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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):

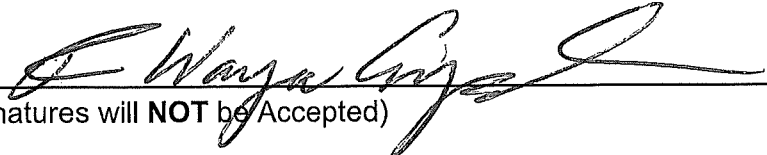
- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input type="checkbox"/> Boone County Public Works Department   | <input type="checkbox"/> Local School District                        |
| <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 checked="" 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 Dec 22, 2022

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

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

# EXHIBIT

“A”

## STAFF REPORT

#1

Request of **ECE, Inc. (applicant) for Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from sixty (60) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from sixty (60) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

November 16, 2022

### REQUEST

- A. The first part of the request is to rezone an approximate 4-acre area located on Frogtown Road from SR-1 to C-3 to allow an expansion of a nursery and greenhouse to occupy the property
- B. The second part of the request is for a variance reducing the Buffer Yard along the west property line from eighty (80) feet to ten (0) feet.
- C. The third part of the request is for a variance reducing the Buffer Yard along the east property line from eighty (80) feet to ten (10) feet.

### CONCEPT PLAN

- A. Approximately 4.1 acres of the site is to be used as an addition to the existing Baeten's Nursery and Greenhouses site to the west for additional space for a nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.
- B. Provision for six (6) 15' x 25' bulk bins to be used for mulch and compost.
- D. Provision for an approximate 5200 square foot space for Bag Materials such as mulch, potting mixes, compost, etc.
- E. Provision for an approximate 750 square foot garage.

### SITE HISTORY

- A. The site has been zoned SR-1 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

2. The existing zoning classification is inappropriate, and that the proposed zoning classification is appropriate; or
3. 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 1030 (Commercial Services) of the Boone County Zoning Regulations states that The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.
- C. Section 1031 of the Boone County Zoning Regulations identifies "Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles; and Florists including greenhouses; as principally permitted uses in the C-3 district."
- D. 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."
- E. 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.
- F. 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."

- G. Section 3645 of the Boone County Zoning Regulations requires a buffer yard D, having a minimum width of 80 feet (there is a 40-foot-wide option) between development within a C-3 zone and adjacent A-2 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.
- H. 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 (C-3).
- I. 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.
- J. 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.
- K. 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 332 feet of frontage along Frogtown Road.
- C. There is an existing stand of mature trees throughout the site.
- D. The site is currently vacant but has a dilapidated house in the southwest corner of the property.
- E. Access to the site is from an existing driveway off Frogtown Road.
- F. Frogtown Road is a state-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: Interstate 71/75 (SR-2)
- South: Single family dwellings (SR-1/SR-2)
- East: Interstate 71/75 (SR-2)
- West: Baeten's Nursery (A-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Commercial which is “Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”
- 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. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking. (Economy Goal B, Objective 3).
7. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems. (Economy Goal B, Objective 2).
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. 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. A new access point is proposed forty (40) feet from the existing access point. KYTC will not approve two access points to the site.
2. The proposed frontage landscaping is shown between 35 and 60 feet from the south property line. The required shrubs can be eliminated if the buffer yard area is increased to more than thirty feet.
3. With the requested reduced buffer yards, a landscape plan is recommended to be submitted.

### 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
- \*Concept Development Plan
- \*Email from Linzy Brefeld 11/8/22

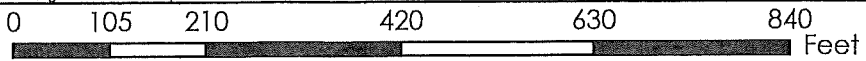
# Vicinity Map

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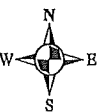


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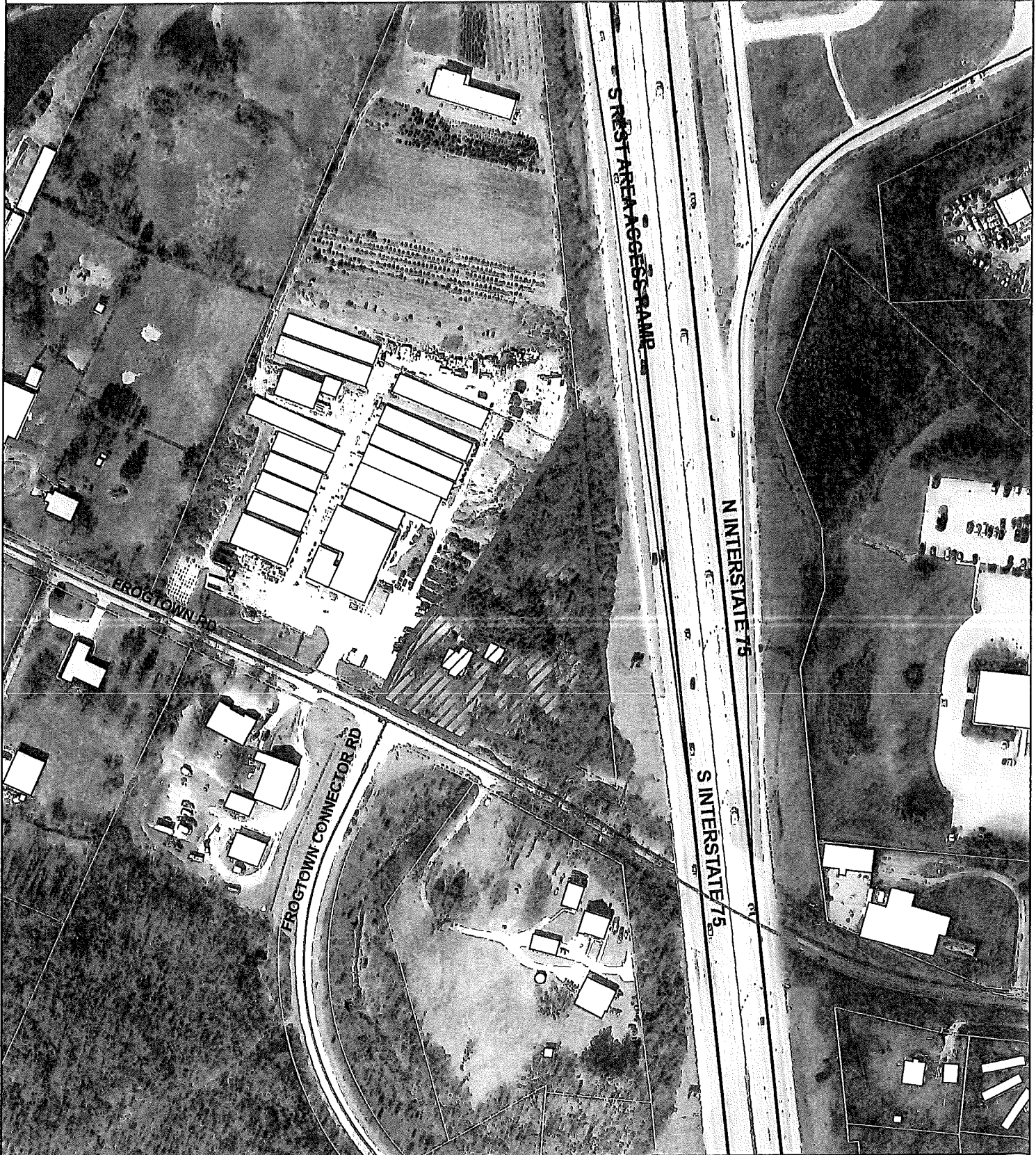


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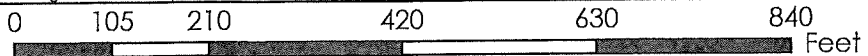
# Aerial Map

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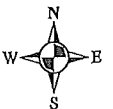
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1 Inch = 208 feet



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



Map Created: xx/xx/2022

Boone County GIS  
ArcMap Document: \*.mxd

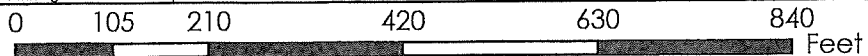
# Zoning Map

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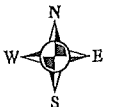
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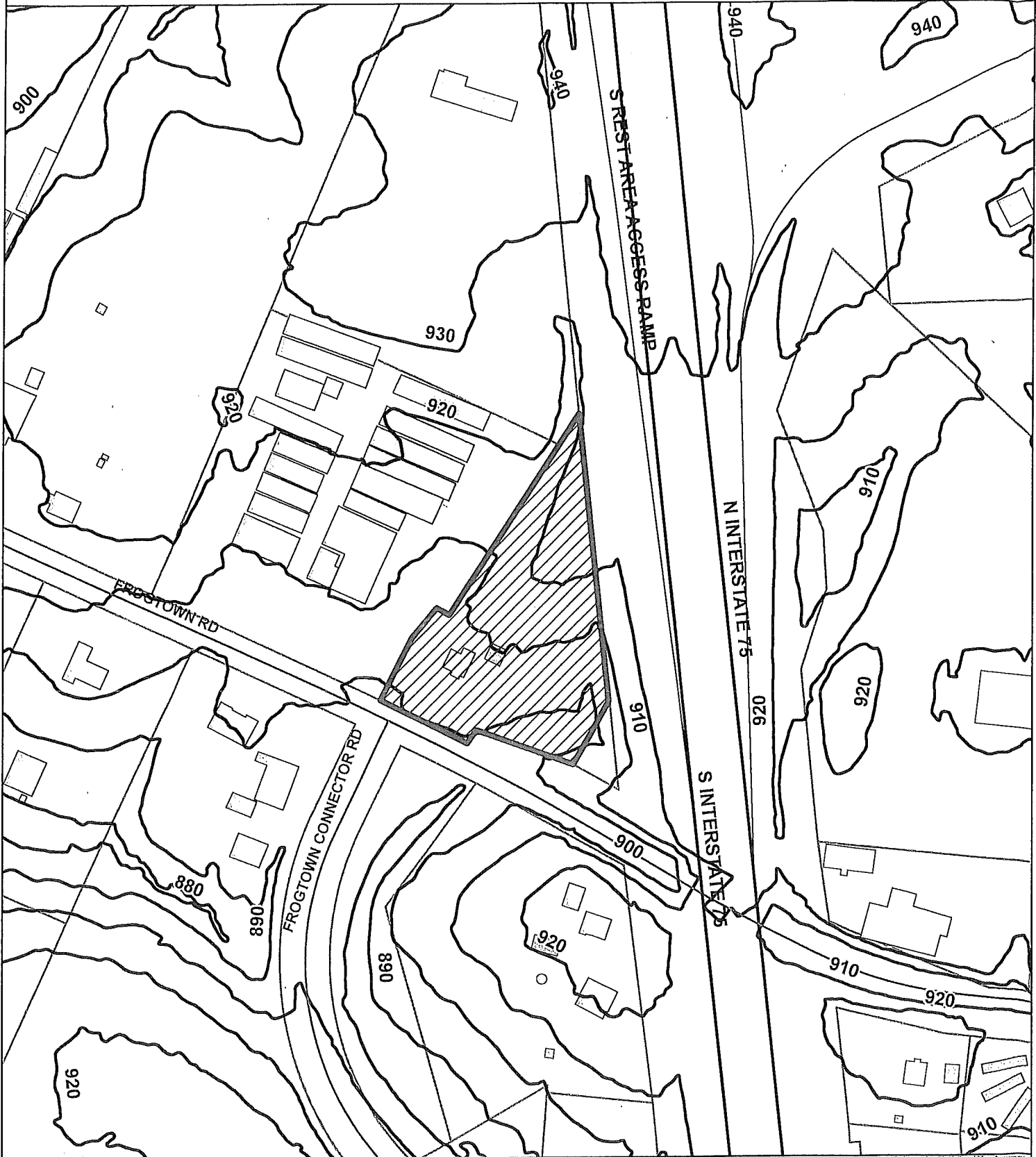


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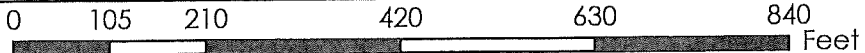
# Topography Map

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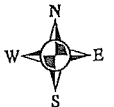
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1 inch = 208 feet



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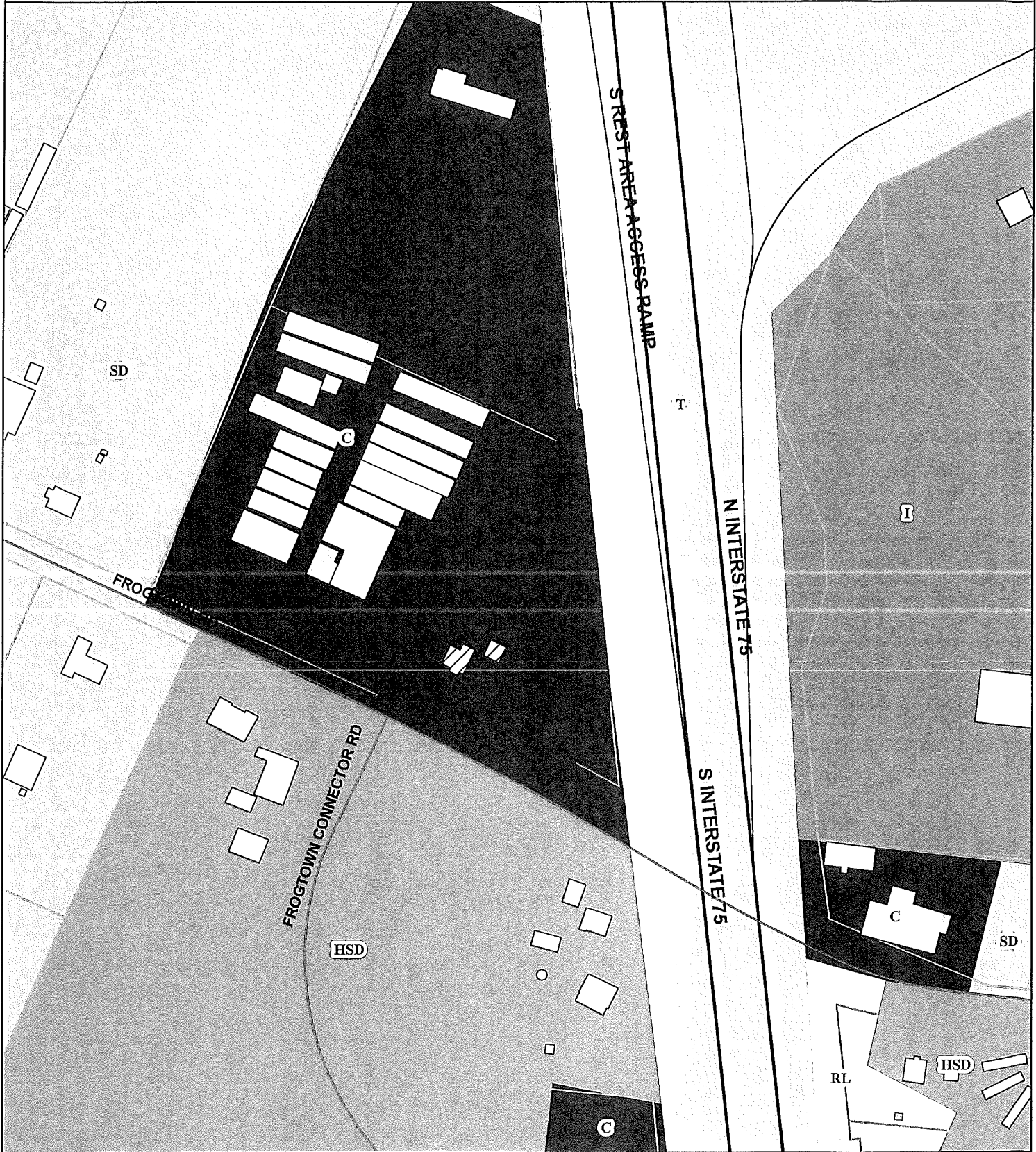


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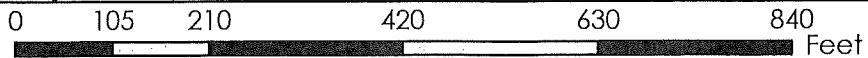
# Future Land Use Map

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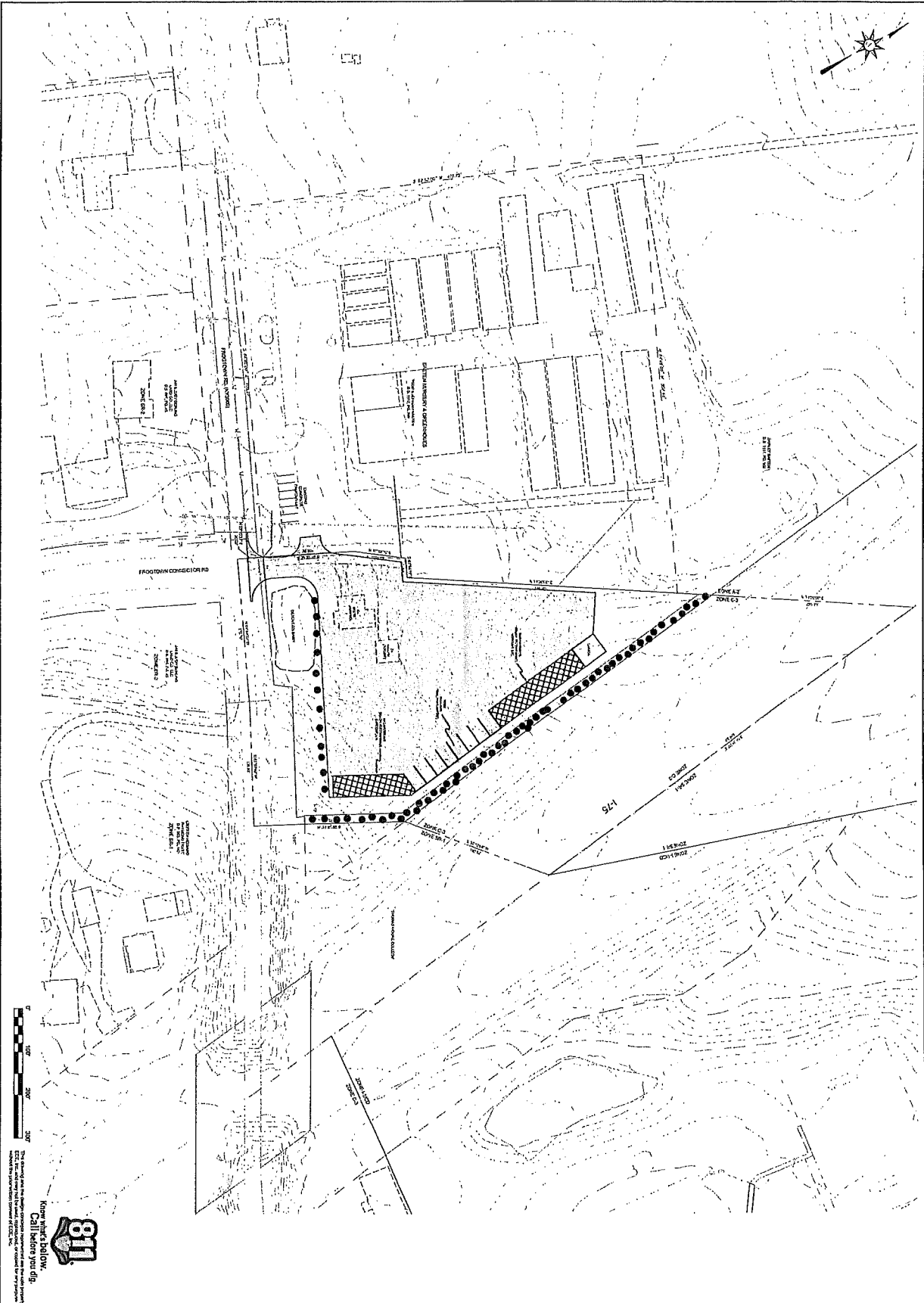
1 Inch = 208 feet



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Know what's below.  
Call before you dig.

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REVISIONS			
NO.	DATE	BY	DESCRIPTION

DESIGN BY: XXXX  
 CHECK BY: XXXX  
 SCALE: 1" = 50'  
 DATE: OCT 7 2022  
 SHEET NUMBER: C101  
 PROJECT NUMBER: 2022-XXXX

**ZONE CHANGE**  
**BAETEN NURSERY & GREENHOUSES**  
 UNION, BOONE COUNTY, KENTUCKY

DEVELOPER: BAETEN NURSERY & GREENHOUSES  
 364 FROGTOWN RD.  
 UNION, KY 41091

**ECE**  
 Erpenbeck Consulting Engineers, Inc.  
 Civil Engineers  
 Land Surveyors  
 Planners  
 Phone: 606.337.4210  
 Fax: 606.337.5624  
 www.erpengr.com

**FOR REVIEW**





**Alaina Hagenseker**

---

**From:** Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>  
**Sent:** Tuesday, November 8, 2022 10:12 AM  
**To:** Alaina Hagenseker  
**Cc:** Minckley, James A (KYTC-D06); Todd Morgan  
**Subject:** RE: Baeten Nursery & Greenhouses - Zoning Map Amendment/Variances

**EXTERNAL MESSAGE**

Alaina,

KYTC will not allow the applicant to create a new access to this development. They can remove their existing access and relocate it along Frogtown (aligned with Frogtown Connector, will require commercial sight-distance evaluation to be submitted) if they wish, but we will not allow two access points, let alone two that close together.

Thanks,

Linzy Brefeld, P.E.  
Transportation Engineer Supervisor  
KYTC District 6  
Traffic and Permits Section  
[Linzy.Brefeld@ky.gov](mailto:Linzy.Brefeld@ky.gov)

---

**From:** Alaina Hagenseker <ahagenseker@boonecountyky.org>  
**Sent:** Wednesday, November 2, 2022 6:39 PM  
**Subject:** Baeten Nursery & Greenhouses - Zoning Map Amendment/Variances

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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Good afternoon,

Our office received a Zoning Map Amendment and Variances for 364 Frogtown Road. Please review the plan and let me know if you have any questions or comments by 11/10. Thanks!

Alaina Hagenseker  
Planner, Zoning Services



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

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

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

DATE: December 7, 2022

RE: Request of **ECE, Inc. (applicant) for Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from sixty (60) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from sixty (60) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

**REMARKS:**

We, the Committee Members were present at the Committee Meeting and recommend approval of the above referenced zoning map amendment request based on the following findings of fact and with the following conditions:

**FINDINGS OF FACT:**

1. The Committee concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
  - a) "2040 Future Land Use Plan" designates the site for Commercial which is defined as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
2. The Committee has concluded that the proposed C-3 district, along with the proposed concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
  - a) 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).
  - b) Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  - c) Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
  - d) Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

- e) 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).
- f) Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking. (Economy Goal B, Objective 3).
- g) 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).

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

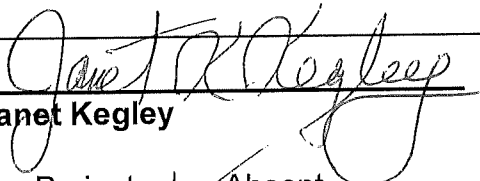
DATE: November 30, 2022

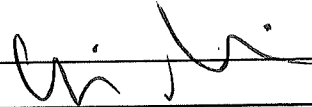
REMARKS:

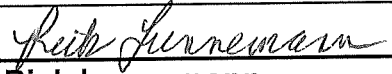
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

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

1. Request of **ECE, Inc. (applicant)** for **Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from sixty (60) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from sixty (60) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

  
\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

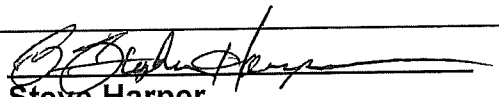
  
\_\_\_\_\_  
**Corrin Gulick (Chairwoman)**  
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
NOVEMBER 16, 2022  
7:30 P.M.**

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Chairman Charlie Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's November 16, 2022 Public Hearings.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. David Hincks  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Pamela Goetting  
Mrs. Janet Kegley  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

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

1. Request of **ECE, Inc. (applicant)** for **Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from sixty (60) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from sixty (60) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is about 4 acres in size and located off Frogtown Road. It has about 315 feet of road frontage. She described the surrounding land uses. The site is currently zoned SR-1. The site slopes from a 900 foot elevation along the road to 920 to the north. The Future Land Use Map designates the site for Commercial (C) uses. The corrected buffer yard variance request is to go from 80 feet to zero on the west side (because it will be considered one property) and 80 feet to 10 feet on the east side. References to the Comprehensive Plan are mentioned in the Staff Report. The submitted Concept Development Plan shows the subject site will be simply an addition to the existing nursery. It will allow more greenhouses, the outside storage of plants, mulch, potting mixes and compost. There is a provision for six 15' & 25' bulk bins to be used for mulch and compost. There is also planned space for 200 square feet in area for bulk items and materials. Mrs. Hagenseker showed photographs of the site. Staff Issues are identified on Page 6 of the Staff Report. A new access point is being proposed to be located about 40 feet from the current one. The Kentucky Transportation Cabinet will not approve 2 access points located close to each other. She mentioned that the shrubs could be eliminated if the buffer yard is increased to more than 30 feet. A landscaping plan is recommended to be submitted for review because of the variance requests.

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

Mr. Wayne Erpenbeck, applicant, stated that the State threw them a curve ball. The State originally approved the new curb cut. Since then, the State changed their mind because they assumed the other curb cut would be eliminated. He stated that he will revise the Concept Development Plan showing the elimination of one of the entrances. They want to have a 10 foot buffer along the interstate leaving existing trees as much as possible.

Mr. Todd Baeten, owner, stated that the goal of the project is to create a better shopping experience. The area has grown and they are landlocked. The property next door became available. They will have elbow room. They need more parking and to relocate the bulk materials. Currently, everyone moves in one direction. They want to separate the residential customers versus the commercial contractor customers. It will create a better shopping experience. It will be

safer for everyone. All the structures on the site will be removed except the barn. It will be relocated. The parking lot will be concrete and gravel.

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

Seeing none, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Turner asked how many more parking spaces will the applicant have as a result of this addition? Mr. Baeten replied between 10-20 depending on the entrance location.

Ms. Gulick stated that there is a State appeals process for encroachment permits. It is performed by the State Highway Engineer's office. Often, it can override the District's decision. Mrs. Hagenseker stated that curb cut locations can change when sites redevelop or change uses according to the zoning regulations. Mr. Costello noted that the curb cut would align with the Frogtown Road connector. He mentioned a future road widening project for Frogtown Road. He suggested that the applicant obtain an update on the project to see how it would affect their development. Ms. Gulick noted that the State just started the design phase on the project and it may include a sidewalk along their property. She recommended that the applicant contact Mike Bezold at District 6 office. It may end up to be a 3 or 5 lane road. Mr. Baeten noted that the entrance and most of the traffic areas will be concrete.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 30, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom.** Chairman Rolfsen closed the Public Hearing at 7:48 p.m.

APPROVED:

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Charlie Rolfsen  
Chairman

Attest:

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Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
NOVEMBER 16, 2022  
7:30 P.M.**

---

Chairman Charlie Rolfsen opened the Public Hearing at 7:30 p.m. and welcomed the audience to the Planning Commission's November 16, 2022 Public Hearings.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Kathy Clark  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. David Hincks  
Mr. Rick Lunnemann  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Pamela Goetting  
Mrs. Janet Kegley  
Mr. Bob Schwenke

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mrs. Alaina Hagenseker, Planner

Chairman Rolfsen introduced the first item on the Agenda.

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

1. Request of **ECE, Inc. (applicant)** for **Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from sixty (60) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from sixty (60) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

Staff Member, Alaina Hagenseker, referred to her PowerPoint presentation. The site is about 4 acres in size and located off Frogtown Road. It has about 315 feet of road frontage. She described the surrounding land uses. The site is currently zoned SR-1. The site slopes from a 900 foot elevation along the road to 920 to the north. The Future Land Use Map designates the site for Commercial (C) uses. The corrected buffer yard variance request is to go from 80 feet to zero on the west side (because it will be considered one property) and 80 feet to 10 feet on the east side. References to the Comprehensive Plan are mentioned in the Staff Report. The submitted Concept Development Plan shows the subject site will be simply an addition to the existing nursery. It will allow more greenhouses, the outside storage of plants, mulch, potting mixes and compost. There is a provision for six 15' & 25' bulk bins to be used for mulch and compost. There is also planned space for 200 square feet in area for bulk items and materials. Mrs. Hagenseker showed photographs of the site. Staff Issues are identified on Page 6 of the Staff Report. A new access point is being proposed to be located about 40 feet from the current one. The Kentucky Transportation Cabinet will not approve 2 access points located close to each other. She mentioned that the shrubs could be eliminated if the buffer yard is increased to more than 30 feet. A landscaping plan is recommended to be submitted for review because of the variance requests.

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

Mr. Wayne Erpenbeck, applicant, stated that the State threw them a curve ball. The State originally approved the new curb cut. Since then, the State changed their mind because they assumed the other curb cut would be eliminated. He stated that he will revise the Concept Development Plan showing the elimination of one of the entrances. They want to have a 10 foot buffer along the interstate leaving existing trees as much as possible.

Mr. Todd Baeten, owner, stated that the goal of the project is to create a better shopping experience. The area has grown and they are landlocked. The property next door became available. They will have elbow room. They need more parking and to relocate the bulk materials. Currently, everyone moves in one direction. They want to separate the residential customers versus the commercial contractor customers. It will create a better shopping experience. It will be

safer for everyone. All the structures on the site will be removed except the barn. It will be relocated. The parking lot will be concrete and gravel.

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

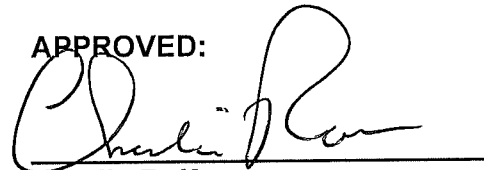
Seeing none, Chairman Rolfsen asked if any Commissioners had any questions or comments?

Mr. Turner asked how many more parking spaces will the applicant have as a result of this addition? Mr. Baeten replied between 10-20 depending on the entrance location.

Ms. Gulick stated that there is a State appeals process for encroachment permits. It is performed by the State Highway Engineer's office. Often, it can override the District's decision. Mrs. Hagenseker stated that curb cut locations can change when sites redevelop or change uses according to the zoning regulations. Mr. Costello noted that the curb cut would align with the Frogtown Road connector. He mentioned a future road widening project for Frogtown Road. He suggested that the applicant obtain an update on the project to see how it would affect their development. Ms. Gulick noted that the State just started the design phase on the project and it may include a sidewalk along their property. She recommended that the applicant contact Mike Bezold at District 6 office. It may end up to be a 3 or 5 lane road. Mr. Baeten noted that the entrance and most of the traffic areas will be concrete.

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 30, 2022 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on December 7, 2022 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 7:48 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  
DECEMBER 7, 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 December 7, 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. Charlie Rolfsen, Chairman  
Mrs. Jackie Steele, Secretary/Treasurer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Patton, Vice Chairman  
Mr. Bob Schwenke  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
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, Senior Planner  
Mrs. Alaina Hagenseker, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the November 16, 2022 Business Meeting and Public Hearings. Chairman Rolfsen asked if there were any other comments or corrections?

**Mr. Lunnemann moved to approve the Minutes as presented. Mr. Hincks 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 November 3, 2022 and December 7, 2022.

**EXPENSES:**

Accounting Fees	\$ 1,742.00
Attorney Fees	4,712.50
Auto Expense	211.62
Consultant/Professional Svcs Fees	2,710.00
Filing Fees (CLURS)	900.00
GIS Operations	20,000.00
Legal Ads/Recruitment	530.88
Miscellaneous Expense	428.00
Office & Board Meeting Supplies	365.56
Office Equipment / Expense	303.84
Office/Liability Insurance	527.32
Postage Expense	178.48
Printing/Pub/Dues/Subscriptions	120.00
Professional Development	<u>50.00</u>

**TOTAL: \$ 32,780.20**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 8,325.75
Health/Dental/Life/LTD	14,558.68
Retirement – BCPC Portion	24,294.25
Salaries – Staff Expenses	113,667.82
Salaries – BCPC & BOA	<u>1,840.00</u>

**TOTAL: \$162,686.50**

**GRAND TOTAL: \$195,466.70**

**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. Mrs. Goetting seconded the motion and it carried unanimously.**

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

1. 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.

**Ms. Gulick moved to defer the request until the March 1, 2023 Business Meeting. Mr. Lunnemann seconded the motion and is passed unanimously.**

At this time, Mrs. Kegley left the meeting room.

**CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Michael Schwartz, Staff**

2. Request of **Plantation Luxury Flats, LLC (applicant) for A & K Enterprise (owner)** for a Concept Development Plan for an approximate 3.9 acre area located along the south side of Cavalry Drive, between Richmond Road and Wetherington Boulevard, approximately 650 feet west of Wetherington Boulevard, being directly south of the intersection of Express Street with Cavalry Drive, and having a Parcel Identification Number (PIDN) of 062.00-00-131.35, Florence, Kentucky, which is zoned Commercial Two/Planned Development (C-2/PD). The request is for a concept development plan to allow a mixed use building having retail, service, and office uses and 48 multi-family residential units.

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?

Mr. Brock MacKay, Viox & Viox, Inc., stated he was available to answer any questions.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion.**

Chairman Rolfsen asked what was the logic behind the 7 foot trees? Mr. Lunnemann responded that the applicant addressed all the issues noted at the Public Hearing. The Committee wanted to enhance the landscaping along the property line. Normally, the trees would be 6 feet in height at planting but the Committee felt at least 7 feet would be better. Mr. MacKay showed a revised cross-section of the area. The existing pine trees are much larger as they are older. The proposed evergreens will grow a couple of feet a year.

Mrs. Clark asked if a decision was made on whether the units were apartments or condominiums? Mr. MacKay replied that the developer wanted to keep it as an open decision based on the financial analysis. It could be either an apartment or a condo.

**Chairman Rolfsen asked for a vote on the motion originally made by Mr. Lunnemann and seconded by Mr. Harper. The motion passed unanimously.**

At this time Mrs. Kegley returned to the meeting room.

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

3. Request of **Tin Lizzie Cincinnati Two, LLC (applicant)** for **Channel Mark Holdings, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 1.2 acre area located at 4911 Houston Road, Florence, Kentucky. The request is for a Special Sign District to allow projector lights, flood lights, and two non-functional vintage gasoline pumps in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) district.

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. 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. Sam Tancredi, applicant, stated that he agrees with everything in the Committee Report. He understands the conditions. The revised opening date for the restaurant is January 16, 2023. It may coincide with the lighting being installed.

Seeing no further comment, **Steve Harper moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Kathy Clark seconded the motion and it passed unanimously.**

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

4. Request of **ECE, Inc. (applicant)** for **Todd Baeten (owner)** for: (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from eighty (80) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from eighty (80) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The request is for a zone change, and variances to allow nursery, greenhouses, and outside storage of plants, mulch, potting mixes, and compost.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts (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?

Mr. Wayne Erpenbeck, applicant, stated that he was present to answer any questions.

Mr. Schwartz noted that the motion should include approval of the two variance requests since when approved by the Planning Commission, they are final if the Fiscal Court takes action on the Zoning Map Amendment request only. Mr. Costello noted that variance findings identified noted in the Staff Report.

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

**CONCEPT DEVELOPMENT PLAN, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff**

5. Request of **Restaurant Holdings, LLC, per Ana Pelhank (applicant) for The Western Southern Life Insurance Company (owner)** for a Concept Development Plan for an approximate 1.4 acre area located at 7897 Mall Road, Florence, Kentucky, which is zoned Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR). The request is for a concept development plan to allow an eating and drinking establishment with a drive-through facility.

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.

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

Mr. Angelo Bart, Engineer, stated that the conditions by the Planning Commission have been addressed in the revised Concept Development Plan. They are in agreement and he is available to answer any technical conditions.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Goetting seconded the motion and it passed unanimously.**

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

6. Gateway Rehabilitation Center – 5940 Merchants Street

**Mrs. Kegley moved to defer the request until the January 4, 2023 Business Meeting. Mr. Lunnemann seconded the motion and it passed unanimously.**

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

7. Target – 1100 Hansel Boulevard

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The request involves the pick-up area. An existing beacon will be relocated to the new pick-up area. Another new beacon will be installed at the southern end of the pick-up area. The reason why the project is being reviewed is because of the height of the sign is 12 feet tall. Only 5 foot high signs are normally allowed for directional purposes. 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. Morgan. Mrs. Steele seconded the motion and it passed unanimously.**

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

8. Penske Truck Leasing – 3721 Ohara Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The request is to construct 2 building additions and a canopy. A 1,444 square foot addition is planned along with a 4,365 square foot rear addition. Two canopies are planned on the side of the building along with a fuel canopy on the rear portion of the building. A new dumpster enclosure is also proposed. All the proposed materials match the existing building – split face CMU and metal panels. Mr. Morgan showed pictures of the proposed additions. 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. Morgan. Mr. Hincks seconded the motion and it passed unanimously.**

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

9. Turfway Gaming – 7500 Turfway Road

Staff Member, Todd Morgan, stated that the Committee met prior to the Business Meeting and decided to table the request until next month.

**Mrs. Kegley moved to defer the request until the January 4, 2023 Business Meeting based upon the Technical/Design Review Committee recommendation. Mr. Lunnemann seconded the motion and it passed unanimously.**

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

10. Freddie's Steakburgers – 95 Meijer Drive

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The building consists of brick and hardy-plank. The design is generally in agreement with the design guidelines of the Houston-Donaldson Study with one condition. The condition is that the east elevation facing the

new hotel shall have at least 60% brick and 40% hardy-plank to match the other side of the building. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

**Mr. Lunnemann moved to approve of the request based upon the Technical/Design Review Committee recommendation as presented with one condition about the east elevation as stated by Mr. Schwartz. Mr. Hincks seconded the motion and it passed unanimously.**

**NEW BUSINESS**

**ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Alaina Hagenseker, Staff**

11. Request of **Heritage Fellowship, per Jeremy Weaver (applicant) for Heritage Assembly of God, Inc., per Vernel Perry (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 20.7 acre area located at 7216 US 42, Florence, Kentucky, which is zoned Suburban Residential Two (SR-2) and Office One (O-1). The request is for a Special Sign District to allow a free standing sign having an electronic message board/panel in an Office One (O-1) district.

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

12. Request of **ECE, Inc, per R. Wayne Erpenbeck (applicant) for Tri-Saint Investments, LLC, per Tim Bishel (owner)** for a Zoning Map Amendment from Public Facilities (PF) and Industrial One (I-1) to Urban Residential One (UR-1) for an approximate 18.2 acre area located along the west side of Beaver Road, between Mary Grubbs Highway and Skyway Drive, approximately 800 feet north of Mary Grubbs Highway, having a Parcel Identification Number (PIDN) of 078.00-00-002.00, Walton, Kentucky. The request is for: (1) a zone change to allow 214 multi-family residential dwelling units within sixteen (16) buildings; and (2) a variance reducing a portion of the rear yard buffer yard width from sixty (60) feet (Buffer Yard C) to twenty (20) feet (Buffer Yard B).

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

13. Request of **Prime Car Wash, LLC, per Adam Jones (applicant) for Broadway Circle, LLC, per Mike Hanich (owner)** for a Concept Development Plan/Change in an Approved Concept Development Plan in a Commercial Two/Planned Development/Parkway Corridor Study Overlay (C-2/PD/PO) district for an approximate 1.3 acre area located at 7592 and 7600 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan/Change in an Approved Concept Development Plan to allow a car wash.

**Mr. Harper moved to schedule the Public Hearing for Items #11, 12 & 13 on January 4, 2023 at 7:30p.m. in the Fiscal Courtroom. Mr. Hincks seconded the motion and it passed unanimously.**

H. **Executive Director's Report:**

Mr. Kevin P. Costello, AICP, stated that Mr. Jon Brown was elected Boone County PVA and will take office on December 5, 2022. As a result, the Planning Commission will have to hire a new engineer on a part-time basis. Mr. Costello referenced his November 22, 2022 Memo. He recommended hiring Ms. Alison Chadwell, P.E., on a part-time basis for a period of time from December 1, 2022 to June 30, 2023.

**Ms. Gulick moved to authorize the Executive Director to execute a contract with Ms. Chadwell based upon the terms outlined in his November 22, 2022 Memo. Mrs. Steele seconded the motion and it passed unanimously.**

Mr. Costello referred to his December 1, 2022 Memo regarding the 2023 Office Holiday Schedule, the 2023 Business Meeting and Public Hearing Date Schedule, the 2023 Committee Meeting Schedule and the 2023 Board of Adjustment Schedule. He asked for approval of the four above schedules.

**Mrs. Goetting moved to approve the 2023 Office Holiday Schedule, the 2023 Business Meeting and Public Hearing Date Schedule, the 2023 Committee Meeting Schedule, and the 2023 Board of Adjust Meeting Schedule. Mrs. Clark seconded the motion and it passed unanimously.**

I. **Committee Reports:**

- Airport  
No Report
- 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  
No Report

J. **Chairman's Report:**

Chairman Rolfsen announced that the Election of Officers will take place on January 4, 2023. He recommended that Janet Kegley and Bob Schwenke serve as the Nominating Committee. Anyone who is interested in serving as an officer of the Board should let Mr. Schwenke or Mrs.

Kegley know. There will be at least one opening as Mr. Patton will end his term with the Planning Commission on December 31, 2022.

K. OKI Report: Kim Patton  
No Report

L. Other:

M. Adjournment:

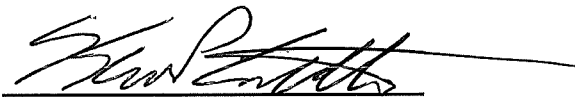
There being no further business to come before the Planning Commission, **Mr. Harper** moved to adjourn the meeting. **Mrs. Kegley** seconded the motion and it passed unanimously. The meeting was adjourned at 7:40 P.M.

APPROVED



**Charlie Rolfsen**  
Chairman

Attest:



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

# **SUPPORTING INFORMATION**

September 30, 2022

**LEGAL DESCRIPTION**

**ZONE CHANGE**

**SR-1 to C-3**

Being in Boone County, Kentucky located along the north side of Frogtown Road (KY536) and the west side of I-75 and being more particularly described as follows:

Beginning at the common corner between Baeten (D.B. 1146, PG. 803) and Baeten (D.B. 1117, PG.899), said point being in the north right of way line of Frogtown Road (KY 3060); thence leaving said north right of way line Frogtown Road (KY 3060) and with the common line between Baeten (D.B.1146, PG. 803) and Baeten (D.B. 1117, PG. 899) for four call N 26°39'30" E 106.06' feet to a point; thence N 37°28'30" E 60.93' feet to a point; thence S 63°54'15" E 22.58' feet to a point; thence N 33°30'00" E 355.99' feet to a point in the west right of way line I-75, said point being the common corner between Baeten (D.B. 1146, PG. 803) and Shirley Baeten (D.B. 1117, PG. 902); thence leaving the west right of way line I-75 and continuing with zoning line between SR-1 and A-2 N 30°30'00" E 235.45' feet to the center of I-75; thence with the center of I-75 S 06°04'25" e 524.50' feet to a point; thence S 50°12'58" W 180.32' feet to a point in the west right of way line I-75 and the common corner between Baeten (D.B. 1146, PG. 803) and Thomas Moore College; thence leaving said west right of way line I-75 and with the common line between Baeten (D.B.

1146, PG. 803) and Thomas Moore College; thence S 28°28'41" W  
175.75' feet to a point in the center of Frogtown Road (Ky536) ;  
thence with the center of Frogtown Road (KY536) for two call;  
N 61°57'40" W 136.95' feet to a point; thence N 64°49'33" W 172.79'  
feet to a point; thence N 25°10'27" E 30.00' feet to the point of  
beginning; Containing 4.14 Acres.

## ORDINANCE 2023-01

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, A REQUEST OF ECE, INC (APPLICANT) FOR TODD BAETEN (OWNER) FOR: (1) A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL SERVICES (C-3); (2) A VARIANCE REDUCING THE BUFFER YARD WIDTH FROM EIGHTY (80) FEET TO TEN (10) FEET ALONG THE EAST PROPERTY LINE; AND (3) A VARIANCE REDUCING THE BUFFER YARD WIDTH FROM EIGHTY (80) FEET TO ZERO (0) FEET ALONG THE WEST PROPERTY LINE FOR AN APPROXIMATE 4.1 ACRE AREA LOCATED AT 352 FROGTOWN ROAD, BOONE COUNTY, KENTUCKY, INCLUDING A PORTION OF THE RIGHT-OF-WAY OF FROGTOWN ROAD AND INTERSTATE 71/75.**

**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 (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from eighty (80) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from eighty (80) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75, 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 of Fact recommending approval for the Zoning Map Amendment and dimensional Variances.

**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, this Zoning Map Amendment being a zone change from (1) a Zoning Map Amendment from Suburban Residential One (SR-1) to Commercial Services (C-3); (2) a Variance reducing the Buffer Yard width from eighty (80) feet to ten (10) feet along the east property line; and (3) a Variance reducing the Buffer Yard width from eighty (80) feet to zero (0) feet along the west property line for an approximate 4.1 acre area located at 352 Frogtown Road, Boone County, Kentucky, including a portion of the right-of-way of Frogtown Road and Interstate 71/75. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban Residential One (SR-1) zone is more particularly described in DEED BOOKS: 1146, PAGE NO: 803 (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 for a Zoning Map Amendment and dimensional Variances requests are the Findings of Fact 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 for the Zoning Map Amendment and the request for dimensional Variances as set forth in the Committee Report and marked as "Exhibit B."

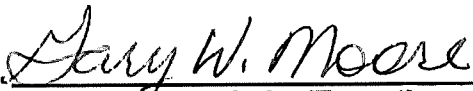
**Section Three**

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

First Reading the 10<sup>th</sup> day of January, 2023

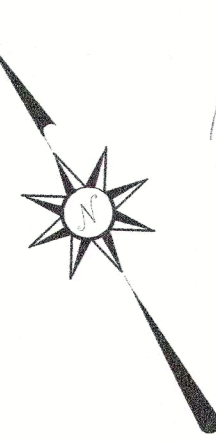
Second Reading the 31<sup>st</sup> day of January, 2023

Adopted this 31<sup>st</sup> day of January, 2023      Yes 4      No 0

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

ATTEST:

  
\_\_\_\_\_  
Shona Schulkers,  
Fiscal Court Clerk



- GENERAL NOTES
- 1.0 TOTAL PROJECT AREA: 2.19 ACRES
  - 2.0 TOTAL ZONE CHANGE AREA: 4.1 ACRES
  - 3.0 EXISTING ZONE: SR-1
  - 4.0 PROPOSED ZONE: C-3
  - 5.0 PROPOSED USE: NURSERY, GREENHOUSES, AND OUTSIDE STORAGE MULCH, COMPOST, ETC.
  - 6.0 PROPOSED VARIANCE OF SIDE YARD BUFFER C TO BUFFER A 10' FOOT ON THE EAST PROPERTY LINE AND 0' FOOT ALONG THE WEST PROPERTY LINE.

SHIRLEY BAETEN  
D.B. 1117, PG. 902

N 64°48'00" W 508.48'

BAETEN NURSERY & GREENHOUSES

TODD & JEFFERY BAETEN  
D.B. 1117, PG. 895

EXISTING CONCRETE PARKING LOT

DETENTION BASIN

JIM & JUDY BERLING  
LAND CO., LLC  
D.B. 691, PG. 45

ZONE SR-2

GRIFITH HOWARD  
RAYMOND TRUST  
D.B. 963, PG. 147

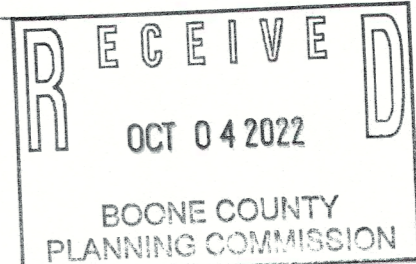
ZONE SR-1

N REST AREA ACCESS



VICINITY MAP

ZMA w/Variances  
APPROVED  
Staff Alaina  
Date 12.7.22  
Boone County  
Planning Commission

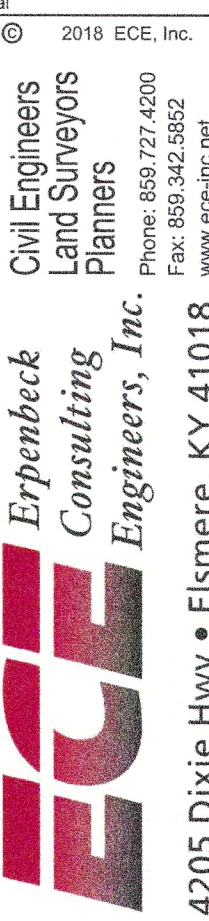


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FOR REVIEW

DEVELOPER: BAETEN NURSERY & GREENHOUSES

364 FROGTOWN RD.  
UNION, KY 41091



CONCEPT PLAN

BAETEN NURSERY & GREENHOUSES

UNION, BOONE COUNTY, KENTUCKY

NO.	DATE	BY	DESCRIPTION

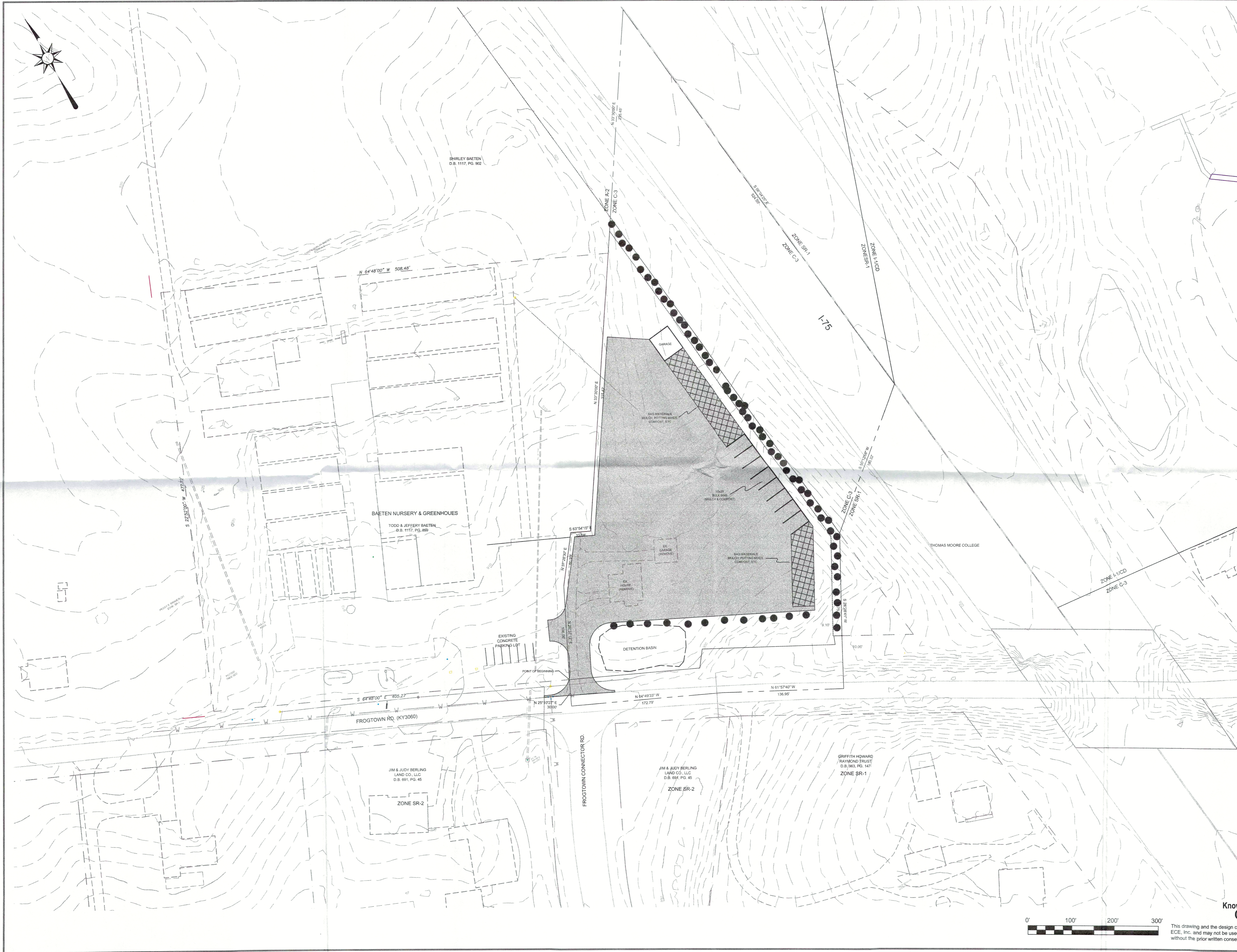
DESIGN BY: XXX CHECK BY: XXX

SCALE: 1" = 40' DATE: OCT. 2022

SHEET NUMBER: C100

PROJECT NUMBER: 2021-0812

S:\2021\811\BAETEN NURSERY SITE PLAN\PHASE 4 SITE PLAN\DWG\DWG\811-BAETEN-PLANTING-4 SITE PLAN\DWG\811-BAETEN-PLANTING-4 SITE PLAN.DWG 10/2022 1:31 PM



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<p><b>ECE</b> Erpenbeck Consulting Engineers, Inc. Civil Engineers Land Surveyors Planners 4205 Dixie Hwy • Elsmere, KY 41018 Phone: 859.342.4200 Fax: 859.342.5622 www.ece-inc.net</p>																																													
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