

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
November 19, 2008
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Kim Bungler
Mr. Jim Carmichael
Mr. Mike Ford
Mrs. Janet Kegley
Mr. Don McMillian
Mrs. Susan Poston, Chairwoman
Mr. Patrick Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Linda Herald
Mr. Mark Hicks
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary

Approval of the Minutes:

Mrs. Poston stated that the Commissioners received copies of the Minutes of the November 5, 2008 Business Meeting. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Rolfsen moved that they be approved as written. Mr. Bunger seconded the motion and it carried unanimously.

Mrs. Poston stated that the Commissioners received copies of the Minutes of the November 5, 2008 Public Hearings. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Rolfsen moved that they be approved as written. Mr. Patrick Reynolds seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Viox & Viox, Inc. for J. J. Miller (owner by contract) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban (RS) for 15.11 acres, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 33.3 acres, both for a 48.41 total acre site located on the north side of Bullittsville Road across from the Bullittsville Road/Brents Way intersection, and between the properties at 3536 and 3630 Bullittsville Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single-family residences.

Mrs. Poston stated that Agenda Item #1 is recommended for deferral to the January 7, 2009 Business Meeting at 7:00 PM. The Committee Meeting will be held on December 17, 2008 at 5:00 PM. Mr. Schwenke so moved. Mr. McMillian seconded the motion and it carried unanimously.

NEW BUSINESS:

**Agenda Item
No.**

- 2 Changes in Concept Development Plans
The request of James Rybolt, SRA Architects (applicant) for Tumbleweed, Inc. and Shihasi Turfway LLP (owners) for Changes in Approved Concept Development Plans in a Commercial Two/Planned Development (C-2/PD) zone for an approximate 2.4 acre tract located at 7484 Turfway Road**

(Tumbleweed Restaurant), Florence, Kentucky, and an approximate 0.5 acre portion of the 3.838 acre site located at 7492 Turfway Road (Lots 1 and 2 of Spring Hill Suites Subdivision), Florence, Kentucky. The request is for a change in two approved Concept Development Plans to allow a 47,425 square foot hotel in addition to an existing 7,421 square foot restaurant on a 2.85 acre site.

Mr. Patrick Reynolds moved to schedule a Public Hearing for the above item on December 17, 2008 at 7:30 PM. Mr. Ford seconded the motion and it carried unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin Costello, AICP, Executive Director, discussed the following items in his report to the Planning Commission:

- 1. New Zoning Code** The new Zoning Code, as approved by the four legislative units, is available on the internet and hard copies have been distributed. The City of Florence incorporated some minor changes into the document.
- 2. New Fee Schedule** The Fee Schedule has to be updated based on the adoption of the new regulations. Copies of the proposed Fee Schedule were sent out to the Commissioners previously. There are seven changes, primarily dealing with new types of reviews or permits required by the Zoning Update. Mr. Costello noted a correction to Page 2: In the Business District - Section 3199 the sizes of the buildings have been broken down so that there is no overlap. The amounts charged are the same. He stated that these are new reviews and the fees are in addition to the current Design Review and Site Plan Review fees. He noted that we were unable to charge a fee for a project that came in after the adoption of the New Zoning Code because the Fee Schedule had not been changed. **Mr. McMillian moved to adopt the new Fee Schedule. Mr. Schwenke seconded the motion and it carried unanimously.**
- 3. City of Union Downtown District Real Estate Consultant** Mr. Costello reviewed his memorandum to the Commissioners dated November 14, 2008, re: Union Downtown District Proposal. He stated that the City of Union has allocated \$47,000 for the Planning Commission to hire Pizzuti Solutions to perform the tasks as outlined in his memorandum. The project was included in the Planning Commission's current budget, but it was not known at what point the City of Union would move forward with the project. He stated that the actual cost is \$44,500 plus \$2,500 for expenses. The Planning Commission will manage the contract and provide updates to the Union City Commission. Pizzuti Solutions will provide a report at the end of the project. Mr. Costello will provide updates to the Planning Commission.

Mr. Patrick Reynolds asked if there would be overlap between the in-depth study done by Midland Atlantic earlier this year and the study that would be done by Pizzuti Solutions and, if so, could that overlap be used to reduce the cost? Mr. Costello responded that a copy of the study (which was done by Property Advisors 1 – 1 ½ years ago) will be provided to the consultant, but there were some gaps in that analysis. He stated that the market analysis will be defined in more detail and the consultant will look at different trade areas, types of retail, size of retail, lease rates, etc. for the office and retail segments. They will also look at the residential component. He stated that we do not want to repeat what has been done -- we want to focus on using that information and testing the assumptions that went into the Union Town Plan for the core area when it was done about eight years ago. They will also look at how things currently happening around Union will impact the downtown district – such as the potential expansion of the Kroger’s located just outside the Union Town Plan area. He stated that there was some vision of a food business in the core district. He stated that the City of Union has allocated \$47,000 and we would not exceed that amount. The next step is to better define the scope of services. The cost may possibly be less if some of the information is already available. He noted that the economy has changed and they will look at current spending patterns.

Mr. Bunger questioned additional Staff time or other costs that may be incurred by the Planning Commission. Mr. Costello responded that Staff assistance is provided to the City of Union and their contribution increased substantially in the last budget because of the amount of time being spent by Staff. He stated that some of his time will be involved to manage the contract and some of Dave Geohegan’s time will also be involved, but the consultant will do the work.

Mr. Carmichael questioned how long the consultant would have to complete the project. Mr. Costello responded that the final schedule has not been determined, but the goal is for completion by March-April 2009. Mr. Carmichael asked if all of the work will be done before the consultant is paid. Mr. Costello responded that the work is normally divided into tasks, which would result in three payments, or they may be paid monthly based on the tasks.

Mr. Rolfsen moved to authorize the Executive Director to sign a contract with Pizzuti Solutions on behalf of the City of Union, subject to review by legal counsel, in an amount not to exceed \$47,000. Mr. Schwenke seconded the motion.

Mr. Ford asked if the \$47,000 is a guaranteed cost and that additional costs would not be incurred if the project went beyond four or five months. Mr. Costello responded “yes”. He stated that he typically asks for the money from the City of Union up front. As a general rule, he does not sign the contract unless the money is received up front.

Mr. Bunger stated that if a significant request for a land use in the Union area would come in during the next four or five months, it would be important to coordinate any action on that request with this study. He questioned how that situation would be handled. Counselor Wilson advised that the application would come in under the current regulations and any work that has been on going as part of the study could be introduced as part of the Public Hearing process. There would not be a moratorium on applications. An application would have to meet the current regulations, but the Planning Commission could be guided by any work done on this study.

There being no further comments, Mrs. Poston asked for a vote on the motion made by Mr. Rolfsen **and it carried unanimously.**

COMMITTEE REPORTS:

Airport: Mr. Carmichael
No report

Administrative/Personnel: Mr. Charlie Reynolds (absent)
No report

Enforcement: Mr. Bunger
No report

Long-Range Planning/Comprehensive Plan:
No report

Technical/Design Review: Mr. Schwenke
No report

Executive: Mrs. Poston
No report

CHAIRWOMAN'S REPORT: 2009 Meeting Schedule

Mrs. Poston stated that the Commissioners received in their packets a memorandum from Mr. Costello regarding the 2009 Meeting Schedules, the Staff Holiday Schedule and Amendment to the By-Laws. She stated that the Executive Committee met in regard to the Meeting Schedule for next year and determined that there could be one Business Meeting per month. She asked for comments from the Commissioners. Mrs. Kegley asked if the Planning Commission will be able to meet the timetables for action. Mr. Costello responded "yes". He stated that the deadlines would be established a month in advance. He asked the Commissioners to continue to be available on the third Wednesday of the month so that there is the flexibility to have another Public Hearing date and possible another Business Meeting date if additional business comes in. He

stated that the third Wednesday of the month will still be used for Committee Meetings. He stated that the new schedule will start in January 2009 and the first Wednesday of the month would be reserved for the Business Meeting at 7:00 PM and Public Hearings starting at 7:30 PM. If there are three or more Public Hearings, then there will be a Public Hearing on the third Wednesday. Mr. McMillian questioned a provision in the By-Laws for "on call" meetings. Mr. Costello responded that we will have follow the state statute that deals with special meetings. He stated that his memorandum includes a change in the By-Laws. He stated that the quickest way to obtain information about meetings is to go to the web page. Also, the date of the next meeting is always on the bottom of the Agenda.

Mrs. Poston emphasized that it is important for the Commissioners to be here for Public Hearings – that is the public's time to address the Planning Commission. Mr. Rolfsen suggested a limit of three Public Hearings in an evening, if they are short. If not, then he recommends a limit of two Public Hearings.

Mr. McMillian moved to approve the proposed 2009 Business Meeting and Public Hearing Schedule, the 2009 Committee Meeting Schedule, the 2009 Staff Holiday Schedule, and the Amendment to the Boone County Planning Commission By-Laws as outlined in Mr. Costello's memorandum to the Boone County Planning Commission Members dated November 14, 2008. Mr. Patrick Reynolds seconded the motion and it carried unanimously.

OKI Report: Mr. Breetz (absent)

Mr. Costello stated that the Planning Commission annually appoints a representative to the OKI Board of Trustees. Mr. Breetz has agreed to continue to serve for another year. **Mr. Bungler moved to nominate Mr. Breetz as the Planning Commission's representative to the OKI Board of Trustees. Mr. Ford seconded the motion and it carried unanimously.**

There being no further business to come before the Planning Commission, Mr. Rolfsen moved to adjourn. Mr. Carmichael seconded the motion. The meeting was adjourned by unanimous consent at 7:32 PM.

APPROVED:

Susan Poston, Chairwoman

Attest:

Jan Hancock, Recording Secretary