

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

1. Date Received: 12/27/2024 Fee Received: \$ 2371.33 Receipt #: 91863
2. Number of Copies Received: _____
3. Has the following been submitted (check all that apply):
 - Completed Application
 - Concept Development Plan
 - Legal Description
 - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): _____
5. Staff Reviewer: M. Schwartz
6. Committee Chairperson: C. Gulick
7. Scheduled Public Hearing Date: 2/5/2025
8. Boone County Planning Commission Action: _____ Date of Action: 3/5/2025
 - _____ Approved
 - Approved with Conditions
 - _____ Denial
 - _____ Other
9. Resolution Number: _____

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

EXHIBIT

“A”

STAFF REPORT

#5

Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

February 5, 2025

REQUEST

- A. The submitted request is to rezone an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00, from RS to C-2 to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

SITE HISTORY

- 1953 Bel-Air Acres subdivision was platted.
- 1954-1960 A house was built on the site in question.
- 1969-1974 Interstate 275 (I-275) was built.
- 1980 The Boone County Zoning Regulations were adopted identifying the site as being zoned RS.
- 1985-1990 The Mineola Interchange was built.
- 2020-2024 The house on the site was demolished.
- 2022-2024 Mineola Pike was rebuilt and widened.

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 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.”

SITE CHARACTERISTICS

- A. The approximate 2.8 acre area is located at the south and east sides of Erlanger Road, approximately two hundred (200) feet east of Olympic Boulevard.
- B. The site has approximately seven hundred sixty (760) feet of frontage along Erlanger Road.
- C. The site is currently vacant and mature trees cover the southern one-third of the site.
- D. There is an existing curb cut and driveway to the site in question that provided access to the previous detached single-family dwelling.
- E. A drainage swale is located on the southern one-third of the site with the topography having a slope of sixteen (16) percent. The northern two-thirds of the site are relatively flat with grades of less than five (5) percent.

ADJACENT LAND USES AND ZONES

Northeast: Interstate 275 (I-1)
Northwest: Interstate 275 eastbound entrance ramp and Mineola Pike (I-1/PD)
Southeast: Detached single-family residential dwellings and vacant land (RS)
Southwest: A vacant lot (RS) and future commercial development (C-2)

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 five driving lanes (two lane in each direction with a center left turn lane). A sidewalk is provided along the south side of the roadway and a multi-use path is located along the north side of the roadway. Olympic Boulevard is a county maintained collector street providing for two-way traffic within four driving lanes (two lanes in each direction with a raised median). There are no sidewalks along the roadway. Erlanger Road is a county maintained local street providing for two-way traffic within an approximate twenty-two (22) foot pavement width. There are no sidewalks along the roadway.

STAFF COMMENTS

- A. The submitted Concept Development Plan indicates the following:
1. Construction of a 6,000 square foot restaurant.
 2. Construction of a 2,800 square foot restaurant with a drive-through lane.
 3. Provision for three (3) curb cuts onto Erlanger Road.
 4. Provision for off-street parking.
 5. Provision for a stormwater detention area.
 6. Provision for perimeter landscaping.
 7. Provision for access to the adjoining lot to the southwest of the site in question.
- B. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations:
1. Section 3153.A states that accessory structures shall be placed in the side or rear yard only.

The submitted plan indicates that one of the proposed trash enclosures will be located within the front yard/corner side yard.
 2. Section 3221.A.2 states that a proposed development is permitted one access point for each five hundred (500) feet of site frontage.

The site in question has approximately seven hundred sixty (760) feet of frontage along Erlanger Road, allowing for two (2) access points.

The submitted plan indicates the provision for three (3) access points onto Erlanger Road.
 3. Section 3310 states that off-street parking spaces shall have a minimum depth of eighteen (18) feet, which can be reduced to 15'-6" when a clear overhang is provided.

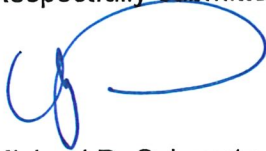
The submitted plan indicates 15'-6" depth parking spaces with the overhang encroaching into the required Buffer Yard C, to the east of the proposed drive-through lane.
- C. Staff sent out an Agency Memo to the Boone County Building Department, Community Development Division, Boone County Public Works, Boone County Water District, Point Pleasant Fire District, and SD1.
1. Mike Rouse, Boone County Water District, replied that he had no comments.
 2. Eric Seibel, Point Pleasant Fire District, replied that: (1) the largest concern is the traffic and the proximity of Erlanger Road to the intersection of Mineola Pike with the divided islands on Olympic Blvd. This may create some issues with traffic flow in that area, particularly when the southeast corner of Mineola and Olympic Blvd is developed as well; (2) water may be an issue with location of hydrants and if any existing are moved for construction; and (3) radius on some of these curbs

- may impede fire apparatus.
3. Bridget Striker, Community Development Division, replied that she had no comments.
- D. Erlanger Road was originally built as a local street providing access to detached single-family residential dwellings. If the site is to be developed with commercial uses, Erlanger Road should be improved to a subcollector street standard with a sidewalk fronting the site in question.
- E. There appears to be a discrepancy between the metes and bounds description provided by the applicant and the parcel data contained within the Boone County GIS. The applicant should address this discrepancy.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz
Director, Zoning Services

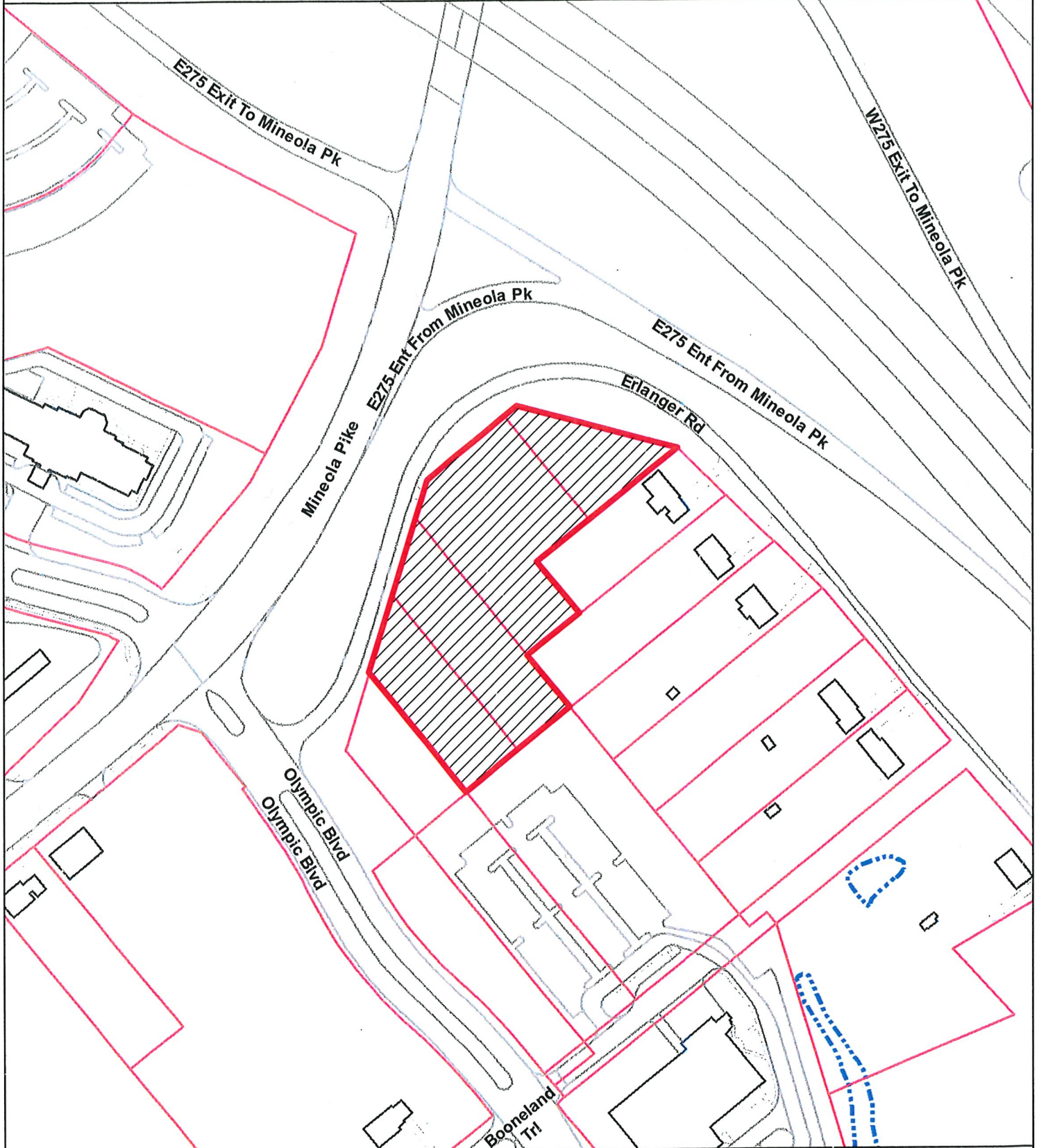
MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographic Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan

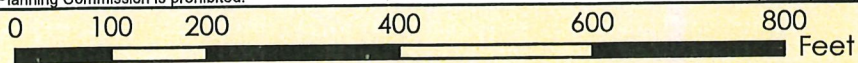
Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



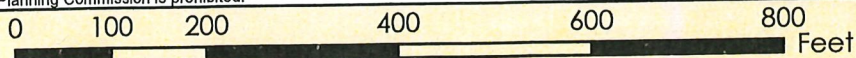
Aerial Map

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1 inch = 200 feet



Map Created: xvxc/2022

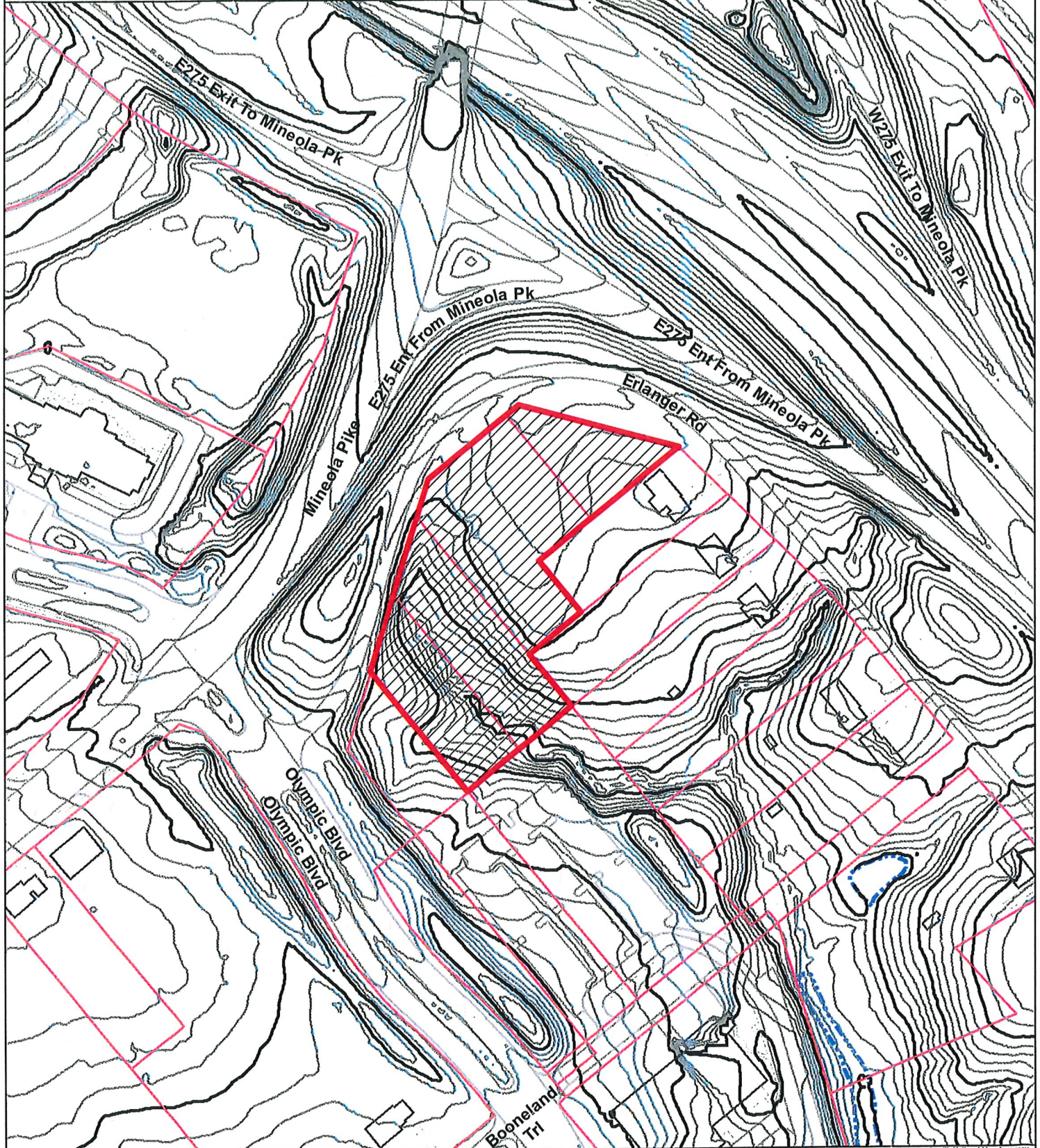
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Boone County GIS
ArchMap Document: *.mxd

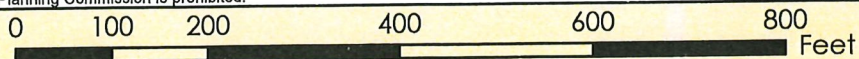
Topographic Map

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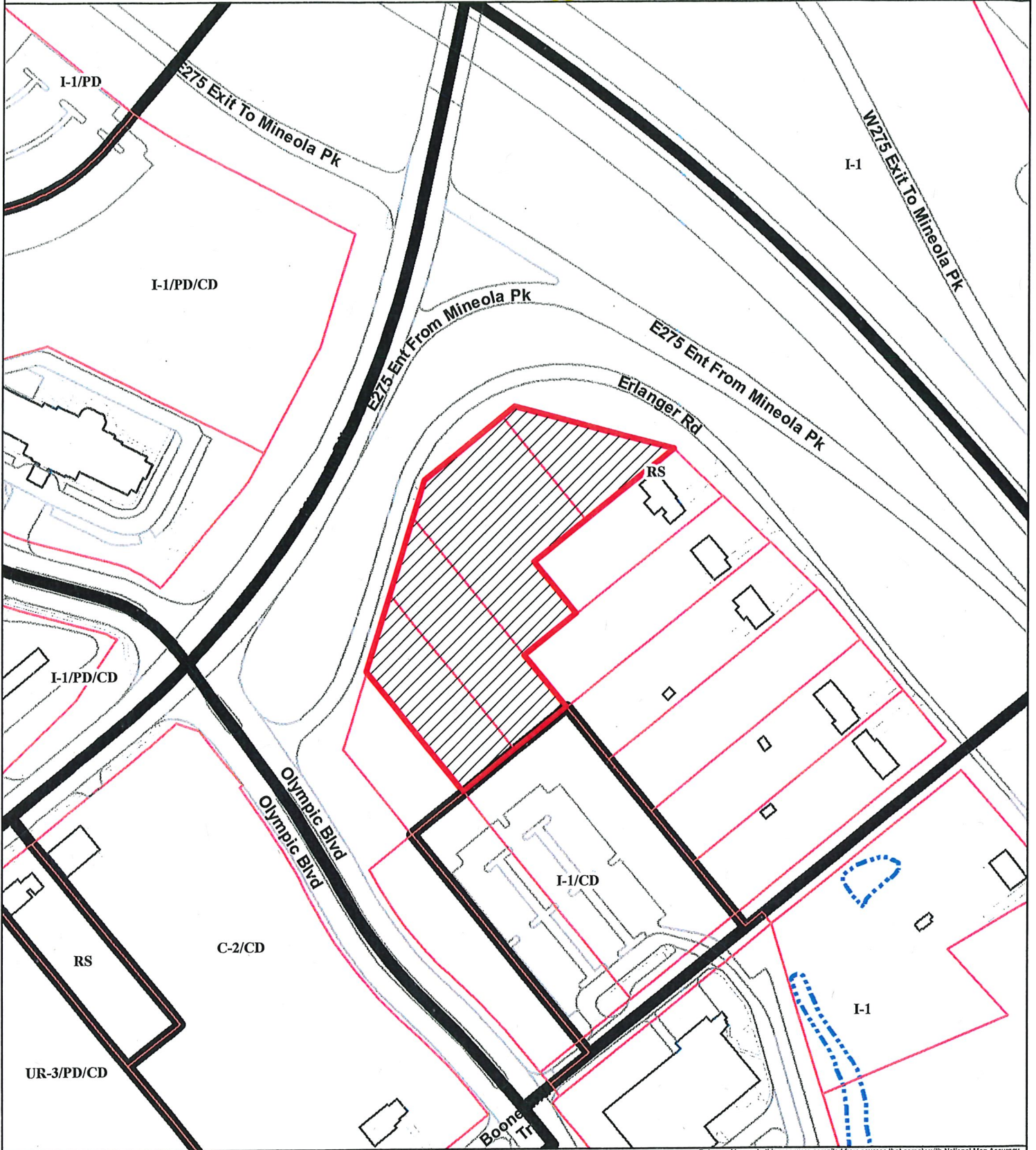


Boone County GIS - Putting Northern Kentucky on the Map



Zoning Map

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0 100 200 400 600 800 Feet

1 inch = 200 feet



Map Created: xx/xx/2022

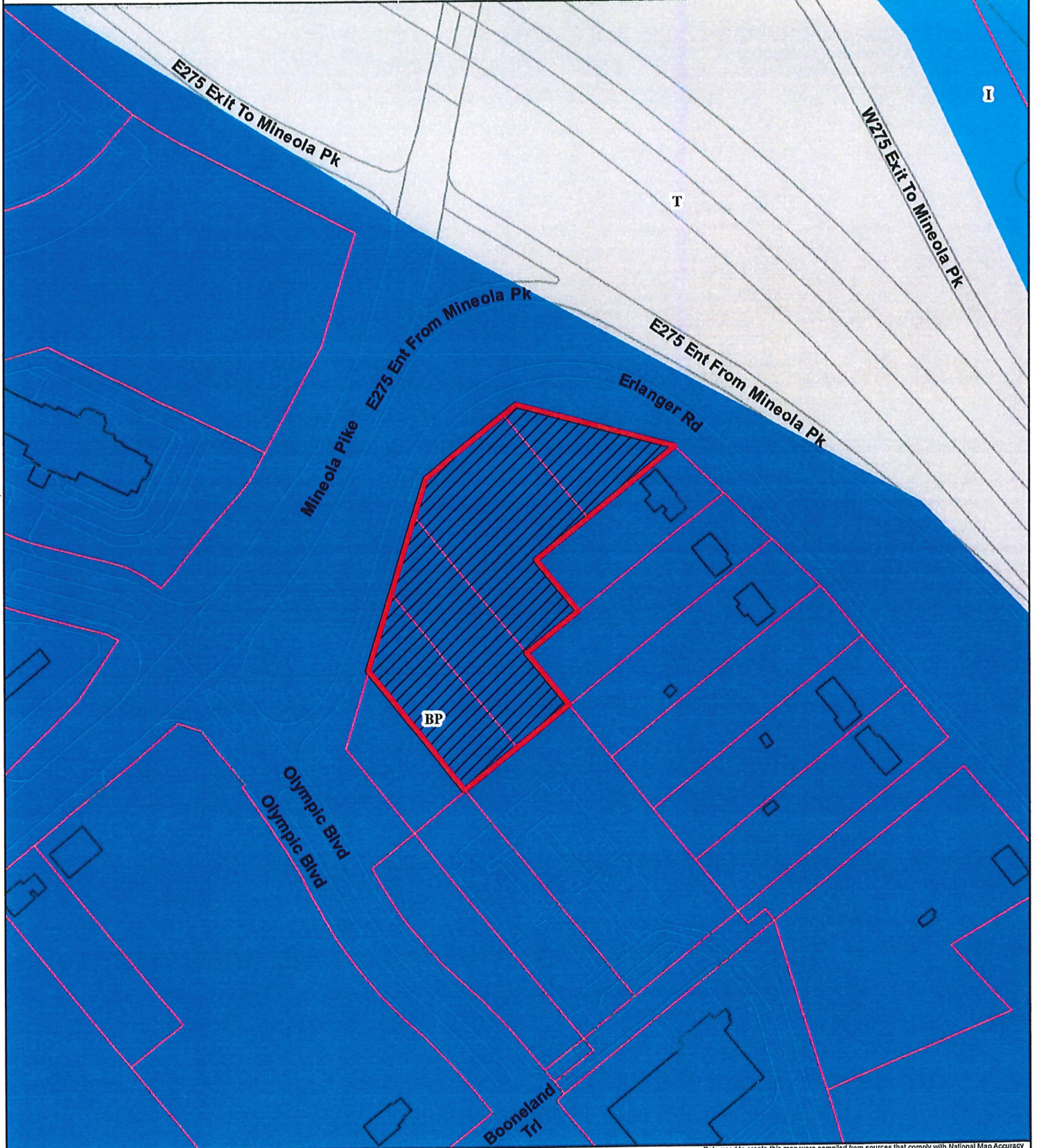
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

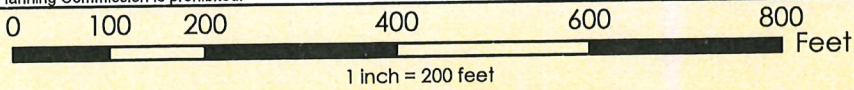
2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



12. ✓ 868 ✓ 483 391 2014B
Deed Book Page Number Group Number

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

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

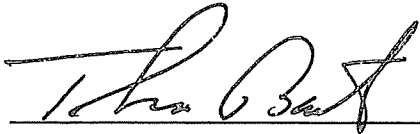
15. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

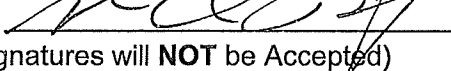
- | | |
|---|---|
| <input type="checkbox"/> Boone County Building Department | <input type="checkbox"/> Local Fire District |
| <input type="checkbox"/> Boone County Public Works Department | <input type="checkbox"/> Local School District |
| <input type="checkbox"/> Boone County Water District | <input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

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

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

In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 3/20/2025

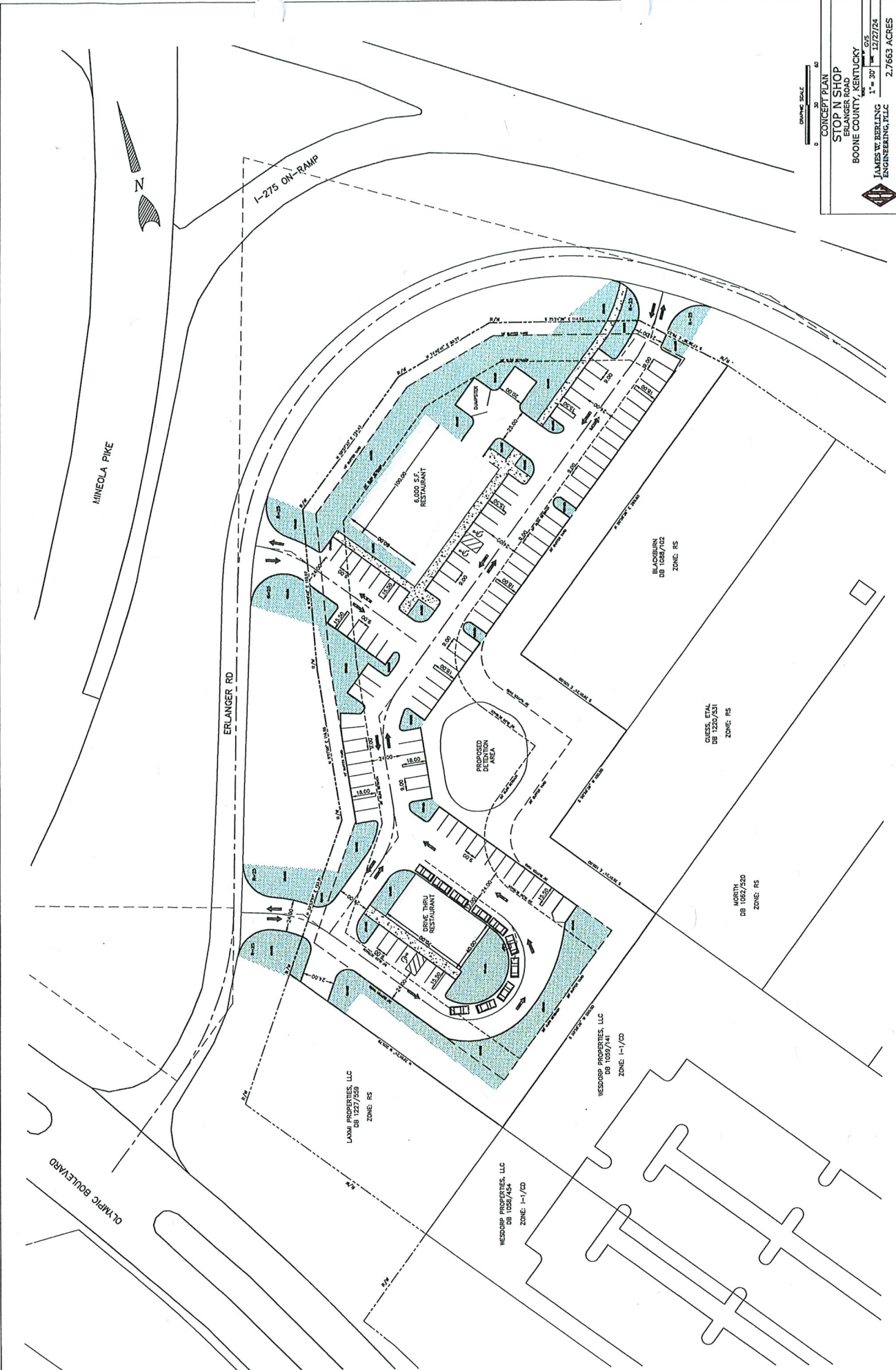
ORIGINAL Property Owner's Signature: 
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) MANAGING DIRECTOR

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

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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



MINEOLA PIKE



I-275 ON-RAMP

ERLANGER RD

OLYMPIC BOULEVARD

LAXMI PROPERTIES, LLC
DB 1227/559
ZONE: RS

WESORP PROPERTIES, LLC
DB 1059/741
ZONE: I-1/CD

WESORP PROPERTIES, LLC
DB 1059/741
ZONE: I-1/CD

MORRIS
DB 1082/230
ZONE: RS

WESORP, LLC
DB 1226/724
ZONE: RS

BLACKBURN
DB 1086/702
ZONE: RS

GRAPHIC SCALE
0 30 60

CONCEPT PLAN
STOP N SHOP
ERLANGER ROAD
BOONE COUNTY, KENTUCKY
DATE: 12/27/24
SCALE: 1" = 30'
JAMES W. BERLING
ENGINEERING, LLC
2.7663 ACRES



COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Rick Lunnemann
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
Mr. Steve Lilly, PLS, GISP, Planner
Ms. Lauren Elliott, Planner

Chairman Rolfsen introduced the third item on the Agenda at 8:33 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

5. Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

Staff member, Michael Schwartz, referred to her PowerPoint presentation. The approximate 2.8 acre site has 760 feet of frontage on Erlanger Road. There was a house on the site that was demolished between 2020 and 2024. Mineola Pike was recently widened. The site is vacant and has several mature trees. It is currently zoned RS and the request is to rezone it to C-2. Mr. Schwartz described the surrounding land uses and zoning. It includes neighboring houses off Erlanger Road. Pages 1-2 of the Staff Report references the applicable zoning regulations that are pertinent. There is a drainage swale located on the southern one-third of the site. Part of the site has a grade of 16% while other portions have a grade of less than 5%. The 2040 Future Land Use Map designates the site as Business Park (BP). Erlanger Road is a County maintained road that connects to Olympic Boulevard. It has 22 feet of pavement width and has no sidewalks. Pages 2-4 of the Staff Report includes references to the Comprehensive Plan. Mr. Schwartz showed photographs of the project site and neighboring properties. Mineola Pike sits above the site.

The submitted Concept Development Plan shows the construction of a 6,000 square foot sit down restaurant and a 2,800 square foot restaurant with a drive thru as well as a provision of 3 curb cuts along Erlanger Road. Access is planned to the vacant lot on the south side. The proposed trash enclosure is located in the front yard setback. It needs to be relocated. The site is only allowed to have 2 curb cuts. Some of the proposed parking hangs over the buffer yard. That has to be modified. Comments from outside agencies are noted on Page 5 of the Staff Report. Comments from the County Engineer are in front of each Board member. Staff concerns can be found on Page 6 of the Staff Report. A major concern is Erlanger Road. It was first constructed as a local street. If the site develops as Commercial, Erlanger Road should be upgraded to a sub-collector street.

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

Mr. Steve Berling, applicant, noted that the developer is the same company that is doing the retail across Olympic Boulevard. He thought that he moved the dumpster to the right location. The first access is 185 feet from Olympic Boulevard. That is why the owner is giving access to the vacant lot to the south because that lot is too close to have a separate access. The next curb cut is 280 feet down from there. The third one is 415 feet away. Even though the regulations say a minimum distance of 500 feet, a minimum lot width for C-2 property is 50 feet. If he had five 50 footers, they should all have access. Three access points are not too much since it is a dead end street and a one sided development facing Mineola Pike and I-275. They will never build on the other side. Mr. Berling stated that the street doesn't need to be upgraded to a 28 foot width since it is a dead end street. Perhaps 25 foot width is more appropriate. It is like Richwood Road once you pass Triple Crown Boulevard. He is committed to installing a sidewalk in front of the development and revising the parking stall size.

Chairman Rolfsen asked if the Erlanger Road widening to 25 feet be done all the way to the third curb cut? Mr. Berling replied yes. Chairman Rolfsen noted that AIG may use Erlanger Road in

the future for their traffic as a result of their building expansion. The road would need to be widened for both projects. Mr. Berling also stated that they don't have any tenants yet. There would be a total of 4 restaurants on the east side of Mineola Road.

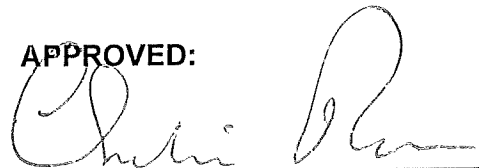
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

Ms. Leah Guess, 1613 Erlanger Road, stated that she moved into her house last March. She noticed semi trucks getting stuck on Erlanger Road because drivers think it is a ramp. She is concerned about sewage. The houses are on septic systems. How will they tie into a new system? Will they have to? What about water pressure? The school traffic is dramatic during peak times. There are 4 families still living in the houses. Chairman Rolfsen explained that the developer is going to build a detention pond to manage stormwater. Mr. Berling added that he was not aware of any water pressure issues. The developer is going to install a private pump station for sanitary sewer. The sewage from the development will be pumped to the sewer already in place for the apartments under construction. Chairman Rolfsen explained the buffer requirements to screen the existing residences from the commercial development.

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

Seeing no further questions or comments from the audience or Board members, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 19, 2025 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 5, 2025 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:55 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
MARCH 5, 2025
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's March 5, 2025 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
Ms. Corrin Gulick, Vice Chairwoman
Mr. Steve Harper, Temporary Presiding Officer
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mrs. Pamela Goetting
Mr. Eric Richardson
Mr. Kenny Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. 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 February 19, 2025 Business Meeting. He asked if there were any comments or corrections?

Mr. Szurlinski moved to approve the Minutes as presented. Mr. Hincks seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between February 6, 2025 and March 5, 2025.

EXPENSES:

Accounting Fees	1,361.95
Attorney Fees	4,800.00
Auto Expense	32.30
Consultant/Profess Svcs Fees	1,195.00
Filing Fees (CLURS)	600.00
Legal Ads/Recruitment	591.33
Office & Board Meeting Supplies	655.05
Office / Equipment Maintenance	692.40
Office Equipment / Expense	331.48
Postage Expense	502.25
Printing/Pub/Dues/Subscriptions	1,459.00
Professional Development	<u>240.00</u>

TOTAL: \$ 12,460.76

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,004.15
Health/Dental/Life/LTD	17,693.76
Retirement – BCPC Portion	18,726.66
Salaries – Staff Expenses	96,341.84
Salaries – BCPC & BOA	<u>1,375.00</u>

TOTAL: \$ 141,436.67

GRAND TOTAL: \$ 153,897.43

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

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT/VARIANCE, David Hincks, Chairman, Michael Schwartz, Staff

1. Request of **Arnold Consulting Engineering Services Inc (applicant)** for **Shree Laxmi Vishnu LLC (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Office Two (O-2), a Conditional Use Permit for a hotel, and a Variance for an approximate 3.7 acre area located along the east side of Frogtown Connector Road, between Richwood Road and Frontage Road, approximately six hundred (600) feet north of Richwood Road, and having Parcel Identification Numbers (PIDN's) of 075.00-00-102.00 and 075.00-00-102.13, Boone County, Kentucky. The request is for: (1) a Zoning Map Amendment to allow the development of a 73,275 square foot, four story, 109 room hotel and a future development area; (2) a Conditional Use Permit to allow a hotel in an O-2 district; and (3) a Variance reducing the Buffer Yard A width along a portion of Frogtown Connector Road from ten (10) feet to four (4) feet.

Staff Member, Michael Schwartz read the Committee Report, which recommended approval of the Zoning Map Amendment, Conditional Use Permit and Variance based upon Findings of Facts and Conditions. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission. All Committee Members present voted in favor of the request with Mr. Lunnemann, Mr. Hincks 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. Danny Whitley, applicant, stated that he was in agreement with the Conditions and was available to answer any questions.

Ms. Michelle Kelly, Gaines Way, inquired about the other existing hotels in the area. Mr. Schwartz showed a slide of the Holiday Inn Express and Hampton Inn. Both are located on the Frogtown Connector Road.

Seeing no further comment, **Mr. Hincks moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Map Amendment, Conditional Use Permit and Variance based on the Committee Report, Findings of Fact and Conditions. Mr. Lunnemann seconded the motion.**

Mr. Hincks asked if there were any restrictions concerning the height of the other two hotels in the area as he noted that they were 3 stories in height. Mr. Schwartz responded no, since the other two hotels were built under the existing zoning of C-4.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Hincks and seconded by Mr. Lunnemann. The motion passed unanimously.

**ZONING MAP AMENDMENT/CONDITIONAL USE PERMIT, Janet Kegley, Chairwoman,
Michael Schwartz, Staff**

2. Request of **Bluegrass Cannacare LLC (applicant)** for **NKH Investment LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Commercial Services (C-3) and a Conditional Use Permit for an approximate 0.35 acre area located at 6809 Burlington Pike, Florence, Kentucky. The request is for a Zoning Map Amendment and Conditional Use Permit to allow the existing building to be occupied by a medical cannabis dispensary business.

Staff Member, Michael Schwartz read the Committee Report, which recommended approval of the Zoning Map Amendment and Conditional Use Permit based upon Findings of Facts and Conditions. The Condition Letter has been signed and submitted to the Planning Commission.

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

Mr. Jason Culter, contractor for the project, stated that he was available to answer any questions.

Seeing no further comment, **Mrs. Kegley moved, by Resolution to the City of Florence (as noted) to recommend approval of the Zoning Map Amendment and Conditional Use Permit based on the Committee Report, Findings of Fact and Conditions. Ms. Gulick seconded the motion and it passed unanimously.**

**CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCES, Corrin Gulick, Chairwoman
Lauren Elliott, Staff**

3. Request of **Brew Team KY, LLC (applicant)** for **Massive 2.0, LLC (owner)** for a Change of Concept Development Plan and Variances in a Commercial Services (C-3) district, for an approximate 0.56 acre area lot located at 7303 Turfway Road, Florence, Kentucky. The request is for a Change of Concept Development Plan to allow the development of a 543 square foot drive-through only coffee shop and a 277 square foot remote storage/cooler accessory structure. The Variances are to: (1) reduce the front yard setback from fifty (50) feet to thirty-seven (37) feet; and (2) reduce the Buffer Yard width from ten (10) feet to seven (7) feet along the west property line, five (5) feet along the south property line, and eight (8) feet along the east property line.

Staff Member, Lauren Elliott, read the Committee Report, which recommended approval of the Change in Concept Development Plan and Variances based upon the Committee Report, Findings of Fact and Conditions. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission. The Committee voted 3-0 in favor of the request.

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

Mr. Brian Evans, applicant, stated that he was available to answer any questions by the Board.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the City of Florence to recommend approval of the Change in Concept Development Plan and Variances, based on the Committee Report, Findings of Fact and Conditions. Mrs. Steele seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN/VARIANCE, Steve Harper, Chairman, Steve Lilly, Staff

4. Request of **Viox and Viox Inc, per Brock MacKay (applicant) for CCM LLC (owner)** for a Change of Concept Development Plan and Variance in a Commercial Services (C-3) district, for an approximate 6.7 acre area lot located at 10855 Dixie Highway, Boone County, Kentucky. The request is for a Change of Concept Development Plan to allow the construction of an approximate 6,400 square foot building addition and the construction of an approximate 28,500 square foot commercial building and an approximate 11,000 square foot commercial building. The Variance is to reduce the Buffer Yard A width along the south property line from ten (10) feet to zero (0) feet.

Staff Member, Steve Lilly read the Committee Report, which recommended approval of the Change in Concept Development Plan based upon Findings of Facts and Conditions. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission. All Committee Members present voted in favor of the request with a 3-0 vote.

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

Mr. Mackay, applicant, stated that he was present to answer any questions from the Board.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Change in Concept Development Plan and Variance based on the Committee Report, Findings of Fact and Conditions. Mr. Turner seconded the motion and it passed unanimously.**

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

5. Request of **Steve Berling (applicant) for Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

Staff Member, Michael Schwartz read the Committee Report, which recommended approval of the Zoning Map Amendment based upon Findings of Facts and Conditions. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission.

All Committee Members present voted in favor of the request with a 3-0 vote.

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

Mr. Corey Guess stated that he lives two plots from the proposed development. He asked where does the need for this use arise? He moved into his house over a year ago and there was no mention of it. He will lose his privacy. There will be a noisy lift station next to him. There will be truck traffic delivering to both restaurants. He doesn't want it or need it because he is the community. There are four houses on this road. He wasn't aware of the meeting. Mr. Costello asked if Mr. Guess's wife attended the Public Hearing. Mr. Guess replied yes.

Mr. Schwartz stated that there was a legal ad in the newspaper, a sign posted on the property and all adjoining property owners were notified via a letter. He pointed to the property owners that were notified. Mr. Guess stated that he didn't get a letter.

Mr. Wilson noted that Mr. Guess's wife attended the Public Hearing and had an opportunity to speak. Questions were asked and answers were provided at the Committee Meeting.

Mr. Berling, applicant, stated that Corporex has owned the property for a while. He noted that Mr. Guess's back yard does touch the property in question. It is not immediately adjacent. He is the second property owner. The road will be widened to the third entrance. Water will be provided by the Northern Kentucky Water District because there is a 12 inch water main in the area. The lift station is a private one without a big generator. One will not be able to hear it go on and off. It will be away from the neighbor's property. A 30 foot buffer is required. Mr. Schwenke asked if the berm and fence could be installed? Mr. Berling responded yes if they could limit it to towards the back and not the side. Mr. Berling agreed to do it. Mr. Schwartz stated that the minutes could reflect this change and new condition.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Zoning Map Amendment based on the Committee Report, Findings of Fact and Conditions and to include a fence as recorded in the minutes. Mr. Hincks seconded the motion and it passed unanimously.**

CHANGE OF CONCEPT DEVELOPMENT PLAN/CONDITIONAL USE PERMIT, Corrin Gulick, Chairwoman, Michael Schwartz, Staff

6. Request of **Alex Othman (applicant/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.

Staff Member, Michael Schwartz read the Committee Report, which recommended approval of the Change in Concept Development Plan and Conditional Use Permit based upon Findings of

Facts and Conditions. He referred to updated drawings showing Hetzel Drive and Hunter Drive. The Condition Letter has been signed by the applicant and property owner and submitted to the Planning Commission.

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

Mr. Jim Bertrum, engineer, stated that he was present to answer any questions about the project.

Seeing no further comment, **Ms. Gulick moved, by Resolution to the Boone County Fiscal Court to recommend approval of the Change in Concept Development Plan and Conditional Use Permit based on the Committee Report, Findings of Fact and Conditions. Mr. Szurlinski seconded the motion.**

Ms. Gulick stated that she was motivated to make it work. In both the Boone County Transportation Plan and the Boone County Comprehensive Plan, truck traffic is discussed in depth because of our location near the interstate and river. We are going to have trucks because of our location with the transportation network. She suggests the County Engineer and the applicant look at the following: the westbound left had turn from KY 20 to KY 212 as well as the right turn onto Hetzel Drive. Finally, the sight distance at Hetzel Drive for vehicles coming up the hill. With all of this, it could work. Chairman Rolfsen thought that the use of Hetzel Drive for truck traffic was the only way it could work. Ms. Gulick replied that both entrances would be evaluated for right turning movements during the permitting process. The left turn lane has 75 feet of storage. That is the minimum. It might have to be 200 feet based upon the 45 mph speed limit.

Mr. Bertrum responded that they are studying it and agreed to it as the next step. Hetzel Drive will continue to be a public road. In response to a question from Mrs. Steele, Mr. Bertrum stated that signs will be posted that trucks are not allowed on Hunter Road similar to what is there now.

Chairman Rolfsen asked for a vote on the original motion made by Ms. Gulick and seconded by Mr. Szurlinski. The motion passes unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT/CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

7. Request of **The Northern Kentucky Development Alliance, LLC, per Dale McPherson and Patrick Rector (applicant)** for **Arlinghaus I LLC, per Robert Schroeder (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 18.8 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately 2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03, Union, Kentucky and a request of **Arlinghaus I LLC, per Robert Schroeder (applicant and owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential One (SR-1) district for an approximate 81 acre area located along the north side of Hathaway Road, between Old Union Road and Spruce Lane, approximately

2,400 feet east of Spruce Lane, being directly across from Meiman Road and having a Parcel Identification Number (PIDN) of 052.00-00-028.03. The request is for a zone change/change of concept development plan to allow the development of an approximate 13,000 square foot event center, with associated functions and structures, and to amend the design and layout of a previously approved single-family residential subdivision.

Mrs. Steele moved to schedule the Public Hearing for Item #7 on April 2, 2025 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)

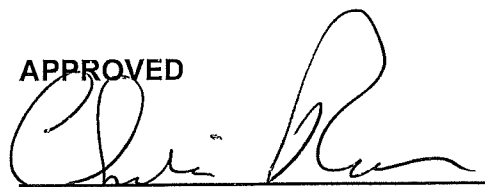
J. CHAIRMAN'S REPORT: (Charlie Rolfsen)

**K. OKI REPORT: (Randy Bessler)
No Report**

L. ADJOURNMENT:


There being no further business to come before the Planning Commission, **Mr. Bessler moved to adjourn the meeting. Mr. Turner seconded the motion and it passed unanimously. The meeting was adjourned at 7:52 p.m.**

APPROVED



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Corrin Gulick, Chairwoman

DATE: March 5, 2025

RE: Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

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:

1. 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 a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

2. 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 northwest 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 to the southwest of the site in question from RS

ZONE CHANGE/VARIANCES COMMITTEE REPORT

Stop N Shop
March 5, 2025
Page 2

to UR-3/PD to allow a 233 unit multi-family apartment complex (R-22-032-A).

On September 17, 2024, the Boone Fiscal Court adopted Ordinance Number 2024-27, changing the zoning of the area located to the southwest of the site in question from RS to C-2 to allow the development of a 37,300 square foot commercial complex (R-24-021-A).

3. The proposed development is consistent with several sections of Our Boone County – Plan 2040, as outlined on pages 3 and 4 of the staff report.
4. 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.
5. The attached conditions are 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. The proposed development shall meet the requirements of the zoning regulations.
2. Erlanger Road shall be widened, as approved by Boone County Public Works, and shall be constructed by the developer, at their expense, and shall be included in the first phase of development.
3. Access shall be as determined by Boone County Public Works and/or KYTC. Any off-site improvements required by either Boone County or KYTC 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. In addition to the required plant material, a berm and fence shall be installed on the site in question along the rear property line of the property located at 1613

ZONE CHANGE/VARIANCES COMMITTEE REPORT

Stop N Shop
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Page 3

Erlanger Road (this condition was made at the Boone County Planning Commission's Business Meeting on March 5, 2025 and was verbally agreed to by the applicant on behalf of the property owner and developer).

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission
FROM: Corrin Gulick, Chairwoman
DATE: February 19, 2025

REMARKS:

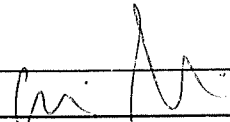
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

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

5. Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

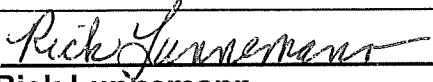
Janet Kegley

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)

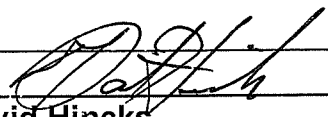
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

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 3 FOR PROJECT 2 ABSENT
 - AGAINST PROJECT - ABSTAIN

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mr. Rick Lunnemann
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
Mr. Steve Lilly, PLS, GISP, Planner
Ms. Lauren Elliott, Planner

Chairman Rolfsen introduced the third item on the Agenda at 8:33 p.m.

ZONING MAP AMENDMENT, Michael Schwartz, Staff

5. Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

Staff member, Michael Schwartz, referred to her PowerPoint presentation. The approximate 2.8 acre site has 760 feet of frontage on Erlanger Road. There was a house on the site that was demolished between 2020 and 2024. Mineola Pike was recently widened. The site is vacant and has several mature trees. It is currently zoned RS and the request is to rezone it to C-2. Mr. Schwartz described the surrounding land uses and zoning. It includes neighboring houses off Erlanger Road. Pages 1-2 of the Staff Report references the applicable zoning regulations that are pertinent. There is a drainage swale located on the southern one-third of the site. Part of the site has a grade of 16% while other portions have a grade of less than 5%. The 2040 Future Land Use Map designates the site as Business Park (BP). Erlanger Road is a County maintained road that connects to Olympic Boulevard. It has 22 feet of pavement width and has no sidewalks. Pages 2-4 of the Staff Report includes references to the Comprehensive Plan. Mr. Schwartz showed photographs of the project site and neighboring properties. Mineola Pike sits above the site.

The submitted Concept Development Plan shows the construction of a 6,000 square foot sit down restaurant and a 2,800 square foot restaurant with a drive thru as well as a provision of 3 curb cuts along Erlanger Road. Access is planned to the vacant lot on the south side. The proposed trash enclosure is located in the front yard setback. It needs to be relocated. The site is only allowed to have 2 curb cuts. Some of the proposed parking hangs over the buffer yard. That has to be modified. Comments from outside agencies are noted on Page 5 of the Staff Report. Comments from the County Engineer are in front of each Board member. Staff concerns can be found on Page 6 of the Staff Report. A major concern is Erlanger Road. It was first constructed as a local street. If the site develops as Commercial, Erlanger Road should be upgraded to a sub-collector street.

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

Mr. Steve Berling, applicant, noted that the developer is the same company that is doing the retail across Olympic Boulevard. He thought that he moved the dumpster to the right location. The first access is 185 feet from Olympic Boulevard. That is why the owner is giving access to the vacant lot to the south because that lot is too close to have a separate access. The next curb cut is 280 feet down from there. The third one is 415 feet away. Even though the regulations say a minimum distance of 500 feet, a minimum lot width for C-2 property is 50 feet. If he had five 50 footers, they should all have access. Three access points are not too much since it is a dead end street and a one sided development facing Mineola Pike and I-275. They will never build on the other side. Mr. Berling stated that the street doesn't need to be upgraded to a 28 foot width since it is a dead end street. Perhaps 25 foot width is more appropriate. It is like Richwood Road once you pass Triple Crown Boulevard. He is committed to installing a sidewalk in front of the development and revising the parking stall size.

Chairman Rolfsen asked if the Erlanger Road widening to 25 feet be done all the way to the third curb cut? Mr. Berling replied yes. Chairman Rolfsen noted that AIG may use Erlanger Road in

the future for their traffic as a result of their building expansion. The road would need to be widened for both projects. Mr. Berling also stated that they don't have any tenants yet. There would be a total of 4 restaurants on the east side of Mineola Road.

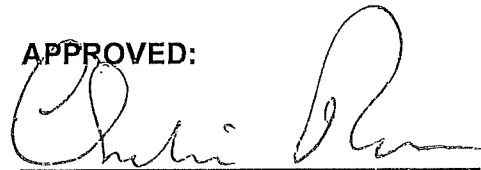
Chairman Rolfsen asked if anyone in the audience would like to speak in favor or against the request or had any questions?

Ms. Leah Guess, 1613 Erlanger Road, stated that she moved into her house last March. She noticed semi trucks getting stuck on Erlanger Road because drivers think it is a ramp. She is concerned about sewage. The houses are on septic systems. How will they tie into a new system? Will they have to? What about water pressure? The school traffic is dramatic during peak times. There are 4 families still living in the houses. Chairman Rolfsen explained that the developer is going to build a detention pond to manage stormwater. Mr. Berling added that he was not aware of any water pressure issues. The developer is going to install a private pump station for sanitary sewer. The sewage from the development will be pumped to the sewer already in place for the apartments under construction. Chairman Rolfsen explained the buffer requirements to screen the existing residences from the commercial development.

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

Seeing no further questions or comments from the audience or Board members, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 19, 2025 at 5:00 P.M. This item will be on the Agenda for the Business Meeting on March 5, 2025 at 7:00 p.m. in the Fiscal Courtroom. Chairman Rolfsen closed the Public Hearing at 8:55 p.m.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

December 26, 2024

LEGAL DESCRIPTION

Being all of Lot Nos. Twenty (20), Twenty (21), Twenty-Two (22), Twenty-Three (23) and Twenty-Four (24) of the Bel-Air Acres Subdivision as shown in Plat Book No. 3 on Page 1 of the records in the Boone County Clerk's Office in Burlington, Kentucky.



BOONE COUNTY PLANNING COMMISSION

www.bcpcky.org
www.boonecountygis.com

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

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountky.org

February 20, 2025

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

RE: Request of **Steve Berling (applicant)** for **Corporex Parks of Kentucky LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

Dear Mr. Berling:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission at their February 19, 2025 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 February 27, 2025.

CONDITIONS

1. The proposed development shall meet the requirements of the zoning regulations.
2. Erlanger Road shall be widened, as approved by Boone County Public Works, and shall be constructed by the developer, at their expense, and shall be included in the first phase of development.
3. Access shall be as determined by Boone County Public Works and/or KYTC. Any off-site improvements required by either Boone County or KYTC 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.

ORDINANCE 2025-11

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY APPROVING A REQUEST WITH CONDITIONS OF STEVE BERLING (APPLICANT) FOR CORPOREX PARKS OF KENTUCKY LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) TO COMMERCIAL TWO (C-2) FOR AN APPROXIMATE 2.8 ACRE AREA LOCATED AT 1681 ERLANGER ROAD, BOONE COUNTY, KENTUCKY, AND INCLUDING THOSE PROPERTIES WITH THE FOLLOWING PARCEL IDENTIFICATION NUMBERS (PIDN'S): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, AND 071.00-01-024.00.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00, 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 and Conditions recommending approval for the Zoning Map Amendment.

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00, 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 BOOK: 868, PAGE NO: 483 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for approval 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 8th day of April 2025.

Second Reading the 22nd day of April 2025.

Adopted this 22nd day of April 2025. Yes 4 No 0



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

ATTEST:



Shona Schuikers,
Fiscal Court Clerk

ITEM V B
EXHIBIT 1

ZONING MAP AMENDMENT AMENDED CONDITIONS OF APPROVAL

RE: Request of Steve Berling (applicant) for Corporex Parks of Kentucky LLC (owner) for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone County, Kentucky, and including those properties with the following Parcel Identification Numbers (PIDN's): 071.00-01-020.00, 071.00-01-021.00, 071.00-01-022.00, and 071.00-01-024.00. The request is for a zone change to allow for the construction of a 6,000 square foot restaurant and a 2,800 square foot restaurant with drive-through service.

The following documents the conditions of approval for the above-referenced application, such conditions 1-5 having been accepted by the applicant in a document to the Boone County Planning Commission signed March 4, 2025 and with condition 6 having been added at the March 5, 2025 business meeting of the Planning Commission and verbally agreed to by applicant.

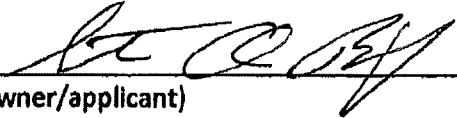
CONDITIONS:

1. The proposed development shall meet the requirements of the zoning regulations.
2. Erlanger Road shall be widened, as approved by Boone County Public Works, and shall be constructed by the developer, at their expense, and shall be included in the first phase of development.
3. Access shall be as determined by Boone County Public Works and/or KYTC. Any off-site improvements required by either Boone County or KYTC 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. **In addition to the required plant material, a berm and fence shall be installed on the site in question along the rear property line of the property located at 1613 Erlanger Road (this condition was made at the Boone County Planning Commission's Business Meeting on March 5, 2025 and was verbally agreed to by the applicant on behalf of the property owner and developer).**

AGREEMENT

The Applicant/duly authorized representative of Steve Berling (applicant) for Corporex Parks of Kentucky LLC (owner) for a Zoning Map Amendment from Rural Suburban (RS) to Commercial Two (C-2) for an approximate 2.8 acre area located at 1681 Erlanger Road, Boone

County, Kentucky, hereby agrees to the conditions listed above for the zoning map amendment.

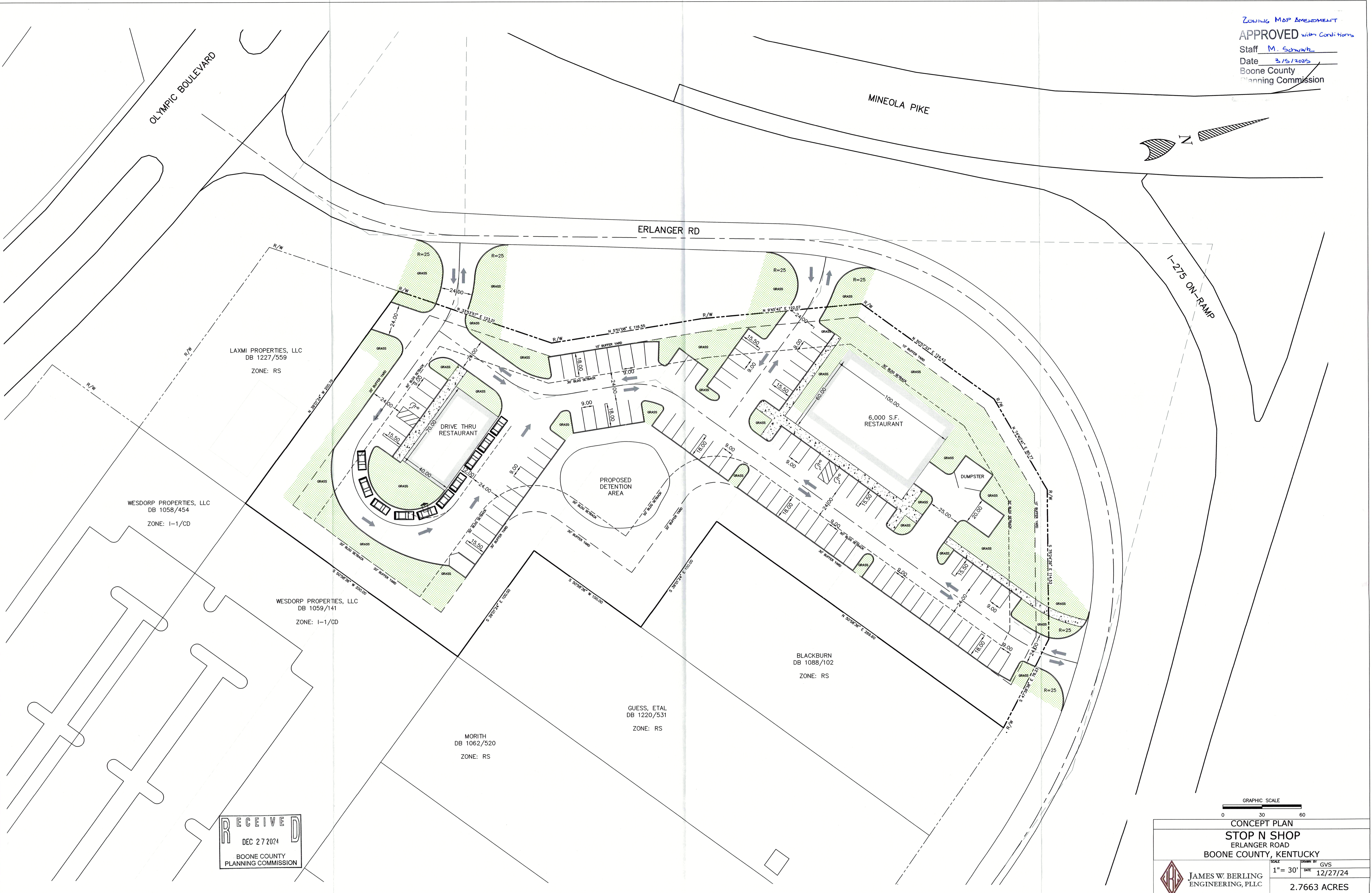
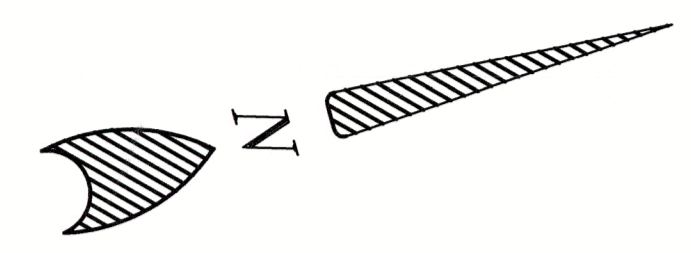


(owner/applicant)

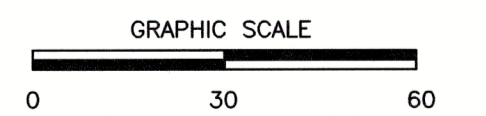
4/17/25
Date

Name (printed): Steve A. Berlin

Title: Applicant



RECEIVED
 DEC 27 2024
 BOONE COUNTY
 PLANNING COMMISSION



CONCEPT PLAN
STOP N SHOP
 ERLANGER ROAD
 BOONE COUNTY, KENTUCKY

SCALE: 1" = 30'
 DRAWN BY: GVS
 DATE: 12/27/24

JAMES W. BERLING
 ENGINEERING, PLLC

2.7663 ACRES