

1215/1/2022
1194/936/2022
1191/947/2022
1194/871/2022
1142/756/2022
347/5/2022

12. 347 - 1142 - 1191 - 1194 5 - 76 - 947 - 871 & 936 390
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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 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 9/4/24

ORIGINAL Property Owner's Signature: W J Butler CEO
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) CORPorex PARKS OF KY

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

EXHIBIT

“A”

STAFF REPORT

#2

Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC, per William Butler (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 37,300 square foot commercial complex having six (6) buildings and the following Variances: (1) reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line; (2) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line; (3) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line; and (4) reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.

July 3, 2024

REQUEST

- A. The first part of the submitted request is to rezone an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard from Rural Suburban (RS) to Commercial Two (C-2) to allow the development of an approximate 37,300 square foot commercial complex having six (6) buildings.
- B. The second part of the submitted request is for a Variance reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line.
- C. The third part of the submitted request is for a Variance reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line.
- D. The fourth part of the submitted request is for a Variance reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line.
- E. The fifth part of the submitted request is for a Variance reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.

SITE HISTORY

- 1949-1954 Based on information contained in the Boone County GIS, the houses located at 3333 Mineola Pike and 3332 Booneland Trail were constructed.
- 1954-1960 Based on information contained in the Boone County GIS, the houses located at 3331 Mineola Pike and 3334 Booneland Trail were constructed.
- 2020-2023 Based on information contained in the Boone County GIS, the houses located at 3331 Mineola Pike and 3334 Booneland Trail were demolished.

- 2022 KYTC began the Mineola Pike Roadway Widening Project which will widen the roadway from two (2) lanes to five (5) lanes, along with pedestrian paths along both sides of the roadway, between I-275 and Donaldson Highway.
- 2022 On December 6, 2022, the Boone Fiscal Court adopted Ordinance Number 2022-32, changing the zoning of the area located immediately to the southwest of the site in question from RS to UR-3/PD (R-22-032-A).
- 2023 On November 3, 2023, the Boone County Planning Commission staff approved a Major Site Plan to allow the development of a 233 unit multi-family apartment complex on the property located immediately to the southwest of the site in question.

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 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.
- C. 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.
- D. 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.
- E. Section 1002.A of the Boone County Zoning Regulations states that purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.
- F. Section 3111 of the Boone County Zoning Regulations states that buildings within the C-2 district, which are adjacent to a residential district, shall have a minimum side yard setback of fifty (50) feet.
- G. Section 3645 of the Boone County Zoning Regulations states that a Buffer Yard C shall be provided between developments within a C-2 district and a use within a Residential district.
- H. Section 3645 of the Boone County Zoning Regulations states that a Buffer Yard A shall be provided between developments within a C-2 district and a use within an adjacent C-2 district.

SITE CHARACTERISTICS

- A. The approximate 5.7 acre area is located at the southwest corner of the intersection of

Mineola Pike with Olympic Boulevard.

- B. The site has approximately two hundred eighty (280) feet of frontage along Mineola Pike, approximately seven hundred sixty-five (765) feet of frontage along Olympic Boulevard, and approximately three hundred seventy-five (375) feet of frontage along Booneland Trail.
- C. The site is currently occupied by two detached single-family residential dwellings and vacant land.
- D. Access is currently provided by two curb cuts, one onto Mineola Pike and one onto Booneland Trail.
- E. Topographically, there is a fourteen (14) foot high berm along the southwest side of Olympic Boulevard. The site slopes downward from Mineola Pike to Booneland Trail at an average grade of three (3) percent.
- F. The site is totally within the 660 foot buffer of a Duke Energy underground pipeline.

ADJACENT LAND USES AND ZONES

- North: Gas station, retail, service, and hotel (I-1/PD)
- South: Industrial and office (I-1)
- East: Industrial and office (I-1) and vacant and detached single-family residential (RS)
- West: Multi-family residential (under construction) (UR-3/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates the site for Business Park uses, which is 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. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 - 3. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

4. 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).
5. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 1).
6. 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).
7. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
8. 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).
9. 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).
10. Interstate commercial uses, as well as the freight logistics industry, shall be in close proximity to interstate interchanges for maximum convenience and economy to the traveling public, while minimizing traffic congestion (Economy Goal B, Objective 4).
11. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).

C. The following are excerpts from Our Boone County - Plan 2040:

1. 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. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between both like and unlike land uses. However, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Land Use, Future Land Use

Development Guidelines, Buffering, pages 95-96).

2. 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).
 3. To the north, the Mineola interchange area should continue to experience Business Park development, although the amount of land yet to develop in this area is running low. On the south side of I-275, Circleport Industrial Park still has some acreage to develop. Residential uses along Mineola Pike and Booneland Trail should eventually be redeveloped in a Business Park manner, similar to the adjoining uses. (Land Use, Description and Purpose of Land Use Maps, 8 Airport, page 113).
- D. Mineola Pike is a state maintained collector street providing for two way traffic within two driving lanes (one lane in each direction). There are no sidewalks along the roadway. Booneland Trail is a county maintained local street providing for two way traffic. There are no sidewalks along the roadway. Olympic Boulevard is a county maintained collector street providing for two way traffic. There are no sidewalks along the roadway.

RELATIONSHIP TO BOONE COUNTY TRANSPORTATION PLAN

- A. The Boone County Transportation Plan identifies the following project:
1. Project Name: KY 3076 (Mineola Pike) Widening
Location: KY 236 (Donaldson Highway) to the I-275 eastbound ramps
Type: Roadway Widening/Relocation/New Facility
Total Cost: \$16,000,000
Description: Widen KY 3076 (Mineola Pike) from two to four travel lanes to support freight and improve mobility between the Cincinnati/Northern Kentucky International Airport and I-275 and construct a multi-use path

- B. The construction of this project is currently underway.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:

1. Construction of approximately 37,300 square feet of commercial space within six (6) buildings.
2. Access via a curb cut onto Mineola Pike, a right-turn in only curb cut onto Olympic Boulevard, a right-turn-in/right-turn-out curb cut onto Olympic Boulevard, and a curb cut onto Booneland Trail.
3. Provision for landscape buffer yards.
4. Provision for stormwater detention.

- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following comments (the requested Variances are noted):

1. Section 3111 requires a minimum fifty (50) foot building setback where any yard abuts a residential district. The area to the southwest of the site is currently zoned RS and UR-3. The proposed westernmost drive-thru restaurant building is set back approximately thirty-five (35) feet from the common property line (a Variance is being requested for this setback).
2. Section 3122.A requires a minimum fifty (50) foot building setback where any corner side yard abuts a collector street. Olympic Boulevard is identified as a collector street. The proposed 8,100 square foot commercial building is set back approximately thirty-three (33) feet from the right-of-way line of Olympic Boulevard.
3. Section 3155.A.9 provides stacking requirements for certain uses. Insufficient information has been submitted to determine compliance with this regulation.
4. Section 3310.A requires off-street parking spaces to have a minimum depth of eighteen (18) feet. Section 3321.A requires sidewalks which are immediately adjacent to parking stalls to have a minimum width of six (6) feet. This is to allow for a two and one-half (2-1/2) foot overhang clearance. Based on these requirements, there needs to be a minimum depth of twenty-four (24) feet for both the parking stall and sidewalk. The depth of the spaces and sidewalk along the east side of the proposed 9,600 square foot commercial building is 23'-6".
5. Section 3645 requires that a Buffer Yard C (having a minimum width of 60 feet with a 30 foot option) be provided between developments within a C-2 district and properties in a RS district. The plan shows that a Buffer Yard A (having a minimum width of 10 feet) will be provided along the southwest property line, adjoining the existing RS district (a Variance is being requested for this Buffer Yard).
6. Section 3645 requires that a Buffer Yard C (having a minimum width of 60 feet with

a 30 foot option) be provided between developments within a C-2 district and properties in a RS district. The plan shows that a Buffer Yard A (having a minimum width of 10 feet) will be provided along the northwest property line, adjoining the existing RS district (a Variance is being requested for this Buffer Yard).

7. Section 3645 requires that a Buffer Yard A (having a minimum width of 10 feet) be provided between developments within a C-2 district. The plan shows that a new interior lot line will be created and that there will be internal drive aisles and parking, reducing the Buffer Yard to zero (0) feet (a Variance is being requested for this Buffer Yard).
- C. Staff sent out an Agency Memo to the Boone County Building Department, Boone County Public Works, Boone County Water District, Point Pleasant Fire District, the Kentucky Transportation Cabinet, and SD1.
1. Mike Rouse, Boone County Water District, replied that he had no comments.
 2. Eric Seibel, Assistant Chief, Point Pleasant Fire Protection District, replied that they have concerns regarding access and traffic flow (see attached email).
 3. Linzy Brefeld, KYTC, replied that KYTC will not allow the access onto Mineola Pike to be full access and that it will need to be restricted to right-turn-in/right-turn-out only.
 4. Rob Franxman, County Engineer, replied that a traffic impact study should be required and the developer should consider intersection improvements at Olympic/Booneland/Gap.

STAFF CONCERNS

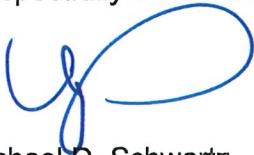
- A. The widening of Mineola Pike will include a pedestrian path along the roadway. The applicant should address how they intend to connect their development to this pathway.
- B. It appears as if the proposed development is part of the larger Corporex development. The applicant should address how they intend to provide pedestrian access to the larger development and specifically to the Mineola Apartments located to the immediate southwest of the site.
- C. With the development of the Mineola Apartments and the proposed development of the site in question, it will leave the property located at 3335 Mineola Pike (Tarik Daoud property) being surrounded by the new developments. It is foreseeable that the Daoud property will not remain as a single-family residence. To eliminate the need for a separate access onto Mineola Pike for this property, the applicant should address how they intend to provide vehicular access from their site to the adjacent Daoud property.
- D. The applicant should address how site lighting will be handled with specific detail on the height and type of lighting fixtures.
- E. Booneland Trail is a substandard residential street. If the proposed development is to gain access from Booneland Trail, the applicant should address how traffic is to be accommodated and whether the access point can be moved to Gap Way, thus eliminating

the closeness of these two roadways.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Articles 2 and 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.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

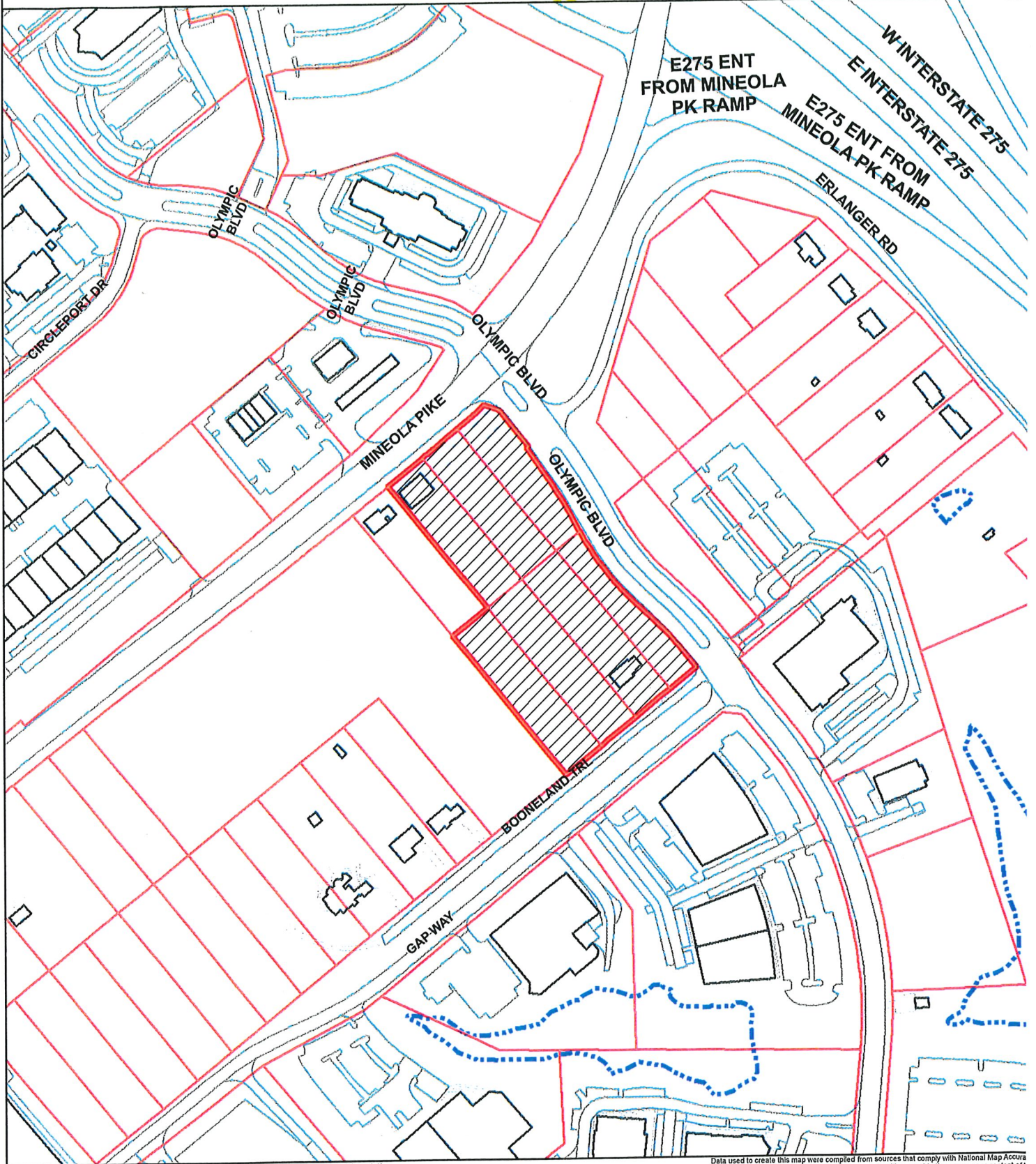
MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *Concept Plan With Approved Apartment Complex
- *Application
- *Concept Development Plan
- *Email from Eric Seibel, Assistant Chief, Point Pleasant Fire Protection District

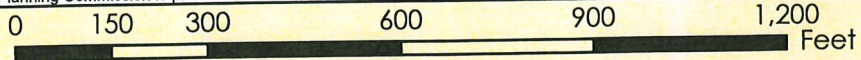
Vicinity Map

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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

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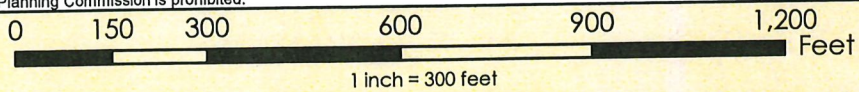
Aerial Map

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Topographic Map

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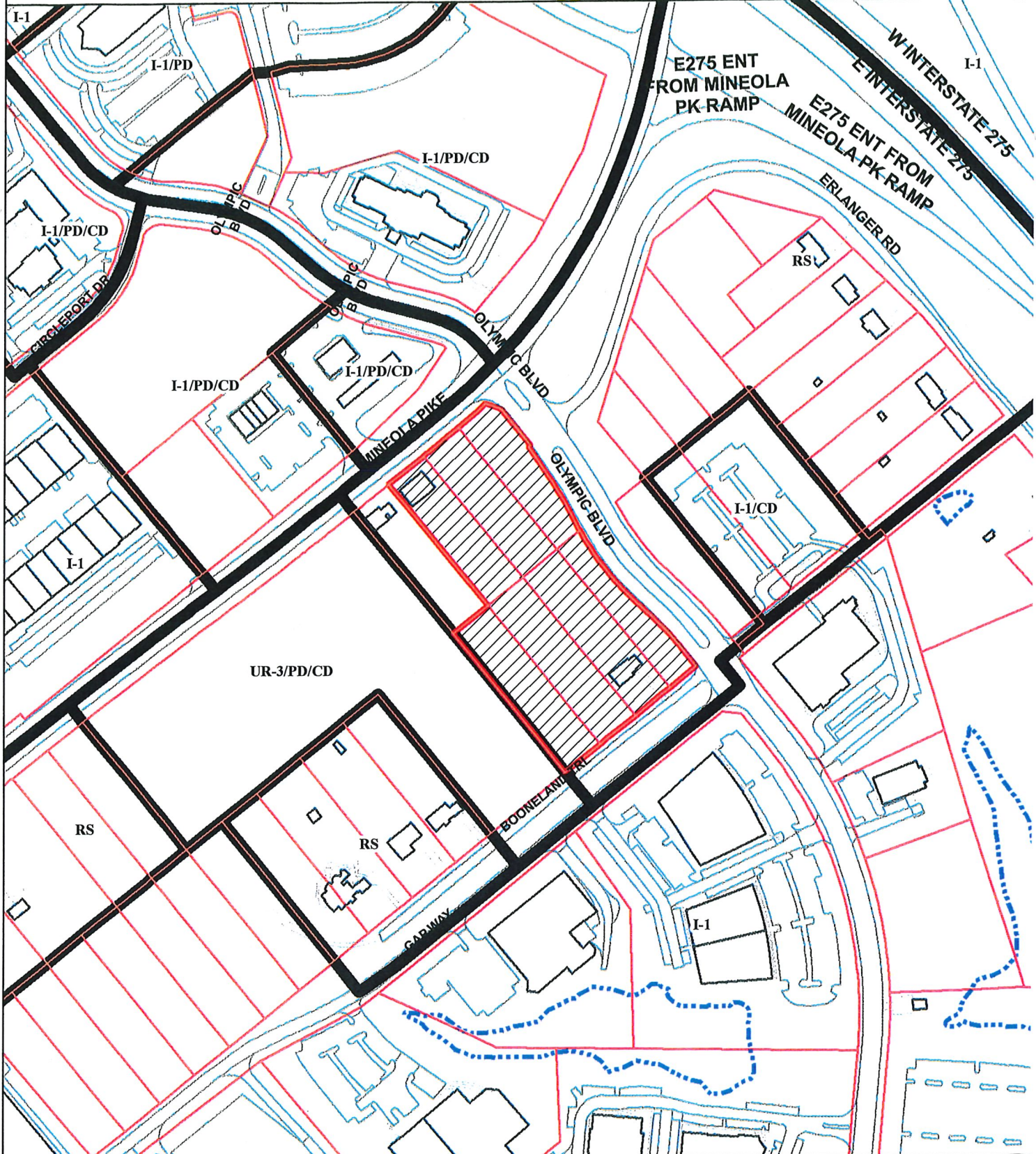
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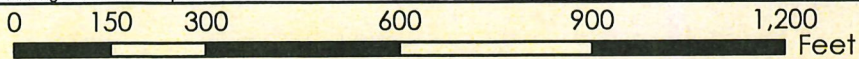
Zoning Map

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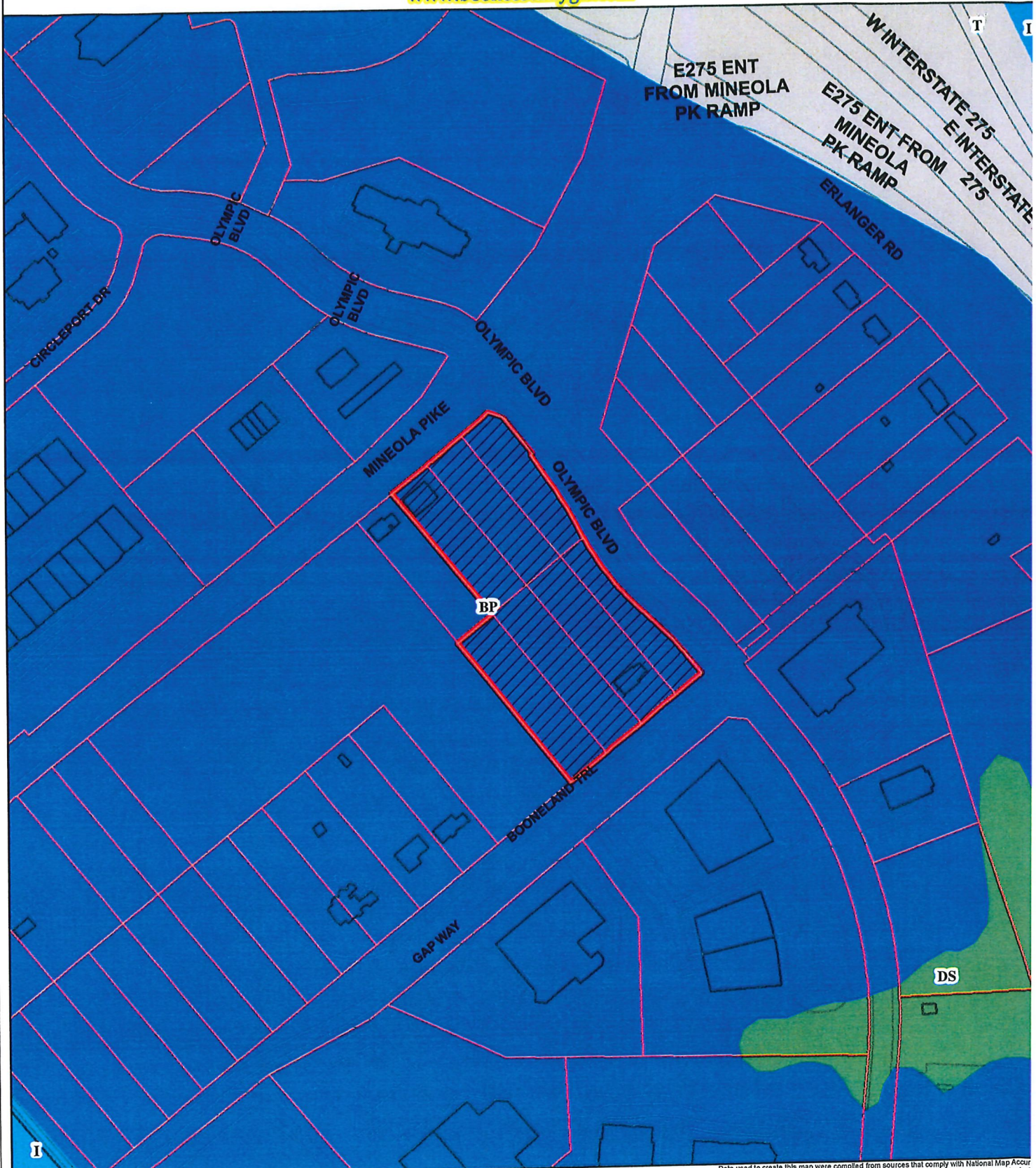
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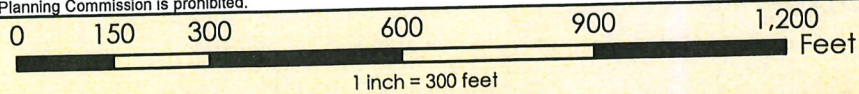
2040 Future Land Use Map

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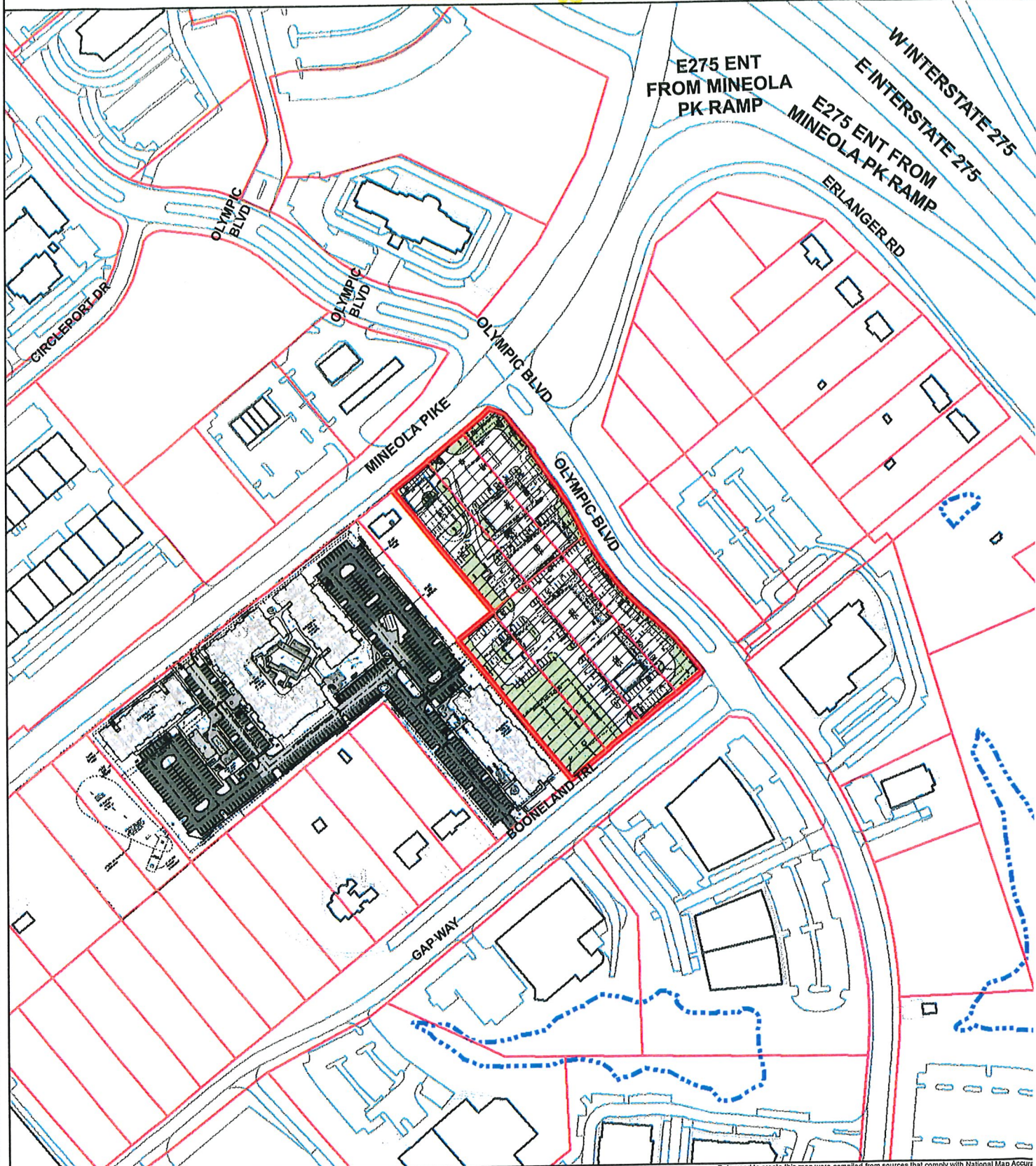


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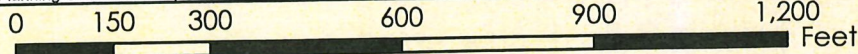
Concept Plan With Approved Apartment Complex

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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):

- | | |
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| <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: _____ |
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| <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 9/4/24

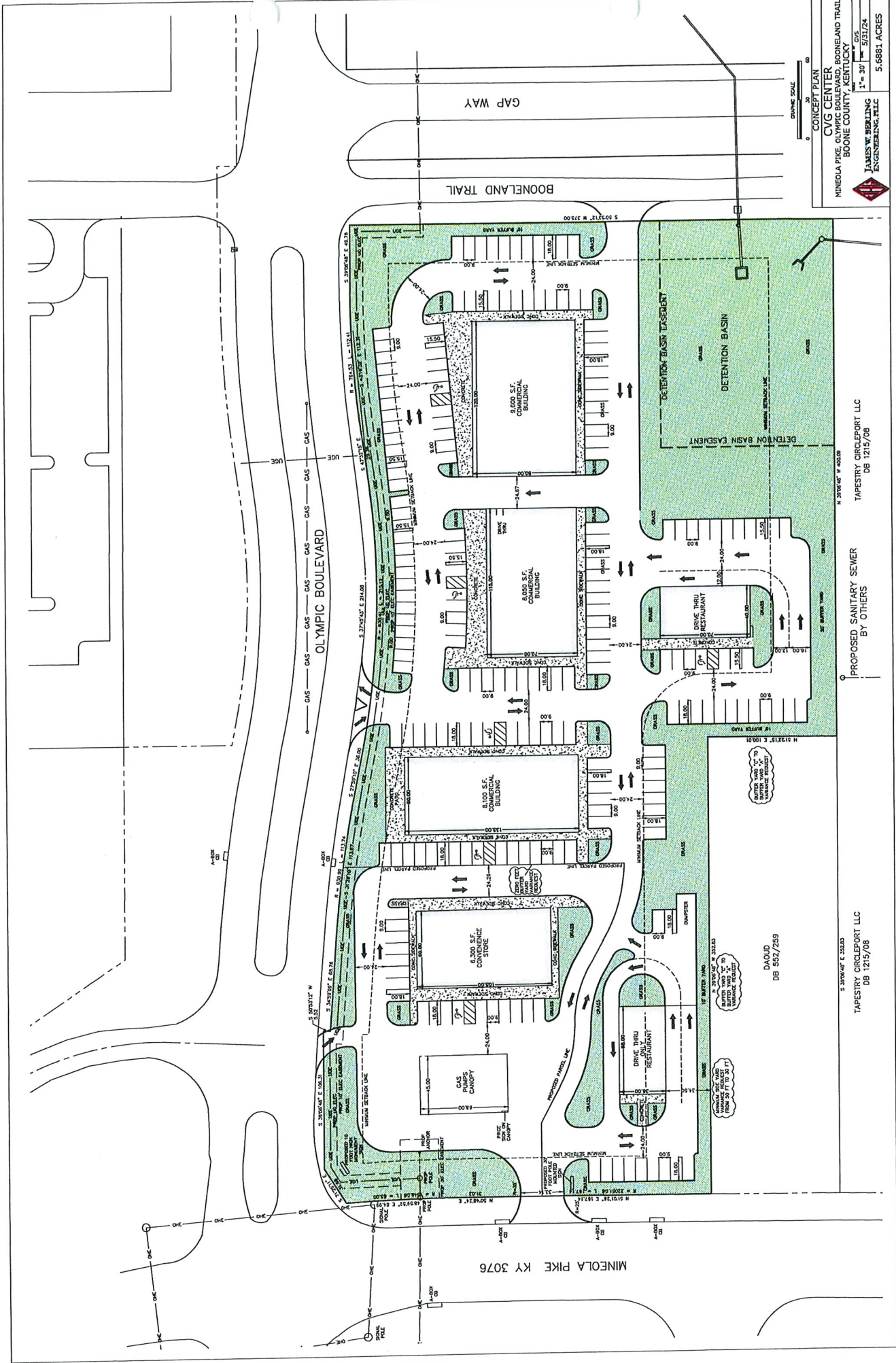
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ORIGINAL Applicant's Signature: [Signature]
 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received: 6/3/2024 Fee Received: \$5029.28 Receipt #: 90614
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: _____
6. Committee Chairperson: _____
7. Scheduled Public Hearing Date: _____
8. Boone County Planning Commission Action: _____ Date of Action: _____
 - _____ Approved
 - _____ Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

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



5.6881 ACRES
 1" = 30' HORIZ. SCALE
 5/31/24
 JAMES W. BERLING
 ENGINEERING, PLLC
 BOONE COUNTY, KENTUCKY
 CVC CENTER
 600 S. BOONLAND TRAIL
 MINEOLA PIKE, KY 3076

CONCEPT PLAN
 DAQUID
 DB 552/259
 TAPESTRY CIRCLEPORT LLC
 DB 1215/08

PROPOSED SANITARY SEWER
 BY OTHERS

TAPESTRY CIRCLEPORT LLC
 DB 1215/08

TAPESTRY CIRCLEPORT LLC
 DB 1215/08

Michael Schwartz

From: Eric Seibel <e.seibel@pointpleasantfire.org>
Sent: Wednesday, June 12, 2024 8:49 AM
To: Michael Schwartz
Cc: Paul Stephenson; Mark Martin; Jenna LeCount; Bridget Striker; Robert Franxman; Daniel Menetrey; miker@boonewater.com; linzy.brefeld@ky.gov; John.Bandy@ky.gov; m.giordano@pointpleasantfire.org; aaman@sd1.org; Jared Ison; Officers (Point Pleasant Fire); Andrew Ifcic
Subject: Re: CVG Center

EXTERNAL MESSAGE

Michael,

We have significant concerns with access/egress to this property. The curb cut on Mineola is very close to the intersection and traffic light and catcorner from an existing curb cut for the existing gas station across the street. Since this is another gas station and the restaurant is a drive through only, it will experience a constant flow of traffic. Allowing left hand turns out of the curb cut on Mineola is going to produce problems and potential accidents. We would prefer to see this restricted as a no left turn exit. In lieu of this, we are open to allowing the first right turn only entrance on Olympic to be allowed as an exit. I realize this is close to the light as well, but it is at a break in the divided medium and traffic on Olympic is typically moving slower than Mineola and not producing as much of a traffic hazard. Regardless, I believe the access needs to be examined and take a closer look at potential traffic flow.

Respectfully

Eric J. Seibel

Asst. Chief
Point Pleasant Fire Protection District
3444 Turfway Road
Erlanger, KY 41018
O: (859) 283-2798
F: (859) 283-2104

www.pointpleasantfire.org
e.seibel@pointpleasantfire.org



On Tue, Jun 4, 2024 at 7:03 AM Michael Schwartz <mschwartz@boonecountyky.org> wrote:

We are in receipt of the above referenced Zoning Map Amendment application.

If you have any comments that you would like us to include in our staff report to the Planning Commission, please forward them to me no later than **Wednesday, June 26, 2024**.

Michael D. Schwartz

Director, Zoning Services



BOONE COUNTY
PLANNING COMMISSION

2950 Washington Street, Room 317

Burlington, Kentucky 41005

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

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Corin Gulick, Chairwoman

DATE: August 7, 2024

RE: Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC, per William Butler (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 37,300 square foot commercial complex having six (6) buildings and the following Variances: (1) reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line; (2) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line; (3) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line; and (4) reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.

REMARKS:

1. 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 finding of fact and conditions, if deemed necessary, to complete the Committee Report.
2. We, the Committee, recommend approval of the above referenced Zoning Map Amendment/Variances based on the following findings of fact:

FINDINGS OF FACT (Zoning Map Amendment):

1. The Committee has concluded that the proposed C-2 district, along with the submitted concept development plan, is consistent with Our Boone County – Plan 2040, which designates the site as 'Business Park' which is defined 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.

The submitted Concept Development Plan indicates the development of an approximate 37,300 square foot commercial complex having six (6) buildings.

2. The Committee has concluded that the proposed C-2 district is consistent with previous actions taken by the Boone County Planning Commission and Boone Fiscal Court.

On January 25, 2022, the Boone Fiscal Court adopted Ordinance Number 2022-01, approving a Change of Concept Development Plan for the area located to the northeast of the site in question to allow commercial/retail space, a hotel, office space, and restaurants (R-21-030-A).

On December 6, 2022, the Boone Fiscal Court adopted Ordinance Number 2022-32, changing the zoning of the area located immediately to the southwest of the site in question from RS to UR-3/PD to allow a 233 unit multi-family apartment complex (R-22-032-A).

3. 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. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).
- d. 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).
- e. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 1).
- f. 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).
- g. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
- h. 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).
- i. 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).
- j. Interstate commercial uses, as well as the freight logistics industry, shall be in close proximity to interstate interchanges for maximum convenience and economy to the traveling public, while minimizing traffic congestion (Economy Goal B, Objective 4).

ZONE CHANGE/VARIANCES COMMITTEE REPORT

CVG Center

August 7, 2024

Page 3

- k. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).
4. The Committee has concluded that the proposed development is consistent with several sections of Our Boone County – Plan 2040, as outlined on pages 5 and 6 of the staff report.
5. In making these findings, the Committee notes that the proposed C-2 district, along with the submitted concept development plan, will provide for commercial uses that will serve the daytime population of the area and the residents of the new apartment complex currently under construction.
6. The Committee has concluded that attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

CONDITIONS:

1. Development shall be consistent with the revised Concept Development Plan dated July 16, 2024.
2. Development shall meet the minimum requirements of the zoning regulations, except as approved through the companion Variance requests.
3. Access shall be as determined by KYTC and/or Boone County Public Works. Any off-site improvements required by either KYTC or Boone County shall be constructed by the developer, at their expense, and shall be included in the first phase of development.
4. All light pole fixtures shall be oriented downwards and inwards towards the subject site or be equipped with cutoff shields and shall not exceed thirty (30) feet in height.
5. The architecture of the buildings shall be subject to a staff Design Review process to ensure that: (1) all buildings are complementary to other buildings in Circleport; (2) roof mounted mechanical units are not visible from public rights-of-way; and (3) the architectural treatment is applied to all four sides of the proposed buildings.
6. There shall be a maximum of two (2) eating and drinking establishments with either drive-through service or pick-up window service.

7. The proposed free standing sign at the corner of the intersection of Mineola Pike with Olympic Boulevard shall: (1) be a monument sign; (2) not exceed a maximum height of twenty (20) feet; and (3) shall not exceed the maximum sign area as provided for in the zoning regulations.
8. The following uses shall be prohibited:
 - a. Horse related uses
 - b. Automotive repair facility
 - c. Automotive leasing or rental
 - d. Sales and leasing of recreational vehicles
 - e. Motorcycle sales
 - f. Car wash
 - g. Crematory
 - h. Funeral home
 - i. Hotel or motel and apartment hotel
 - j. Kennel
 - k. Pawn shop
 - l. Residential storage warehouse (mini warehouse)
 - m. Multi-family dwelling unit
 - n. Residential care facility for handicapped persons
 - o. Townhouse dwelling unit
 - p. Truck and trailer rental
 - q. Aquarium, arboretum, botanical garden, wildlife preserve, and natural exhibition
 - r. Shelter, temporary or emergency
 - s. Dwelling unit for property owner/operator, caretaker, or property manager

FINDINGS OF FACT (Variances):

1. The Committee concluded that the proposed Variances meet the requirements of Section 251 of the zoning regulations.

In making this finding, the Committee concludes that:

 - a. The site is bound on three sides by public streets.
 - b. Given the site constraints, development of the site would be difficult without the proposed variances.
2. While being zoned RS, the Daoud property will likely be zoned commercial in the future. Once that occurs, the Buffer Yard between the site in question and the Daoud property will likely be a Buffer Yard A, having a minimum width of ten (10) feet.
3. The Committee concluded that the following condition is necessary in the event that the legislative body denies the companion zoning map amendment application.

CONDITION:

1. The variances shall only be approved if the Boone Fiscal Court takes action to approve the proposed Zoning Map Amendment.

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, Chairman

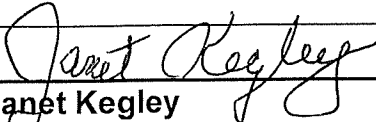
DATE: July 24, 2024

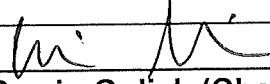
REMARKS:

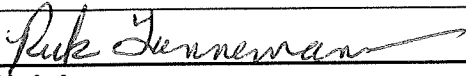
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.


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


2. Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC, per William Butler (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 37,300 square foot commercial complex having six (6) buildings and the following Variances: (1) reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line; (2) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line; (3) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line; and (4) reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.



Janet Kegley
For Project Absent
Against Project
Abstain Deferred

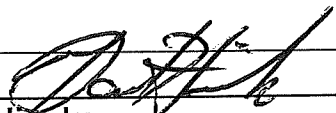

Corrin Gulick (Chairwoman)
For Project Absent
Against Project
Abstain Deferred



Rick Lunnemann
For Project Absent
Against Project
Abstain Deferred


Kathy Clark (Alternate)
For Project Absent
Against Project
Abstain Deferred


Steve Harper
For Project Absent
Against Project
Abstain Deferred


Steve Turner (Alternate)
For Project Absent
Against Project
Abstain Deferred


David Hincks
For Project Absent
Against Project
Abstain Deferred


Jackie Steele (Alternate)
For Project Absent
Against Project
Abstain

TOTAL: DEFERRED FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Steve Lilly, PLS, GISP, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:39 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC, per William Butler (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 37,300 square foot commercial complex having six (6) buildings and the following Variances: (1) reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line; (2) reducing the

minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line; (3) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line; and (4) reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.

Staff member, Michael Schwartz, referred to his PowerPoint presentation (see Staff Report). The first part of the request is to rezone 5.7 acres from Rural Suburban (RS) to Commercial Two (C-2). The second part involves reviewing 4 Variances. In 2022, the Kentucky Transportation Cabinet began the Mineola Pike widening project from 2 lanes to 5 lanes between I-275 to Donaldson Highway. It will have 2 multi-use paths. In 2022, the area southwest of the site was rezoned from RS to UR-3/PD. In 2023, a Site Plan was approved to construct 233 multi-family apartment units. The site is currently occupied by 2 single family detached dwelling units. Both structures are vacant. The site has approximately 280 feet of road frontage along Mineola Pike, 765 feet along Olympic Boulevard and 375 feet along Booneland Trail. Pages 2-3 of the Staff Report include applicable Zoning Regulations. There is a 14 foot high berm located along the south side of the site. The site slopes downward from Mineola Pike to Booneland Trail with an average grade of 3%. The site is located within the 660 foot buffer of a Duke Energy pipeline. The 2040 Future Land Use Map designates the site as Business Park (BP). Mineola Pike is owned and maintained by the State. Booneland Trail is a County owned/maintained road. Olympic Boulevard is a County maintained road. Pages 4-6 of the Staff Report includes references to the Comprehensive Plan. Mr. Schwartz showed photographs of the site.

Mr. Schwartz showed a drawing of the proposed uses with the apartments located next to the site. The proposed uses include 37,300 square feet of commercial space within 6 buildings. Access will be from Mineola Pike, a right turn only off Olympic Boulevard and a full access off Booneland Trail. Variance #1 consists of a building encroaching into a side yard setback. Variance #2 involves Buffer Yard C to Buffer Yard A for a parking lot. Variance #3 involves changing Buffer Yard C to Buffer Yard A for another parking lot. Variance #4 involves removing Buffer Yard #4 because of a zero lot line.

In terms of Staff Comments, there is a required 50 foot building setback where a corner side yard abuts a collector street – Olympic Boulevard. It encroaches the 50 foot setback. Section 3155.A9 provides for stacking requirements for certain uses and sufficient information has not been provided to determine compliance. There is a requirement that off-street parking spaces have to have a minimum depth of 18 feet as well as a minimum width of a sidewalk of 6 feet for an overhang car clearance. There needs to be a minimum depth of 24 feet for both the parking stall and sidewalk. It is 6 inches short. Staff sent out an agency memo to outside entities. The Point Pleasant Fire District had concerns about access and traffic flow. The KYTC will not allow the access onto Mineola Pike to be a full access. It will have to be a right in and out only. The County Engineer requested a Traffic Impact Study to be undertaken for improvements to Olympic

Boulevard, Gap Way and Booneland Trail. Staff identified 5 concerns on Page 8 of the Staff Report. First, the widening of Mineola Pike will include a pedestrian path along the roadway. The applicant should address how they intend to connect their development to this pathway. Second, it appears as if the proposed development is part of the larger Corporex development. The applicant should address how they intend to provide pedestrian access to the larger development and specifically to the Mineola Apartments located immediately southwest of the site. Third, with the development of the Mineola Apartments and the proposed development of the site in question, it will leave the property located at 3335 Mineola Pike (Tarik Daoud property) being surrounded by the new developments. It is foreseeable that the Daoud property will not remain as a single family residence. To eliminate the need for a separate access onto Mineola Pike for this property, the applicant should address how they intend to provide vehicular access from their site to the adjacent Daoud property. Fourth, the applicant should address how site lighting will be handled with specific detail on the height and type of lighting fixtures. Fifth, Booneland Trail is a substandard residential street. If the proposed development is to gain access from Booneland Trail, the applicant should address how traffic is to be accommodated and whether the access point can be moved to Gap Way, thus eliminating the closeness of these two roadways.

Mr. Schwartz noted that the apartment complex had access on both Mineola Pike and Booneland Trail. Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Tom Breidenstein, representing both the applicant and the purchaser of the property. He introduce Steve Berling, engineer for the project. Mr. Berling stated that the Variances have to do with Mr. Daoud's property since it is zoned RS. They wouldn't be necessary if the property was zoned commercial. He stated that he is okay with the right in and out from Mineola Pike. He understands the problem with Booneland Trail and Gap Way. He can make a connection from the site to Gap Way because it is flatter. He met with Rob Franxman and Tom Logan to discuss the criteria/requirements to get the entrance over to Gap Way. The section of Booneland Trail from the entrance to Olympic Boulevard would then go away. The detention for the site has been included in the apartment project and with Corporex. He will put in the shared access from the site to the Daoud property on a revised drawing. There is a planned right in only entrance along Olympic Boulevard. The 8,100 square foot building will have to be reduced to meet the 50 foot setback requirement. One of the buildings will be a dry cleaner or a liquor store but not a fast food restaurant. He feels that Mineola Pike will be completed by the end of the year. Mr. Berling will check to see if there is a possible location for and interconnection with the apartment project. Dr. Clark inquired about the status of the Traffic Study? Mr. Berling responded that they didn't do one because of the new 5 lane highway with a right in and out only. Mark Bruggemann from CT Consultants will conduct that work for the County roads. Olympic Boulevard is 2 lanes in each direction.

Mr. Breidenstein stated that the request is compliant with all 3 of the criteria for a Zone Change (KRS 100.213). It matches the Comprehensive Plan – a Business Park land use. He also

mentioned the growth in the area and providing services in the area. He submitted a report from Costar outlining the population and daytime employment within a 2 and 5 mile radius of the site (see Exhibit A). The existing zoning is inappropriate and the proposed of C-2 is appropriate. There has been a physical change in the area that wasn't anticipated in the current plan. It is the construction of the apartments. It has changed the character of the area because of new customers.

Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions? Seeing no one, Chairman Rolfsen asked if the Commissioners had any questions or comments?

Ms. Gulick asked if the applicant knew what was going into the other 3 buildings? Mr. Berling replied that he didn't know of any specific tenants. She asked if he had stricken any use? Mr. Berling responded no. Ms. Gulick inquired about the Planning Commission's traffic impact policy? It seems like it meets the threshold for one? Mr. Schwartz stated that it is a policy and not a requirement. He thought it should be left to the State and/or the County as part of the encroachment permit process. Mr. Costello noted that the County would most likely want one for Olympic Boulevard and Booneland Trail/Gap Way.

Mr. Costello inquired about the type of retail being proposed. Does it really fit in with the type of businesses and residents who will be living in the area? Did Corporex submit plans for a high end retail for the office/hotel product across the street a couple of years ago. It seems like what is being proposed is more of the same as directly across the street. The subject site is the front entrance to Circleport and Ignite.

Mr. Tom Banta explained that Corporex is not in the retail business. The site will be subject to the Corporex covenants which include architectural design and materials. Amenities are needed to rent office space. The daytime counts are huge in the area. Mr. Banta hopes it will be sit down restaurants for the site.

Mr. Lunnemann asked if the applicant can show examples of what the building exterior might look like – materials and façade. Has there been any discussion of the remaining residential property being acquired by the apartment owner or the retail owner? If not, why not? Mr. Berling noted that they have reached out. It is owned by Mr. Douad, who is a Gold Star Chili franchise owner. He rents the property and does not want to sell. They could have included it as a restaurant but didn't have permission.

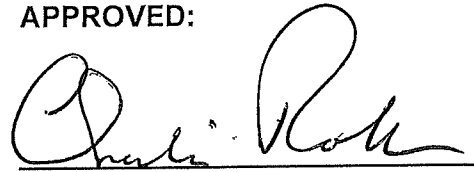
Mr. Robert Taylor, Booneland Trail, asked how does the project affect his quality of life? It was once a quiet neighborhood. Will it be lit up at night? Mr. Berling responded that none of the uses will be opened all night long. They will be community uses – barber shops, drug stores, restaurants, etc. They won't see the proposed development from the remaining houses on Booneland Trail. The Booneland Trail/Gap Way intersection will be improved. The apartment building will serve as a buffer between the retail and the single family homes.

Ms. Nancy Rogers, 3344 Booneland Trail, stated now they have 4-5 cars using Booneland Trail each day. When built, they will have many more due to the apartments. She is worried about it. They have construction traffic now. Gap Way will still have traffic from the former Gap building. Mr. Schwartz showed this change. Chairman Rolfsen noted that most apartment residents will use the Mineola Pike exit and entrance unless they are turning left.

Mr. Taylor also stated that employees from U.S. Playing Cards drive fast on Gap Way and he has to turn left onto Gap Way. Someone will get hurt. Chairman Rolfsen stated that it is hard to predict traffic when you don't know what is going in there. The difference between a dry cleaner and a Starbucks is huge. Mr. Costello suggested that the neighbors meet with Mr. Franxman to discuss their concerns. He emphasized that there are two roads located very close to each other and that has to be considered. Mr. Taylor stated that he has not been approached by anyone to buy his property.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 24, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on August 7, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:27 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit A – Costar population and day time employment figures report

COMMISSION MEMBERS PRESENT:

Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Steve Turner
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael D. Schwartz, Director, Zoning Services
Steve Lilly, PLS, GISP, Planner

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ZONING MAP AMENDMENT, Michael Schwartz, Staff

2. Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC, per William Butler (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 37,300 square foot commercial complex having six (6) buildings and the following Variances: (1) reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line; (2) reducing the

minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line; (3) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line; and (4) reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.

Staff member, Michael Schwartz, referred to his PowerPoint presentation (see Staff Report). The first part of the request is to rezone 5.7 acres from Rural Suburban (RS) to Commercial Two (C-2). The second part involves reviewing 4 Variances. In 2022, the Kentucky Transportation Cabinet began the Mineola Pike widening project from 2 lanes to 5 lanes between I-275 to Donaldson Highway. It will have 2 multi-use paths. In 2022, the area southwest of the site was rezoned from RS to UR-3/PD. In 2023, a Site Plan was approved to construct 233 multi-family apartment units. The site is currently occupied by 2 single family detached dwelling units. Both structures are vacant. The site has approximately 280 feet of road frontage along Mineola Pike, 765 feet along Olympic Boulevard and 375 feet along Booneland Trail. Pages 2-3 of the Staff Report include applicable Zoning Regulations. There is a 14 foot high berm located along the south side of the site. The site slopes downward from Mineola Pike to Booneland Trail with an average grade of 3%. The site is located within the 660 foot buffer of a Duke Energy pipeline. The 2040 Future Land Use Map designates the site as Business Park (BP). Mineola Pike is owned and maintained by the State. Booneland Trail is a County owned/maintained road. Olympic Boulevard is a County maintained road. Pages 4-6 of the Staff Report includes references to the Comprehensive Plan. Mr. Schwartz showed photographs of the site.

Mr. Schwartz showed a drawing of the proposed uses with the apartments located next to the site. The proposed uses include 37,300 square feet of commercial space within 6 buildings. Access will be from Mineola Pike, a right turn only off Olympic Boulevard and a full access off Booneland Trail. Variance #1 consists of a building encroaching into a side yard setback. Variance #2 involves Buffer Yard C to Buffer Yard A for a parking lot. Variance #3 involves changing Buffer Yard C to Buffer Yard A for another parking lot. Variance #4 involves removing Buffer Yard #4 because of a zero lot line.

In terms of Staff Comments, there is a required 50 foot building setback where a corner side yard abuts a collector street – Olympic Boulevard. It encroaches the 50 foot setback. Section 3155.A9 provides for stacking requirements for certain uses and sufficient information has not been provided to determine compliance. There is a requirement that off-street parking spaces have to have a minimum depth of 18 feet as well as a minimum width of a sidewalk of 6 feet for an overhang car clearance. There needs to be a minimum depth of 24 feet for both the parking stall and sidewalk. It is 6 inches short. Staff sent out an agency memo to outside entities. The Point Pleasant Fire District had concerns about access and traffic flow. The KYTC will not allow the access onto Mineola Pike to be a full access. It will have to be a right in and out only. The County Engineer requested a Traffic Impact Study to be undertaken for improvements to Olympic

Boulevard, Gap Way and Booneland Trail. Staff identified 5 concerns on Page 8 of the Staff Report. First, the widening of Mineola Pike will include a pedestrian path along the roadway. The applicant should address how they intend to connect their development to this pathway. Second, it appears as if the proposed development is part of the larger Corporex development. The applicant should address how they intend to provide pedestrian access to the larger development and specifically to the Mineola Apartments located immediately southwest of the site. Third, with the development of the Mineola Apartments and the proposed development of the site in question, it will leave the property located at 3335 Mineola Pike (Tarik Daoud property) being surrounded by the new developments. It is foreseeable that the Daoud property will not remain as a single family residence. To eliminate the need for a separate access onto Mineola Pike for this property, the applicant should address how they intend to provide vehicular access from their site to the adjacent Daoud property. Fourth, the applicant should address how site lighting will be handled with specific detail on the height and type of lighting fixtures. Fifth, Booneland Trail is a substandard residential street. If the proposed development is to gain access from Booneland Trail, the applicant should address how traffic is to be accommodated and whether the access point can be moved to Gap Way, thus eliminating the closeness of these two roadways.

Mr. Schwartz noted that the apartment complex had access on both Mineola Pike and Booneland Trail. Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Tom Breidenstein, representing both the applicant and the purchaser of the property. He introduce Steve Berling, engineer for the project. Mr. Berling stated that the Variances have to do with Mr. Daoud's property since it is zoned RS. They wouldn't be necessary if the property was zoned commercial. He stated that he is okay with the right in and out from Mineola Pike. He understands the problem with Booneland Trail and Gap Way. He can make a connection from the site to Gap Way because it is flatter. He met with Rob Franxman and Tom Logan to discuss the criteria/requirements to get the entrance over to Gap Way. The section of Booneland Trail from the entrance to Olympic Boulevard would then go away. The detention for the site has been included in the apartment project and with Corporex. He will put in the shared access from the site to the Daoud property on a revised drawing. There is a planned right in only entrance along Olympic Boulevard. The 8,100 square foot building will have to be reduced to meet the 50 foot setback requirement. One of the buildings will be a dry cleaner or a liquor store but not a fast food restaurant. He feels that Mineola Pike will be completed by the end of the year. Mr. Berling will check to see if there is a possible location for and interconnection with the apartment project. Dr. Clark inquired about the status of the Traffic Study? Mr. Berling responded that they didn't do one because of the new 5 lane highway with a right in and out only. Mark Bruggemann from CT Consultants will conduct that work for the County roads. Olympic Boulevard is 2 lanes in each direction.

Mr. Breidenstein stated that the request is compliant with all 3 of the criteria for a Zone Change (KRS 100.213). It matches the Comprehensive Plan – a Business Park land use. He also

mentioned the growth in the area and providing services in the area. He submitted a report from Costar outlining the population and daytime employment within a 2 and 5 mile radius of the site (see Exhibit A). The existing zoning is inappropriate and the proposed of C-2 is appropriate. There has been a physical change in the area that wasn't anticipated in the current plan. It is the construction of the apartments. It has changed the character of the area because of new customers.

Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions? Seeing no one, Chairman Rolfsen asked if the Commissioners had any questions or comments?

Ms. Gulick asked if the applicant knew what was going into the other 3 buildings? Mr. Berling replied that he didn't know of any specific tenants. She asked if he had stricken any use? Mr. Berling responded no. Ms. Gulick inquired about the Planning Commission's traffic impact policy? It seems like it meets the threshold for one? Mr. Schwartz stated that it is a policy and not a requirement. He thought it should be left to the State and/or the County as part of the encroachment permit process. Mr. Costello noted that the County would most likely want one for Olympic Boulevard and Booneland Trail/Gap Way.

Mr. Costello inquired about the type of retail being proposed. Does it really fit in with the type of businesses and residents who will be living in the area? Did Corporex submit plans for a high end retail for the office/hotel product across the street a couple of years ago. It seems like what is being proposed is more of the same as directly across the street. The subject site is the front entrance to Circleport and Ignite.

Mr. Tom Banta explained that Corporex is not in the retail business. The site will be subject to the Corporex covenants which include architectural design and materials. Amenities are needed to rent office space. The daytime counts are huge in the area. Mr. Banta hopes it will be sit down restaurants for the site.

Mr. Lunnemann asked if the applicant can show examples of what the building exterior might look like – materials and façade. Has there been any discussion of the remaining residential property being acquired by the apartment owner or the retail owner? If not, why not? Mr. Berling noted that they have reached out. It is owned by Mr. Douad, who is a Gold Star Chili franchise owner. He rents the property and does not want to sell. They could have included it as a restaurant but didn't have permission.

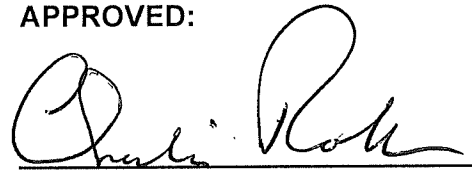
Mr. Robert Taylor, Booneland Trail, asked how does the project affect his quality of life? It was once a quiet neighborhood. Will it be lit up at night? Mr. Berling responded that none of the uses will be opened all night long. They will be community uses – barber shops, drug stores, restaurants, etc. They won't see the proposed development from the remaining houses on Booneland Trail. The Booneland Trail/Gap Way intersection will be improved. The apartment building will serve as a buffer between the retail and the single family homes.

Ms. Nancy Rogers, 3344 Booneland Trail, stated now they have 4-5 cars using Booneland Trail each day. When built, they will have many more due to the apartments. She is worried about it. They have construction traffic now. Gap Way will still have traffic from the former Gap building. Mr. Schwartz showed this change. Chairman Rolfsen noted that most apartment residents will use the Mineola Pike exit and entrance unless they are turning left.

Mr. Taylor also stated that employees from U.S. Playing Cards drive fast on Gap Way and he has to turn left onto Gap Way. Someone will get hurt. Chairman Rolfsen stated that it is hard to predict traffic when you don't know what is going in there. The difference between a dry cleaner and a Starbucks is huge. Mr. Costello suggested that the neighbors meet with Mr. Franxman to discuss their concerns. He emphasized that there are two roads located very close to each other and that has to be considered. Mr. Taylor stated that he has not been approached by anyone to buy his property.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 24, 2024 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on August 7, 2024 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:27 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit A – Costar population and day time employment figures report

Supplement to Application of Steve Berling (Applicant) for Corporex Parks of KY, LLC (Owner)

July 3, 2024

Corporex commissioned a report from CoStar, which is "is the largest source of verified commercial real estate information, analytics & data-driven news worldwide." ¹ CoStar provided the following information for the area in question:

Radius is based off location of Olympic Corporate Center.

	2 Mile Radius	5 Mile Radius	10 Mile Radius
Population - 2023	8,261	155,673	618,840
Population - 2028 projection	8,344	157,588	629,190

	2 Mile Radius			5 Mile Radius			10 Mile Radius		
	Employees	Businesses	Employees per Business	Employees	Businesses	Employees per Business	Employees	Businesses	Employees per Business
Daytime Employment - 2023	9,647	562	17	91,814	8,394	11	420,618	32,889	13

- 2025** estimated #s with 10-mile radius of Circleport:
- Population – 616,101
 - Households – 246,286
 - HHI - \$77,358
 - Employees – 417,864
 - Bachelors or higher degree – 27%

¹ Source: <https://www.costar.com/products>

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
AUGUST 7, 2024
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's August 7, 2024 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, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Eric Richardson
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. David Hincks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Steve Lilly, GISP, Planner
Ms. Lauren Elliott, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the July 24, 2024 Business Meeting. He asked if there were any comments or corrections?

Mrs. Goetting moved to approve the Minutes as presented. Mr. Turner 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 July 4, 2024 and August 7, 2024.

EXPENSES:

Accounting Fees	1,769.00
Attorney Fees	4,800.00
Auto Expense	71.03
Consultant/Professional Svcs Fees	15,811.75
Filing Fees	1,250.00
GIS Operations	3,590.00
Legal Ads/Recruitment	671.52
Miscellaneous Expense	609.00
Office & Board Meeting Supplies	1,227.13
Office Equipment / Expense	1,636.34
Printing/Pub/Dues/Subscriptions	618.50
Professional Development	897.08

TOTAL: \$ 32,951.35

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 9,581.77
Health/Dental/Life/LTD	18,178.66
Retirement – BCPC Portion	18,443.04
Salaries – Staff Expenses	130,959.44
Salaries – BCPC & BOA	1,420.00

TOTAL: \$ 178,582.91

GRAND TOTAL: \$ 211,534.26

Mrs. 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. Richardson seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT, Steve Harper, Chairman, Steve Lilly, Staff

1. Request of **Triple Crown Developers LLC, per Tony Berling (applicant) for St. Elizabeth Medical Center, per Christopher Mangeot (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Suburban Residential One (SR-1) for an approximate 16 acre area located at the terminus of Man O War Boulevard, approximately one hundred sixty (160) feet southeast of Authentic Court, and being part of the properties having the following Parcel Identification Numbers (PIDN's): 064.00-00-029.03 and 064.00-00-029.04, Boone County, Kentucky. The request is for a zone change to allow for the development of thirty-four (34) detached single-family residential dwellings.

Staff Member, Steve Lilly, read the Committee Report, which recommended approval based upon Findings of Facts for the Zoning Map Amendment. He noted that the Committee voted in favor of the request with Mrs. Kegley, Mr. Lunnemann, Mr. Harper and Ms. Gulick voting in favor.

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

Mr. Tony Berling, applicant, stated that the proposal is 34 lots. Drees and Fischer Homes will build in the phase. It will be the same builders and the same price range.

Seeing no further comment, **Mr. Harper moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment based upon the Committee Report and Findings of Fact. Mrs. Steele seconded the motion. The motion passed unanimously.**

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

2. Request of **Steve Berling (applicant) for Corporex Parks of Kentucky LLC, per William Butler (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 37,300 square foot commercial complex having six (6) buildings and the following Variances: (1) reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line; (2) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line; (3) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line; and (4) reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Map Amendment and Variances based upon Findings of Facts and Conditions. All Committee Members were present and voted in favor of the request. It included Mrs. Kegley, Mr. Lunnemann, Mr. Harper, Mr. Hincks and Ms. Gulick. The property owner has signed the condition letter.

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

Mr. Tom Breidenstein, attorney for the buyer of the property, stated that he was in agreement with the Committee Report and asked for a favorable recommendation. He noted that his client has retained CT Consultants to undertake the Traffic Impact Study for the relocation of Booneland Trail. They expect to have the results for the Boone County Fiscal Court. His client has agreed to all eight conditions of the Zone Change request and one for the Variance request.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court, to recommend approval of the Zoning Map Amendment and Variances based on the Committee Report and Findings of Fact and Conditions. Dr. Clark seconded the motion and it passed unanimously.**

TEXT AMENDMENT, Rick Lunnemann, Chairman, Michael Schwartz, Staff

3. Request of the **City of Florence** to consider a Zoning Text Amendment to Section 3655, Fences, of the Boone County Zoning Regulations to allow fences within corner side yards, subject to certain restrictions. The request is to hear and evaluate comments on the proposed Text Amendment and how it affects the current Boone County Comprehensive Plan and Boone County Zoning Regulations.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Text Amendment based upon Findings of Facts. The Committee Members present voted in favor of the request. It included Mr. Lunnemann, Mr. Hincks and Mrs. Goetting.

Seeing no further comment, **Mr. Lunnemann moved, by Resolution to the City of Florence to recommend approval of the Zoning Text Amendment based on the Committee Report and Findings of Fact. Mr. Szurlinski seconded the motion and it passed unanimously.**

ZONING TEXT AMENDMENTS, Rick Lunnemann, Chairman, Michael Schwartz, Staff

4. Request of the **Boone County Planning Commission Technical/Design Review Committee** to consider a series of amendments to the **Boone County Zoning Regulations** pertaining to cannabis businesses.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval of the Zoning Text Amendments based upon Findings of Facts. The Committee Members present voted in favor of the request. It included Mr. Lunnemann, Mr. Hincks and Mrs. Goetting.

Seeing no further comment, Mr. Lunnemann stated that the Text Amendments were considered because the State of Kentucky is making it legal for medical marijuana effective January 1, 2025. Failure not to pass Zoning Regulations would create some issues when it becomes legal in January. They could locate anywhere. He moved, by Resolution to the Boone County Fiscal Court and the Cities of Florence, Union and Walton to recommend approval of the Zoning Text Amendments based on the Committee Report and Findings of Fact. The Cities of Florence and Union have voted to put the item on the ballot. Walton and Boone County have voted not to permit cannabis operations unless a petition is filed. Dr. Clark asked who determines how many are allowed. Mr. Schwartz replied that the State has a lottery system. There is a limitation of 4 per region but no County can have more than one dispensary. Mr. Bessler seconded the motion originally made by Mr. Lunnemann and it passed unanimously.

CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Corrin Gulick, Chairwoman, Todd Morgan, Staff

5. Request of **Hrezo Engineering Inc, per Jim Bertram (applicant)** for **Alex Othman (owner)** for: (1) a Change of Concept Development Plan for an approximate 2.62 acre area of the site; (2) a Conditional Use Permit for an approximate 7.52 acre area of the site; and (3) expansion of an existing commercial parking facility for an approximate 2.02 acre area of the site. The site is an approximate 9.54 acre area located at 527-535 Hunter Road and 571-591 Hunter Road, Boone County, Kentucky, which is currently zoned Commercial Services (C-3). The submitted request is to allow the conversion of an approximate 7.52 acre area of the site from commercial parking to a truck stop and to allow the expansion of the existing commercial parking facility on an approximate 2.02 acre area of the site.

Mr. Schwartz provided an update. A Public Hearing was held about 6 months ago. It has been deferred on a month to month basis. It has also been deferred for a maximum of 6 months. Today was the deadline for the applicant to submit a Traffic Impact Study to Staff for an upcoming Committee Meeting. It was not submitted. By the motion 6 months ago, this application has been deemed withdrawn by the applicant.

Mr. Wilson asked if the applicant had submitted some type of documentation? Mr. Schwartz replied when the motion was made to table the request, it was stipulated that if the study or information was not submitted in the 6 month period, it would be deemed withdrawn. There are 2-3 emails to Staff in the last six months that would reinforce that result.

Mrs. Kegley moved, acknowledging that the request be withdrawn as a result of the agreement of the applicant. Mr. Vaught seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING TEXT AMENDMENTS, Michael Schwartz, Staff

6. Request of the **Boone County Planning Commission Technical/Design Review Committee** to consider a Zoning Text Amendment modifying the definitions of "Electric Vehicle Charging Station, Public" and "Gasoline Filling Station".

ZONING MAP AMENDMENT, Michael Schwartz, Staff

7. Request of **LDG Multifamily LLC (applicant)** for **Joyce Robinson Foundation, Inc. (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Urban Residential Two (UR-2) for an approximate 19 acre area located at 10637 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow for the development of a 312 unit multi-family residential development with on-site amenities and a Variance increasing the height of a fence along the rear property line from six (6) feet to eight (8) feet.

CHANGE OF CONCEPT DEVELOPMENT PLAN, Steve Lilly, Staff

8. Request of **Steve Berling (applicant)** for **BS NKY Properties (owner)** for a Change of Concept Development Plan in a Commercial Services (C-3) district, for an approximate 2.06 acre area located at 3005 Verona-Mudlick Road, Boone County, Kentucky. The request is for: (1) a Change of Concept Development Plan to allow for an expanded outdoor storage area for the existing farm equipment business; and (2) Variances reducing the buffer yard width along the rear property line from sixty (60) feet, with a thirty (30) foot option, to ten (10) feet, reducing the buffer yard width along the side property line from sixty (60) feet, with a thirty (30) foot option, to twenty (20) feet, and reducing the buffer yard width along the front property line from ten (10) feet to three (3) feet.

ZONING MAP AMENDMENT, Steve Lilly, Staff

9. Request of **Sinkula Investments (applicant)** for **Mt. Zion MHC LP (owner)** for a Zoning Map Amendment from Mobile Home Park (MHP) to Commercial Four (C-4), including the following variances: (1) reducing the Buffer Yard A width from ten (10) feet to two (2) feet along Lakeside Drive; and (2) reducing the Buffer Yard A width from ten (10) feet to two (2) feet along the west property line, for an approximate 1.2 acre area located at the southwest corner of the intersection of Mt Zion Road and Lakeside Drive, including the properties at 10013, 10017, 10021, 10025, 10029, and 10033 Lakeside Drive, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow the development of an eating and drinking establishment with drive-through service.

Mrs. Steele moved to schedule the Public Hearings for Items #6, #7, #8 and #9 on September 4, 2024 at 7:30 p.m. in the Fiscal Courtroom. Mr. Schwenke seconded the motion and it passed unanimously.

H. EXECUTIVE DIRECTOR'S REPORT:

- No Report

I. COMMITTEE REPORTS:

- Airport (Randy Bessler)
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 (Charlie Rolfsen)
No Report

J. CHAIRMAN'S REPORT: (Charlie Rolfsen)

Chairman Rolfsen introduced Ms. Lauren Elliott, Planner. She started work on Monday. She attended Virginia Tech University and Ohio State and is from Mason, Ohio. He welcomed her.

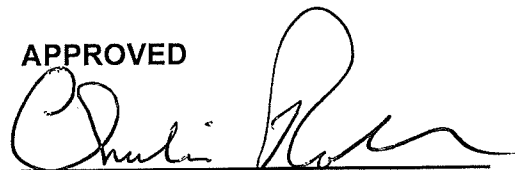
K. OKI REPORT: (Randy Bessler)
No Report

L. OTHER:

M. ADJOURNMENT:

There being no further business to come before the Planning Commission, **Mrs. Steele moved to adjourn the meeting. Mr. Bessler seconded the motion and it passed unanimously. The meeting was adjourned at 7:32 P.M.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

LEGAL DESCRIPTION
CONSOLIDATION OF CORPOREX PARKS OF KENTUCKY, LLC PARCELS
MINEOLA PIKE, OLYMPIC BOULEVARD, BOONELAND TRAIL
UNINCORPORATED BOONE COUNTY, KENTUCKY

Being located in Unincorporated Boone County, Kentucky, and being a part of the Bel-Air Acres Subdivision as shown in Plat book 3 at Page 1 of the Boone County Clerk's Records at Burlington, Kentucky, and being more particularly described as follows:

Beginning at found an iron pin in the new south right-of-way line of Mineola Pike (KY State Route 3076) as described in Highway Deed Book 23 at Page 780 of the Boone County Clerk's Records at Burlington, Kentucky, said pin marking the new northwest corner of Lot 15 of the Bel-Air Acres Subdivision as shown on Plat 3 at Page 1 of said Records; thence along said new south right-of-way line and new north line of said Lot 15, Lot 16 of said subdivision and Lot 17 of said subdivision along a curve to the left having a radius of 22051.08 feet, an arc distance of 167.14 feet, as subtended by a chord bearing N 51°-01'-26" E a distance of 167.14 feet to a point, N 50°-48'-24" E a distance of 31.03 feet to a point, along a curve to the left having a radius of 1346.08 feet, an arc distance of 85.00 feet, as subtended by a chord N 48°-59'-52" E a distance of 84.99 feet to a point, and S 71°-25'-11" E a distance of 31.68 feet to a point in the west right-of-way line of Olympic Boulevard (formerly Pleasant Lane per said Bel-Air Acres Subdivision plat) and the east line of said Lot 17 of said Bel-Air Acres Subdivision; thence S 39°-06'-48" E along said west right-of-way line and said east line of Lot 17 a distance of 106.31 feet to a point; thence continuing along the new west right-of-way line of Olympic Boulevard as shown on Plat 43A of said Records and along the new east line of said lot 17 and new east line of Lot 47 of said Bel-Air Acres Subdivision S 50°-53'-12" W a distance of 5.52 feet to a point, S 34°-59'09" E a distance of 68.76 feet to a point, along a curve to the right having a radius of 930.99 feet, an arc distance of 113.74 feet, as subtended by a chord bearing S 31°-29'-10" E a distance of 113.67 feet to a point, S 27°-59'-10" E a distance of 36.00 feet to a point, along a curve to the left having a radius of 630.41 feet, an arc distance of 215.12 feet, as subtended by a chord bearing S 37°45'-43" E a distance of 214.08 feet to a point, S 47°-32'-15" E a distance of 29.38 feet to a point, along a curve to the right having a radius 764.53 feet, an arc distance of 112.41 feet, as subtended by a chord bearing S 43°-19'-32" E a distance of 112.31 feet to a point, and S 39°-06'-48" E a distance of 49.78 feet to a point in the north right-of-way line of Booneland Trail as shown on said Bel-Air Acres Subdivision plat, said point being the new southeast corner of said Lot 47; thence along said north right-of-way line and the south line of said Lot 47, and Lots 46, 45, and 44 of said Bel-Air Acres Subdivision S 50°-53'-12" W a distance of 375.00 feet to a found iron pin marking the southwest corner of said Lot 44; thence N 39°-06'-48" W along the west line of said Lot 44 a distance of 400.09 feet to the northwest corner of said Lot 44; thence N 50°-53'-12" E along the north line of said Lot 44 a distance of 100.01 feet to a found iron pin marking the common corner of said Lots 44, 45, and 15; thence N 39°-06'-48" W along the west line of said Lot 15 a distance of 351.99 feet to the Place of Beginning, containing 5.6881 acres of land.

March 15, 2024

July 23, 2024

Mr. Steve Berling
James W. Berling Engineering, PLLC
1671 Park Rd, Suite One
Fort Wright, Ky

**RE: CVG Center – Preliminary Traffic Evaluation
P242091**

Dear Mr. Berling:

CT Consultants, Inc. has been retained to provide a preliminary evaluation of the impact of the traffic generated by the proposed CVG Center Development on the adjacent public roadways. The CVG Center Development is in Hebron, Boone County, Ky at the corner of Mineola Pike (Ky 3076)/Olympic Boulevard/Booneland Trail. The proposed development consists of:

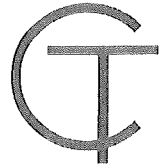
- Convenience Store with gas pumps 6,300 sf
- Drive Thru Only Restaurant 2,450 sf
- Drive Thru Restaurant 2,800 sf
- 3 Commercial Buildings 26,500 sf

The proposed site plan is attached.

The property has frontage on Mineola Pike, Olympic Blvd and Booneland Trail. Mineola Pk (KY 3076) is a state route and is under the jurisdiction of the Kentucky Transportation Cabinet (KTC). Olympic Blvd, Booneland Trail and Gap Way are county roads. Mineola Pike is currently under construction and will be widened to 5-lanes.

Proposed Access:

- Access to Mineola Pike is proposed to be a Rt-In/Rt-Out. The driveway location and restriction to Rt-in/Rt-out was established/required by KTC.
- Olympic Blvd. is a divided county road and has 2 lanes in each direction. Two access drives are proposed on Olympic Blvd. One Rt-in only drive to the Convenience Store and a Rt-In/Rt-out to the Commercial building.
- The current intersection of Olympic Blvd/Gap Way/Booneland Trail/ Private drive is a five-way stop. This is an unsafe intersection due to the close proximity of Booneland Trail to Gap Way. The applicant, working with Boone Co Engineer, has agreed to eliminate Booneland Trail from Olympic Blvd to the site drive. This will require the



relocation of Booneland Trail west to create a new intersection. Note this is a significant improvement to correct an existing unsafe intersection. This is especially important with the knowledge the County recently approved a 232 unit multifamily development that has access to Booneland Trail.

Preliminary evaluation of the traffic impact of the development on the public roadway network:

- Mineola Pk will be a 5-lane road and access has been limited to a Rt-in/Rt-out. The restriction of left turns dramatically reduces the impact and improves the safety of this access on Mineola Pk. The access location and limitation to Rt-in/Rt-out was set by KTC.
- Olympic Blvd is 2 lanes in each direction separated by a 15' median. Access to the site is proposed to be limited to one Rt-in and one Rt-in/Rt-out access. There is significant capacity available on Olympic Blvd, and the proposed driveways restricted to Rt turn movements will have a minimal impact.
- The intersection of Olympic Blvd/Gap Way will become a standard 4-way stop intersection. This is major safety improvement over the current 5-way stop intersection. We met with the County Engineer and they agree with the proposed concept design. The County Engineer did request the applicant to prepare a Traffic Impact Study to verify the concept design for the relocation of Booneland Trail and the proposed 4-way stop intersection of Olympic Blvd/Gap Way. The Applicant did agree to prepare the requested Traffic Impact Study.

If you have any questions, please contact me at your convenience, at 513.792.8400 or at mbrueggemann@ctconsultants.com.

Respectfully,

CT CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'Mark V. Brueggemann'.

Mark V. Brueggemann, P.E.
Vice President

Attachment

Supplement to Application of Steve Berling (Applicant) for Corporex Parks of KY, LLC (Owner)

July 3, 2024

Corporex commissioned a report from CoStar, which is "is the largest source of verified commercial real estate information, analytics & data-driven news worldwide."¹ CoStar provided the following information for the area in question:

Radius is based off location of Olympic Corporate Center.

	2 Mile Radius	5 Mile Radius	10 Mile Radius
Population - 2023	8,261	155,673	618,840
Population - 2028 projection	8,344	157,588	629,190

	2 Mile Radius			5 Mile Radius			10 Mile Radius		
	Employees	Businesses	Employees per Business	Employees	Businesses	Employees per Business	Employees	Businesses	Employees per Business
Daytime Employment - 2023	9,647	562	17	91,814	8,394	11	420,618	32,889	13

- 2025** estimated #s with 10-mile radius of Circleport:
- Population – 616,101
 - Households – 246,286
 - HHI - \$77,358
 - Employees – 417,864
 - Bachelors or higher degree – 27%

¹ Source: <https://www.costar.com/products>



BOONE COUNTY PLANNING COMMISSION

www.boonecountky.org/pc
www.boonecountkygis.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
plancum@boonecountky.org

August 1, 2024

Steve Berling
1671 Park Road, Suite One
Fort Wright, Kentucky 41011

RE: Request of Steve Berling (applicant) for Corporex Parks of Kentucky LLC, per Willam Butler (owner) for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The request is for a zone change to allow for the development of an approximate 37,300 square foot commercial complex having six (6) buildings and the following Variances: (1) reducing the side yard building setback from fifty (50) feet to thirty (30) feet along the southwest property line; (2) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the southwest property line; (3) reducing the minimum Buffer Yard width from sixty (60) feet with a thirty (30) foot option (Buffer Yard C) to ten (10) feet (Buffer Yard A) along the northwest property line; and (4) reducing the minimum Buffer Yard width from ten (10) feet (Buffer Yard A) to zero (0) feet along a proposed interior lot line.

Dear Mr. Berling:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their July 24, 2024 meeting. As you verbally agreed to these conditions at that meeting, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office no later than August 2, 2024.

CONDITIONS

1. Development shall be consistent with the revised Concept Development Plan dated July 16, 2024.
2. Development shall meet the minimum requirements of the zoning regulations, except as approved through the companion Variance requests.
3. Access shall be as determined by KYTC and/or Boone County Public Works. Any off-site improvements required by either KYTC or Boone County shall be constructed by the developer, at their expense, and shall be included in the first phase of development.

4. All light pole fixtures shall be oriented downwards and inwards towards the subject site or be equipped with cutoff shields and shall not exceed thirty (30) feet in height.
5. The architecture of the buildings shall be subject to a staff Design Review process to ensure that: (1) all buildings are complementary to other buildings in Circleport; (2) roof mounted mechanical units are not visible from public rights-of-way; and (3) the architectural treatment is applied to all four sides of the proposed buildings.
6. There shall be a maximum of two (2) eating and drinking establishments with either drive-through service or pick-up window service.
7. The proposed free standing sign at the corner of the intersection of Mineola Pike with Olympic Boulevard shall: (1) be a monument sign; (2) not exceed a maximum height of twenty (20) feet; and (3) shall not exceed the maximum sign area as provided for in the zoning regulations.
8. The following uses shall be prohibited:
 - a. Horse related uses
 - b. Automotive repair facility
 - c. Automotive leasing or rental
 - d. Sales and leasing of recreational vehicles
 - e. Motorcycle sales
 - f. Car wash
 - g. Crematory
 - h. Funeral home
 - i. Hotel or motel and apartment hotel
 - j. Kennel
 - k. Pawn shop
 - l. Residential storage warehouse (mini warehouse)
 - m. Multi-family dwelling unit
 - n. Residential care facility for handicapped persons
 - o. Townhouse dwelling unit
 - p. Truck and trailer rental
 - q. Aquarium, arboretum, botanical garden, wildlife preserve, and natural exhibition
 - r. Shelter, temporary or emergency
 - s. Dwelling unit for property owner/operator, caretaker, or property manager

Sincerely,




Michael D. Schwartz
Director, Zoning Services

MDS/ss

AGREEMENT

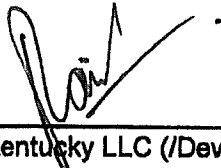
We, the property owner/developer of the approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.



Corporex Parks of Kentucky, LLC (Owner)

8/1/24

Date



R.E.D. Kentucky LLC (/Developer)

8/1/24

Date

ORDINANCE 2024-27

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING, WITH CONDITIONS, A REQUEST OF STEVE BERLING (APPLICANT) FOR CORPOREX PARKS OF KENTUCKY LLC, PER WILLIAM BUTLER (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) TO COMMERCIAL TWO (C-2) FOR AN APPROXIMATE 5.7 ACRE AREA LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MINEOLA PIKE WITH OLYMPIC BOULEVARD, AND INCLUDING THE PROPERTIES AT 3331 AND 3333 MINEOLA PIKE, 3332 AND 3334 BOONELAND TRAIL, AND THE PROPERTIES HAVING THE FOLLOWING PARCEL IDENTIFICATION NUMBERS (PIDN'S): 071.00-00-017.00, 071.00-00-047.01, AND 071.00-00-044.00, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, 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 of Fact recommending approval, with Conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 5.7 acre area located at the southwest corner of the intersection of Mineola Pike with Olympic Boulevard, and including the properties at 3331 and 3333 Mineola Pike, 3332 and 3334 Booneland Trail, and the properties having the following Parcel Identification Numbers (PIDN's): 071.00-00-017.00, 071.00-00-047.01, and 071.00-00-044.00, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban (RS) zone is more particularly described in DEED BOOKS/PAGE NOS: 1215/1, 1194/936, 1191/947, 1194/871, 1142/756 and 347/5 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis of approval, with conditions, for a Zoning Map Amendment 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 1."

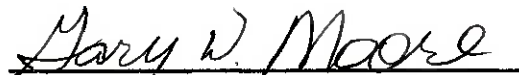
Section Three

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

First Reading the 3rd day of September 2024

Second Reading the 17th day of September 2024

Adopted this 17th day of September 2024 Yes 4 No 0



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

ATTEST:



Shona Schulkers,
Fiscal Court Clerk

