

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
PUBLIC HEARINGS  
APRIL 7, 2010  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

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

**APPLICANT: Rolling Hills Richwood, LLC**

**REQUEST: Zoning Map Amendment for a Special Sign District**

1. **Request of Rolling Hills Richwood, LLC (owner) for a Zoning Map Amendment for a Special Sign District for a 2.58 acre site located at 12928 Frogtown Connector Road, Boone County, Kentucky (Holiday Inn Express). The request is for a Special Sign District in Commercial Services (C-3) and Commercial Four (C-4) zones to allow alternative signage.**

Staff member, Mitch Light presented the Staff Report, which included a Powerpoint presentation (see Staff Report). Mr. Light explained that the request is a Zoning Map Amendment to create a Special Sign District in order to allow alternative signage at a Holiday Inn Express. The request does not affect the existing free-standing sign or building mounted signage. He referred to Article 40 of the Zoning Regulations, which defined a sign. He stated that the applicant wishes to illuminate four areas on the front (north elevation) of the building and two down lights under the canopy on the side (east elevation) facing I-75/I-71. The Holiday Inn Express uses blue uplights. The applicant has submitted digital photographs of the hotel. Mr. Light proceeded to show photos of the existing building and surrounding zoning and land uses. Mr. Light noted the staff concerns which relate to the definition of a sign and the issuance of permits for the existing building mounted and free-standing signs only.

Mr. Victor Patel, applicant and co-owner of the hotel, explained that the franchiser, Inter Continental Hotel from Atlanta mandates the installation of the blue uplights for all hotels in the United States. Without these lights, he cannot operate as a Holiday Inn Express & Suites.

Vice-Chairman Ford asked if there was anyone else present who wished to speak in favor of the request. Mr. Don Castle, owner of the Holiday Inn located off Freedom Way, stated that in order to get a franchise agreement, you have to have the uplights in order to be a Holiday Inn.

Ms. Sheri Wright, Richwood Road, stated she is in favor of the request. She lives in the area, and the hotel looks wonderful. It looks better than what was there in the past.

Vice-Chairman Ford asked if there was anyone else present who wished to speak against the request. There being no response, he asked whether the Commissioners had questions.

Mrs. Poston asked whether the previous hotel request near the airport was a Holiday Inn. Mr. Light responded "yes" and it had green lights.

Mr. Bunger asked what was the basis for the request? Is it due to the quantity or size (square footage) of the signage or changing of the color? Mr. Light stated that the colored uplighting is considered signage just like the stripes on awnings. If it was a clear or white light, it wouldn't be considered a sign just an accent.

Mr. Schwenke asked about the blue color since the photographs were fuzzy versus actually looking at the hotel on site. Mr. Patel responded the lights have a Masque 2- they light up no more than 2 stories. The higher the building the higher the beam. He responded that it won't interfere with anything.

Mr. Brandstetter remarked that the photographs showed more intense lighting. Mr. Light noted that he would bring the comparisons to the Committee meeting.

In response to Mr. McMillian's question, Mr. Light explained that the lights will only be on 2 building elevations since it is only visible from I-75 at two locations.

**There being no further comments, Mr. Ford stated that the Committee Meeting for this item will be on April 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 7:45 P.M.**

**APPROVED:**

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**Mike Ford**  
**Vice-Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

**PUBLIC HEARING ITEM #2**

**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

**APPLICANT: 42 Lodging, LLC(applicant) for Todd Worley (owner)**

**REQUEST: Zoning Map Amendment for a Special Sign District**

- 2. Request of 42 Lodging, LLC (applicant) for Todd Worley (owner) for a Zoning Map Amendment for a Special Sign District for a 3.05 acre site located at 7905 Freedom Way, Florence, Kentucky (Holiday Inn). The request is for a Special Sign District in a Commercial Services/Planned Development (C-3/PD) zone to allow alternative signage.**

Staff member, Mitch Light, presented the Staff Report, which included a Powerpoint presentation (See Staff Report). Mr. Light explained that the request is a Zoning Map Amendment to create a Special Sign District in order to allow alternative signage at a Holiday Inn off Freedom Way. This request is different than the previous request. It includes 4 green lights on the front (west elevation facing I-75), two down lights on the canopy and a Holiday Inn flag.

Mr. Light described the surrounding land uses and zoning of the site and explained the Central Florence Strategic Plan, which recommends special signage and landscaping in the Stadium District. Mr. Light discussed the Staff concerns outlined in the report.

Mr. Don Castle, representing Holiday Inn stated that all the lights have to be purchased from the same vendor and at the same wattage. He feels the lights are an added attraction. It looks nice even if Holiday Inn didn't require it.

Vice-Chairman Ford asked if there was anyone else present who wished to speak in favor or against the project. There being no response, he asked whether the Commissioners had any questions.

Mrs. Poston asked if the area as part of the Central Florence Strategic Plan has special signage regulations already in place. Mr. Light responded "no" but the Central Florence Strategic Plan recommended some in the future as it relates to the proposed entertainment uses in the Stadium District.

Mr. Brandstetter again noted that the photographs showed more intense lighting. Mr. Light noted that he would bring the Comparison to the Committee meeting.

**There being no further comments, Mr. Ford stated that the Committee Meeting for this item will be on April 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 7:55 P.M.**

**APPROVED:**

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**Mike Ford**  
**Vice-Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

**PUBLIC HEARING ITEM #3**

**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

**APPLICANT: Doug Cox and Mary Cox (applicants) for Jerry King (owner)**

**REQUEST: Zoning Map Amendment and Change In Concept Development Plan**

- 3. Request of Doug Cox and Mary Cox (applicants) for Jerry King (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Commercial Services (C-3) for a 0.41 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky; and, the request of Doug Cox and Mary Cox (applicants) for Jerry King (owner) for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for a 0.73 acre portion of the site located at 8484 Dixie Highway, Boone County, Kentucky. Both applications are to allow automobile sales and all uses permitted in the C-3 zone for a total 1.14 acre site.**

Staff Member, Kevin Wall presented the Staff Report, which included a Powerpoint presentation (see Staff Report). He explained that the site is located at the corner of Dixie Highway and Weber Lane. The request includes two applications - one which involves a 2002 Zone Change from Industrial Two (I-2) to Commercial Services (C-3) with limited uses (e.g. mobile home sales and service). The applicant is requesting all C-3 uses as part of a Change In an Approved Concept Development Plan. The second application involves a Zoning Map Amendment from Industrial Two (I-2) to Commercial services (C-3) to allow all commercial uses. There is a remainder tract owned by the applicant that is not part of the application located along Weber Lane and it would remain industrial. The Future Land Use Map of the Comprehensive Plan shows the site as Industrial. Initially, the proposed use is automobile sales with a change in the number of parking spaces (from 14 spaces to 78 spaces) and expansion of the existing building (from 2,400 square feet to 4,800 square feet). The site will utilize the existing curb cuts off Dixie Highway and Weber Lane. Photographs of the site and surrounding area were presented to the Planning Commission. Mr. Wall outlined the staff comments including the Comprehensive Plan's suggestion for redevelopment along Dixie Highway as it relates to the proposed road widening project. He referred to the 2002 Committee Report and the reasons for rezoning the property as well as the conditions relating to building design (condition #5) and matching the building materials with the planned expansion. Further, Mr. Wall noted the size requirements of the monument sign and the permitted uses in the Commercial One (C-1) and Office One (O-1) zoning districts. He suggested that the Planning Commission review these uses carefully including the possibility of mobile home sales and services and the scale of the uses in the future. Mr. Wall noted that an e-mail has been received by the Kentucky Transportation Cabinet explaining the location of the new Dixie Highway right-of-way.

Mr. Jim Bertram, One Eleven Engineering and Surveying, stated that he is representing the applicant. He submitted an exhibit showing the new right-of-way of Dixie Highway based upon a meeting with Carol Callen Rambler. She gave him plans and he placed the information on the submitted Concept Development Plan. According to the State, there are two plans. The first plan is a near future widening of the intersection of Mt. Zion Road and Dixie Highway to five lanes leading from a two lane section near the site. The second plan is more long-range and the line didn't change at all. The line the Staff is referring to is from the 2002 application. Mr. Bertram offered to work with the Committee on all of the concerns stated by Staff.

There being no further questions or comments, Mr. Ford stated that the Committee Meeting for this item will be on April 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 8:10 P.M.

**APPROVED:**

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**Mike Ford**  
**Vice-Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

**PUBLIC HEARING #4**

**COMMISSION MEMBERS PRESENT:**

Mr. Ben Brandstetter  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Jim Longano  
Mr. Don McMillian  
Mrs. Susan Poston, Temporary Presiding Officer  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mrs. Linda Herald  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, AICP, Senior Planner

**APPLICANT: L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner)**

**REQUEST: Change In Concept Development Plan**

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff**

- 4. Request of L&M Land Surveying and Engineering, LLC (applicant) for Union Pointe Centre, LLC (owner) for a Change in an Approved Concept Development Plan in a Union Commercial (UC) zone for a 1.38 acre site located on the southeast corner of the US 42/Frogtown Road intersection, Union, Kentucky (Lot 1, Union Pointe Centre). The request is for a Change in an Approved Concept Development Plan to allow a convenience store with gas sales, liquor sales, and other uses permitted in the UC zone.**

Staff member, Todd Morgan, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The 1.36 acre site is Lot #1 of Union Pointe Center Subdivision and is located in the City of Union. The submitted Concept Development Plan indicates a 10,000 square foot building versus the 7,200 square foot building which was proposed in 2005. There were conditions that limited uses - no convenience stores, grocery stores, no accessory sales of gas and no sales of liquor. The proposed uses are a convenience store, speculative uses, and accessory sales of gas. Access to the site would be through a private driveway system with a right in and right out turn off Frogtown Road. The applicant will need approval from the Kentucky Transportation Cabinet and the Kentucky Division of Water in order to cross the existing stream. The architecture will follow the design already in place within the subdivision. Mr. Morgan displayed photographs of the existing buildings on lot 4 and the proposed gasoline canopy.

Mr. Morgan then displayed the 2005 Concept Development Plan and an aerial photograph of the site. Photographs of the surrounding area were shown along with the specific site. Mr. Morgan also showed photographs of the existing residential and commercial buildings of Union Pointe Centre Subdivision. He further explained the request as it relates to the Boone County Comprehensive Plan and the Union Town Plan which recommends a Commercial use, either office or retail on a portion of the site. He then proceeded to note the Staff comments and concerns including; (1) the request for accessory gasoline sales and the distance to other such facilities; (2) the permission from the Kentucky Transportation Cabinet to install the right in and right turn out; (3) the provision of sanitary sewer since the capacity for the project expired in 2008; (4) hours of operation for the convenience store and restaurant; (5) the provision of outdoor banking facilities, propane tank sales, vending machines, movie kiosks, automotive and landscaping supplies, etc. (6) Will the patio next to the convenience store be used for outdoor restaurant seating? (7) Where will the underground gasoline tanks be located? (8) Is there enough room for tanker trucks to navigate on the site? (9) Have the proposed building tenants been defined and; (10) Where would the proposed freestanding sign be located on the lot? He added that only a 6 foot high, 48 square foot monument sign advertising the tenants would be permitted for the site.

Mr. Morgan stated that the proposed private drive on Lot #2 serving the proposed site is needed for the following reasons. First, the convenience store/gas station will be a high traffic generator. Second, westbound traffic on Frogtown will be able to get to Lot 1 more directly if they can use the full access point on Frogtown Road and turn on the private driveway on Lot 2. Without the private driveway, westbound traffic will have to circle the subdivision. Third, patrons that are leaving the building will be able to get to the full access point on Frogtown Road more directly if the private driveway is installed. Lastly, illegal turning movements from the right-in/right-out curb cut are likely if the private driveway system is not built per the 2005 Concept Development plan.

Mr. Morgan also noted that elevation drawings have not been submitted showing the architectural design of the building or gasoline canopy. Photos have been submitted showing general representations of what the building and gasoline canopy will look like. He added that Architectural Design Review will be required if the Change in Concept Development Plan is approved. He showed some photographs of the brick Colonial architecture within the subdivision.

Another concern was that the request would allow all of the principally permitted uses of the Union Commercial (UC) zone to be located in the proposed building. Staff recommends that the Planning Commission and the City of Union review this list of uses carefully to determine which uses are appropriate (see Staff Report). Staff is concerned that lighting from the gasoline canopy and audio systems located at the gas pumps could impact the residential use to the east. Further, the actual square footage of the building including the partial basement and number of restaurant seats will determine if there is sufficient parking. The applicant will also need to determine if the Kentucky Transportation Cabinet will allow landscaping to be installed in the right of way because portions of the street frontage buffer are not 10 feet wide. Mr. Morgan informed the Planning Commission that he received letters or e-mails of opposition from William and Kathy Schlegel, Leigh Ann Divine (St. Timothy's Church) and Marc Pillis. He wanted to make these items part of the record as well as the September 21, 2005 Public Hearing minutes and the December 7, 2005 Business Meeting minutes from the Boone County Planning Commission (see Exhibits).

Vice-Chairman Ford asked for the applicant's presentation. Mr. Mills Rouse, Walton Attorney representing Union Pointe Centre, introduced Craig Moore from L&M Engineering. With respect to the location, Mr. Rouse stated that the location in question is zoned for the particular use and has at one time or another been a convenience store in the past. The subject location was a convenience store with gas sales when Ryle High School and St. Tim's were constructed. It was also a carpet store. When the project was approved in 2005, there was very little development in the area. The area has grown up with more residential development. There is no convenience store across Frogtown Road or on Mt. Zion Road until you get to I-75 and there is nothing to the south. The facility will serve a need. The proposed plan from 2005 hasn't materialized, thus a need for a change. It is a vacant lot in an area that is developing. The owner conducted a feasibility study, which suggested the site was an excellent location for a convenience store along with the three proposed uses. It is within walking distance with the sidewalk system in place. In regard to traffic, most people will not travel from Richwood since there are already convenience stores in that area. The same would be true for Florence. It provides a service and need for the homes on the eastside of U.S. 42 and Rice Pike. These people are driving the area already - it won't increase traffic since they are on Frogtown Road and U.S. 42. Lot #2 is privately owned and the developer doesn't have the legal authority to complete the private lane, where it intersects with Callie Lane. In the future, the existing residence could be sold and be incorporated into the Commercial area and the changes could occur. The square footage requested is slightly more - maybe 25-30% more than was previously approved. The additional 2,500 square feet is an underground basement which will include mechanical units. Mr. Rouse then submitted a petition signed by 165 community members indicating their support for the gas station and convenience store at the subject location (see Exhibit).

Mr. Craig Moore, L&M Engineering, explained that the tanker truck will be addressed at Committee as there will be some changes to the parking lot. The exact number of parking spaces will determine the size of the proposed building. In regard to the UC uses, he would like to review those uses at the Committee meeting. Also, they have requested sanitary sewer services from Sanitation District No. 1.

Dr Jim Wright, applicant, indicated that he approached the City of Union first about this project.

He stated that if there would be a gas station in the City of Union, it should be located on the outskirts of town and on a major corridor. This site is located on the outskirts of town and on a major corridor. The City of Union did not take a stance on the matter. They are not against it or for it. They don't want gas service or a convenience store inside the 2000 city plan or in the center of town. He also spoke to Mr. Poe at the School District. From the meeting, Mr. Poe indicated he wouldn't object to the project because it is the same as the other plan. Dr. Wright mentioned that he has not changed anything (e.g. size of buildings, materials, etc) related to this project in the last 5 years. It is important to see progress on the development. Dr. Wright submitted a third party study which shows potential interest in the corner lot (see Exhibit). This is the right corner for this development even though others may not think so. He met with former Judge-Executive Bruce Ferguson and he didn't have a problem with the project. Even when St. Tim's builds their new school, it will increase traffic and he does not have a problem with it. He stated that they tried to do their due diligence on this request. He remarked that he has spent \$300,000 to recruit certain business including restaurants but has been unsuccessful. The proposed building will be like the one story office building made of brick, which exists today. There will be only 1 pump at each brick pillar under the canopy.

Mr. Dave England, Big Bone Road, noted he misses the convenience store which was located at the intersection. With the traffic congestion, it is difficult to get to Kroger. This proposed store will be more convenient for him to than driving to Florence. The area is definitely growing.

At this time, Vice-Chairman Ford asked if there was anyone else present who wished to speak in favor of the request.

Mr. Dan Zmirk, Union resident, owned the IGA on old U.S. 42 and the Ameristop years ago. The Ameristop was purchased by the State because of the U.S. 42 re-construction. The business catered to the neighborhood, school kids, churches and elderly. It was a very successful business. There is a need for a clean store with quality service. He stated that he had 51 years experience in the business and he is not ready to retire.

Mr. Wright explained there won't be any liquor sales from the store, and people will not be drinking beer on the patio. because there is too much liability. The patio is linked to the sidewalk system and will allow customers to sit and have a soft drink or energy drink. People from the office buildings will visit the store and patio.

Ms. Donna Sawyer, 1733 Mt. Zion Road, stated it would be nice to have a clean store in Union rather than going to Kroger. As a senior citizen, she doesn't want to walk all the way to Kroger for milk and bread. She liked the Ameristop. It was a thriving business. It is evident that after 10 years, nothing is moving forward. Her opinion is that the City looks worse than it ever has with the exception of the new developments.

Mr. Fred Bernier, 10862 Kimberly Drive, moved to Union in 1977. He stated that he is supportive of Dr. Jim and Sherri Wright. The Wrights have been active supporters of Ryle High School and of the community. There were no problems with the students at Ryle and the Ameristop. He felt they were a valuable community partner.

Ms. Sheila Rees, 10336 U.S. 42, explained that she and her husband moved to Union in 1994. They purchased their house because they felt they were in the country. They didn't object when Mr. Conrad sold his farm for Cool Springs Subdivision because it was progress. She did all of her grocery shopping at the Ameristop. She is in favor of the request. When her husband retires, they will sell their property. Ms. Rees favors the proposed development over a foreclosed or empty lot. A convenience store existed on the property before and did not cause any problems.

Mr. Phillip Rudolph, 10324 Lea Way, moved to the area from Louisville about 2 years ago. He is supportive of the project because the area is like a suburb of Florence. Not everyone is going to go to Kroger. The flow of traffic will be in both directions.

Vice-Chairman Ford asked if there was anyone present who wished to speak in opposition to the request.

Ms. Deb Schauburger, 12953 Pavilion Court, has lived in Union for 8 years. She chose the Cool Springs neighborhood for its pretty homes and street scapes, and the convenience to schools and her church. She was also pleased that the Planning Commission had put much thought and effort in planning the County's future growth with the Union Town Plan. This gave her confidence that the future growth in the area would be tasteful and compatible with the surrounding land uses. Her financial investment in her home was based in part on the confidence of this Plan. The subject site is surrounded by 3 schools and 2 churches and the Cool Springs neighborhood. The proposed convenience store, gas station and liquor store will have a significant detrimental visual impact on the corner. The convenience for a quick fill up, a gallon of milk or a six pack of beer are very attractive but not when it sacrifices the desirability and attractiveness of the neighborhood. Kroger and numerous other stores are not more than 5 minutes away and she finds doesn't mind driving 5 minutes. This is a minor inconvenience compared with sacrificing the beauty, desirability and compatibility of this neighborhood in Union. When the developer received approval of the Zone Change in 2005, he was given a list of 50 permitted uses for the property. Despite the difficulty in attracting a restaurant, she suggests exploring the 50 uses and she urges the Planning Commission to protect the integrity of this area and reject this request.

Ms. Ann Klensch, 1473 Rolling Meadows Court, moved to Cool Springs Subdivision in 2006 and researched the Union Town Plan at City Hall. She stated that she was given numerous assurances that the proposal made in the past was rejected because of opposition from the residents. Also, she indicated that traffic from Ryle has been cutting through Cool Springs Subdivision in the past several months. At 7:30 a.m., there is a lot of reckless driving at the corner because of the school complex. There have been 2 fatalities on U.S. 42 north of the site. Gas stations are not upscale and she questioned whether people will eat on a patio next to a gas station. She also expressed concern that the sidewalk is not completed from the corner to Galileo Blvd.

Ms. Lorraine Lawfmann, 1472 Rolling Meadows Court, built a house in Cool Springs in 2006. She researched the area and carefully looked at the prior approval. She stated that if she knew a convenience store and gas station were to be built there, they would have never bought their house. It is a quiet residential neighborhood. The businesses there operate from 9:00 a.m.-5:00 p.m. only. A gas station will be a 24 hour nuisance with noise. With 6 subdivisions within walking distance, it will be a kid magnet with teenagers hanging out. This is a potential problem and safety issue. She expressed a concern about future building in the subdivision since there are a lot of lots for sale behind Galileo. There is an existing convenience store on Old Union Road and it is only 2 miles away. She remains concerned about the traffic safety, school buses and 3 schools.

Mr. Don Zembrodt, Frogtown Road, has lived in the Union area since 1968. He thinks it will be a safety issue because of the school traffic. The new entrance off Frogtown for the gas station/convenience store will cause accidents. He stated he did not think the project is needed.

Mr. Kim Leavens, 12965 Pavilion Court, moved to Cool Springs in 2006. Her family is against the request including her son, who attends Ryle, because of the traffic and noise. Frogtown Road is a narrow road. She noted that Dr. Wright is her dentist and her eye doctor is in Union Pointe Centre. She is not opposed to development in the area but rather the type of development. She also stated that the applicant has failed to address the concerns outlined in the Staff Report. There are plenty of gas stations in the area including one at U.S. 42 and Gunpowder Road and at Pleasant Valley Road. She hopes the Planning Commission will decline the request. It is not a good plan for the area. it is speculative in nature.

Mr. Aaron Byrd, 11044 Galileo Blvd., expressed a concern about traffic. Cars back up to the post office on Frogtown Road. There will be illegal left-hand turns from the proposed access point on Frogtown Road. It is very dangerous. Another concern is the speculative nature of the tenants. None have been identified. We have too many empty strip malls in Florence, Union and Richwood area, including Frogtown Connector and the area behind Ace Hardware on U.S. 42. There is no reason to change th 2005 Plan. He is fully supportive of the Union Town Plan.

Mr. Paul Parsons, 12969 Pavilion Court, moved to the area in 2008 from Boston, Massachusetts. He strongly objects to the right in and right out access point. His other concern is light pollution and the hours of operation for the gas station. He felt that the architecture for the proposed building looked good as it will match the existing buildings in the development. There isn't really a need for this type of facility. The parking issues have not been adequately addressed. He hopes the Planning Commission turns down the proposal.

Ms. Ann McClure, 12945 Pavilion Court, stated that she opposes the gas station/convenience store use because there were other uses allowed in 2005. Because there is a lot of vacant retail space in the area, there is no need for the project. In regard to safety, the old convenience store/gas station existed prior to the reconstruction of U.S. 42. There are also a lot of school activities attracting students from other schools. They won't be familiar with the area and it could cause more safety concerns.

Vice-Chairman Ford asked if there was anyone else present who wished to speak in opposition to the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. Longano asked staff what were the primary reasons or thought process for prohibiting a gas station and a liquor store back in 2005? Mr. Morgan responded that the Union Town Plan recommended a tight knit neighborhood commercial and there was a discussion about how much commercial should be allowed at the corner and 36,000 square feet was approved. There were concerns about gasoline canopies and screening as well as proximity to the school and church. The meeting minutes from the 2005 Public Hearing would be the best indication. Mr. Costello added that back in 2005 there was a concern about having a commercial appearance versus retail in an office building. The applicant chose to delete several commercial uses in 2005. Mr. Longano asked if the City of Union or the Planning Commission thought about a special zoning district at this location. Mr. Costello answered "no". The UC zone also allows office uses.

Mrs. Poston asked what has happened in the area that would support the request for a change? Mr. Rouse responded more people are in the area and the inability to attract a restaurant or build another office building is better than a vacant lot. The proposed change will cause less traffic difficulties versus what is already there-the school, St. Tim's and post office. Mrs. Poston stated it was anticipated that people would move to the area but also understands that the applicant can't make it viable the way it is. Mr. Rouse responded that there are no committed businesses willing to develop within the restrictions approved 5 years ago. Dr. Wright stated that he voluntarily agreed to the restrictions 5 years ago since he wanted to get the project going in order to move his dentist office. He explained that he spent \$250,000 to widen Frogtown Road without any assistance from St. Tim's. The hours of operation for the convenience store will be from 6:00 a.m. - 9:00 p.m. and will not be open 24 hours a day. There won't be loudspeakers not like at Ryle High School. There is more light at Ryle High School. The lights will be under the gas canopy. The proposed store is a hybrid and will include a bakery, deli and restaurant. It is an IGA Express. There is no open tenant space. Mrs. Poston asked about the basement being underground?

Dr. Wright answered that the basement will be totally underground. There will be no mulch sales but an ATM is a possibility. It won't be a huge restaurant. It will include a few tables or booths. All the sidewalks have been completed. Mr. Rouse mentioned that in Walton, there is a patio area adjacent to a gas station. It isn't going to be a Friday's restaurant. There is an existing IGA Express off KY 18. Mr. Rouse stated that the previous approval allowed the retail sale of meats, vegetables, candy items so it isn't much different than the proposed convenience store. Mrs. Poston asked staff to provide copies of the Business Meeting minutes and Public Hearing minutes to the Committee from the 2005 request.

Vice-Chairman Ford asked if the applicant has selected a fuel supplier? Dr. Wright stated that it is unbranded gas through IGA Express. The gas distributor is located in Mansfield. The truck route for supplying gas is not through the residential portion of the development. Where will the underground gas tanks be located? Dr. Wright responded that it will be up to the Engineer, but most likely in the parking lot. Vice-Chairman Ford asked if that information could be provided at the Committee meeting. He asked how he would enter

the site if he was traveling south to Warsaw? Mr. Morgan demonstrated various ways to enter and exit the site.

Mr. Schwenke asked how many doors or entrances would serve the building? Mr. Rouse responded there would be 2 sets of doors just like the Sunoco building with Subway located off Mt. Zion Road. Mr. Schwenke suggested providing more definition on the lighting near the gasoline canopy.

Mr. Brandstetter inquired about the 3-4 businesses shown on the submitted Concept Development Plan. Dr. Wright explained that was the old plan. IGA Express will use the whole building based upon the market study. Mr. Brandstetter asked if there is a difference in the traffic based on the change of use. Is there a comparison of the traffic analysis from both plans? Mr. Morgan stated there was no traffic analysis performed. He asked if the applicant could bring this information to the Committee.

Mr. Bunger stated that the developer in 2005 focused on a high level of residential duplexes mixed with business operation buildings. These were found to be acceptable at the time and fit in with the neighborhood and Cool Springs Subdivision. Part of the total package was the agreement to the type of businesses that would be appropriate at the commercial corner. The applicant strongly wanted to keep the commercial opportunity. He wants the Committee to evaluate or explore whether the current economic conditions would be an appropriate reason for a change or should we continue with the applicant's desire to provide an upscale development.

Mr. Costello questioned the architecture of the proposed building with two building fronts especially along U.S. 42. Dr. Wright referred to the 2005 drawing showing a one-story building and windows on both fronts.

Mr. Wilson remarked that the minutes from the September 21, 2005 Public hearing and the December 7, 2005 Business Meeting involving the previous application will be included in the record along with tonight's minutes.

Vice-Chairman Ford questioned the building setback since the relocation of U.S. 42. Is there enough room? Mr. Morgan explained that the Union Commercial (UC) zone allows a close setback to the road. There is enough room.

Mrs. Poston asked if he could make this project work without a gas station. Dr. Wright answered that it would be less convenient and successful. The gas station would help business by attracting customers according to the third party report. Most hybrid stores have gas pumps.

There being no further comments, Mr. Ford stated that the Committee Meeting for this item will be on April 28, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on May 5, 2010 at 7:00 P.M. Mr. Ford closed this Public Hearing at 9:40 P.M.

**APPROVED:**

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**Mike Ford**  
**Vice-Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

**EXHIBITS**

- 1- September 21, 2005 Public Hearing Minutes**
- 2- December 7, 2005 Business Meeting Minutes**
- 3-e-mail from Leigh Ann Divine**
- 4- e-mail from Marc Pillis**
- 5-Petition submitted by applicant**
- 6-IGA Express Market Study**