

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
September 7, 2016
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's September 7, 2016 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Asst. Zoning Administrator
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Rolfsen announced that the Public Hearing originally scheduled for tonight at 7:30 p.m. for a site located at 7913 - 7915 U.S. 42 has been postponed.

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the August 3, 2016 Business Meeting and Public Hearing. He asked if there were any comments or corrections? **Mr. Ford moved to approve the Minutes as presented. Mr. Turner seconded the motion and it carried unanimously.**

BILLS:

Mr. Kevin T. Wall, AICP, Director, Zoning Services, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between 8/4/16 through 9/7/16.

EXPENSES:

Accounting Fees	\$ 385.47
Attorney Fees	5,350.00
Auto Expense	-75.00
Consultant/Professional Svcs Fees	1,475.00
Filing Fees (CLURs)	352.00
GIS Operations	160.00
Legal Ads/Recruitment	133.36
Miscellaneous Expense	337.31
Office & Board Mtg. Supplies	1,496.21
Office Equipment / Expense	-9.52
Office/Liability Insurance	3,952.50
Postage Expense	158.08
Professional Development	50.00
Printing/Pub/Dues/Subscriptions	586.50

TOTAL: \$ 14,351.91

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 6,917.72
Health / Dental / Life / LTD	37,180.15
Retirement - BCPC Portion	15,143.70
Salaries - Staff Expense	101,448.54
Salaries BCPC	720.00
Salaries WBOA	140.00

TOTAL: \$162,729.78

GRAND TOTAL: \$177,081.69

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

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Todd Morgan, Staff

1. Request of **Osam Mardin (applicant)** for **Alex Othman (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

Staff Member, Todd Morgan, read the Committee Report, which recommended denial (see Committee Report). Mr. Morgan noted that the Committee voted to deny the request with Mr. Bunger, Mr. Breetz and Mr. Patton voting in favor of the denial and Mrs. Kegley and Mr. Turner voting against the denial of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak for or against the denial of the request for a maximum of 5 minutes?

Mr. Ben Brandstetter, 2013 Wyndemere Court, stated that he concurred with the Committee Report to deny the request. The Committee discussed this project at multiple meetings. He remarked that he attended the meetings in an attempt to understand all of the impacts. The proposal does not meet the requirements for a Zone Change nor does it meet the Goals and Objectives of the Boone County Comprehensive Plan. First, the entire site is graded and impacted. Second, the Committee asked the applicant to conduct a traffic study. One was not provided and the Goals and Objectives clearly state that a traffic impact analysis should be used as a tool to address impacts to the existing roadway system. Third, the Committee concluded that an outside parking lot of used cars is not compatible to an industrial park nor a nature preserve. In addition, the location of this site, which essentially is the front door of Hebron, would not serve as a pleasant or inviting entrance to the area. Fourth, the applicant is proposing a 300 foot bridge in order to access the site and to span an existing blue line stream. According to the Boone County Engineer, the longest bridge the County currently maintains is 120 feet in length. It is also the same in Kenton County. The proposed bridge will be two and a half times longer than any bridge maintained by the County. This project would dedicate a 300 foot long bridge as a County owned asset and it will always have to be maintained and be replaced by the County. At today's cost, such a bridge would cost between \$1.5 and \$2 million dollars. In summary, Mr. Brandstetter agrees with the Committee's recommendation. The proposed project is not compatible with the surrounding land uses. It will not create a positive visual entry into Hebron. It will saddle the County with a large liability into perpetuity. He asked the Planning Commission to concur with the Committee's recommendation to deny the request for a Zone Change.

Mr. Eric Russo, Executive Director of The Hillside Trust, stated that his organization has owned the Carder Dolwick Nature Preserve since 1984. They are a land trust that has operated in the Cincinnati region and Northern Kentucky for the past 40 years. The Carder Dolwick Nature Preserve was given to The Hillside Trust as green space. He requested that the denial of the request be upheld because some of the preserve has 50% grade slopes. It is like a cliff over a creek below. He expressed a concern about the amount of impervious surface for storing the cars and the amount of automotive fluids like oil draining down towards the creek and the nature preserve. This also

includes the bridge area where there is a blue line stream. He recommended to deny the Zone Change and to support the Committee's recommendation. The Planning Commission should uphold the standards for designated Developmentally Sensitive (DS) land. This area has been protected since 1984.

Mr. Osam Mardin, Professional Design Associates, stated that his firm was the architect and designer for the project. The proposed plan is in response to the concerns stated at the Public Hearing. The scale was greatly reduced from 6.7 acres of development to 5.5 acres or a 20% reduction in size. A true car traffic study was not commissioned but two things were done to address the traffic concern. The number of auction able cars was reduced from 800 to 600. The visitor lot has been reduced by 20 cars - a reduction of 20%. In terms of aesthetics, the proposed building has been redesigned. The owner and applicant has agreed to increase all buffering along I-275 to make sure it is presentable and a more attractive gateway to Hebron. The current greenery will be maintained as much as possible. A 40 foot buffer will be maintained with existing vegetation along the northwestern and northeastern portions of the site. The runoff will be controlled and contained within the development. Nothing will go into the Carder Dolwick Nature Preserve. The Comprehensive Plan states that this site would be best used as an industrial site. The proposed use is an industrial use with a conditional use. It is the only zoning district that you can have a car auction facility. It is adjacent and accessed through a I-1 zoning district. Any development that would happen on top of the hill would have to be accessed through the existing road and a blue line stream. Properties can't be held hostage simply because they are located adjacent to a nature preserve. The site is currently not part of the nature preserve. The property in question is currently zoned Single-Family Residential One or SR-1. He stated that he personally would not live on the site because of the high voltage electric line and high pressured gas line plus being adjacent to I-275. The single family residential zoning predates the construction of I-275. He indicated that he has been responsive to the Committee. The developer has developed in the County before and he looks forward to doing it again.

Chairman Rolfsen asked the Board for a motion to take action? Mr. Patton moved to approve to deny the request based upon the Committee Report by Resolution to the Boone County Fiscal Court. The denial includes both the Zoning Map Amendment request and the Conditional Use Permit. Mr. Bretz seconded the motion. Chairman Rolfsen asked the Board if there were any questions, comments or discussion?

Mrs. Kegley stated that she was in favor of the revised project or plan. It is not what everyone listened to at the Public Hearing. There are no Variance requests anymore. There is a 40 foot buffer next to the land trust property. There was a proposed condition to require a four foot high continuous evergreen hedge along I-275. The expressway sits 20 feet lower than the site. It will be difficult to see the car lot. The view is well protected when driving from Cincinnati. The building will also not be seen coming from Mineola Pike. The cars are sitting further back because of the proposed retention pond location. In terms of traffic, the site will be operating in non-peak hours. They are only operating from 9:00 a.m. to 1:00 p.m. They do have car deliveries and a lot that holds 600 cars. The deliveries will be spread out during the other days in the week and from 9:00 a.m. to 9:00 p.m. There would be 30 trips per hour, 20 in and 10 out every hour. It just isn't significant traffic. There is a lot of flexibility with traffic from this proposed business. It takes 15,000 cars to change the level of service. This is nothing or no traffic. The development sensitive area of 8 - 10% slope is not big to develop. If an area is disturbed today, an application must be filed with SD1. SD1 will look at how a developer is planning to control erosion and storm water since the applicant is crossing a blue line stream. An application will also have to be submitted to the Kentucky Division of Water for stream

crossing. There is more trees today to control erosion than in the past. We have to be fair to what we are looking at as the proposed use is going in a much better place next to an expressway. All the business activity is located at the far corner from the land trust. The public will use a small parking lot away from the land trust property. It is fenced off from the remaining parking lot. There are no loud speakers or night time activity. The only thing that needs to be hidden is something that is six foot tall. One should look at the warehouses next to the expressway exit. Those buildings are 40 feet tall. The proposed building is 21 feet tall, made of brick and EIFS. It is a good looking building. The plan presented at the Public Hearing didn't fit. The revised one does fit and she stated that she is for the project.

Mr. Patton remarked that the plan was greatly improved when compared with the one presented at the Public Hearing. The reasons for denial was because of the proposed use next to the nature preserve and traffic. It is a retail use located in the back of an industrial park. There was no clarification of the traffic and its impact on the interchange traffic. Between October and early January, the interchange backs up all the way onto the highway. To say that 30 cars an hour doesn't matter, it is not correct. Adding another retail use in the area is wrong. The applicant chose not to study the peaks of traffic in the area and this use would impact it. He stated that he is familiar with the existing traffic patterns since he lives in the area.

Chairman Rolfsen asked if the proposed bridge was going to be 300 feet long? Mr. Mardin responded that the bridge is graded at 8%. Boone County allows a steeper grade of 10%. If they would go steeper, the bridge would get shorter. The 300 foot figure is the total travel length of the road for the bridge area and not the actual bridge size. The bridge will be 160 feet in length.

Mr. Schwenke inquired about the specifications of the proposed bridge. Mr. Mardin replied that it would be built to County standards. Mr. Mardin explained that a public road was required as part of the submittal. The only way to do this is with a bridge designed as a public road versus a private drive. It would be built by the developer and turned over to the County for maintenance. Taxes would be generated from the project that could help support the street maintenance.

Mr. Breetz stated that he is opposed to the project and he lives in the area. Traffic is an issue in the area. The primary reason he didn't support the project is the fact that the site is located in a Developmentally Sensitive area. When grading starts and trees are removed, landslides occur. Some are in the area. The applicant is proposing a detention pond dam on a sloped hillside. Trees support the hillside. He expressed a concern of the applicant being allowed to cut the grade of I-275 right-of-way in order to allow a 10 foot high retaining wall. As far as he was concerned, the plan is not finished. He emphasized the need to buffer the huge parking lot from I-275 and to have landscaping features in the large parking lot. He stated he was against the project. Mr. Mardin replied that the State is receptive to the idea of grading the right-of-way. The approval process takes six months. It requires a series of permits. They will pursue the permits if they receive approval of the Zone Change and Conditional Use Permit applications. Currently, there is a mound that screens the entire site. If the mound is kept, they will have to construct a 14 foot high retaining wall on the back side in order to develop the site. In order to avoid the cost of an expensive retaining wall, they would pursue an application with the State in order to remove the mound. The applicant is willing to do anything to screen the back parking lot. The site is elevated above I-275.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Patton and seconded by Mr. Breetz to deny the request. Mr. Wall reminded Board members that a "yes" vote is for the denial. The vote found that Mr. Apke, Mr. Bessler, Mr. Breetz, Mr. Ford, Mrs. Heilman, Mr

Patton, Ms. Reeves, Mr. Reynolds, Mr. Rolfsen and Mr. Schwenke in favor of the denial and Mrs. Kegley, Mr. McMillian and Mr. Turner against the denial. The motion passed 10-3.

TECHNICAL/DESIGN REVIEW - Charlie Reynolds, Chairman, Mitch Light, Staff

3. Robert Bosch Automotive Steering, Building 4 - 15 Spiral Dr.

Staff Member, Mitch Light referred to his Power Point presentation. The site will have a new access point off Aero Parkway and a new public street off Ted Bushelman Boulevard. Mr. Light showed elevations of the proposed building and color samples.

Mr. Light noted that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval of the request.

Chairman Rolfsen inquired about the exact location of the public road that will connect to Ted Bushelman Boulevard. Mr. Light showed the location and noted that the City of Florence will build it. It is a dead end street but access is permitted to other parcels in the area.

Chairman Rolfsen asked if there was a motion to approve the request? Mr. Reynolds moved to approve the Design Review application as recommended by the Technical/Design Review Committee and presented by Mr. Light. Mr. Breetz seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW - Charlie Reynolds, Chairman, Todd Morgan, Staff

4. St. Elizabeth's Physicians & DaVita Dialysis - First Financial Dr.

Staff Member, Todd Morgan, referred to his Power Point presentation. The applicant is planning to construct a 16,200 square foot medical office building. The site is subject to a Zone Change application in 2000. Originally, the site was approved for three buildings. It will be a single story building per the conditions. The original approval noted that any commercial building had to have a residential appearance because of the adjoining residential properties - pitched roof and brick material. It is a brick building with some stone at the bottom of the building. Building material samples are available to look at tonight courtesy of the applicant.

Mr. Morgan noted that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval of the request.

Charlie Rolfsen asked if the applicant could show the building material samples? Mr. Don Stegman, Cardinal Engineering, displayed the samples before the Planning Commission. He stated that the Dialysis function is being removed from the proposed building. It will only be St. Elizabeth Physicians at this time operating in the building. The brick color is almost the same as the brick color on the St. Elizabeth building on U.S. 42. It is only a one story building. Mr. Ford asked what would happen to the existing St. Elizabeth Physicians office near Kingsgate Drive? Mr. Stegman replied that he didn't know. They would like to construct of the new building as soon as possible.

Chairman Rolfsen asked if there was a motion to approve the request? Mr. Reynolds moved to approve the Design Review application as recommended by the Technical/Design Review Committee and presented by Mr. Morgan. Mr. Apke seconded the motion and it passed unanimously.

New Business:

None

COMMITTEE REPORTS:

AIRPORT REPORT: Mr. Ford

No Report

ADMINISTRATIVE/PERSONNEL: Mr. Reynolds

No Report

ENFORCEMENT REPORT: Mr. Bungler

No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke

No Report

TECHNICAL/DESIGN REVIEW: Mr. Reynolds

No Report

EXECUTIVE REPORT: Mr. Rolfsen

No Report

CHAIRMAN'S REPORT: Mr. Rolfsen

No Report

OKI REPORT: Mr. Breetz

No Report

OTHER:

Special Business Meeting - September 21, 2016 - 7:00 P.M.

Mrs. Kegley moved to schedule the Special Business Meeting listed above on September 21, 2016 at 7:00 p.m. in order to approve the minutes from tonight's Business Meeting at the request of the City of Florence for the small cellular pole Zoning Text Amendments only. Mr. Turner seconded the motion and it passed unanimously.

There being no further business to come before the Planning Commission, Mr. Schwenke moved to adjourn the meeting. Mr. Turner seconded the motion. The meeting was adjourned by unanimous consent at 8:01 p.m.

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin T. Wall, AICP
Director, Zoning Services