

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
July 7, 2010
7:00 P.M.**

Mr. Mike Ford, Vice Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Linda Herald
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. Ben Brandstetter
Mrs. Janet Kegley
Mr. Mark Hicks
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 of Zoning Services
Mr. Mitchell A. Light, Asst. Zoning Administrator/Enf. Officer

Approval of the Minutes:

Vice Chairman Ford, stated that the Commissioners received copies of the Minutes of the June 2, 2010 Business Meeting and the June 2, 2010 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Schwenke moved that the Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.

BILLS:

Kevin Costello, Planning Commission Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between 6/3/10 through 7/7/10.

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$	6,152.32
Health/Dental/Life		2,936.86
Retirement - BCPC Portion		11,301.01
Salaries - Staff Expense		90,694.40
Unemployment Insurance		1,879.50
Workers Comp Insurance		<u>3,149.51</u>
TOTAL:		\$ 110,239.88

EXPENSES:

Accounting Fees	\$	338.90
Attorney Fees		3,040.00
Auto Expenses		440.34
Filing Fees (CLURs)		467.00
GIS Operations		6,500.00
Legal Ads/Recruitment		59.92
Miscellaneous Expense		602.65
Office & Board Mtg. Supplies		1,553.40
Office/Equipment Maintenance		320.60
Office Equipment/Expense		23.00
Office Insurance		8,463.00
Postage Expense		1,217.00
Printing/Pub/Dues/Subscriptions		<u>277.06</u>
TOTAL:		\$ 23,302.87
GRAND TOTAL:		\$ 133,542.75

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

ACTION ON PLAN REVIEWS:

CHANGE IN CONCEPT DEVELOPMENT PLAN

1. **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, Kevin Wall, presented the Committee Report which recommended denial of the request based on Findings of Fact (see Committee Report). Mr. Wall noted that the Committee vote was 4 in favor of the denial of the request and 0 against the denial.

Vice-Chairman Ford asked if the applicant wanted to make a five minute summary statement in regard to items raised at the Public Hearing or discussed at the Committee meeting before the Planning Commission takes action on the request?

Dr. Jim Wright stated that he thought the Committee Report was very misleading. He felt that all of the concerns - traffic, noise and lighting - were addressed by the Committee five years ago. The traffic flow was okayed by the state five years ago. The submitted traffic study states that there is no significant difference between traffic patterns and traffic counts for the proposed development and what has been approved. The lighting issue was addressed - it is well below on the edges of the property. He didn't realize that the County was interested in the brightness under the canopy. A lighting survey was done. Final drawings of the building were also submitted. The only thing he asked for that has not been previously approved is the ability to sell beer and gas. He stated that he cannot have a store without gas pumps. He can now sell groceries there. He thought that he addressed and corrected all of the concerns. He was not asked for a drawing showing trees and shrubs. There is a need to have a convenience store in the area. There were 10 people who spoke against it but there were 30 people who spoke for it. Also, there are 5 families in Union Pointe Center Subdivision, and none of them didn't want it. Mr. Mills Rouse, attorney for Dr. Wright, felt that 90% of the Findings of Fact had nothing to do with what we were asked to do or provide. It was voted down in the Committee because they didn't want the gas pumps. It had nothing to do with what the concerns of the Committee were at the time. All the concerns were properly addressed. This project is not economically feasible without selling gas. Evidence was submitted that a 7-3 ratio on the gross income of a facility such as this is realized from the gas pumps.

Vice-Chairman Ford then asked whether there was anyone in the audience that wanted to speak against the project? **There being no further discussion, Mrs. Poston moved that the request be Denied by Resolution to the Union City Commission based on the Committee Report. Mr. Breetz seconded the motion.**

Vice-Chairman Ford then asked if any of the Planning Commission members had questions or comments.

Mr. Bob Schwenke stated that he respected the Committee's opinion but he always remembers a store or gas station at that same corner. The locals liked it. When the new road was built, it was removed. It would be nice to see a convenience store back where it used to be after 40-50 years at U.S. 42 and Frogtown Road. When you pass Kroger, there is no gas on U.S. 42 until you drive to Warsaw. There is no gas available at Big Bone State Park, Rabbit Hash and Belleview. Because of the change in U.S. EPA regulations, the small operators (mom & pop stores) have a difficult time selling gas. One has to pump a couple of semi-loads of fuel a week to justify the cost of meeting the new regulations and it is expensive. In the rural area, people always run out of gas. One has to travel to Burlington, Union, Richwood, Florence or Walton. He would like to see this facility to help people in the rural areas and that is why he is voting in favor of the request.

Mrs. Poston stated that in 2005 the Planning Commission had a concern about the traffic generated from the whole development. That is why the uses were restricted in 2005 because of the schools and the traffic at the intersection. The gas pumps are the biggest problem because of the traffic generated. At 7:00 a.m., there is a lot of traffic at the intersection Monday through Friday during the school year, especially traffic making illegal left turns from the right in and right out access point. The internal road work would not be completed as a result of this project. This is badly needed as it affects people getting in and out properly and thus, impacting Frogtown Road. Traffic was the big issue and gas pumps were a problem because of the traffic they would generate.

Mr. Bunger concurs with Mrs. Poston's remarks. In addition, there was a great deal of effort placed upon the original approval - type of businesses and interaction with the commercial and residential activities. At the time, we paid a great deal of attention and concern of the request to which this application seems to move away from. In addition, there was a concern about uniqueness of the mix of traffic- student and school activities. There was also a great deal of time spent on architectural concept of the facility. It was extensively addressed in 2005 and has been built. It is difficult to see how gas pumps and gas canopy can fit in with this planned architectural concept. There is presently a gas station and convenience store in downtown Union.

There being no further discussion, Vice-Chairman Ford asked for a vote on a motion made by Mrs. Poston and seconded by Mr. Breetz. Mr. Breetz, Mr. Bunger, Mr. Ford, Mrs. Herald, Mr. Longano, Mr. McMillian, Mrs. Poston and Mrs. Reeves voted for Denial and Mr. Schwenke and Mr. Turner voted against the Denial. The motion carried by a vote of 8-2.

CHANGE IN CONCEPT DEVELOPMENT PLAN

2. Request of Rosa Perea c/o Harrison French & Associates Architects, LTD (applicant) for Benenson FLO KY, LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 13.22 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club). The request is for a change in an approved Concept Development Plan to allow the relocation of the customer loading zone, addition of a tire and battery station, and site improvements.

This request has been withdrawn at the request of the applicant.

3. **Technical Design Review** - **City Barbeque**
8032 Burlington Pike

Staff Member, Mitch Light, presented the request. City Barbeque is proposing a 35.67 square foot building mounted sign facing Red Robin restaurant. The same type of sign is also being proposed on the other side facing BP oil. These 2 signs will include exposed neon. Another 82.68 square foot building mounted sign is proposed along KY 18. It will be a painted sign. A 5.86 square foot building mounted sign is also being proposed along KY 18. Neither one of these signs are internally illuminated. A 31.08 square foot free standing sign is proposed to be installed underneath the Value City Sign. Mr. Light stated that the Committee felt that the 4 building mounted signs totaling 159.88 square feet and 31.08 square foot free-standing sign was acceptable. Mr. Light stated that the Committee met prior to the Business Meeting and recommended approval of the request.

There being no further comments or questions, Mr. Longano moved to approve the request based upon the Committee Report. Ms. Reeves seconded the motion and it carried unanimously.

4. **Technical Design Review** - **Buffalo Wild Wings**
8840 Bankers Street

Staff Member, Mitch Light, presented the request. Buffalo Wild Wings submitted the wrong sign package last month. The existing building mounted sign is 100 square feet. The owner is proposing a 91.36 square foot cabinet sign instead of the 48.59 square foot sign previously approved. It is still under the 100 foot dimension that exists today. Mr. Light stated that the Committee met prior to the Business meeting and recommended approval of the request.

There being no further comments or questions, Mr. Longano moved to approve the request based upon the Committee Report. Mr. Turner seconded the motion and it carried unanimously.

5. Technical Design Review - **Turfway Executive Center
410 Meijer Drive**

Staff Member, Kevin Wall, presented the request. The existing 3 story building next to Urban Active has been partially built by a developer, who stopped work because of the economy. A different entity has picked up the project. The building will be redesigned slightly to include a 200 foot addition to the 33,000 square foot building, where a stairwell will be moved from the center to one end of the building. Mr. Wall showed a slide of the building elevation from the previous approval two and half years ago and also the proposed elevations. He reviewed the building materials - brick, EIFs and glass. Mr. Wall stated that the Committee met prior to the Business Meeting and recommended approval of the request.

There being no further comments or questions, Mr. Longano moved to approve the request based upon the Committee Report. Mr. Bunger seconded the motion and it carried unanimously.

NEW BUSINESS: NONE

EXECUTIVE DIRECTOR'S REPORT:

Kevin Costello, Executive Director, displayed the newly published Boone County Streets & Points of Interest map. Copies of the map are available in the Planning Commission's office.

Mr. Costello stated that Burlington Cemetery, Inc. has requested a Waiver of the Minor Site Plan Review fee (see June 28, 2010 memo). The cemetery submitted a letter requesting the Waiver. Our policy is that the maximum the Planning Commission can waive is \$300.00. Mr. Schwenke made a motion to approve the \$300.00 Waiver to Burlington Cemetery, Inc. Mrs. Poston seconded the motion and it passed unanimously.

A second item involves extending the deadline for the expiration of Final Plats (see June 29, 2010 memo). Because of the difficult economy, there has been slow process of recording final plats. The current regulation requires a developer to record a final plat within one year of Planning Commission approval. Mr. Costello is recommending that the Planning Commission consider extending the 1 year time limit to 2 years for final plats originally approved (signed) by the Planning Commission in 2009 and 2010. This issue will also be addressed in the Subdivision Regulations Update. Mr. McMillian made a motion to allow the Zoning Administrator to extend the 1 year requirement for recording final plats to 2 years for plats originally approved in 2009 and 2010 only. Mr. Breetz seconded the motion and it passed unanimously.

The third item involves obtaining professional consulting services for the Mall Road District Study in the areas of transportation and market analysis on a limited basis. The June 29, 2010 memo explains the request. The City of Florence has already provided funding (\$5,000) for this work. Action is needed to hire DiSalvo Development Advisors, LLC and TEC Engineering. TEC Engineering worked previously for the Planning Commission in evaluating the proposed Walmart project on Weaver Road. Pete DiSalvo was part of the Danter Company/Pizzuti team for the Union project. Mr. McMillian made a motion to authorize the Executive Director to enter into a contract with TEC Engineering and DiSalvo Advisors, LLC for a maximum amount of \$2,500 each based on the services identified in the June 29, 2010 memo. Ms. Reeves seconded the motion and it carried unanimously.

COMMITTEE REPORTS:

Airport: Mr. Brandstetter
No Report

Administrative/Personnel: Mr. Reynolds
No Report

Enforcement: Mr. Bunger
No Report

Long-Range Planning/Comprehensive Plan: Mr. Schwenke
Mr. Schwenke announced that the next Committee meeting is scheduled on July 14, 2010 at 5:30 p.m. in the Fiscal Courtroom. The topic is the 2010 Boone County Comprehensive Plan.

Technical/Design Review: Mr. Reynolds
No Report

Executive: Mr. Rolfsen
No Report

CHAIRMAN'S REPORT: Mr. Rolfsen
No Report

OKI Report: Mr. Breetz
No Report

Other:

There being no further business to come before the Planning Commission, Mr. Bunger moved to adjourn. Ms. McMillian seconded the motion. The meeting was adjourned by unanimous consent at 7:37 P.M.

APPROVED:

**Mike Ford
Vice-Chairman**

Attest:

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