

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mr. McMillian, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Ms. Jan Hancock, Recording Secretary; Mr. Robert Jonas, AICP, GIS Specialist; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **Taco Bell of America, Inc. for
The Bank of Kentucky (owner)**

Request: **Change in Approved Concept Development Plan**

The request of Taco Bell of America, Inc. (applicant) for The Bank of Kentucky (owner) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 0.90 acre site located at 8526 U.S. 42 at the intersection of Harvey Quast Drive and U. S. 42, and immediately to the south/west of the property at 8522 U.S. 42, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a drive-through restaurant.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation and review of the attached email from the City of Florence Public Services Director (see Staff Report).

Mrs. Arnett asked for the applicant's presentation.

Mr. Dennis Williams, attorney with Adams Stepner Woltermann & Dusing, was present on behalf of Gerald Dusing and representing the applicant. He introduced Mr. Joe Boyle with GPD Engineering Group. Mr. Williams stated that Staff did a good job of addressing the issues. He stated that the site has a long history and noted the previous Sonic application. He stated that they have tried to address the concerns identified previously.

Mr. Boyle, Project Engineer with GPD Engineering Associates, Akron, OH stated that he was the project engineer for the Taco Bell on Mall Road, and GPD did the engineering for National City Bank and the Dunkin' Donuts across the street from this site. He stated that they will work with the Committee in regard to the signage. He would like to see more colors added to the building because the building on Mall Road is plain. He stated that if they cannot have the colored parapet bands, they will remove the canopies and side expression panels. They

would prefer the building to have color and stand out. He stated that the right turn lane shown is preliminary and they will work with the traffic engineer and KDOT to determine if a right turn lane is required. The Traffic Study prepared for the Sonic request recommended a right-turn lane, but they will have to look at the extent of that lane. In regard to the comments from the City of Florence (attached to the Staff Report), he stated that they do not have a problem with putting stone around the back of the building. They like the EIFS and brick would add cost – but they will work with the Committee in regard to the building materials. He stated that a fence is not required along the north property line, but Taco Bell likes to work with the community and is being proactive. There will be a small retaining wall along that side and the fence is for safety because of the grade difference. They have no problem with directing the lighting into the site. He offered to answer any questions. This concluded the applicant's presentation.

Mrs. Arnett asked if there was anyone else present who wished to speak in favor of the request. There being no response she asked if there was anyone present in opposition to the request.

Mr. Bill Adams, owner of the property where the garage is located, stated that Taco Bell will have to put in a retaining wall. He questioned how they will prevent trash from the dumpster from going over onto this property. He also wants a fence so that people cannot go onto his property any more than they do now or hit his garage.

Mr. Ron Harmon, who lives in the house to the north of the site, stated that there is an 8' – 10' grade different between his yard and the subject property. He stated that Taco Bell will have to put up a wall because he does not want to lose any of his property. He wants a privacy fence at least six feet tall so that headlights do not shine in his windows, to help with the noise, and to stop people from cutting through there. He stated that a right turn lane would take all of his front yard and his front door will be less than twenty feet from the road. Most of his front yard was taken when they widened U.S. 42 and his front porch is currently only about fifty feet from the road. He does not want his front door to be right on the road.

Mrs. Arnett asked if there was anyone else present who wished to speak. There being no response, she asked if there were any comments or questions from the Commissioners.

Mr. Charlie Reynolds stated that the City of Florence has asked for the dumpster enclosure to be made of the same material as the building or covered in like materials. He recommended that the enclosure be high enough to cover an open lid, since a dumpster is often left open, and to help prevent garbage from spilling out. Mr. Boyle responded that dumpster enclosures are usually about six feet tall and they do not want the dumpster enclosure to be so tall that it sticks out, but they will look into it.

Mr. Charlie Reynolds questioned reducing the parapet band so that it goes around the sides just to the first canopy and does not extend further back. Mr. Boyle responded that it would be a good option and they will look into it.

Mr. Carmichael questioned why they do not use the existing rear access onto Harvey Quast Drive. He stated that people will exit the drive-through and try to make an immediate left to get to the light. They will be doing that at lunchtime when everyone is trying to go into McDonald's. This issue was brought up during the Sonic request and it is still an issue. He stated that people are not going to go back around the building to get out of the property and, if they do, that is also a safety concern. If people exit right from the drive-through and make an immediate left to go to the light, it creates an issue on the site that needs to be overcome – it is a big problem. He recommended that they design the site so that people can pull into the drive-through (stacking 3 or 4 cars at the order board and 3 or 4 at the window), and then exit straight out the back onto Harvey Quast Drive to access the light. He questioned how close the rear ingress/egress on the site is to the neighbor's driveway. Mr. Adams stated that he has driveways on both sides of his building and one of the driveways is one foot off of the property line. Mr. Carmichael stated that the new design leaves about ten feet from Mr. Adams' driveway to this access and the turning radius would almost match up. He asked the applicant to try to resolve these issues and bring the information to Committee. He asked the Committee to keep the signage within the Code.

Mr. Bunger asked if the site will be connected to the sewer so that water does not run down the ditches along Old Toll Road. Mr. Boyle responded that they will tie into the existing storm sewer system along Harvey Quast Drive.

Mrs. Arnett asked Staff or the applicant to respond to the concerns raised. Mr. Light questioned the type of business that Mr. Adams is operating there. Mr. Adams stated that he does not have a business there, he is just using the garage. Mr. Light asked the applicant to address the grading. He stated that once the retaining wall gets to a certain level, a railing is required so that someone does not fall into the parking lot.

Mr. Charlie Reynolds asked the Committee to look closely at the turning lane so that Mr. Harmon does not lose any more property. Mr. Light explained that when the road was widened, the right-of-way was purchased and the road improvement will have to be within that right-of-way -- unless additional right-of-way is purchased. He does not know how much of Mr. Harmon's front yard is currently right-of-way. It appears that the right-of-way goes a couple of feet beyond the sidewalk. Mr. Charlie Reynolds asked Staff to provide the information to the Committee.

There being no further comments, Mrs. Arnett stated that everyone is invited to attend the Committee Meeting for this item which will be held on July 11, 2007 at 4:30 PM in this room. This item will be on the Agenda for the Business Meeting on July 18, 2007 at 7:00 PM. Mrs. Arnett closed this Public Hearing.

APPROVED:

Judy Arnett, Secretary/Treasurer

Attest:

Jan Hancock, Recording Secretary