

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
NOVEMBER 4, 2009
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:00 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Jim Carmichael
Mr. Mike Ford
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Chairwoman
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Linda Herald
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Matthew E. Becher, AICP, Rural/Open Space Planner
Mr. Robert A. Jonas, AICP, GIS Specialist
Mr. David A. Geohegan, AICP, Director, Planning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Kevin T. Wall, AICP, Director, Zoning Services

Approval of the Minutes:

Chairwoman, Mrs. Susan Poston, stated that the Commissioners received copies of the Minutes of the October 7, 2009 Business Meeting and Public Hearings. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Charlie Rolfsen moved that both sets of minutes be approved as written. Mr. Mark Hicks seconded the motion and it carried unanimously.

BILLS:

Kevin Costello, Planning Commission Executive Director, advised the Commissioners of the **Bills to be Paid** and the **Salaries and Benefits** for 10/8/09 through 11/4/09.

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$	4,532.93
Health/Dental/Life		13,785.61
Retirement - BCPC Portion		13,934.11
Salaries - Staff Expense		<u>66,466.00</u>
TOTAL:		\$ 98,718.65

EXPENSES:

Accounting Fees	\$	1,756.45
Attorney Fees		3,040.00
Auto Expenses		118.71
Engineering/Surveying Fees		2,333.33
Filing Fees (CLURs)		115.00
Legal Ads/Recruitment		380.07
Miscellaneous Expense		404.35
Office & Board Mtg. Supplies		907.67
Office Equipment/Expense		1,108.85
Printing/Pub/Dues/Subscriptions		<u>804.50</u>
TOTAL:		\$ 10,968.93
GRAND TOTAL:		\$109,687.58

Mr. Don McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mr. Charlie Rolfsen seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

Chairwoman Poston announced a change in the order of business. She referred to Agenda Item #3.

3. Boone County Greenway and Trail Study - Robert Schwenke, Chairman; Dave Geohegan, Robert Jonas & Matt Becher, Staff

Request of the Boone County Planning Commission Long Range Planning/Comp Plan Committee to take possible action on the 2009 Boone County Greenway and Trail Study.

Chairwoman Poston turned the meeting over to Committee Chairman, Bob Schwenke. Mr. Bob Schwenke stated that the Committee met last week and did not make a recommendation or conclusion. It seemed like none of the Committee members were satisfied with the Study.

As a result, Mr. Schwenke moved to withdraw the Boone County Greenway and Trail Study from consideration or action. Mr. Hicks seconded the motion. Chairwoman Poston asked if there was any discussion.

Mr. Breetz stated that he serves on the Long-Range Planning/Comp Plan Committee and noted that in his six years serving on the Planning Commission it was one of the most difficult issues we had to face. It was one that we couldn't work through or resolve or couldn't come up with an agreement to proceed. It started out well benefitting the county and its citizens. It involved examining other communities and when it turned to our community, it appeared to be a leverage tool for taking property, eminent domain and taxes for other people. We tried to tone it down. The plan has a lot of merit, but it probably is good to shelve it at this point and resurrect it at another time.

Mr. Carmichael asked about the reference to the Greenway and Trail Study with the proposed Subdivision Regulations. Mr. Costello responded that those sections would be removed as it is a moot issue.

Mr. Ford stated that he also served on the Committee and spent many hours reviewing the draft document. He feels very strongly that the ideological intent of the Study was in the best interest of the County. As a resident of the County, he stated that he would like to see a balance between development and greenspace within our county. It may not be the best time to conduct such a Study due to philosophical differences. However, in the future, he hopes to see a similar or variation of the Study be conducted in the best interest of our County.

Mr. McMillian stated that he agreed with Mr. Ford. He wondered if there was a time limit on the withdrawal. What was the intent? It is a great idea but maybe at the wrong time. Maybe, it wasn't explained fully. There are a lot of successful communities with trails.

Mr. Wilson responded that the motion was to withdraw the Study from further consideration without regard to time. It means that if sometime in the future, you can revisit the topic. If so, the process would have to start all over again.

Mr. Costello also noted that as a practical matter there would have to be again interest on behalf of the County and the other legislative units. The Planning Commission would not initiate it on its own. Also, there are other groups in the audience that did not participate in the Stakeholders Committee. We would start the process all over again.

Mr. Bunger noted that he also served on the Committee. There was a large amount of information gathered for the County and residents. There was a certain amount of ambiguity, lack of structure, unknown empowerment, and concern about responsibility for implementation. He concluded that at this time, there is not strong basis for a recommendation to proceed with the Study.

There being no further comments or questions, Chairwoman Poston asked for a vote on the request based upon a motion by Mr. Schwenke and seconded by Mr. Hicks. The motion passed unanimously.

Chairwoman Poston returned to the beginning of the meeting Agenda.

1. CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff; Charlie Rolfsen, Chairman

Request of Sir Barton Properties c/o Gerald F. Dusing (applicant) for Sir Barton Properties (owner) for a Change in an Approved Concept Development Plan for a 0.3896 acre tract located at 10824 Dixie Highway, Boone County, Kentucky. The request is to modify a condition of a previous zone change approval to allow additional commercial uses on the site. The site is within a Commercial Services (C-3) zone.

Staff Member, Kevin Wall, read the Committee Report (see attached copy), which recommended approval subject to one condition. Chairwoman Poston asked whether there was anyone in the audience that would like to speak in favor or against the request.

Mr. Gerry Dusing, Attorney representing the Applicant, stated that he appreciated the Committee's recommendation and is available to answer any questions. Chairwoman Poston noted that there was no one in the audience in opposition to the request.

Mr. Rolfsen moved to approve the request subject to the condition by Resolution to the Boone County Fiscal Court. Mr. Bunger seconded the motion and it carried unanimously.

2. LONG RANGE/COMP PLAN REVIEW - Todd Morgan, Staff, Bob Schwenke, Chairman

Request of James W. Berling (applicant) for JLP-Florencecky LLC (owner) for a determination of the review process relative to the Houston-Donaldson Study for a future 0.59 acre outlot located at 8032 Burlington Pike, Florence, Kentucky. The request is for a City Barbeque Restaurant in a Commercial Two/Planned Development (C-2/PD) zone.

Mr. Hicks announced that he would have to abstain from voting on this project because of his relationship with the applicant. Mr. Hicks left the meeting room.

Staff Member, Todd Morgan, stated that in September, the Planning Commission acted on City Barbeque's request for approval for a restaurant in front of Value City Furniture. The applicant is requesting a change in two conditions of the original approval. One change included the change in location of the smokers on the building and the elimination of a masonry wall. Mr. Morgan gave a PowerPoint presentation showing the original approved plans and the proposed changes. The original plan showed the smokers located in the rear of the building and the proposed change would result in relocating the smokers to the east side or facing KY 18. In addition, a weld-wired fence is being proposed instead of the masonry wall. All of this would be subject to the Design Review process. Mr. Morgan read the Committee Report recommending approval based upon findings of fact and subject to six conditions. The applicant has signed a letter agreeing to the conditions. Below are the conditions:

1. The approval is based on the revised plan that was submitted at the August 12, 2009 Long Range Planning/Comp Plan Committee meeting.
2. The building setback on the west side shall be a minimum of five feet. The proposed awning shall not be located within the five foot building setback.
3. The proposed smokers shall be sufficiently screened. The screening of the smokers will be reviewed in more detail through the Design Review process. In addition, landscaping features (trees and shrubs) shall be installed in the area between the smokers and access driveway. The landscaping buffer shall have the qualitative affect of Buffer Yard A.
4. The designated loading area shall only be utilized during off-hours.
5. The existing access off KY 18 shall be limited to right turn-in only. Additional directional signage and pavement markings shall be installed to direct traffic.
6. Curbing shall be installed to separate the building and parking area from the main access driveways (along the north & east boundaries of the site).

Mr. Bunger stated that he had the understanding that it would be a full wall screen with appropriate materials as determined through the Design Review process.

Based upon a question from Mr. Carmichael, Mr. Morgan stated that the approval tonight would keep the smokers in the rear of the building.

Mr. Longano asked what was the difference with this application. Mr. Morgan explained that the Technical/Design Review Committee would have more flexibility in determining the type of screening wall. Previously, the condition stated that it had to be a brick wall. The revised condition would allow them to ask for hardi-plank, weld wire or brick.

Mr. Doug Miller, representing City Barbeque and MA Architects, stated that the smokers and wired mesh fence represents City Barbeque's identity. It is similar to Famous Dave's restaurant. The smokers represent the business as it cures the meat. Smoke is contained and is absorbed in the meat products. It is actually less smoke than a residential fire place. The smokers are a way of promoting the business.

Mr. Rolfsen asked what difference does it make if the smokers are fully screened? Mr. Miller responded that if the smokers were located in the rear of the building, the customers would not see them inside and the activity associated with the cooking process.

Mr. Ford asked if the applicant had a photograph or sketch of the inside of the restaurant? Mr. Miller stated "no." It is a new prototype for City Barbeque. It will be provided at the Design Review submittal. If the smokers were located in the rear of the building, kitchen equipment would screen them from the inside portion of the building.

Mr. Brandstetter asked about the height of the screening wall. Mr. Schwenke responded that it is the primary reason why the smokers were located in the rear since the flues from the smokers were higher than the screening wall.

Mr. Longano asked how many City Barbeques exist. Mr. Miller responded 10. Mr. Longano inquired whether there are other locations in which City Barbeque was not allowed to display the smokers. Mr. Miller responded that in Westerville, Ohio, they built an 8 foot high fence against a brick wall. The Westerville, Ohio restaurant has been opened since June. The restaurant at Eastgate has been opened for a year and a half. The smokers are exposed but clean. Mr. Longano asked if there has been a drop off in business at the Westerville location since you can't see the smokers entirely. Mr. Miller responded "no."

Mr. Bunger asked about access to the smokers for maintenance purposes. Mr. Miller explained there is an external gate.

Mr. Drew Chrien, representing JLP-Florence KY LLC, explained that he supported the new prototype of the restaurant and the relocation of the smokers for identity purposes. He stated that if the smokers were relocated to the side then the rear of the building would be more open for access and circulation purposes.

Mr. Schwenke moved to approve the request to keep the smokers in the rear and the screening wall could be brick or hardi-plank and subject to conditions. Mr. Brandstetter seconded the motion. Chairwoman Postion asked if there was any discussion.

Mr. Longano inquired whether the Committee understood that the smokers on the side of the building were part of the applicant's image? Mr. Schwenke responded that the Committee did understand their image but did not like the extended pipes. He also noted there was no other buildings in the area with similar pipes. He felt that even with the screening, it is still fairly noticeable to the public. Mr. Longano asked how it fit in with the Houston-Donaldson Study? Mr. Morgan replied that the Houston-Donaldson Study discourages roof equipment and outside storage or equipment that is visible from a public road.

Chairwoman Poston inquired about what is the longest operating restaurant? Mr. Miller replied about 10 years or since 1999. She stated that she would like to see the smokers after many years of weather. She questioned whether the operator would scrub the smokers outside versus inside. This is the reason why they are located behind the building versus the side visible from KY 18.

There being no further comments or questions, Chairwoman Poston asked for a vote on the request based upon the motion by Mr. Schwenke and seconded by Mr. Brandstetter. The motion passed unanimously.

NEW BUSINESS:

4. ZONING MAP AMENDMENT AND VARIANCES

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.

Mr. Bunger moved to schedule a Public Hearing for the above item on December 2, 2009 at 7:30 P.M. Mr. Ford seconded the motion and it carried unanimously.

5. 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.

Mr. McMillian moved to schedule a Public Hearing for the above item on December 2, 2009 at 7:30 P.M. Mr. Ford seconded the motion and it carried unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin Costello, Executive Director, reported that the City of Florence was sponsoring a charette for the Mall Road Reconstruction Project on November 10, 2009 for 1:00-6:30 p.m. at the Florence Government Center. All affected property owners have been invited. The meeting is open to the public. In addition, Mr. Costello announced that Jeff Eger, General Manger, of Sanitation District No. 1 was going to give an update as part of a training session on their storm water program immediately following tonight's Business meeting.

COMMITTEE REPORTS:

Airport: Mr. Jim Carmichael
No Report

Administrative/Personnel: Mr. Charlie Reynolds
No Report

Enforcement: Mr. Bunger
No Report

Long-Range Planning/Comprehensive Plan: Mr. Schwenke
No Report

Technical/Design Review: Mr. Carmichael
No Report

Executive: Mrs. Poston
No Report

CHAIRWOMAN'S REPORT: None

OKI Report:

Mr. Breetz explained that the OKI Executive Committee was going to meet next week or on Thursday, November 12th at 10:30 a.m.. Mr. Mok, General Manager at the Airport, will be giving a presentation.

Other:

Mr. McMillian noted that he attended a Northern Kentucky Area Planning Council meeting and there was a speaker from Vision 2015. The speaker stressed education. Mr. McMillian suggested that the Planning Commission get more involved with education and get more students involved.

Chairwoman Poston expressed her thanks and appreciation to the Staff and Committee for the time spent on the Greenway and Trail Study. She observed that there were a lot of voices that were “no” voices, but she knows there are as many voices that are “yes” voices. We don’t hear those voices. We think that someone else will take care of it for us. Everyone needs to step up if you believe in something, you have to say yes just like those who spoke against it.

Mr. McMillian also shared the same type of experience about Walton and their plan to expand sewers in the community. People only against the project attended the community meetings.

There being no further business to come before the Planning Commission, Mr. Schwenke moved to adjourn. Mr. Rolfsen seconded the motion. The meeting was adjourned by unanimous consent at 7:54 P.M.

APPROVED:

Susan Poston,
Chairwoman

Attest:

Kevin P. Costello, AICP
Executive Director