

# EXHIBIT

## C

## STAFF REPORT

#1

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

September 21, 2022

### REQUEST

- A. The 2020 Zoning Update is a compilation of amendments that are proposed to the current text of the zoning regulations and to several zoning district designations on the Boone County Zoning Map.

### PROPOSAL

- A. Amendments to the zoning regulations are identified in the submitted document titled "2020 Zoning Update, Public Hearing Draft, Red Line Text".
- B. Amendments to the Boone County Zoning Map, which is maintained as a layer in the Planning Commission's GIS, are identified in the submitted document titled "2020 Zoning Update, Public Hearing Draft, Mapping Issues".
- C. The proposed maps and text are applicable to unincorporated Boone County, and the Cities of Florence, Union, and Walton.
- D. The proposed maps and text serve as the implementation of Our Boone County Plan – Plan 2040, in accordance with Kentucky Revised Statute (KRS) Chapter 100.

### HISTORY AND RELATIONSHIP TO KRS 100

- A. In February 2017, the Boone County Planning Commission authorized the Long Range Planning/Comprehensive Plan Committee to oversee the development of the county's comprehensive plan: Our Boone County – Plan 2040.
- B. The Goals and Objective for Our Boone County – Plan 2040 were adopted by the Planning Commission and the four Boone County legislative bodies in late 2017/early 2018.
- C. On June 5, 2019, the Boone County Planning Commission adopted the remaining elements of Our Boone County – Plan 2040.
- D. Our Boone County – Plan 2040 is intended to be a tool for the management of growth and development in Boone County.

- E. The Boone County Zoning Regulations were converted from a hard copy format to an interactive web based electronic format in 2019.
- F. Beginning in 2019, the Boone County Planning Commission staff began to research planning topics and formulated potential amendments to the zoning text and map.
- G. Due to the Covid-19 Pandemic, work on the 2020 Zoning Update was halted between March 2020 and July 2021.
- H. Between November 2021 and February 2022, there have been eleven (11) staff meetings to evaluate potential amendments to the zoning ordinance text and map.
- I. Between November 2021 and June 2022, there have been nine (9) committee meetings to evaluate potential amendments to the zoning ordinance text and map.
- J. Between March 2022 and June 2022, stakeholder meetings were held with the following:
  - 1. Cincinnati/Northern Kentucky International Airport
  - 2. NKY Tri-Ed
  - 3. The Boone Conservancy
  - 4. Boone County Schools
  - 5. Boone County Conservation District
  - 6. Boone County Fiscal Court
  - 7. City of Union
  - 8. City of Florence
  - 9. Building Industry Association of Northern Kentucky
- K. Public Workshops were held in March 2020 and May 2022 to obtain public comments regarding the 2020 Zoning Update.
- L. A working draft of the zoning text has been available on the Planning Commission's website since August 2021. This draft has been progressively updated as amendments were endorsed by the Committee. The proposed map changes have been available in the Planning Commission's office and on the Planning Commission's website since July 7, 2022.
- M. The amendments to the zoning text and the zoning map are proposed in accordance with the requirements of KRS 100. Pursuant to KRS 100, legislative bodies which are members of a planning unit, and which have adopted at least the statement of Goals and Objectives and the Land Use Element of the comprehensive plan, may enact interim or permanent zoning regulations and other kinds of growth management regulations to promote the public health, safety, morals, and the general welfare of the planning unit.
- N. On June 29, 2022, the Planning Commission's Long Range/Comp Plan Committee authorized the 2020 Zoning Ordinance Draft to be placed on the Planning Commission's July 6, 2022 Business Meeting agenda to be set for public hearing.

### RELATIONSHIP OF PROPOSED TEXT AND MAPS WITH COMPREHENSIVE PLAN

- A. The proposed amendments to the text and map of the zoning regulations are based upon the adopted Goals and Objectives and the various elements of the county's comprehensive plan, Our Boone County – Plan 2040.
- B. The proposed amendments to the text and map of the zoning regulations have been made in accordance with the 2017 Goals and Objectives of Our Boone County – Plan 2040 and are in agreement with the Demographics, Environment, Natural and Cultural Resources, Economy, Public Facilities, Transportation, and Land Use elements of the comprehensive plan.

### ORGANIZATION OF THE 2020 ZONING UPDATE

- A. Within the Draft 2020 Zoning Ordinance, words to be added are highlighted in blue and words to be deleted are lined through.
- B. The basic organization of the zoning regulations has not changed relative to the title of articles/sections and general order of material and subject matter.
- C. The 2020 Zoning Update was developed as a result of an analysis of the 2012-2013 Zoning Regulations, the concepts adopted through Our Boone County – Plan 2040, the intent of each article, input from the public and local government officials, and staff research.
- D. The Long Range Planning/Comprehensive Plan Committee has reviewed and recommended the submitted set of zoning regulations.

### SUMMARY OF 2020 ZONING UPDATE REGULATIONS

- A. The proposed zoning regulations are composed of forty (40) articles:
  - 1. Articles 1 and 2 include Purpose, Authority, and Administration.
  - 2. Articles 3 and 4 include Amendments, Enforcement, and Permitting.
  - 3. Article 5 identifies the various zoning districts and includes use matrices.
  - 4. Article 6 defines the agricultural districts.
  - 5. Articles 7 and 8 define the recreation and conservation districts.
  - 6. Article 9 is composed of ten (10) districts for various types of residential development.
  - 7. Article 10 outlines four (4) commercial districts.
  - 8. Article 11 details the various employment districts for office and industrial uses, including two (2) mining districts.
  - 9. Articles 12 and 13 define the public facility and airport districts.
  - 10. Articles 14, 22, 28, 29, 37, 38, and 39 are reserved.
  - 11. Articles 15 and 16 describe the procedure and requirements for the Planned Development Overlay district, the Employment Planned Development district, and the Residential Planned Development district.
  - 12. Articles 17 and 18 pertain to the Houston-Donaldson Study Corridor Overlay district and the Parkway Corridor Study Overlay district.



13. Article 19, which contains regulations pertaining to the Land Use Study I-75/Turfway Road Interchange Overlay district, is proposed to be deleted.
14. Article 20 describes the Small Community Overlay district.
15. Article 21 pertains to historic landmarks and historic designations.
16. Articles 23, 24, 25, 26, and 27 pertain to the Florence Main Street, Walton Downtown, Union Town Plan, Mall Road Overlay districts, and the Graves Road Interchange Study.
17. Articles 30 and 31 include procedures and requirements for site plan review and the various supplemental performance standards.
18. Article 32 is composed of transportation management regulations.
19. Article 33 describes parking and loading requirements.
20. Articles 34 and 35 include requirements for signage and certain types of temporary commercial activities.
21. Article 36 includes landscaping requirements.
22. Article 40 includes definitions of terms used in the 2020 Zoning Update.

B. The following is a summary of the significant changes to the text of the zoning regulations. The complete set of amendments is represented in the submitted document.

1. Article 1 - Purpose and Authority
  - a. Reformatted text
2. Article 2 – Administration
  - a. Reformatted text
  - b. Terminology consistent with KRS 100
3. Article 3 – Amendment
  - a. Reformatted text
  - b. Terminology consistent with KRS 100
  - c. Added graphic
4. Article 4 - Enforcement and Permitting
  - a. Reformatted text
5. Article 5 - Provisions For Boone County Zoning Map
  - a. Reformatted text
  - b. Created use matrix tables
  - c. Broadened use types reducing the list of uses from 564 to 160
6. Article 6 - Agricultural Districts
  - a. Eliminated use listings
  - b. Add specific use standards
7. Article 7 - Recreation District
  - a. Eliminated use listings
  - b. Add specific use standards
8. Article 8 - Conservation District
  - a. Eliminated use listings
  - b. Add specific use standards
9. Article 9 - Residential Districts
  - a. Eliminated use listings
  - b. Add specific use standards
10. Article 10 - Commercial Districts
  - a. Eliminated use listings

- b. Add specific use standards
- 11. Article 11 - Employment Districts
  - a. Eliminated use listings
  - b. Add specific use standards
- 12. Article 12 - Public Facilities
  - a. Eliminated use listings
  - b. Add specific use standards
- 13. Article 13 – Airport
  - a. Eliminated use listings
  - b. Add specific use standards
- 14. Article 15 - Planned Development District
  - a. Reformatted text
- 15. Article 16 - Employment Planned Development District and Residential Planned Development District
  - a. Reformatted text
  - b. Increased the intensity of other uses within the EPD and RPD districts
- 16. Article 17 - Houston-Donaldson Study Corridor Overlay District
  - a. Included all regulatory language from the study into the zoning regulations
- 17. Article 18 - Parkway Corridor Study Overlay District
  - a. Included all regulatory language from the study into the zoning regulations
- 18. Article 19 - Land Use Study I-75/Turfway Road Interchange Overlay District
  - a. Eliminate entire Article
- 19. Article 20 - Small Community Overlay District
  - a. Reformatted text
  - b. Revised minimum standards
  - c. Included all regulatory language from the Burlington Town Strategic Plan Design Standards into the zoning regulations
  - d. Add specific use standards
- 20. Article 21 - Historic Landmark/Historic District Overlay District
  - a. Eliminated unnecessary language
- 21. Article 23 - Florence Main Street Zoning Study
  - a. Included newly adopted language
- 22. Article 24 - Walton Downtown District
  - a. No changes
- 23. Article 25 - Union Town Plan District
  - a. No changes
- 24. Article 26 - Mall Road Overlay District
  - a. Included all regulatory language from the study into the zoning regulations
- 25. Article 27 - Graves Road Interchange Study
  - a. Minor technical changes
- 26. Article 30 - Site Plan Review
  - a. Reformatted text
  - b. Added graphic
  - c. Increase review time
  - d. Established automatic one time 30-day extension
- 27. Article 31 - Supplemental Performance Standards

- a. Reformatted text
- b. Added graphics
- c. Added regulations for accessory dwelling units
- d. Added regulations for emergency shelters
- e. Eliminated regulations for radioactivity and vibration
- f. Added regulations for Home Businesses and Home Occupations
- g. Made regulations for parking and storing certain vehicles applicable to the entire county
- h. Added design criteria for trash enclosures (City of Florence only)
- i. Added design standards for shopping cart storage (City of Florence only)
- j. Added design criteria for accessory structures (City of Florence only)
- k. Added vehicle stacking requirements for uses with drive-through facilities
- l. Added design standards for multi-family developments (City of Florence only)
- m. Modified the regulations for cemeteries
- n. Eliminated regulations for Small Cell Sites (Unincorporated Boone and Cities of Union and Walton only)
- 28. Article 32 - Transportation Management Regulations
  - a. Added graphics
  - b. Redefined the types of roadways
  - c. Deleted the list of the roadway types and will now classify them by a list that will be updated twice a year
  - d. Made the determination of sight distances up to the county, city or state, rather than using the state criteria
- 29. Article 33 - Off-Street parking and Loading Facilities
  - a. Added graphics
  - b. Made paving requirements applicable to the entire county
  - c. Require developments with bay docks to have tractor-trailer parking spaces
  - d. Added regulations for Electrical Vehicle Charging Stations
- 30. Article 34 – Signs
  - a. Reformatted entire Article to provide easier readability to first search for allowed signs by zoning district and to provide for content neutrality
  - b. Reformatted entire Article to regulate signs by the type of sign
  - c. Added graphics
  - d. Added new signs/criteria
    - (1) Signs that are not legible
    - (2) Small signs for non-commercial messages
    - (3) Cultural decorations
    - (4) Small signs on free standing dispensing machines
  - e. Added a new sign matrix
  - f. Brought regulatory text from special studies into the zoning regulations
  - g. Increased the number of menu board signs from 1 to 2
  - h. Clarified the use of electronic screens
  - i. Eliminated the 660' spacing requirement between electronic signs
  - j. Added a procedure for Special Sign Districts
  - k. Added review criteria for Special Sign Districts
- 31. Article 35 - Temporary Commercial Displays, Seasonal Temporary Commercial Displays, Storage Trailer Permits and Temporary Use Permits

- a. Reformatted text
  - b. Added regulations for food trucks
- 32. Article 36 – Landscaping
  - a. Reformatted text
  - b. Added graphics
- 33. Article 40 – Definitions
  - a. Added graphics
  - b. Modified definitions
  - c. New definitions
  - d. Deleted definitions

#### ORGANIZATION OF THE BOONE COUNTY ZONING MAP

- A. The proposed amendments to the zoning map are graphically illustrated in the submittal packet.
- B. The proposed map amendments can be divided into the following categories:
  - 1. Eliminated the TRO district.
  - 2. Match zone boundary with property line.
  - 3. Property owner request.
  - 4. Tax exempt property.
  - 5. Within airport fence line.
  - 6. Other.
- C. The proposed map amendments are based on the Our Boone County – Plan 2040 text, including the Land Use Element, the Future Land Use Map, citizen input, and the proposed zoning regulations.
- D. The individual map amendment requests were evaluated by the Boone County Planning Commission staff and the Long Range Planning/Comprehensive Plan committee and were found to be in agreement with the comprehensive plan, reflected existing/anticipated land uses, or that the existing zoning is inappropriate and the proposed zoning is appropriate, except for the following:
  - 1. Map ID 105
    - a. An approximate 3 acre area located at 1653 Tanner Road, and the lot immediately south of 1653 Tanner Road.
    - b. The property owner has requested that this site be rezoned from A-2 to either RSE or RS.
    - c. The 2040 Future Land Use Map identifies the site for Rural Land, which has a maximum intensity of one (1) dwelling unit per two (2) acres.
    - d. The proposed RSE district has a maximum intensity of one (1) dwelling unit per acre and the RS district has a maximum intensity of three (3) dwelling units per acre.
  - 2. Map ID 106

- a. An approximate 13.5 acre area located along the west side of Walton Verona Road, approximately 2,200 feet south of Mary Grubbs Highway.
  - b. The property owner has requested that this site be rezoned from I-1 to A-2.
  - c. The 2040 Future Land Use Map identifies the site for Industrial uses.
3. Map ID 109
  - a. An approximate 17 acre area located along the north side of Stephenson Mill Road and being a part of the property located at 204 Stephenson Mill Road.
  - b. The request is to rezone this site from UR-1 to I-1.
  - c. The 2040 Future Land Use Map identifies the site for Urban Density Residential uses, which has a maximum intensity of eight (8) dwelling units per acre.
4. Map ID 113
  - a. An approximate 1 acre area located east of John Webster Lane and being a part of the property located at 488 Stephenson Mill Road.
  - b. The request is to rezone this site from I-1 to UR-1.
  - c. The 2040 Future Land Use Map identifies the site for Suburban Density Residential uses, which has a maximum intensity of four (4) dwelling units per acre, High Suburban Density Residential uses, which has a maximum intensity of eight (8) dwelling units per acre, and Developmentally Sensitive land.
  - d. This site is part of a larger area that is currently zoned I-1 and extends to the north and east of the site.
5. Map ID 116
  - a. An approximate 50 acre area located along the north side of Interstate 275 (I-275), immediately east of Elijah Creek Road.
  - b. The Kenton County Airport Board has requested that this site be rezoned from A-2 and C-1 to A.
  - c. The 2040 Future Land Use Map identifies the site for Rural Density Residential uses, which has a maximum intensity of one (1) dwelling unit per acre, Business Park uses, and Developmentally Sensitive land.
  - d. This 2040 Future Land Use Map identifies the airport for Transportation uses. This designation does not extend north of I-275.
6. Map ID 119
  - a. An approximate 7 acre area located along the north side of Stephenson Mill Road, at its intersection with John Webster Lane and being a part of the property located at 488 Stephenson Mill Road.
  - b. The request is to rezone this site from UR-1 to I-1.
  - c. The 2040 Future Land Use Map identifies the site for Suburban Density Residential uses, which has a maximum intensity of four (4) dwelling units



per acre, High Suburban Density Residential uses, which has a maximum intensity of eight (8) dwelling units per acre, and Developmentally Sensitive land.

### POST DRAFT SUBMITTALS

A. The following issues have been submitted after the Final Draft was completed. These issues have not been reviewed by the Long Range Planning/Comprehensive Plan committee.

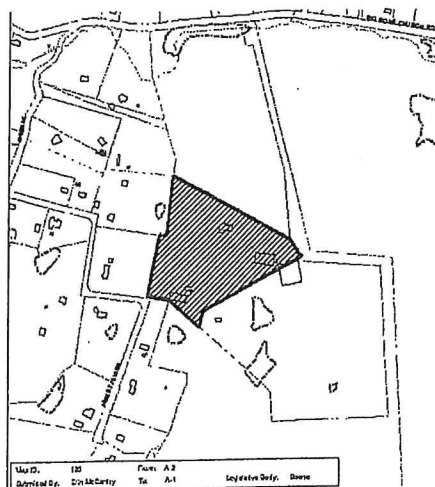
1. Text Issues

- a. The City of Walton has requested that Short Term Rentals be provided for within the City. They have asked that the Planning Commission provide them with the appropriate text as part of the zoning update. Attachment A indicates the proposed text, which is the same as what has previously been adopted by the City of Florence and Boone Fiscal Court.
- B. The City of Florence has requested that regulations for Data Centers be included in the proposed text and that crypto-currency mining be prohibited. Since this issue has county-wide application, it is being suggested to apply throughout the county. Attachment B indicates the proposed text.

2. Mapping Issues

a. Map ID 120

- (1) An approximate 13.5 acre area located at 10830 Big Bone Church Road, approximately 1,200 feet south of Big Bone Church Road.
- (2) The request is to rezone this site from A-2 to A-1.
- (3) The 2040 Future Land Use Map identifies the site for Rural Density Residential uses, which has a maximum intensity of one (1) dwelling unit per acre.





## CONCLUSION

The submitted text and map of the 2020 Zoning Update implement the Goals, Objective, and the Elements of the county's comprehensive plan, Our Boone County – Plan 2040, which is "a tool for the management of growth and development in Boone County."

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. Schwartz', with a large loop at the end.

Michael D. Schwartz  
Director, Zoning Services

MDS/ss

Attachment A: Proposed Amendment For Short Term Rental – City of Walton  
Attachment B: Proposed Amendment For Data Centers

ATTACHMENT A  
PROPOSED AMENDMENT FOR SHORT TERM RENTAL  
CITY OF WALTON

(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions

Section 4000 Interpretation of Terms and Words

Short Term Rental: The rental of a residential dwelling unit, or a portion thereof, for a period of less than thirty (30) days. This term does not include:

1. A unit that is used for nonresidential purposes, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
2. A bed and breakfast.
3. A hotel/residence hotel.

(This definition applies to Unincorporated Boone County and the cities ~~city~~ of Florence and Walton only)

B. Article 31 Supplemental Performance Standards

Section 3191 Standards for Short Term Rentals (Applies to Unincorporated Boone County and the Cities ~~City~~ of Florence and Walton Only)

1. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
2. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
3. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:
  - a. There shall be a maximum occupancy of ten (10) persons, adult and children.
  - b. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
4. In addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
5. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
6. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
7. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of

- additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
8. It shall be unlawful:
- a. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
  - b. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
  - c. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City of Walton. (Applies to the City of Walton Only)
  - d. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
  - e. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)
  - f. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
  - g. To operate a short term rental without paying the required hotel occupancy taxes.
  - h. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95). (Applies to the City of Florence Only)

C. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.2 Use/District Matrix – Residential Districts

- C. The following footnotes are used in the table:
1. "1" means it does not apply in the City of Florence.
  2. "2" means it applies only in the City of Florence.
  3. "3" means it applies only in the City of Walton.
  4. "4" means it applies only in Unincorporated Boone County.
  5. "5" means it applies only in the City of Florence and Unincorporated Boone County.
  6. "6" means it applies only in the Cities of Florence and Walton and Unincorporated Boone County.

Table 5-3  
Agricultural, Recreation, and Conservation Districts

Use/District	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Short Term Rental	C <sup>46</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>	-	C26	Sec. 3191

Table 5-6  
Agricultural, Recreation, and Conservation Districts

Use/District	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Short Term Rental	-	-	see Art. 20	P <sup>5</sup>	C <sup>3</sup>	-	P <sup>4</sup>	-	-	-	-	Sec. 3191

ATTACHMENT B  
PROPOSED AMENDMENT FOR DATA CENTERS  
(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions  
Section 4000 Interpretation of Terms and Words

Data Center. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.

B. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.4 Use/District Matrix – Employment Districts

Table 5-5  
Employment Districts

Use/District	O-1	O-1A	I-1	I-2	I-3	I-4	Use Standards
<u>Data Center</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>Sec. 3163</u>

C. Article 31 Supplemental Performance Standards  
Section 3163 Regulations For Data Centers

A. In addition to any other regulation contained herein, all data centers shall meet the following requirements:

1. All operations shall be conducted in a completely enclosed building.
2. All equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators and emergency power supply equipment, shall be contained within the enclosed building where the use is located.
3. Any electric wiring shall be located underground, except where such wiring is brought together for interconnection to system components and/or the local utility power grid.
4. The sound level allowed at the site boundary shall not exceed eighty (80) decibels.
5. The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers shall be prohibited.

6. The operation of specialized computer equipment for the purpose of mining one or more blockchain-based crypto-currencies, such as Bitcoin, shall be prohibited.





ATTACHMENT B  
(REVISED)  
PROPOSED AMENDMENT FOR DATA CENTERS  
(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions  
Section 4000 Interpretation of Terms and Words

Data Center. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features. This definition does not include crypto currency mining.

Crypto Currency Mining. The operation of specialized computer equipment for the purpose of mining one or more blockchain-based crypto-currencies, such as Bitcoin.

B. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.4 Use/District Matrix – Employment Districts

Table 5-5  
Employment Districts

Use/District	O-1	O-1A	I-1	I-2	I-3	I-4	Use Standards
<u>Data Center</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>Sec. 3163</u>

C. Article 31 Supplemental Performance Standards  
Section 3163 Regulations For Data Centers

A. In addition to any other regulation contained herein, all data centers shall meet the following requirements:

1. All operations shall be conducted in a completely enclosed building.
2. All equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators and emergency power supply equipment, shall be contained within the enclosed building where the use is located.
3. Any electric wiring shall be located underground, except where such wiring is brought together for interconnection to system components and/or the local utility power grid.

4. The sound level allowed at the site boundary shall not exceed eighty (80) decibels.
5. The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers shall be prohibited.
6. The operation of specialized computer equipment for the purpose of mining one or more blockchain-based crypto currencies, such as Bitcoin, shall be prohibited.

ATTACHMENT G  
PROPOSED AMENDMENT FOR TEMPORARY SIGNS  
(words to be added are underlined, words to be deleted are lined through)

A. Article 34 Sign Regulations  
Section 3404 Signs Not Requiring A Permit

A. The following signs do not require a permit:

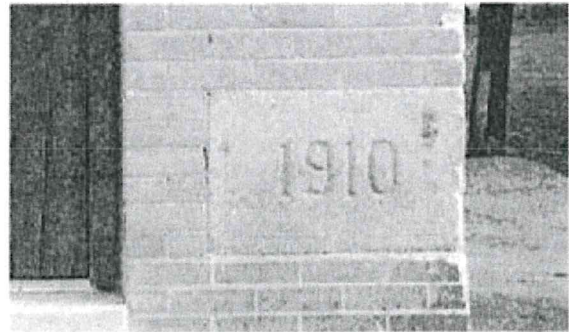
1. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located.
2. Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if free standing), that is not separately illuminated and that is not legible from the public right-of-way, from private or public property other than the property on which it is located, or from a distance measured vertically from the top of a structure to a point that is three (3) times the maximum height of the district.
3. Signs on mass transit vehicles operating in or passing through Boone County.
4. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.
5. Signs installed by employees or officials of the legislative body, governmental authority, or a state or federal agency in the course of their governmental duties.
6. Signs required by a state or federal statute.
7. Signs required by an order of a court of competent jurisdiction.
8. Signs installed by public utilities in their rights-of-way/easement or on their facilities and bearing no commercial message other than such message that is necessary to identify the use and/or provide contact information regarding the facility.
9. Signs installed by a transit company with a franchise or other right to operate in the legislative body, where such signs are installed along its routes and relate to schedules or other information about the transit route.
10. Address numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign

~~area Signs denoting the name and address of the occupants of the premises of two (2) square feet or less in area.~~

11. Temporary political signs placed outside a public street right-of-way. The signs shall be removed within one week after a final election.
12. Building mounted signs containing no commercial message and not larger than four (4) square feet in area.
13. Cultural decorations or displays of a non-commercial nature, mounted on private property, which pertain to cultural observances.
14. Cornerstones, foundation stones and memorial signs or tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated.

Figure 34-2

Signs Not Requiring A Permit - Cornerstones

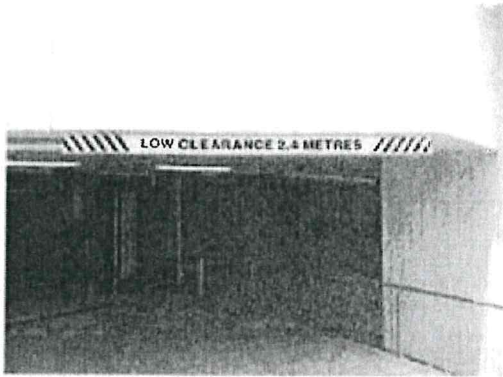


15. Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building.
16. Gravestones, when erected in a lawful cemetery.
17. Official flags of cities, the county, commonwealth, or any nation bearing no advertising material. Additionally, one fabric flag per lot that does not exceed fifteen (15) square feet in area and that bears a corporate or commercial name, emblem, and/or logo may be displayed or mounted on a permanent flag pole ~~in non-residential districts.~~
18. Height bar/vertical clearance directional signs with no commercial message advertising matter.



Figure 34-3

Signs Not Requiring A Permit - Height Bar/Vertical Clearance



19. Sandwich Board/A-frame signs permitted in the Florence Main Street (FMS), Walton Downtown (WD), and Small Community Overlay (SC) Districts (See Sections 3446 and 3460).
20. Any sign that is four (4) square feet or less, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine.
21. One temporary sign announcing the erection of a building, the development of a subdivision and/or any phase within a subdivision may be kept on-site for a period of sixty (60) days plus the construction period, as long as no permanent sign is erected on the project site or within the limits of the subdivision phase within that time period. Such signs shall not exceed eight (8) feet in height and fifty (50) square feet in area if located within a residential zoning district and eight (8) feet in height and one hundred (100) square feet in area if located within any other zoning district. Such temporary signs shall conform to the general requirements listed in SECTION 3402 and such other standards deemed necessary to accomplish the intent of this Article.
22. One temporary sign not exceeding fifty (50) square feet in area, announcing special public or institutional events is allowed on-site thirty (30) days prior to the event and shall be removed one (1) day after the conclusion of the event. These signs shall not be located in the public street right-of-way.
23. Temporary special event directional signage for community events is allowed seven (7) days prior to the event and shall be removed one (1) day after the conclusion of the event. These signs shall not be located in the public street right-of-way.
24. One (1) real estate sign per road frontage may be posted on an available property. The sign shall be limited to 12 square feet and 3½ feet



in height in residential districts and 32 square feet and 8' in height in other districts. Regular open house signs shall be permitted one (1) week prior to the scheduled event and shall be removed by 9:00 p.m. the day of the event. A sold sign shall be removed by the seller of his or her agent within one week after the date of closing. Also, such signs, if constructed of a non-rigid material (such as a banner) must conform to the requirements of SECTION 3409 ~~3420~~ of this Article, including the issuance of a permit.

25. ~~Professional name plates of six (6) square feet or less in area.~~
26. Signs advertising the sale of agricultural goods produced on the premises (such as fire wood, vegetable, etc.) of sixteen (16) square feet or less in area.

B. Article 34 Sign Regulations  
Section 3407 Signs Permitted By District

A. In addition to other regulations within this Article, signs are allowed/prohibited in accordance with the following tables:

Table 34-1  
Agricultural, Recreation, and Conservation Districts

	A-1	A-2	R	CONS	Reference
Signs, larger than twelve (12) square feet in area, on vacant lots in non residential districts					Sec. 3403
Temporary signs not greater than twelve (12) square feet in non residential districts			E	E	Sec. 3404
Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial speech	E	E	E	E	Sec. 3404
<u>Temporary political, subdivision, Public event, directional, real estate, or agricultural advertising signs</u>	P	P	P	P	Sec. 3404

Table 34-2  
Residential Districts

	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Reference
Signs, larger than twelve (12) square feet in area, on vacant lots in non residential districts											Sec. 3403
Temporary signs not greater than twelve (12) square feet in non residential districts											Sec. 3404
Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial speech		E	E	E	E	E	E	E	E	E	Sec. 3404
Temporary political, subdivision, Public event, directional, real estate, or agricultural advertising signs	P	P	P	P	P	P	P	P	P	P	Sec. 3404

Table 34-3  
Commercial Districts

	C-1	C-2	C-3	C-4	Reference
Signs, larger than twelve (12) square feet in area, on vacant lots in non residential districts					Sec. 3403
Temporary signs not greater than twelve (12) square feet in non residential districts	E	E	E	E	Sec. 3404
Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial speech	E	E	E	E	Sec. 3404
Temporary political, subdivision, Public event, directional, real estate, or agricultural advertising signs	P	P	P	P	Sec. 3404

Table 34-4  
Employment Districts

O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Reference
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Table 34-5  
Public Facility, Airport, and Special Study Districts

[illegible]

ATTACHMENT H  
PROPOSED AMENDMENT FOR UUSES IN THE R DISTRICT  
(words to be added are underlined, words to be deleted are lined through)

- A. Article 5 Provisions For Boone County Zoning Map  
Section 505 Use/District Matrices  
Section 505.1 Use/District Matrix – Agricultural, Recreation, and  
Conservation Districts

USE	A-1	A-2	R	CONS	Use Standards
Eating and Drinking Establishments	-	-	C/ <u>P</u> <sup>2</sup>	C	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.6 (I-3 Zone) Sec. 2006 (SC Zone)
Recreation, Commercial	C	C	C/ <u>P</u> <sup>2</sup>	-	Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 909.6 (MHP Zone)
Microbrewery	-	-	<u>P</u> <sup>2</sup>	-	

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

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Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's November 2, 2022 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Steve Turner, Temporary Presiding Officer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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



**APPROVAL OF THE MINUTES:**

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

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

**BILLS:**

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

**EXPENSES:**

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

**TOTAL: \$ 13,034.10**

**SALARIES AND BENEFITS:**

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

**TOTAL: \$131,256.61**

**GRAND TOTAL: \$144,290.71**

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

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

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

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

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

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

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

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

2. Request of **Corporex Parks of Kentucky, Inc., per Nicole Chimento and Thomas Banta (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Residential Three/Planned Development (UR-3/PD) district for an approximate 8.3 acre area located at 3337, 3339, 3341, 3343, 3347, and 3351 Mineola Pike, 3340 Booneland Trail, and part of 3336 Booneland Trail, Boone County, Kentucky. The request is for a zone change to allow a multi-family residential development (this issue was deferred from August 17, 2022).

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

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

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

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

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

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

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter. She explained that she had the PowerPoint slides available to look at if a Board member wanted to see it at this time.

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

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

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

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

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

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). He also referred to some revised drawings on the projector screen. The overall monument sign will be 11' 4" with a 100 square foot sign area. The banners will be 98 square feet in size (14' x 7'). Each one will have a custom aluminum frame and the banner over the factory entrance has been reduced to 200 square feet (10' x 20').

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

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

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

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

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

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

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

**Mr. Patton moved to defer the request until the December 7, 2022 Business Meeting.**

**Mrs. Steele seconded the motion and it passed unanimously. The Committee Meeting will be held on November 30, 2022 at 5:00 p.m.**

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

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



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

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

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

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



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

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

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

**7. Gateway Rehabilitation Center – 5940 Merchants Street**

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

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

**8. Ashley Home Store – 8040 Burlington Pike**

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

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

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

**9. Cougar Point Townhomes – 3215 Cougar Path**

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

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

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

**10. Turfway Gaming – 7500 Turfway Road**

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

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

**NEW BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

**I. Committee Reports:**

- Airport

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

- Administrative/Personnel (Tom Szurlinski)  
No Report
- Enforcement (Tom Szurlinski)  
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)  
No Report

Technical/Design Review (Rick Lunnemann)  
No Report

- Executive

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

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

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

L. **Other:**

M. **Adjournment:**

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

APPROVED



Charlie Rolfsen  
Chairman

Attest:




Kevin P. Costello, AICP  
Executive Director

## LEGAL NOTICE

The Boone County Planning Commission will hold a Public Hearing on **Wednesday, September 21, 2022 at 7:30 P.M.** in the Boone County Fiscal Courtroom of the Boone County Administration Building, 2950 Washington Street, Burlington, Kentucky.

.....

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

.....  
Information about this request is available at the Boone County Planning Commission office located at 2950 Washington Street, Room 317, Burlington, Kentucky or you may call at 859-334-2196. Other information is available at [www.boonecountky.org/planning\\_commission](http://www.boonecountky.org/planning_commission). (9/7/22)



# Public Notice

09/07/2022

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**L E G A L N O T I C E** The Boone County Planning Commission will hold a Public Hearing on Wednesday, September 21, 2022 at 7:30 P.M. in the Boone County Fiscal Courtroom of the Boone County Administration Building, 2950 Washington Street, Burlington, Kentucky. Request of the Boone County Planning Commission Long Range Planning / Comprehensive Plan Committee to consider a series of text and map amendments to the Boone County Zoning Regulations and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement Our Boone County Plan - Plan 2040. This includes a waiver of the 60-day action requirement per KRS 100.211(2)(c)(2). Information about this request is available at the Boone County Planning Commission office located at 2950 Washington Street, Room 317, Burlington, Kentucky or you may call at 859-334-2196. Other information is available at [www.boonecountky.org/planning\\_commission](http://www.boonecountky.org/planning_commission). (9/7/22) KY,Sept7,'22#5397817



## CONFIRMATION

BOONE COUNTY PLANNING COMMISSI  
PO BOX 958  
BURLINGTON KY 41005-

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
CIN-404962	0005397817	40.40	\$0.00	\$40.40	Invoice	\$0.00	\$40.40

Sales Rep: ANPrice

Order Taker: ANPrice

Order Created 08/31/2022

Product	Placement/Classification	# Ins	Start Date	End Date
CIN-EN Kentucky Enquirer	CIN-Public/Legal Notices	1	09/07/2022	09/07/2022
CIN-EN KY Cincinnati.com	CINW-Publi/Legal Notices	1	09/07/2022	09/07/2022

\* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 08/31/2022

### LEGAL NOTICE

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KY, Sept 7, '22#5397817