

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
PUBLIC HEARINGS
DECEMBER 2, 2009
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mr. Mike Ford
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mrs. Susan Poston, Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Kevin T. Wall, AICP, Director of Zoning Services

Mr. Charlie Rolfsen, Vice-Chairman, called the meeting to order at 7:30 P.M. and introduced the first item on the Agenda:

APPLICANT: Andrew Piaskowy for Sisters of St. Joseph the Worker

REQUEST: Zoning Map Amendment and Variances

- 1. Request of Andrew Piaskowy (applicant) for Sisters of St. Joseph the Worker (owner) for a Zoning Map Amendment from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear yard building setback and the rear landscape buffer yard, all for a 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky. The request is for a zone change to allow middle school and church related functions and two Variances for a proposed building addition.**

Staff Member, Kevin Wall presented the Staff Report, which included a Power Point presentation. Mr. Wall stated the request is for a Zone Change from Office Two (O-2) to Public Facilities (PF) and two dimensional Variances. The request is to convert an existing office building located at 1 Beatrice Avenue into a middle school and to hold church related functions (such as meetings, seminars, retreats, fund-raising activities, adult evening classes and overflow parking). The Concept Development Plan shows an approximate 3,400-3,500 square foot, two-story addition at the rear of the building. In addition, the interior of the building would be totally renovated. Mr. Wall explained that the Future Land Use Map indicates a Commercial Use on the subject property with a little strip of Suburban Density Residential toward the north side of the property. Due to the topography of the site, there is a two tiered parking lot. The first dimensional variance involves the east side of the building - a 40 foot building setback instead of a required 50 feet. The second dimensional variance involves landscaping or landscaped Buffer Yard Requirement "C". Building elevations were presented.

Mr. Wall noted that the proposal needs to be reviewed in relationship to the Comprehensive Plan and the other two criteria outlined in KRS 100. He noted that the text of the Comprehensive Plan discusses the development and expansion of private schools including St. Joseph Academy. Mr. Wall noted that the applicant has submitted a narrative supporting the Zone Change request. In regard to the variances, Mr. Wall provided an analysis of the building setback and landscaping buffer as outlined in the Staff Report. Mr. Wall described the other permitted uses in a PF zoning district and a concern about the building design. Mr. Wall recommended that the applicant consider using the same design, colors and materials for the rear and east side of the building where the dimensional variances are being requested. This would be complimentary to the existing structure. A final comment pertains to Fire Chief, Tom Ollier's request of a new hydrant near the building in order to provide a closer source of water other than Needmore Street.

Mr. Andrew Piaskowy, Architect for the project introduced Sr. Elizabeth Barkett, Principal for St. Joseph Academy and Sr. Mary Catherine Korte, Vice Principal for St. Joseph Academy. Mr. Piaskowy stated that he was in general agreement with the Staff Report. Mr. Piaskowy explained that they plan on bringing the brick veneer around the east elevation and around the building. At the gable end, it would be treated similar as to what is shown on the other elevations. It would be a horizontal lap siding at the gable end. In regard to sprinkling the building, it would be fire protected as required by the Kentucky Building Code. The plan would be to fire suppress the building for this new use. Finally, Mr. Piaskowy submitted four letters from adjoining property owners including one from the east supporting the zone change and two variances.

Mr. Rolfsen asked if there was anyone in the audience that wanted to speak in favor or against the Zone Change request. There was no one in the audience.

There being no further comments, Mr. Rolfsen stated that the Committee Meeting for this item will be on December 16, 2009 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on January 6, 2010 at 7:00 P.M. Mr. Rolfsen closed this Public Hearing at 7:45 P.M.

APPROVED:

Charles Rolfsen,
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibit 1: Letters from John Schulte
Matthew P. Works
Mary Berkemeier
Vera Elaine Willoughby

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Jim Carmichael
Mr. Mike Ford
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mrs. Susan Poston, Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Kevin T. Wall, AICP, Director of Zoning Services

Mr. Charlie Rolfsen, Vice-Chairman, called the meeting to order at 7:45 P.M. and introduced the second item on the Agenda:

APPLICANT: Jonathon Woche, AICP for The Patrick Decastro Trust - Bruce A. Krone, Trustee

REQUEST: Change In Concept Development Plan

Request of Jonathon Woche, AICP (applicant) for The Patrick Decastro Trust - Bruce A. Krone, Trustee (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an approximate 1.5 acre site located at 1010 Burlington Pike and 5961 Greenview Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow building additions totaling approximately 3,650 square feet and associated site changes for an existing auto sales and service facility.

Staff Member, Todd Morgan, presented the Staff Report, which included a Power Point presentation. The request only involves about 1.5 acres of land (the current Mitsubshi dealership and the adjoining house located at 5961 Greenview Drive). The Applicant wants to undertake a building addition and replace the existing dealership with a Volkswagen dealership. The proposal includes an expansion of the existing 6,900 square foot building to a 10,550 square foot building. The expansion includes a 950 square foot showroom addition along KY 18, an 810 square foot service reception bay and a five (5) bay service department expansion toward the rear of the building. Building elevations were submitted showing the expansion in all four directions. The site history includes a 1994 Concept Development Plan approval of a 7,392 square foot building and the previous approval did not include a service area. In 2008, there was a Concept Development Plan approved to remove an existing residence and install 30 parking spaces in the back corner of the property. To date, the applicant has not constructed the parking area. As part of the current request, the applicant is also planning to relocate the curb cut further north on Greenview Drive in order to accommodate the proposed building addition. The Future Land Use Map of the Comprehensive Plan indicates a Commercial use for the subject site. References to the text of the Comprehensive Plan were identified in the Staff Report. Mr. Morgan reviewed the following Staff questions:

- 1) What hours of the week will the service department be opened?
- 2) Will auto body work or painting be performed in the service department?
- 3) Is there any roof equipment being proposed? If so, will it be visible from KY 18 or adjoining residential properties?

In addition, Mr. Morgan outlined the following concerns:

- 1) The proposal includes a garage bay that will be highly visible from KY 18.
- 2) The proposed service department is in close proximity to a residential area and the adjoining property owners could experience additional noise impacts. The applicant's explanation of the hours of operation and types of repairs are a key consideration in determining what impact the service department will have on the adjoining residential properties.
- 3) Staff cannot determine how the proposed building material relates to the existing structure because a sample board has not been provided. Staff recommends that the applicant should bring a sample board to the Zone Change/Concept Development Plan Committee Meeting.

Mr. Morgan also recommended the following conditions if the request is approved. First, the landscape islands at the relocated Greenview Drive entrance shall be at least 9 feet wide and 18 feet long so a large tree can be planted in each island. Secondly, the following conditions from the 2008 Zoning Map Amendment and Variance approval shall remain in affect:

- A) The existing parking lot lights in Mazda's parking lot shall be equipped with cutoff shields and be brought into general compliance with the footcandle and glare requirements of the Boone County Zoning Regulations.
- B) No vehicles shall be unloaded in the Greenview Drive right-of-way.
- C) The northern buffer yard (household and existing dealerships) shall contain an 8' tall shadow box fence and spruce trees. Spruce trees shall be planted every 25' on center and shall be a minimum of 6' in height at the time of planting.

In conclusion, Mr. Morgan stated that the Planning Commission and the Fiscal Court shall evaluate this request in relation to Article 3 of the Boone County Zoning Regulations.

Mr. Jonathan Wocher, McBride Dale Clarion, indicated that he is a planner representing the Kerry application. He stated that he found the Staff comments and conditions acceptable but wanted to offer answers to the staff questions. He noted that the service department hours are 8:00 a.m. - 5:00 p.m. Monday thru Friday. The existing Mitsubishi dealership currently operates during those hours at that location. The proposed dealership will not have auto body work and painting but rather service and maintenance similar to the existing Mitsubishi dealership. To his knowledge, there is no roof mounted equipment but he will follow-up with the architect to verify it. In addition, he will contact the architect for building material samples. Materials will include panels of glass and masonry materials along with metal siding. In regard to the service doors which face the street, the proposed customer service entry does set back from the front elevation about 25 feet. This is similar to the Mazda dealership and other dealerships located along KY 18. The service doors would be glass. The proposed addition will be approximately 110 feet from the north property line. He stated that his client will also install and maintain the required buffer previously approved on the prior Concept Development Plan. He also noted that the access drive off Greenview Drive will be moved approximately 35-38 feet away from the intersection. There is no additional activity proposed close to Greenview Drive.

Vice-Chairman Rolfsen asked whether there was anyone in the audience that wanted to speak in favor or against the request. There was no response.

Mr. Ford asked if there were any weekend service hours? Mr. Bruce Krone, Trustee for the Patrick Decastro Trust, responded that there is incidental service hours on the weekend for car prep and volume of work during the week. Weekend work would be done on the inside service bays versus work being done on the outside service bays during the week.

Mr. Longano asked about any additional lighting for the back side of the building? Mr. Krone noted that there was some lighting specified as part of the previous approval. There won't be any wall pack lights. Mr. Wocher responded that a condition of the last Concept Development Plan required submitting a lighting plan when the new parking lot is built in order to bring the existing lighting up to code. There will be no new lighting being proposed.

Mr. Ford asked whether the house would be torn down? Mr. Wocher replied "yes" when the new 30 space parking lot is built.

Mr. Rolfsen asked about the service bays and how vehicles enter? What will be the noise abatement be for the neighbors? Will the doors be down? Mr. Krone answered that the doors would be down to abate the noise.

Mr. Breetz asked whether the Planning Commission have guidelines for monitoring noise? Mr. Costello responded "no". There is a general provision for a nuisance but there are no standards. Mr. Breetz asked if the applicant explored relocating the service bays on the west side of the building versus the rear facing the residents? Is there a particular number of parking spaces required for this use? Mr. Wocher replied that there is a grade change on the west side and a problem with the functionality of the existing building. Mr. Morgan explained there is no maximum number of parking spaces for a car dealership but the spaces have to be striped and be hard surface.

Mr. Costello questioned the height of the existing fence along the north property. Mr. Morgan stated that the existing fence is 8 feet high and a condition of the previous zone change indicated that the fence is supposed to be extended and spruce trees will be planted every 25 feet.

Mr. Bunger asked whether the showroom and service bay areas would be air conditioned. Mr. Krone responded that the showroom would be air conditioned and the shop/service areas would not be air conditioned. The doors would be open and shut throughout the year.

There being no further comments, Mr. Rolfsen stated that the Committee Meeting for this item will be on December 16, 2009 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on January 6, 2010 at 7:00 P.M. Mr. Rolfsen closed this Public Hearing at 8:10 P.M.

APPROVED:

Charles Rolfsen,
Vice-Chairman

Attest:

Kevin P. Costello, AICP
Executive Director