in Approved Concept Development application. Such applications are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body.
4. Special Sign District - An applicant is seeking major changes to the sign code. Any proposal for a frequently changing electronic message center will be viewed as a major change. Such applications are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body

D. Section 3420 of the Boone County Zoning Regulations allows temporary devices utilized for advertising or attracting attention to a permitted use in Commercial or, Employment and Recreation zoning districts, when not part of a sign, shall be permitted only under the following rules and procedures:

1. A Temporary Advertising Permit shall be obtained prior to the placement, out of doors, of any combination of banners, poster, pennants, flags, ribbons, streamers, spinners, or other similar moving devices, as well as strings of lights or spot lights. The procedure for obtaining a Temporary Advertising Display Permit shall be the same as the procedure for obtaining a Sign Permit as outlined in SECTION 3405 except for Temporary Advertising Display Permits must contain the dates the advertising devices will be utilized.
2. Any Temporary Advertising Display shall meet all other safety and setback requirements of ARTICLE 34.

3. A Temporary Advertising Display permit shall allow the use of temporary advertising devices for any establishment for a maximum of fourteen (14) days. Any establishment shall be allowed up to five (5) Temporary Advertising Display Permits in any one calendar year.
4. A fee for Temporary Advertising Display permits shall be as set by the Planning Commission in its Schedule of Fees. The Planning Commission shall have the authority to charge a higher fee for such permits in the event that such displays are installed or used before the issuance of a permit. This higher fee must be directly related to any increased administrative costs associated with the permit's issuance.
5. Temporary Advertising Displays shall not be permitted in any public right-of-way and shall not be attached to any public structure including, but not limited to, telephone poles, fire hydrants, and street signs.
6. Temporary Advertising Displays must meet all other safety and setback requirements and performance standards of these regulations.
7. Temporary Advertising Display permits can only be issued at the address where the business is operating.
8. Freestanding signs or banners which are permitted under a Temporary Advertising Display permit shall not exceed 10 feet in height or 100 square feet in area.
9. Balloons or other inflatable devices larger than 18 inches across which are permitted under a Temporary Advertising Display permit must be cold air only and must be placed on the ground and not on a structure or vehicle (refer to SECTION 3402, #3). Hot air balloons, spot lights or search lights are not permissible (refer to SECTION 3408, #7).
10. Temporary Advertising Display Permits are not required for banners displayed at any public or private school which instructs any grades between kindergarten and grade 12, such as elementary, primary, middle, junior high, secondary, and high schools. This exemption does not apply to non-school uses which may be education related such as day care centers, preschools, and tutoring services. The banners exempt from the permitting requirement in this section must pertain to academic or student achievements and/or activities, such as awards, clubs, or athletics, and not for any commercial purpose such as fund raisers, festivals, sale of tickets for events on school grounds, or sale of any goods.

SITE CHARACTERISTICS

The 25.7 acre site is located on the south side of Turfway Road and contains the Pefetti Van Melle office building and factory. The building is 101,887 square feet and the parking lot contains 259 spaces. The site has two access points on Turfway Road. Other site features include a large lake and paved walking trail around the building and parking lot. The sides and rear of the property contain substantial deciduous tree cover. The existing monument sign is located near the northeast access point and is 6'-3" tall and 32.33 square feet in area.

ADJACENT LAND USES AND ZONING.

- North: Turfway Road, Brown’s Transmission Shop, Undeveloped Property, Single-Family Residential Dwellings Fronting on Turfway Road and Ohara Road (C-3/PD/HDO and I-1/PD/HDO)
- South: Single-Family Dwellings/Barns/Stable fronting on Ohara Lane (RS/PD/HDO)
- East: Undeveloped Property Fronting on Turfway Road, Donaldson Highway, and Houston Road (UR-2/O-2/C-1/PD/HDO)
- West: Single-Family Dwellings Fronting on Ohara Lane (RS/PD/HDO)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. Our Boone County Plan 2040 contains the “2040 Future Land Use Plan”. The plan designates the site for “Business Park” uses. This designation is are described as “a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, consistent architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses.”
- 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. Boone County shall promote a vibrant, diverse, and sustainable economy that both recognizes the value of the environment and encourages and incentivizes innovation and prosperity with meaningful employment opportunities (Economy, Goal A).
 3. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
 4. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy, Goal B, Objective 7).
 5. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal, Objective 1).
- C. The Land Use Element contains the following Future Land Use Development Guideline

as it pertains to Design, Signs, and Cultural Resource Preservation (page 97):

“Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorists attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view.”

- D. The Land Use Element text contains the following passage regarding the “Florence Commercial” future land use geographical area (pages 125-126):

“A substantial portion of this section is located within the 2013 Houston-Donaldson Study area and has excellent development and/or redevelopment opportunity due to its high visibility from and easy access to I-75. Existing parcels should be developed/redeveloped to be aesthetically harmonious with existing surrounding land uses and cleaned up environmentally as much as is needed for new development. The property along Ted Bushelman Boulevard to Aero Parkway has developed as aviation or logistic industrial and should fill in any remaining properties in the same manner.”

RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

- A. The Houston – Donaldson Study identifies the site as being within Subarea eight. The subarea text includes the following passages:
1. “Most of the Future Land Use designation in Subarea eight is Business Park, which reflects the mostly light industrial nature of the subarea’s land uses, which also includes recreational and residential” (pg. 40).
 2. “Subarea eight represents the northernmost edge of the Houston-Donaldson Study area. It serves as the northwestern entry point into the Houston-Donaldson Study area and has very little land available for new development” (pg. 40).
- B. The Houston-Donaldson Study includes development design and special signage requirements. The pertinent sign regulations have been outlined in the applicable regulations section of the Staff Report.

STAFF COMMENTS

- A. The Boone County Planning Commission and Boone County Fiscal Court should analyze the following passages from the Boone County Zoning Regulations and Boone County Comprehensive Plan before acting on the request:
1. Section 3440 of the Zoning Regulations states that the purpose of a Special Sign District shall be to respond to the special circumstances of development, renewal,

redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.

2. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view ("Design, Signs, and Cultural Resource Preservation," pg. 97).

B. Staff would like the applicant to address the following:

1. Could the proposed monument sign be downsized to better meet code?
2. Would the three banners be left on the building year around?

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment and Section 3440 (Special Sign Districts) of the zoning regulations. The Future Land Use Map does not need to be amended if the request is approved.

Respectfully submitted,

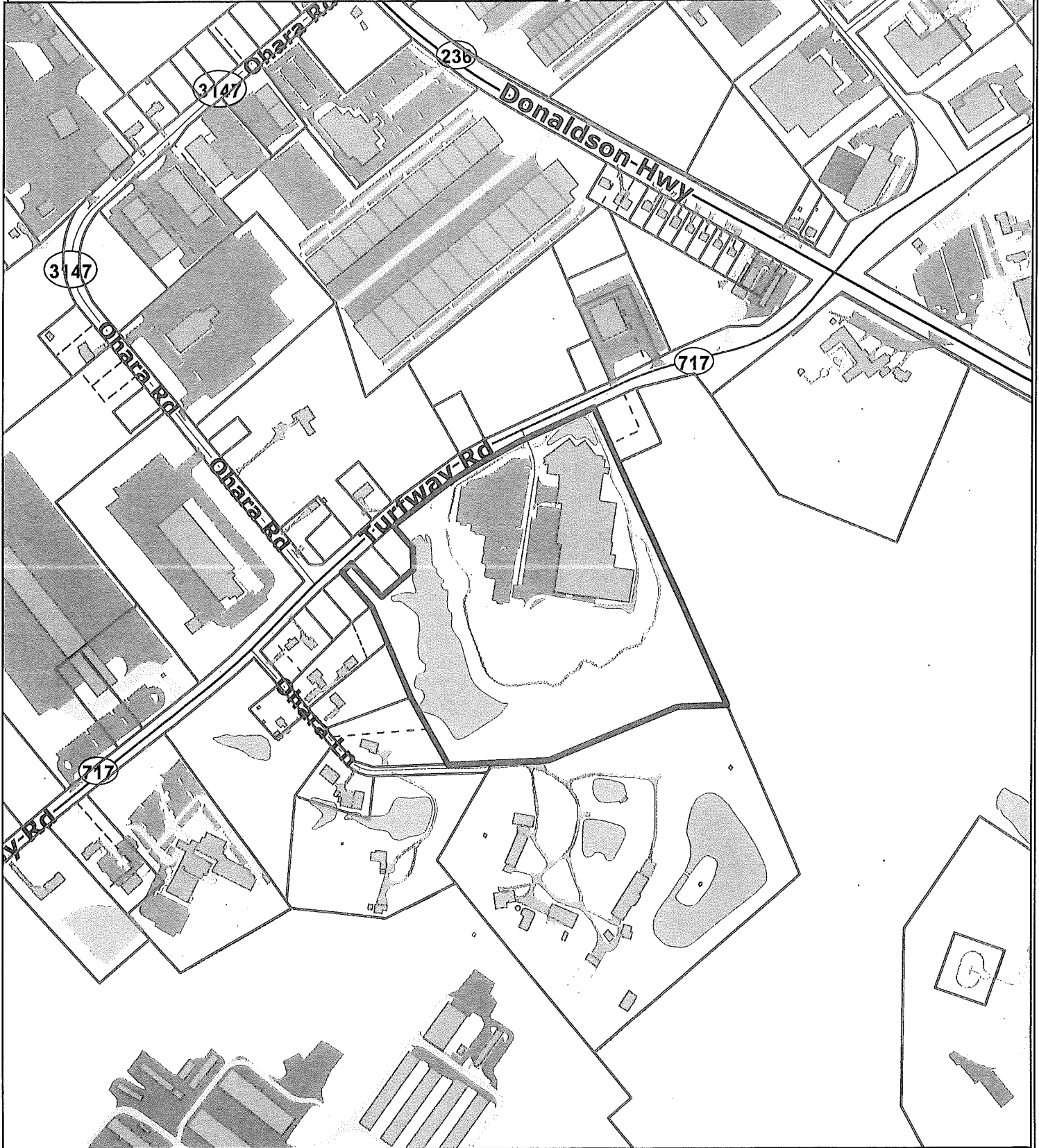
Todd K. Morgan, AICP
Senior Planner

Attachments:

- *Site Vicinity Map
- *Applicant's Justification for Special Sign District
- *Existing and Proposed Sign Location Plan
- *Sign Drawings and Simulations
- *Zoning Map
- *2040 Future Land Use Map
- *Topographical Map
- *2020 Aerial Map
- *Application

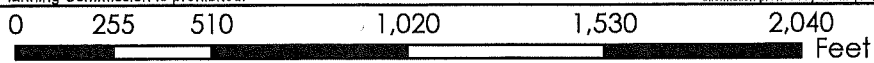
SITE VICINITY MAP

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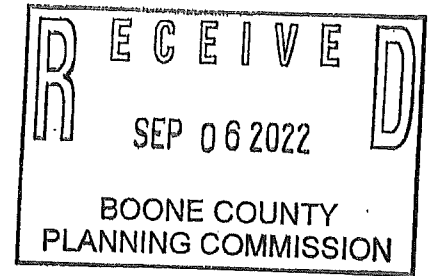
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Boone County GIS - Putting Northern Kentucky on the Map

**Justification for Perfetti Sign District
3645 Turfway Road**



Objectives of District

The objective of the Sign District is to allow Applicant to add new fun and modern signage that showcases this international candy brand that is located in Northern Kentucky.

Administration of District

The new Sign District and the approved plan would be monitored and the enforced by the Boone County Planning Commission and its staff.

Relationship to Comprehensive Plan

Boone County is an integral part of the Greater Cincinnati region. Boone County strives to balance the rights of landowners and with the rights of neighbors and the community. This application does not request a change of use of the building footprint. The existing site is compliance the zoning code and Comprehensive Plan, but the Applicant is seeking a limited change of signage to enhance its visibility. The Applicant is the maker of Mentos an Airheads and the Boone County location is a combination of office/factory. One goal of the Comprehensive Plan is to promote a vibrant and sustainable economy that provides meaningful employment opportunities. The applicant employees approximately 400 at the property and have been in operation at the location since 1986. The Comprehensive Plan states tourism should be encouraged as an economic resource and tourist oriented commercial facilities should be encouraged. The Applicant is an internationally known candy maker and is a unique asset to Northern Kentucky that can and will attract visitors. Visitors to Boone County spend money. The existing Perfetti Van Melle sign is actual used and referenced on page 26 of the Houston-Donaldson Study. In addition, the Property is more specifically located in Subarea Eight of the Houston-Donaldson study area and is primarily served by Donaldson Highway. The area is home to several industrial land uses and Subarea Eight is mostly zoned for industrial uses.

Sign Dimensions

Office building banners (2):

21'6"x9'6" 8oz Mesh Vinyl

Vinyl includes printed production, and will have a single dashed line at 3/4" inside perimeter as a guideline for

puncturing directly through the surface with BannerSpring. No grommets needed.

Height: 264 Inches

Width: 120 Inches

8 oz. Mesh

8 oz. Mesh Vinyl

Factory Entrance banner (1):

9'6"hx29'6"w 8oz Mesh Vinyl

Vinyl includes printed production, and will have a single dashed line at 3/4" inside perimeter as a guideline for

puncturing directly through the surface with BannerSpring. No grommets needed.

Height: 120 Inches

Width: 360 Inches

8 oz. Mesh

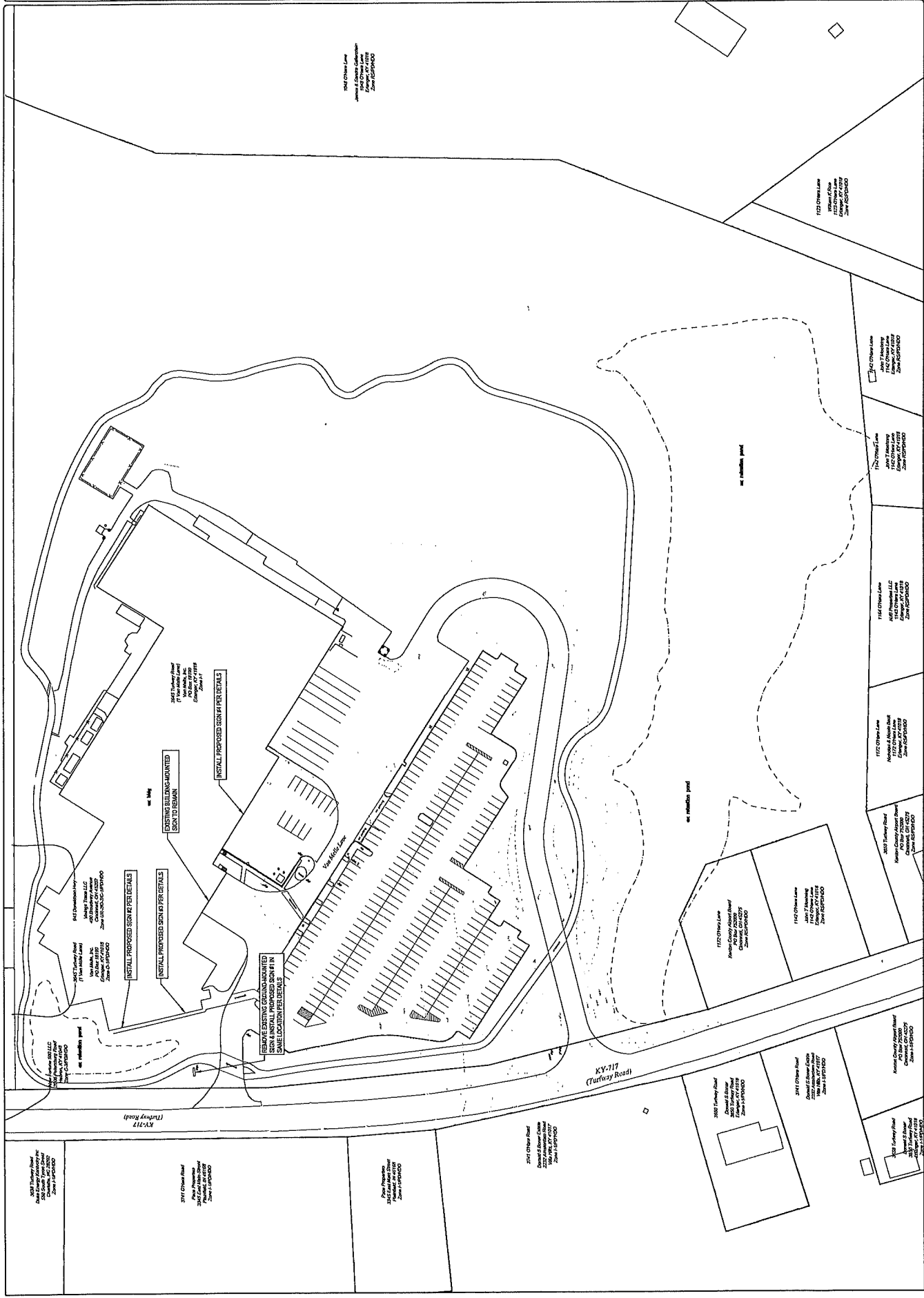
8 oz. Mesh Vinyl

Existing Conditions/Layout
 Boone County, Kentucky
 Special Sign District
 3645 Turfway Road
 Perfetti Van Melle

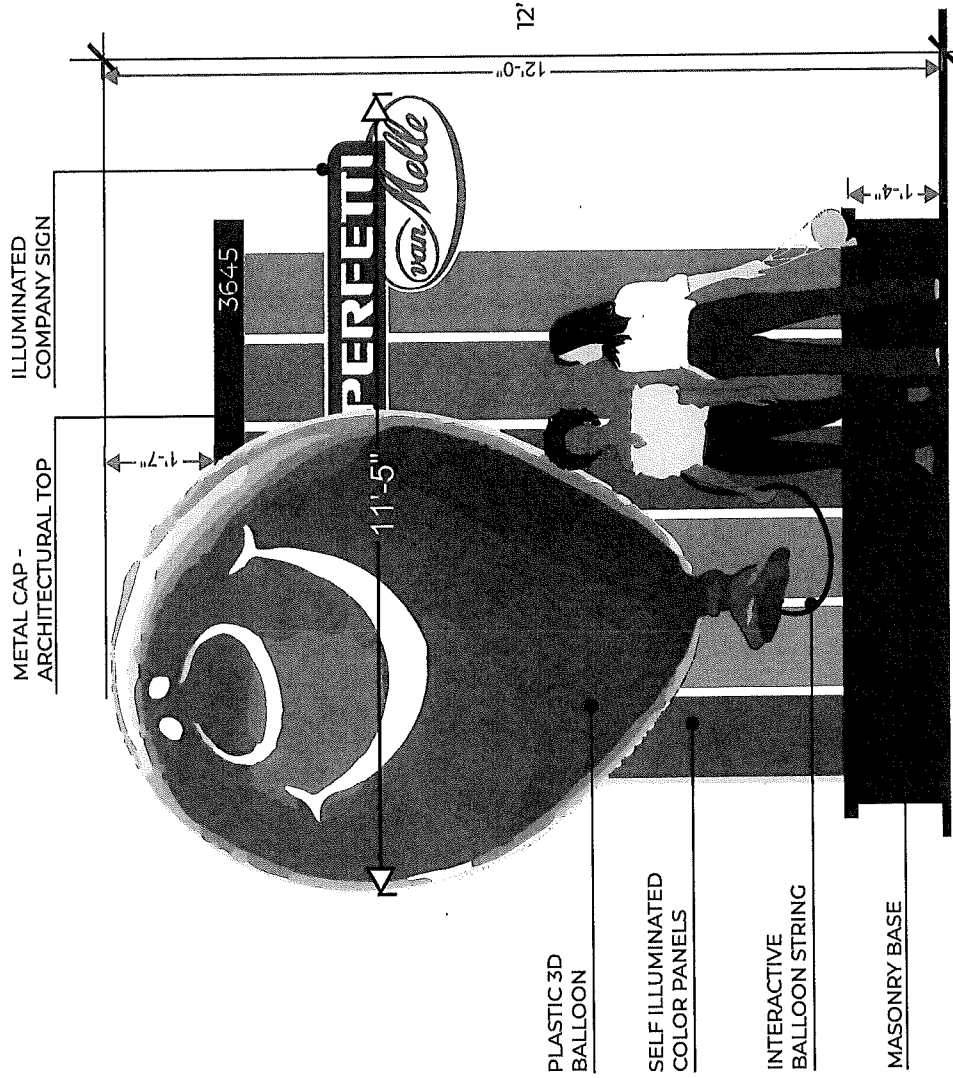
W
VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 468 S. Longmead Road, Frankfort, KY 40601
 2184 Main Street, Frankfort, KY 40601
 P.O. Box 1000, Frankfort, KY 40601
 Phone: (502) 223-1000
 Fax: (502) 223-1000
 www.vioxinc.com

Scale: 1" = 20'
 North Arrow
 Grid Lines: 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000

C-10



OPTION 1



OVERALL HEIGHT:
- 12' 0"

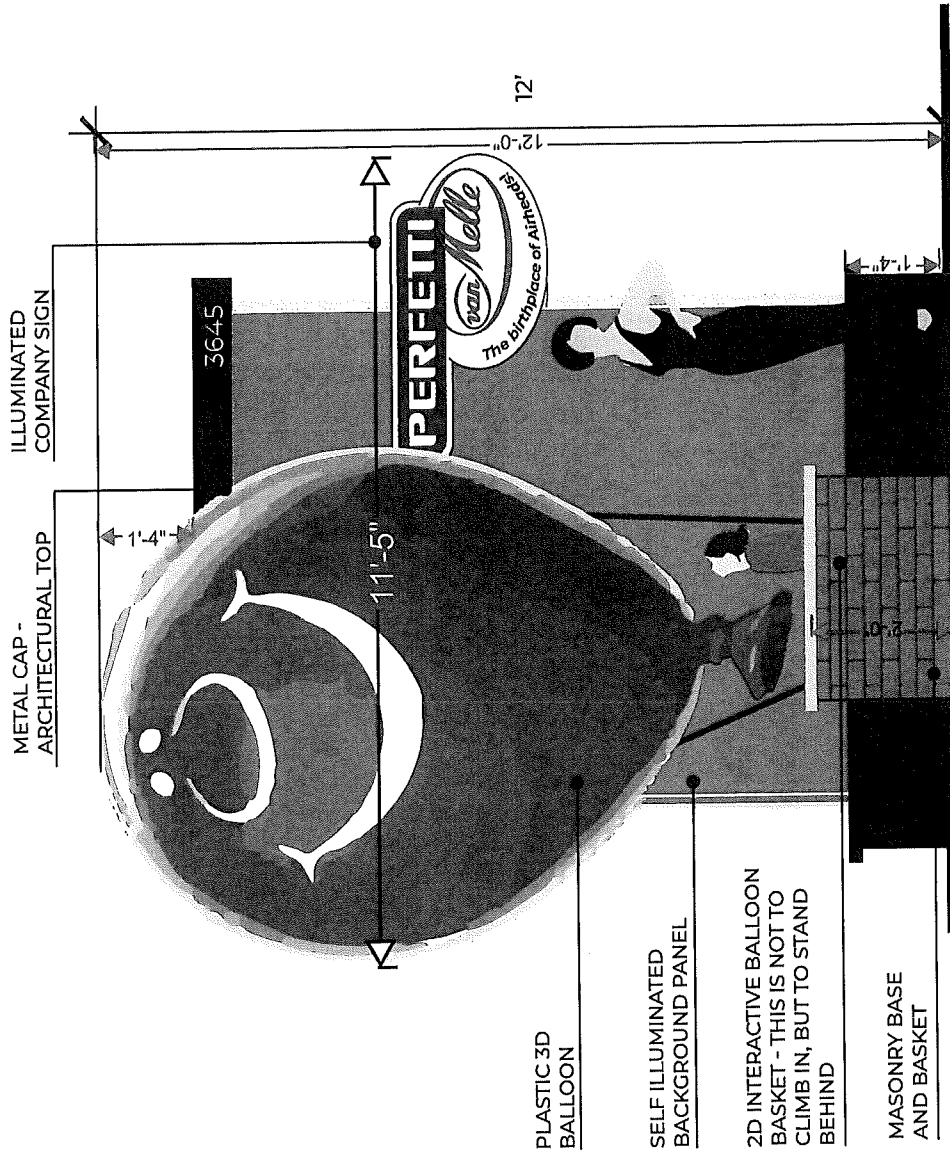
MATERIALS:

- ILLUMINATED PANELS - METAL OR PLASTIC
- DURABLE PLASTIC FOR BALLOON
- STEEL ROPE FOR STRING
- BRICK BASE
- METAL CAP - ARCHITECTURAL TOP

LIGHTING OPTIONS:

- LANDSCAPE UP-LIGHTING AT NIGHT
- ILLUMINATED BALLOON AT NIGHT
- BRAND COLORED PANELS / STRIPES

OPTION 2



OVERALL HEIGHT:
- 12' 0"

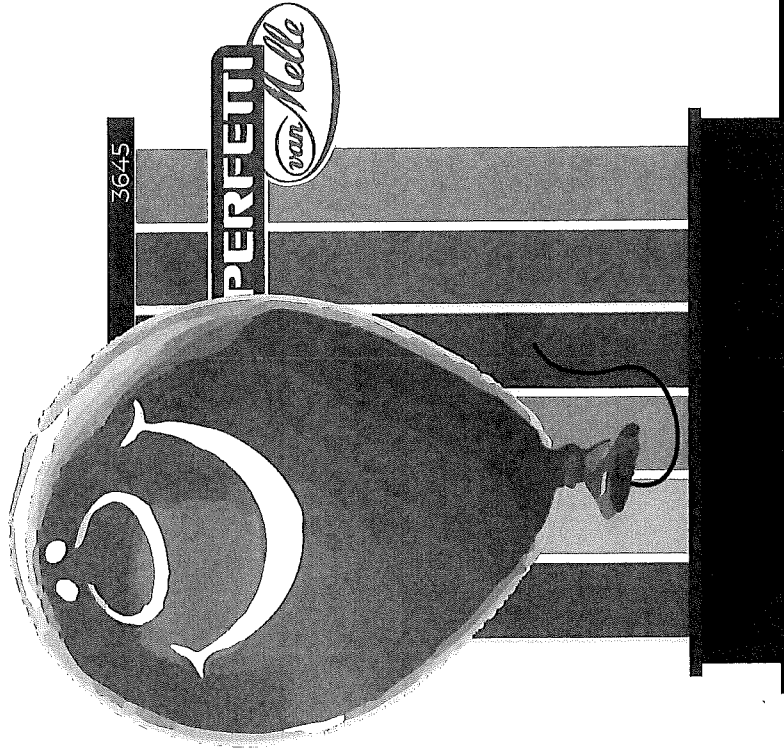
MATERIALS:

- ILLUMINATED PANELS - METAL OR PLASTIC
- DURABLE PLASTIC FOR BALLOON
- STEEL ROPE FOR STRING
- MASONRY BASE
- MASONRY BASKET
- METAL CAP - ARCHITECTURAL TOP

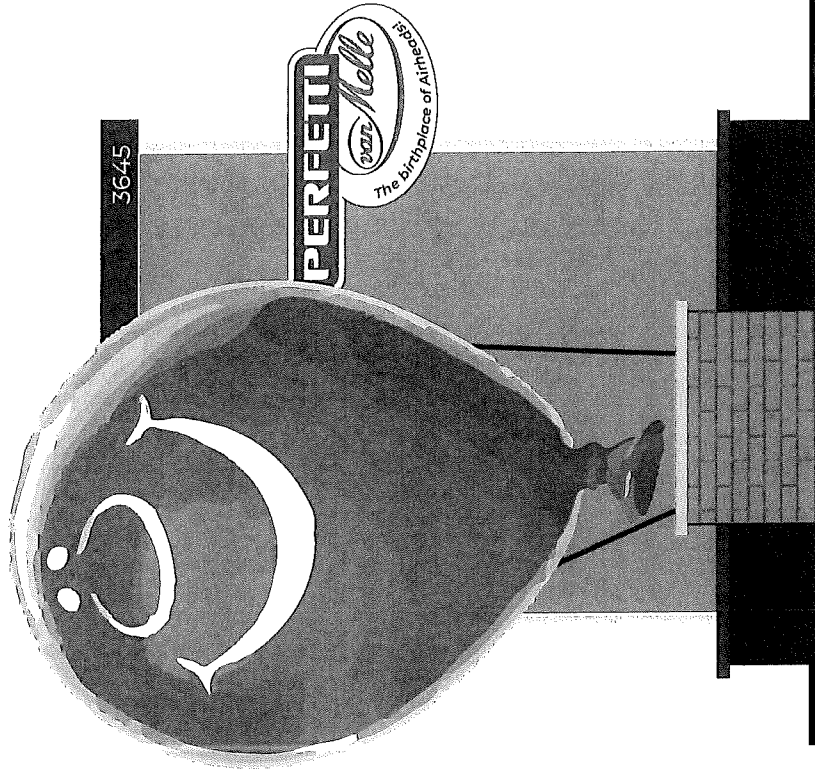
LIGHTING OPTIONS:

- LANDSCAPE UP-LIGHTING AT NIGHT
- ILLUMINATED BALLOON AT NIGHT
- ILLUMINATED BLUE SIGN
- ILLUMINATED PVM SIGN

OPTIONS 1 & 2 NO PEOPLE



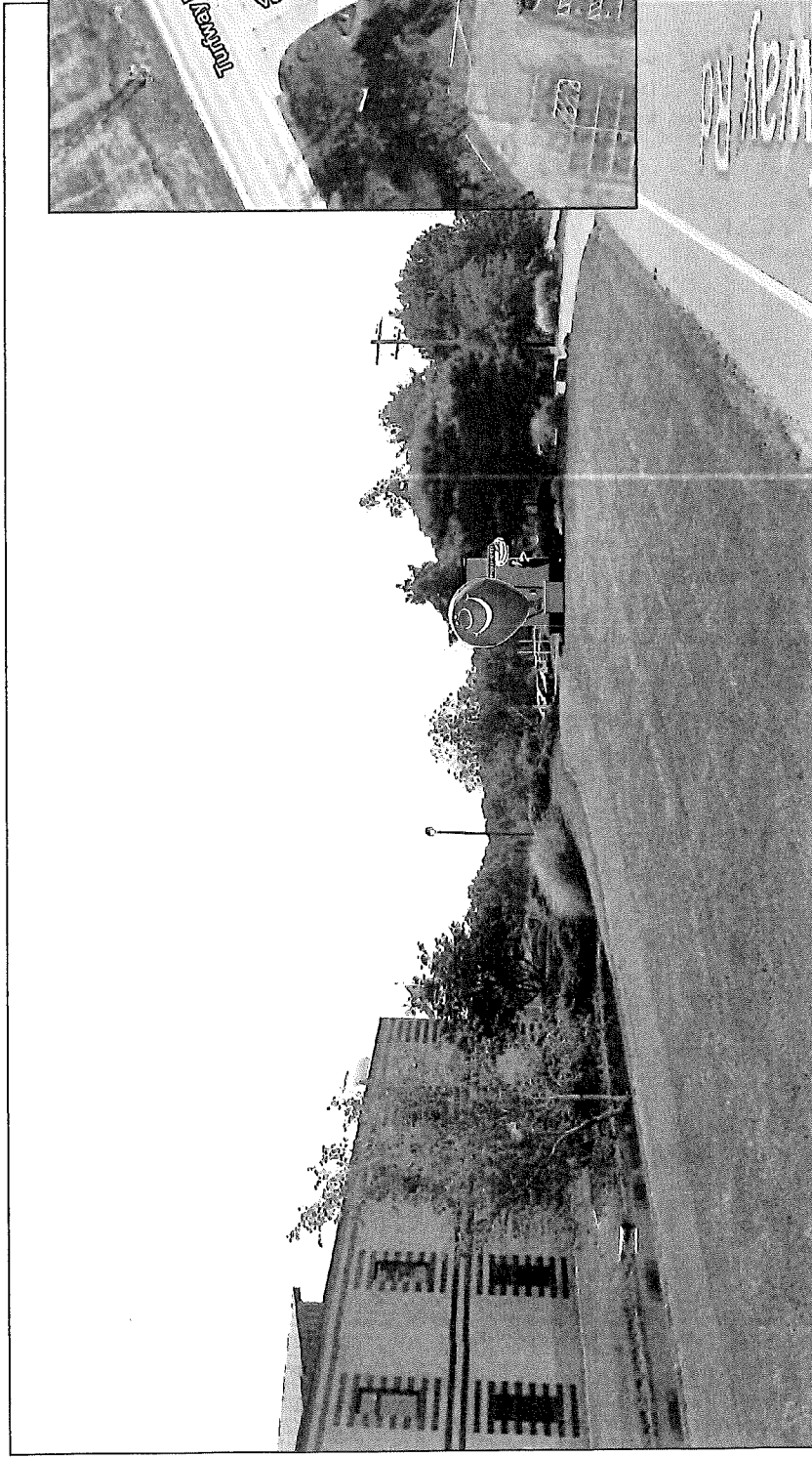
OPTION 1



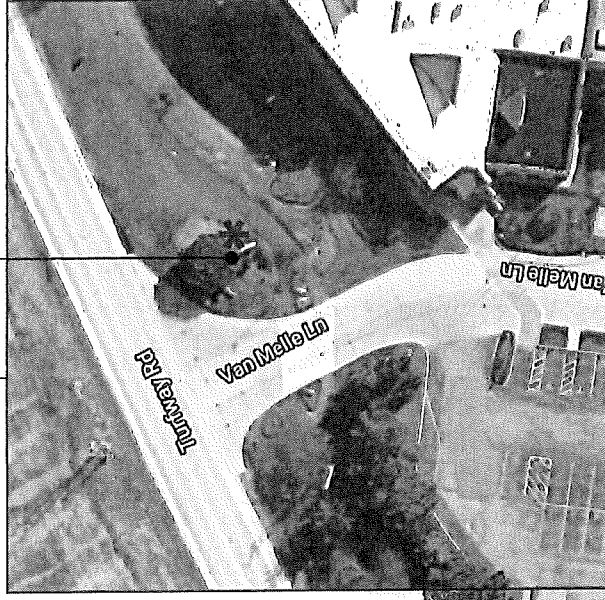
OPTION 2

STREET VIEW DIAGRAM AND SIGN LOCATION

POTENTIAL SIGN OPTION LOCATION



LOCATION OF NEW SIGN TO REPLACE EXISTING SIGN



ZONING REQUIREMENTS

BASE:

The base and sides of the sign shall be constructed with a masonry product (excluding smooth or textured concrete block).

- Requirement met

TOP:

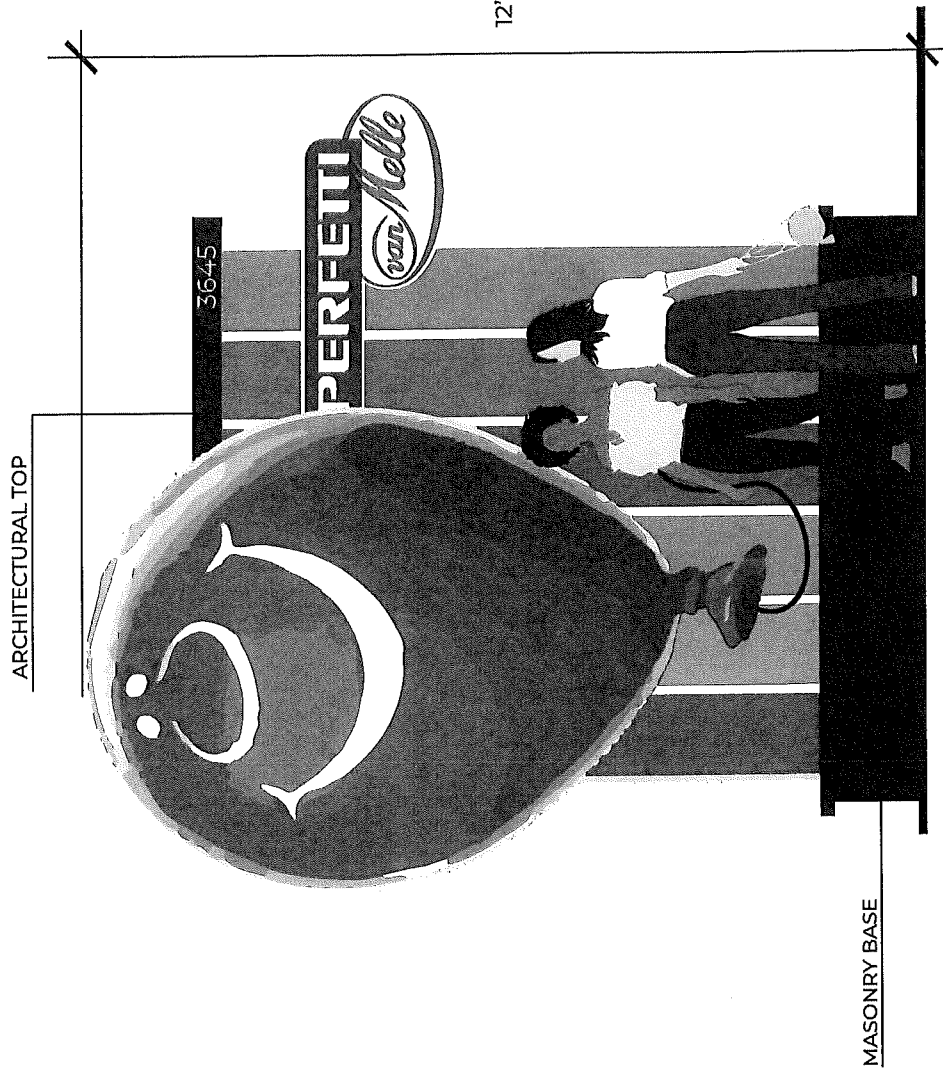
The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.

- Requirement met

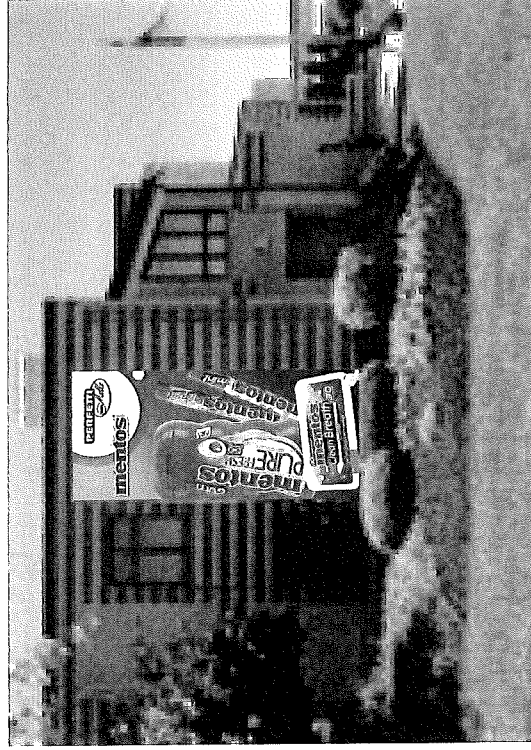
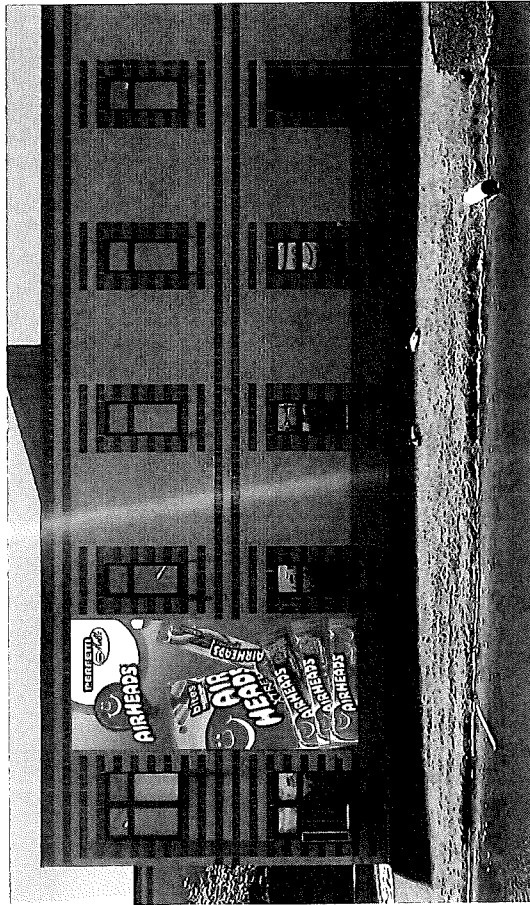
HEIGHT AND SIZE:

1 entrance monument sign that is up to eight (8) feet in height (measured from the grade of the street centerline) and forty-eight (48) square feet in area.

- A variance will need to be required to go above the height maximum from 12' to 8'.

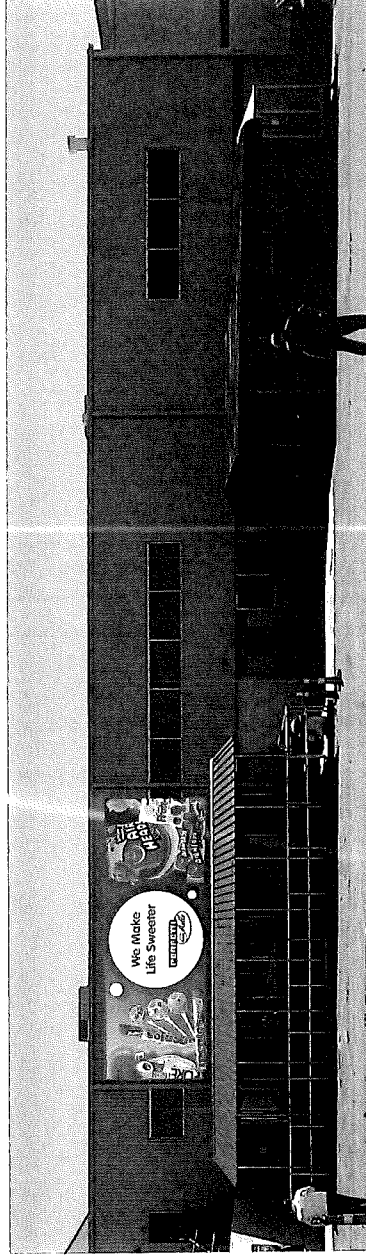


Mockup



**Office mesh banners
(visible from Turfway Road)**

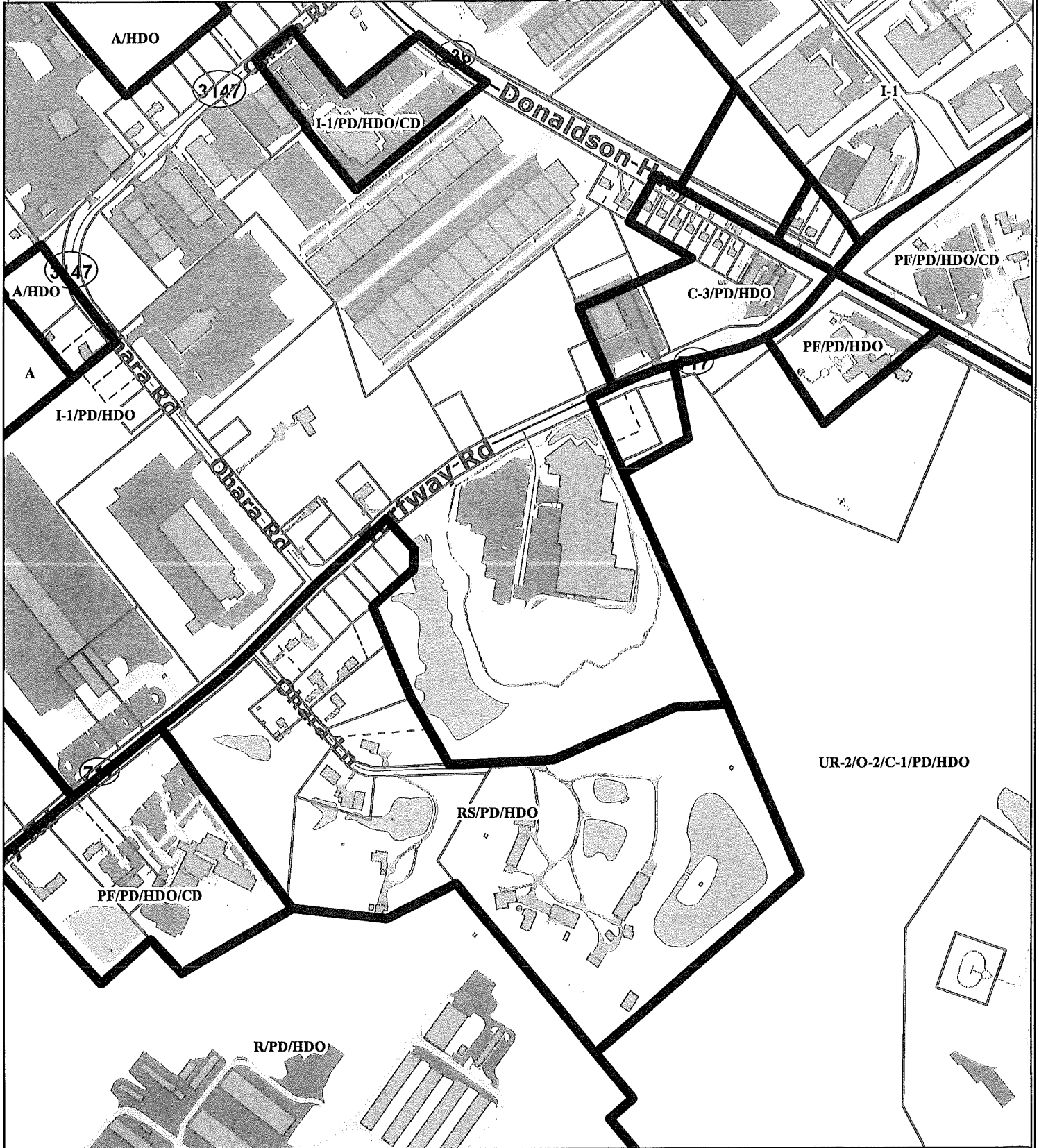
Mockup



**Warehouse entrance mesh banner
(facing employee parking lot; visible from road)**

ZONING MAP

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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet



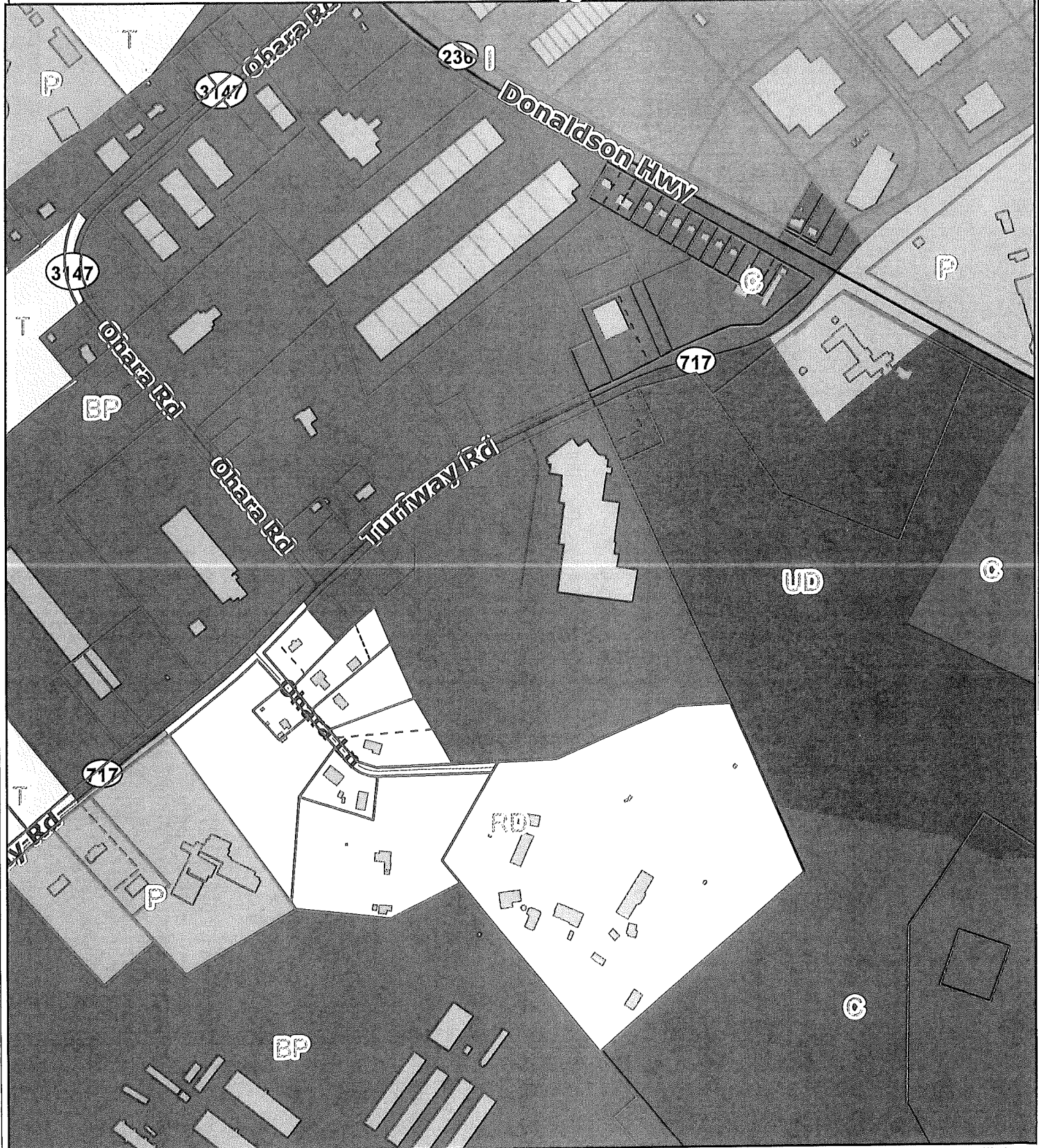
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Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

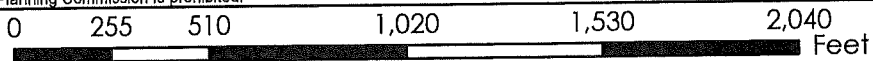
2040 FUTURE LAND USE MAP

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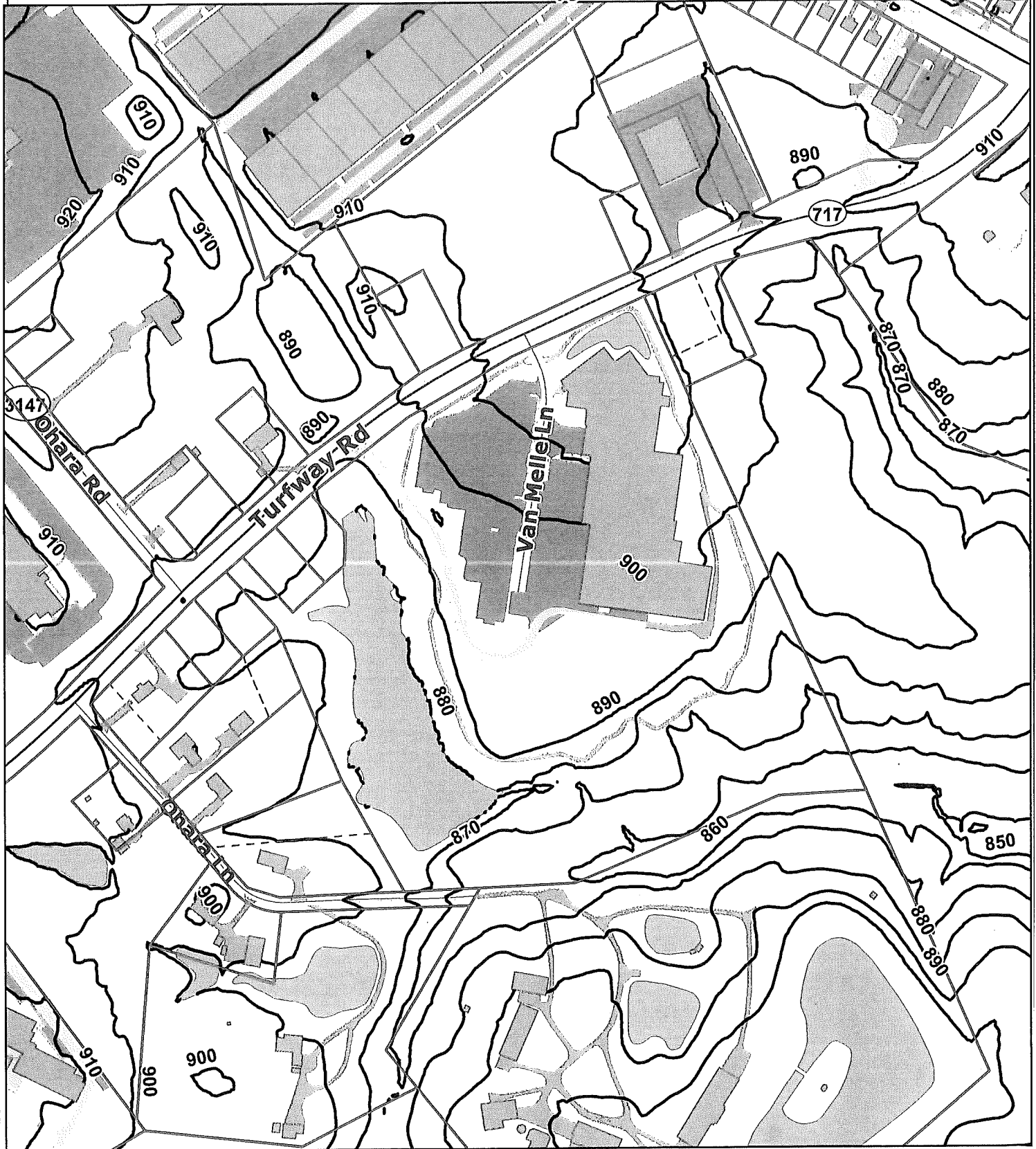
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

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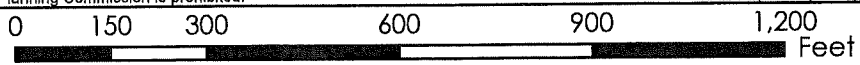
TOPOGRAPHICAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 1/10/2020

State Plane - Kentucky North NAD 83 UTM
ArcMap Document: *.mxd

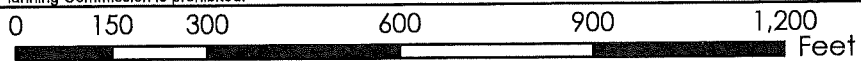
2020 AERIAL MAP

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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 10/24/2020

ArcMap Document: *.mxd

Zoning Map Amendment Application

Signature Page

Owner:

PERFETTI VAN MELLE USA INC., a
Kentucky corporation

By: Bethany E. Ammons
Name: Bethany E. Ammons
Title: Corporate Secretary

Applicant:

PERFETTI VAN MELLE USA INC., a
Kentucky corporation

By: Bethany E. Ammons
Name: Bethany E. Ammons
Title: Corporate Secretary

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#4

TO: Boone County Planning Commission

FROM: Steve Harper, Chairman

DATE: November 2, 2022

RE: Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant)** for **Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

REMARKS:

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

FINDINGS OF FACT:

1. Section 3440 of the Boone County Zoning Regulations allows for the creation of special sign districts with the appropriate legislative body's approval. The effect of a special sign district shall be to modify requirements, regulations, and procedures for signs included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.
2. The request is in agreement with Our Boone County Plan 2040 for the following reasons:
 - A. The request is in agreement with the following goals and objectives:
 - "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).

- Boone County shall promote a vibrant, diverse, and sustainable economy that both recognizes the value of the environment and encourages and incentivizes innovation and prosperity with meaningful employment opportunities (Economy, Goal A).
 - Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
- B. The request is in agreement with the following passages from the land use element:
- Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorists attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view (Future Land Use Development Guidelines - Design, Signs, and Cultural Resource Preservation, pg. 97).
3. The request is in agreement with the following Planned Development Standard found in Section 1514 of the Boone County Zoning Regulations:
- Signage - A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.

The Committee concluded the request is in agreement with the sections 1-3 above based on the following:

- A. Perfetti Van Melle has iconic brands and employees over six hundred people at their Erlanger (Boone County) facility. The Airhead brand was created at this facility. The proposed signs will drive awareness of the company and allow photo opportunities for people that tour the factory.

- B. Conditions were imposed to help the signs blend into the area. The height and square footage of all proposed signs were reduced to better comply with regulations and the building mounted banners will be framed to give them a permanent appearance.
4. The Committee concluded the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County Plan 2040 and Article 3 "Amendment" of the Boone County Zoning Regulations. The Committee also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

CONDITION

1. The proposed signage shall be reduced per the revised drawings that were submitted at the October 26, 2022 Zone Change Committee meeting.
 - A. Monument sign – 11'-4" tall and 100 square feet in area.
 - B. Two banners on the front façade – 98 square feet (14' x 7') each with custom aluminum frames.
 - C. Banner over the factory entrance – 200 square feet (10' x 20') with a custom aluminum frame.

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: Steve Harper, Chairman

DATE: October 26, 2022

REMARKS:

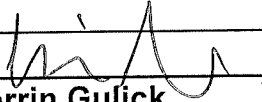
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Harper, Chairman, Todd Morgan, Staff

1. Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant) for Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

Janet Kegley

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____



Corrin Gulick

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 (Chairman)

For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

Jackie Steele (Alternate)

For Project ____ Absent ____
Against Project ____
Abstain ____

TOTAL: ____ DEFERRED 2 FOR PROJECT ____ ABSENT
 ____ AGAINST PROJECT ____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

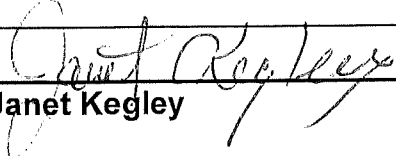
TO: Boone County Planning Commission
FROM: Steve Harper, Chairman
DATE: October 19, 2022

REMARKS:

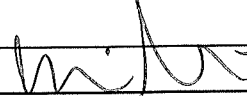
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Harper, Chairman, Todd Morgan, Staff

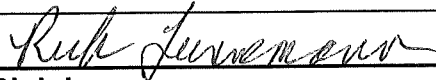
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Janet Kegley
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred

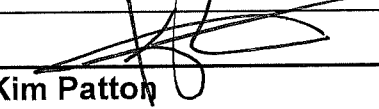


Corrin Gulick
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred



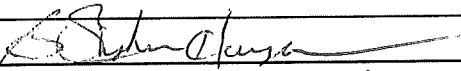
Rick Lunnemann
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred

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 (Chairman)
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred

Jackie Steele (Alternate)
For Project ___ Absent ___
Against Project ___
Abstain ___

TOTAL: 5 DEFERRED ___ FOR PROJECT ___ ABSENT
 ___ AGAINST PROJECT ___ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
OCTOBER 5, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 8:09 p.m. and welcomed the audience to the Planning Commission's October 5, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele

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, Senior Planner
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Todd Morgan, Staff

1. Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant)** for **Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

Staff Member, Todd Morgan, referred to his PowerPoint presentation. The site is located in unincorporated Boone County and is off Turfway Road. The applicant is requesting a Special Sign District for alternative signage. He showed a map the of existing signage. The proposal is for 4 new signs. One involves replacing the existing monument sign and installing 3 banners as permanent signs. The banners would be located on the building. The new monument sign would be 12 feet tall and 121.78 square fee in size. The Houston-Donaldson Study allows a maximum of an 8 foot high monument sign with a total of 48 square feet in area with a masonry base. The applicant has submitted two options for this type of sign. One option has a color background and darker masonry on the base. The other option is a blue background and beige base. The dimensions would remain the same. Signs 2 & 3 are two vinyl mesh banners. Each banner is 22' x 10". The banners would be visible from Turfway Road. The Houston-Donaldson Study allows up to a 150 square foot building mounted sign on any 2 sides that face the street. However, board signs, graphics, painted on buildings, internal illuminated awnings and electronically changeable copy are prohibited. Banners are currently allowed under the TAD process. Sign #4 is also a banner, 10' x 30' in size, to be located near the warehouse entrance facing the employee parking lot. It is also visible from the road. The site is zoned I-1/PD/HDO. Mr. Morgan showed photographs of the site and adjoining properties. Existing directional signs will remain on site. The existing monument sign is 32.33 square feet in size and 6'3" in height. Some of the existing building mounted signage will remain in place. The Future Land Use Map designates the site for Business Park (BP) uses. Mr. Morgan explained the purpose of a Special Sign District is to respond to special circumstances of development or redevelopment. He also noted references to the Comprehensive Plan in the Staff Report. He asked the applicant to see if the monument sign could be downsized to meet code? In addition, would the banners be in place year round?

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

Mr. Tanner Nichols, Frost, Brown, Todd, LLC, stated that he was counsel for Perfetti. He noted that the Company could downsize the proposed monument sign but they have been planning the project for 6 months. They want to show Boone County that they are a unique asset in the community. It is an international company. Many people drive by the site and don't realize its location. The banners will be up year round.

Ms. Sylvia Buxton, President of the North American Division of Perfetti, referred to her PowerPoint presentation. They have an iconic brand. She played a video of the company which described the business and its candy products. It is a global company and employs over 600 people at their Erlanger facility. The Airhead brand is almost 40 years old and was created in Erlanger. They are ranked fifth in the United States in terms of confectionery manufacturers. The proposed signs will drive awareness of the company. They are a great place to work. Their employees participate in many community services each year.

Chairman Rolfsen asked if what was proposed was part of their national branding? Ms. Buxton replied yes. The balloon is named Oscar. He is the logo of the Airheads brand. It is used to recruit new employees. They use it in social media. She said that they sell their product on-site just like Galerie au Chocolate and Wayfair. It would be a factory store. They do tours of the factory. Option 1 shows someone is holding the balloon. Option 2 shows someone is in the balloon basket.

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

Mr. Schwenke asked if it was feasible to make the banners more permanent signs? Ms. Buxton responded that the banners look like murals and last 7-10 years.

Mrs. Kegley asserted that it seems like a lot of signage when it is all put together. She thought that permanent banners sometimes get lost or unnoticed since they don't change like banners over time.


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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 19, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:28 p.m.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
OCTOBER 5, 2022
7:30 P.M.**

Chairman Charlie Rolfsen opened the Public Hearing at 8:09 p.m. and welcomed the audience to the Planning Commission's October 5, 2022 Public Hearing.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Jackie Steele

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, Senior Planner
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

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


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Mrs. Kegley asserted that it seems like a lot of signage when it is all put together. She thought that permanent banners sometimes get lost or unnoticed since they don't change like banners over time.

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

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 19, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on November 2, 2022 at 7:00 p.m. in the Fiscal Courtroom. The Chairman Rolfsen closed the Public Hearing at 8:28 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
NOVEMBER 2, 2022
7:00 P.M.**

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's November 2, 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. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Turner, Temporary Presiding Officer

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, Senior Planner
Mrs. Alaina Hagenseker, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the October 19, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes as presented. Mr. Szurlinski 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 October 6, 2022 and November 2, 2022.

EXPENSES:

Attorney Fees	\$ 4,400.00
Consultant/Professional Svcs Fees	2,855.00
Filing Fees (CLURS)	1,050.00
Legal Ads/Recruitment	311.56
Miscellaneous Expense	131.50
Office & Board Meeting Supplies	564.57
Office Equipment / Expense	318.93
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	1,647.50
Professional Development	500.04
Refunds	<u>250.00</u>

TOTAL: \$ 13,034.10

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 4,995.45
Health/Dental/Life/LTD	13,283.93
Retirement – BCPC Portion	24,294.25
Salaries – Staff Expenses	87,228.98
Salaries – BCPC & BOA	<u>1,445.00</u>

TOTAL: \$131,256.61

GRAND TOTAL: \$144,290.71

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.

ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Todd Morgan, Staff

1. Request of **Viox and Viox, per Megan de Sola (applicant)** for **Our Lady of Good Counsel Church and Home Sweet Home Trust (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for an approximate 9.1 acre area located at 404 Beaver Road, 430 Beaver Road, 438 Beaver Road, 11972 Skyway Drive, 11982 Skyway Drive, 11990 Skyway Drive, 11991 Skyway Drive, 11977 Skyway Drive, the property with the following Property Identification Number (PIDN): 077.00-03-007.01, and the right-of-way of Skyway Drive, Boone County, Kentucky and a Request of **Viox and Viox per Megan de Sola (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Change of Concept Development Plan in a Public Facilities (PF) district for an approximate 13.8 acre area located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change and change of concept development plan to allow the construction of a school building, field house, and a storage barn, use of the existing church, use of existing single-family residential dwellings for church related purposes, and the redesign of parking areas and access drives.

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 Ms. Gulick and Mr. Harper voting in favor of the request. The applicant 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?

Mr. Justin Verst, Viox & Viox, Inc., stated that he had nothing more to add. All the conditions made sense and they are in agreement with them.

Seeing no further comment, **Ms. Gulick moved to approve the request by Resolution to the Boone County Fiscal Court and the City of Walton based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Michael Schwartz, Staff

2. 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, 3340 Booneland Trail, and part of 3336 Booneland Trail, Boone County, Kentucky. The request is for a zone change to allow a multi-family residential development (this issue was deferred from August 17, 2022).

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. The applicant 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?

Ms. Nicole Chimento, Corporex Parks of Kentucky, Inc., stated that she was present to answer any questions. They agree with the proposed conditions. She showed the revised Concept Development Plan based on the comments made at the Public Hearing. A pool is planned for the courtyard area. The building will be 4 stories in height. Ms. Chimento stated that the Airport was okay with the maximum building height of 65 feet.

Seeing no further comment, **Mrs. Kegley 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. Hincks seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

3. Request of **Tanenbaums LLC, per Damian Tanenbaum (applicant/owner)** for a Zoning Map Amendment from Commercial One (C-1) to Industrial One (I-1) for an approximate 0.4 acre area located at 11568 Dixie Highway, Boone County, Kentucky. The submitted Concept Development Plan includes the property located at 11564 Dixie Highway, which is currently zoned Industrial One (I-1). The request is for a zone change to allow a fitness club, warehouse space, and retail space.

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. The applicant has signed the condition letter. She explained that she had the PowerPoint slides available to look at if a Board member wanted to see it at this time.

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

Mr. Damian Tanenbaum, applicant, stated that he owns Triple Crown Athletics. His plan is to move the gym from its current location to the proposed facility. They need the additional space for parking purposes.

Seeing no further comment, **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. Mrs. Goetting seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Harper, Chairman, Todd Morgan, Staff

4. Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant) for Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). He also referred to some revised drawings on the projector screen. The overall monument sign will be 11' 4" with a 100 square foot sign area. The banners will be 98 square feet in size (14' x7'). Each one will have a custom aluminum frame and the banner over the factory entrance has been reduced to 200 square feet (10' x 20').

The Committee Members present at the Committee Meeting voted unanimously to approve the request with Ms. Gulick and Mr. Harper voting in favor. The applicant has signed the condition letter.

Chairman Rolfsen asked if the custom aluminum frame on the banners was something new? Mr. Costello replied that the applicant mentioned it at the Public Hearing.

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

Mr. Tanner Nichols, applicant, stated that he agreed with the Committee Report.

Seeing no further comment, **Mr. Harper 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. Patton seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff

5. 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 defer the request until the December 7, 2022 Business Meeting. Mrs. Steele seconded the motion and it passed unanimously. The Committee Meeting will be held on November 30, 2022 at 5:00 p.m.

2020 ZONING REGULATIONS UPDATE, Bob Schwenke, Chairman, Michael Schwartz, Staff

6. 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).

Staff member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and subject to some zoning text and map changes as a result of comments made at the September 21, 2022 Public Hearing (see Committee Report). The Committee Members present at the Committee meeting voted unanimously to approve the request. He mentioned that both the text and map changes implement the Boone County Comprehensive Plan and are consistent with KRS Chapter 100. Mr. Schwartz referred to the proposed changes outlined in the attachments from the Committee Report. Attachment A would allow short term rentals in the City of Walton. Attachment B would add regulations for data centers and would prohibit cryptocurrency mining from being allowed. Attachment C would add or keep active recreation as a permitted use in a C-4 district. Attachment D would allow schools as a conditional use in an I-1 zoning district. Again, a comment was made at the Public Hearing to allow schools. Attachment D also adds colleges and universities as a principally permitted use in an I-1 zoning district. It also would prohibit schools in an I-3 zoning district. Attachment E would allow schools as a principally permitted use in a PF zoning district. Attachment F would modify the accessory dwelling unit regulations to differentiate between accessory units within a principal structure versus one that is separate from a principal structure. There would be no additional lot size requirement if the accessory dwelling unit was located inside the principal structure. The one and a half minimum lot size requirement would only apply to an accessory dwelling unit that is freestanding or outside the principal structure. Also, as part of Attachment A is to modify the parking requirements for short term rentals. If all of the residence is being used for a short term rental, then the two additional parking spaces for the owner are not required.

In regard to the mapping issues, Mr. Schwartz referred to a PowerPoint presentation. Based upon the testimony made at the Public Hearing, the Committee recommended the changes to the following requests (see Committee Report). Map ID 120 was recommended for approval because it would bring all of the buildings on the site into the same zoning area district. Map ID 75 & 101 were recommended to be denied as the property owner (The Boone Conservancy) was not interested at this time. Map ID 105 was recommended to be denied on the basis that the proposed RSE or RS was not consistent with the Future Land Use Map. The existing zoning of A-2 is appropriate at this time. Map ID 106 was recommended to be denied because it was not consistent with the Comprehensive Plan. Agricultural activities can be conducted within the I-1 uses under the KRS 100 Statutes. Map ID 109 was recommended to be denied since the proposed I-1 district is not consistent with the Comprehensive Plan, which designates the site as Urban Density Residential (RD) uses. Map ID 113 was recommended for denial based upon the recommendations of the Comprehensive Plan. Map ID 116 was recommended for denial since the Airport (A) district would not be consistent with the proposed Business Park (BP) uses as well as the proposed A zoning district on the north side of I-275. The A zoning is currently on the south side of I-275. Map ID 119 was recommended to be denied because the proposed I-1 is not consistent with the Comprehensive Plan which recommends residential uses. Map ID 10 was recommended to be rezoned to RSE from C-2 so that the entire 2 lots are zoned RSE. It is more in line with the Future Land Use Map of the RD land use.

Mr. Schwenke moved to approve the request (2020 Zoning Update) by Resolution to the Boone County Fiscal Court and the Cities of Florence, Union and Walton based upon the Committee Report including its Attachments and Findings of Fact. It includes all text and map changes as presented. Mrs. Kegley seconded the motion.

Mr. Schwenke expressed thanks to Mr. Schwartz and the Staff on completing the work. It was a huge endeavor. Chairman Rolfsen agreed that it was a tremendous amount of work. He complimented the Staff.

Mr. Wilson reminded everyone that the motion is in the form of a Resolution that goes to the Fiscal Court and the legislative units for their zoning function. They take final action.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Schwenke and seconded by Mrs. Kegley. The motion passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

7. Gateway Rehabilitation Center – 5940 Merchants Street

Mr. Patton moved to defer the request until the December 7, 2022 Business Meeting. Mrs. Steele seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

8. Ashley Home Store – 8040 Burlington Pike

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The request is to modify the colors and the signage on the Ashley Home Store. The request is to have blue, gray and charcoal colors for 6 building mounted signs on the front of the building. Another sign would be placed in the loading dock. This sign replaces one that is already there. The signage totals 779 square feet. Mr. Costello referred to the rendering and pointed out that the rendering actually depicts a darker blue color. That will be the actual color. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Schwartz. Mrs. Clark seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

9. Cougar Point Townhomes – 3215 Cougar Path

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. As part of the original submitted and approved plan by the Planning Commission and Fiscal Court, there was a condition that the applicant was required to submit architectural drawings to the Technical/Design Review Committee for review and approval. Seventeen dwelling units are proposed along with an office building. No access from the current curb cut serving the church will be allowed. A separate curb cut off Cougar Path will be constructed. The buildings will be all brick. He showed renderings of the residential and office buildings. Brick and stone materials are proposed along with a pitched roof. Mr. Schwartz noted that a Major Site Plan for the project was submitted for review. He will check on the type of units and number of bedrooms as requested by Chairman Rolfsen. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Schwartz. Mrs. Goetting seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

10. Turfway Gaming – 7500 Turfway Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The first part of the request deals with the existing jockey building and a new barn. The jockey building will have new brown EIFS and the new barn will be brown metal. The new barn is 30'9" x 61' 3". The second part of the request will be tabled until December 7, 2022. It involves the screening of the RTUs on the roof. Originally, the units were reviewed in May, 2022 but they are much more visible today. Mr. Morgan showed pictures of them. The Committee recommendation is only to approve the first part. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve Part 1 (the design and color of the Paddock area only) of the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Morgan and to defer Part 2 (screening of the rooftop units) until December 7, 2022. Mr. Szurlinski seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT, Michael Schwartz, Staff

11. Request of **Jake's Farm Real Estate Development Company, LLC (applicant)** for **Jake's Farm Real Estate Development Company, LLC and Henry L. Fedders Jr. (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 36.74 acre area located at the southeast corner of the intersection of Richwood Road with Schmidt Lane, including the properties at 731, 733, and 735 Richwood Road, 11704 Schmidt Lane, and the properties having Parcel Identification Numbers (PIDN) of 065.01-02-001.00 and 065.01-02-007.00. The request is for a zone change to allow 160 multi-family residential units within three (3) buildings, 55 attached single-family residential units within nine (9) buildings, 5 detached single-family residential dwellings, and community amenity areas (Deferred from November 2, 2022).

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

12. Request of **Gregory P. Tilsley (applicant)** for **Graeters Properties Limited (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 5.7 acre area located at 8905 US 42, Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two additional eating and drinking establishments, a central plaza area, and interconnected parking facilities.

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

13. Request of **Viox and Viox, Inc., per Michelle Bollman (applicant)** for **Domaschko Properties, LLC (owner)** for a Change in an Approved Concept

Development Plan in an Industrial One (I-1) district for an approximate 6.7 acre area located at 11061 Dixie Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow the construction of a 5,000 square foot building with outdoor truck/trailer parking and an expansion of the off-street parking lot.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Todd Morgan, Staff

14. Request of **Vision Engineering, LLC, per Jihad Hillany (applicant) for City of Florence (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 196.5 acre area located at 7500 Turfway Road, Florence, Kentucky. The request is for an amendment to an existing Special Sign District in a Recreation/Planned Development/Houston-Donaldson Study Corridor Overlay (R/PD/GDO) district to allow for an electronic message board/screen.

Mr. Patton moved to schedule the Public Hearing for Items #12, #13 and #14 on December 7, 2022 at 7:30p.m. in the Fiscal Courtroom and Item #11 on December 21, 2022 at 7:00 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.

H. **Executive Director's Report:** Kevin P. Costello

Mr. Costello referred to his October 26, 2022 Memos. The first involves extending the contract of our current engineer, Jon Brown. He is still pursuing candidates to replace Mr. Brown. **Mr. Patton moved to authorize the Executive Director to extend the contract of Mr. Brown for one month from November 1, 2022 to December 1, 2022 with the same terms. Mrs. Clark seconded the motion and it passed unanimously.** The second item is related to extending the contract with NearMap aerial photography services to the Boone County Planning Commission for one year. **Mr. Patton moved to authorize the Executive Director to extend the contract with Near Map for one year at an amount not to exceed \$20,000 based upon the terms outlined in the memo. Mr. Schwenke seconded the motion and it passed unanimously.**

I. **Committee Reports:**

- Airport

Mr. Bessler reported that the Committee has a Zoom meeting with the Airport tomorrow at noon.

- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report

- Executive

Chairman Rolfsen announced that the Board will honor Don McMillian for his 40 years of service to the Planning Commission on November 16, 2022 at 5:30 p.m. in the Planning Commission office. More information will be sent out regarding the event.

J. **Chairman's Report:** Charlie Rolfsen
No Report

K. **OKI Report:** Kim Patton
No Report

L. **Other:**

M. **Adjournment:**

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

APPROVED



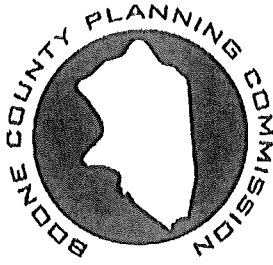
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pe
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

October 27, 2022

Mr. Tanner Nichols
Frost Brown Todd LLC
400 West Market Street, Suite 3200
Louisville, KY 40202

RE: Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant) for Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

Dear Mr. Nichols,

The following represents the recommended condition of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their October 26, 2022 meeting. Holly Ingram will need to sign the appropriate space at the end of this letter if she is in agreement with the conditions. Please return this original letter to the Planning Commission office by November 1, 2022.

CONDITION

1. The proposed signage shall be reduced per the revised drawings that were submitted at the October 26, 2022 Zone Change Committee meeting.
 - A. Monument sign – 11'-4" tall and 100 square feet in area.
 - B. Two banners on the front façade – 98 square feet (14' x 7') each with custom aluminum frames.
 - C. Banner over the factory entrance – 200 square feet (10' x 20') with a custom aluminum frame.

Sincerely,

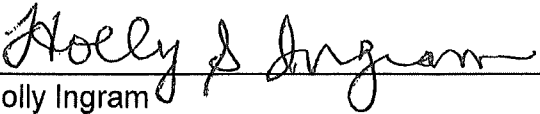
Todd K. Morgan, AICP
Senior Planner

Mr. Tanner Nichols
October 27, 2022

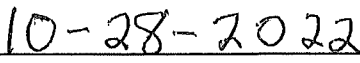
Page 2

AGREEMENT

I, Holly Ingram, hereby agree to the conditions of approval for the above referenced application.



Holly Ingram
Communications Manager
Perfetti Van Melle



Date

Prop It, Transfer Tax Paid \$
Jerry W. Rouse, Clerk

Grant
DC

BOOK 295 PAGE 261

BOOK 294 PAGE 228
WARRANTY DEED

775.00
Jerry W. Rouse, Clerk

KNOW ALL MEN BY THESE PRESENTS, that SOLARCRETE CORPORATION, an Indiana corporation ("Grantor"), pursuant to Resolution duly adopted by its Board of Directors, for the sum of One (\$1.00) Dollar and for other good and valuable consideration passing by and between the parties and received to its full satisfaction from VAN MELLE, INCORPORATED, a Massachusetts corporation, whose tax mailing address is 3635 Turfway Road, Erlanger, Boone County, Kentucky 41018 ("Grantee"), does hereby grant, bargain, sell and convey unto the said Grantee, VAN MELLE, INCORPORATED, a Massachusetts corporation, its successors and assigns forever, the following described real property, situate in Boone County, Kentucky:

3635 Turfway Road
Erlanger (mailing), Kentucky 41018

Group No.: 2027

Located generally in Boone County Group No. 2027 on the south side of Turfway Road (Race-track Road), northeast of and near its intersection with Bonar Road and described thusly: BEGINNING at a stake, the northeast corner of Lot No. 3 of the Heaton Subdivision (Plat Book 6, page 57) in the south line (30 feet from centerline) of Turfway Road; thence along said line of Turfway Road, N 51-54-15 E 278.30 feet, N 60-18-15 E 273.23 feet, N 65-44-45 E 323.02 feet to a spike and stake (found May 5, 1979) therein; thence with the exterior lines of the original Heaton property tract of 35.35 acres, more or less, S 24-5-17 E 1220.0 feet to the intersection of the centerline of an old roadway with a branch or creek; thence running along the centerline of said roadway (unimproved) S 86-55 W 196.9 feet, S 67-4 W 554.02 feet; thence running along the centerline of the improved section of the old Dry Creek Road S 87-25-46 W 322.47 feet to a railroad spike therein; thence with the east line of a 2550 square feet parcel partitioned off the Heaton property N 29-30-14 W 307.98 feet to a stake, N 23-5-10 W 376.39 feet to a stake on the southeast corner of Lot No. 1 of said Heaton Subdivision; thence with the east line thereof, N 42-0 W 170.0 feet to the south line of Turfway Road; thence therewith N 48-0 E 50.0 feet to the northwest corner of Lot No. 2 of said subdivision; thence with the southwest and southeast lines of said subdivision and Lots Nos. 2 and 3 thereof, S 42-0 E 170.0 feet to a stake, N 48-0 E 157.50 feet to a stake, N 1-40 E 76.034 feet to a stake, N 42-00 W 115.0 feet to the place of beginning, containing 25.7051 acres and subject to local highways and legal easements of record and in existence.

BEING the same property conveyed to the Grantor herein, SOLARCRETE CORPORATION, an Indiana corporation, by deed from JOSEPH PARKER and BRENDA PARKER, his wife, dated July 1, 1981 and recorded in Deed Book 287, page 51, Boone County Clerk's records at Burlington, Kentucky.

This Deed is being re-recorded to show the correct name of the Grantee, to-wit: VAN MELLE, INCORPORATED, a Massachusetts corporation.

RECEIVED
SEP 06 2022
BOONE COUNTY
PLANNING COMMISSION

FOR LAND USE RESTRICTION SEE MISC BK 263 PG 240

together with all appurtenant rights, privileges and easements thereunto belonging (all of the foregoing being hereinafter referred to as the "Premises").

TO HAVE AND TO HOLD the above granted and bargained premises unto the Grantee, VAN MELLE INCORPORATED, a Massachusetts corporation, its successors and assigns forever.

And the said Grantor, SOLARCRETE CORPORATION, an Indiana corporation, for itself and its successors and assigns, executors and administrators, covenant with the Grantee, its successors and assigns, that at and until the ensealing and delivery of these presents, it is well seized of the Premises, as a good and indefeasible estate in fee simple, and has good right to bargain and sell the same in the manner and form as above-written, and does hereby covenant and warrant that the title so conveyed is clear, free and unencumbered, and that it will defend the same against all lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, SOLARCRETE CORPORATION, an Indiana corporation, pursuant to Resolution duly adopted by its Board of Directors, has executed this instrument as of the 30 day of June, 1982.

WITNESS:

[Signature]

SOLARCRETE CORPORATION,
an Indiana corporation

By: [Signature] President
BRUCE E. POSTON
President

and

[Signature]

By: [Signature]
STANLEY M. LANE
Secretary

STATE OF OHIO :
: SS:
COUNTY OF HAMILTON:

\$ 775,000.-

The foregoing instrument was acknowledged before me, a Notary Public, this 30th day of June, 1982, by BRUCE E. POSTON, and STANLEY M. LANE, President and Secretary, respectively, of SOLARCRETE CORPORATION, an Indiana corporation, on behalf of said Corporation.

My Commission Expires:

[Signature]
Notary Public - David J. Harwood
State of Ohio
My Commission has no expiration date

This instrument prepared by:

[Signature]
WILLIAM J. DEUPREE, III
Attorney at Law
DEUPREE, BECK & CLARK, P.S.C.
508 Greenup Street
Covington, Kentucky 41011
606-491-5200

Pit-

STATE OF KENTUCKY, }
COUNTY OF BOONE, } Sct.

I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 10 day of August, 1982, at 11:29 A. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 10 day of Aug, 1982
JERRY W. ROUSE, Clerk
By [Signature], D. C.

FILED _____ DAY OF _____
AT M
RECORDED IN [Signature] BOOK
NO. 295 PAGE 261
[Signature]
9-15-82

RECEIVED
1982 AUG 10 AM 11:29
JERRY W. ROUSE
CLERK OF COUNTY COURT

STATE OF KENTUCKY, }
COUNTY OF BOONE, } Sct.

I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 30 day of June, 1982, at 3:44 P. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 30 day of June, 1982
JERRY W. ROUSE, Clerk
By [Signature], D. C.

22-030

ORDINANCE 2022-31

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF FROST BROWN TODD LLC, PER TANNER NICHOLS (APPLICANT) FOR PERFETTI VAN MELLE USA INC., PER HOLLY INGRAM (OWNER) FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 25.7 ACRE SITE LOCATED AT 3645 TURFWAY ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) for an approximate 25.7 acre site located at 3645 Turfway 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 to establish a Special Sign District.

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 recommended for approval, with conditions, this Zoning Map Amendment to establish a Special Sign District for property zoned for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The real estate, which is the subject of this request for a Zoning Map Amendment in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone, is more particularly described in DEED BOOK 295, PAGE NO. 261 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for the recommendation of approval, with conditions, for a Zoning Map Amendment to establish a Special Sign District request 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."

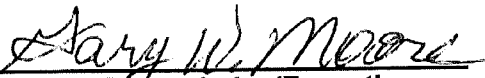
Section Three

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

First Reading the 29th day of November, 2022

Second Reading the 6th day of December, 2022

Adopted this 6th day of December, 2022 Yes 3 No 0



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

ATTEST:

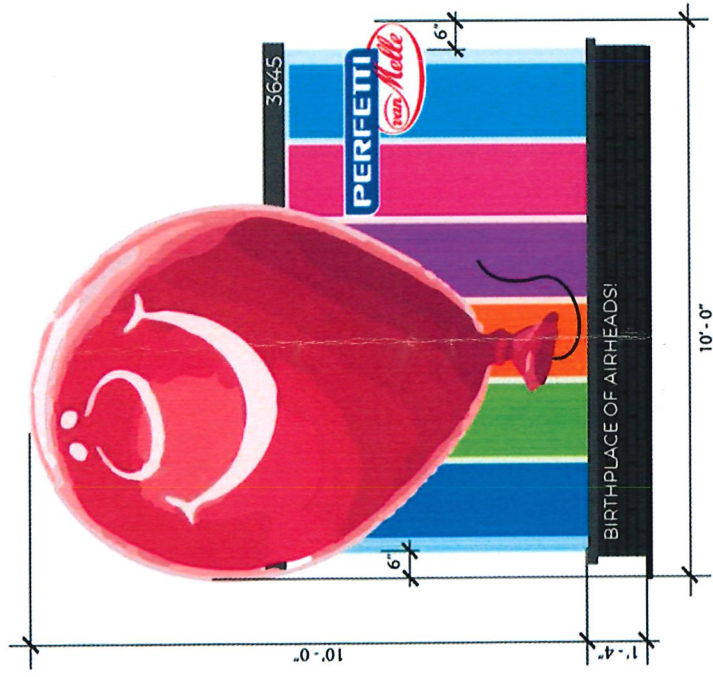


Shona Schulkers,
Fiscal Court Clerk



MONUMENT SIGN WITH ARTISTIC ELEMENT

Conditionally approved October 26, 2022, by Zone Change Committee



Height 11' - 4"

MONUMENT SIGN SF: 57 SF

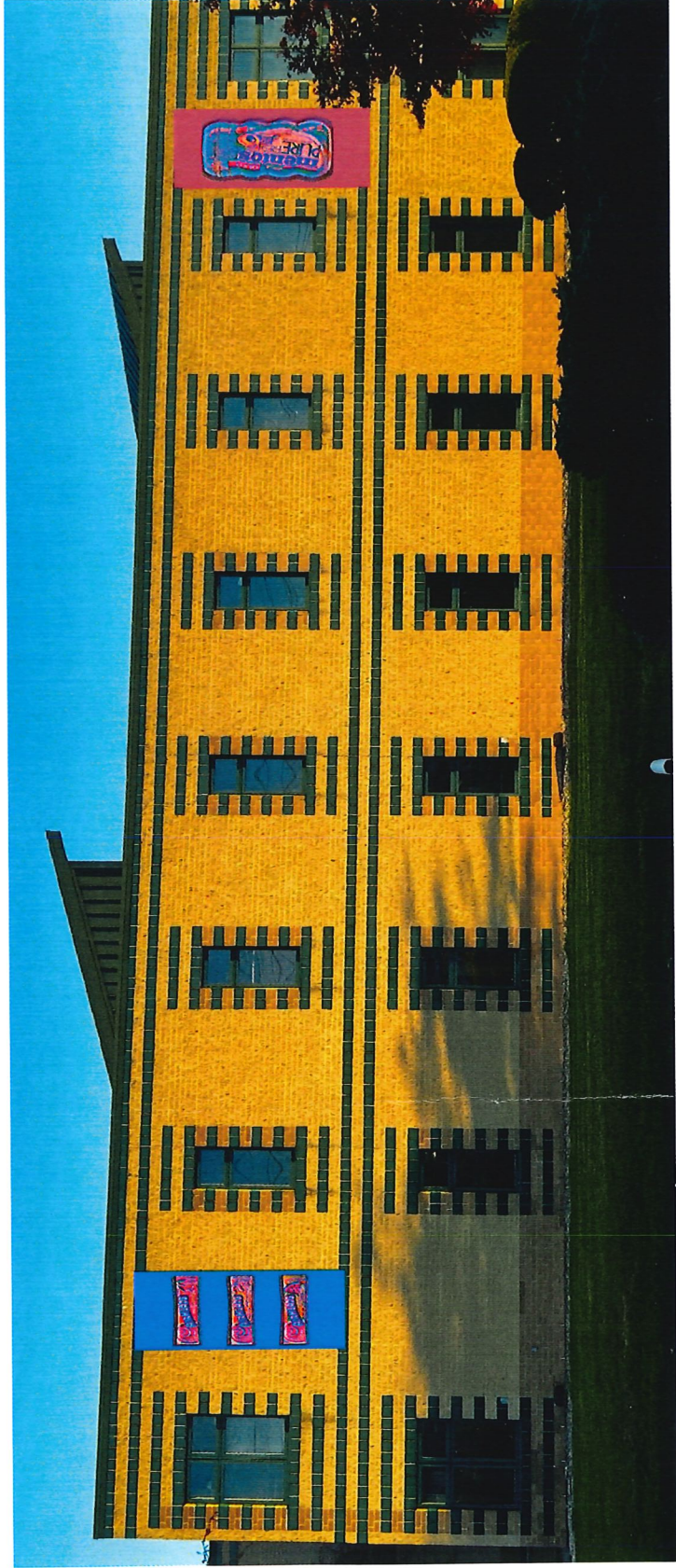
OVERALL SIGN SF: 100 SF





BUILDING FRONT SIGNS

Conditionally approved October 26, 2022, by Zone Change Committee



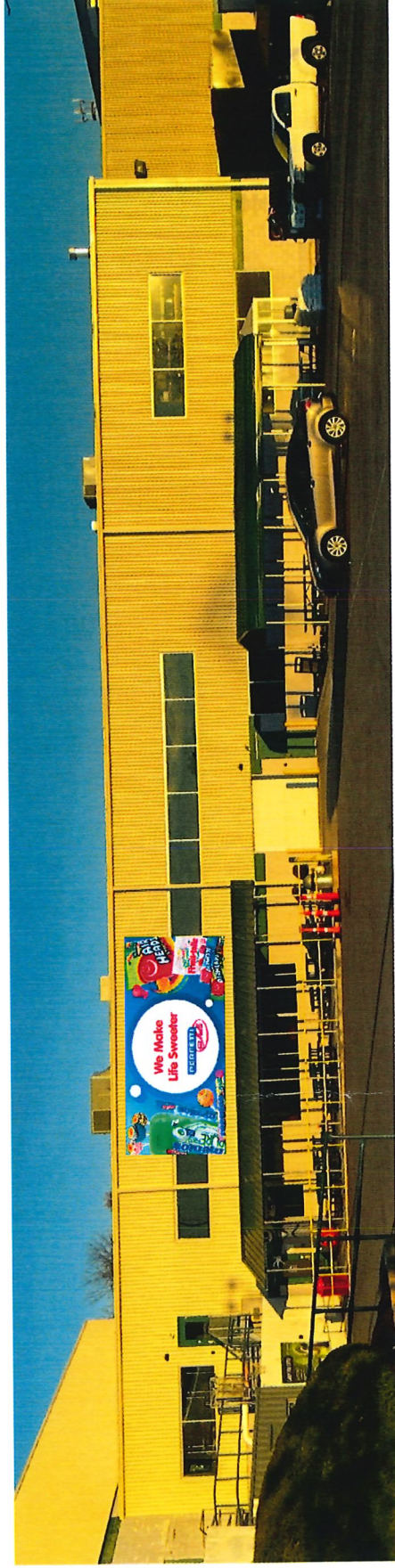
Graphics concept:
not final but would be
simplified, more artistic as
illustrated here

Height 14'
Width 7'
Total SF 98'



FACTORY ENTRANCE

Conditionally approved October 26, 2022, by Zone Change Committee



Custom System – by FastSigns Florence

- Custom frame is finished aluminum
- Permanent-looking finish, feels like a mural
- Heavy-duty mesh, weather-resistant; Ability to refresh if needed
- High quality and economical

Height 10'
Width 20'
Total SF 200'