

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

January 4, 2017

7:00 P.M.

Kim Bunger, Secretary/Treasurer opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's January 4, 2017 Business Meeting. Mr. Bunger then invited everyone to join him in reciting the Pledge of Allegiance. Mr Bunger also welcomed the Planning Commission's newest member, Mr. Brad Shipe, representing the Boone County Fiscal Court.

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Kevin T. Wall, Director, Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Senior Planner

Approval of the Minutes:

Mr. Bunger stated that the Commissioners received copies of the Minutes from the December 7, 2016 Business Meeting. He asked if there were any comments or corrections? Mr. Costello noted one correction in the December 7, 2016 Business Meeting Minutes on page 5, fourth paragraph, last sentence. The word "minute" should be changed to "month." **Mr. Reynolds moved to approve the Minutes as presented and as revised. Mr. Schwenke seconded the motion and it carried unanimously.**

BILLS:

Mr. Kevin P. Costello, AICP, 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 December 8, 2016 through January 4, 2017.

EXPENSES:

Accounting Fees	\$ 411.61
Attorney Fees	3,600.00
Auto Expense	88.46
Consultant/Professional Svcs Fees	2,175.00
Filing Fees (CLURs)	96.00
GIS Operations	1,230.00
Legal Ads/Recruitment	85.92
Miscellaneous Expense	96.66
Office & Board Mtg. Supplies	696.05
Office Equipment / Expense	5.41
Postage Expense	1,752.00
Printing/Pub/Dues/Subscriptions	52.02

TOTAL: \$ 10,289.13

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 5,202.52
Health / Dental / Life / LTD	16,356.85
Retirement - BCPC Portion	17,626.96
Salaries - Staff Expense	76,040.94
Salaries BCBOA	105.00
Salaries BCPC	780.00

TOTAL: \$116,112.27

GRAND TOTAL: \$126,401.40

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 previously paid. Mr. Turner seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Greg Breetz, Chairman, Mitch Light, Staff

1. Request of **John Diersing, Quality Signs (applicant)** for **Roger J. Foy, Bishop of Covington (owner)** for a Zoning Map Amendment for a Special Sign District for a 15.68 acre tract located at 1150 Donaldson Highway, Boone County, Kentucky (Mary Queen of Heaven Parish and School). The request is for a Special Sign District in a Public Facilities/Planned Development/Houston-Donaldson Study Corridor Overlay (PF/PD/HDO) zone to allow a monument sign with an electronic message center.

Staff Member, Mitch Light, read the Committee Report, which recommended approval based upon findings of fact and conditions (see Committee Report). Mr. Light showed a drawing of the revised monument sign design to the full Board. It is the same version presented at the Committee Meeting. The sign now has a brick base.

Mr. Bunger asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Mark Stottman, Quality Signs (Applicant), stated that he was representing John Diersing, who is on vacation.

Seeing no one else, **Mr. Bunger asked if there was a motion to act on the request? Mr. Reynolds moved to approve the request by Resolution to the Boone Fiscal Court based upon the Committee Report and subject to conditions. Mr. Patton seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT AND CONCEPT DEVELOPMENT PLAN - Kim Bunger, Chairman, Kevin Wall, Staff

2. Request of **Clover Communities Florence, LLC (applicant)** for **Flomed LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) to Commercial Two/Planned Development (C-2/PD) for an approximate 8.18 acre tract located south of the property at 7800-7932 Connector Drive, north of the terminus of Rosetta Drive, and east of the properties at 40, 42, 44, 48, and 50 Achates Avenue, Boone County, Kentucky (Annexation into the City of Florence pending); and the request of **Anne F. McBride, FAICP (applicant)** for **Paddock Club 2 LLC (owner)** for a Concept Development Plan in a Commercial Services/Planned Development/Mall Road Overlay (C-3/PD/MR) zone for an approximate 2.9 acre area located along the west side of Preakness Drive, south of the property at 7800-7932 Connector Drive, and north of the property at 8000 Preakness Drive, Florence, Kentucky. The requests are for a zone change and a Concept Development Plan to allow a multi-family senior housing development on an approximate 11.08 total acre site.

Staff Member, Kevin Wall, gave a status report on the request. A Public Hearing occurred on December 7, 2016. The Zone Change Committee met on December 21, 2016 to discuss the project. The conclusion at the time was that the applicant had to work on a few items. The request was planned to be deferred until the next Business Meeting on February 1, 2017, or after the next Committee Meeting on January 18, 2017. Because of the 60 day time limit under state law, the deadline to act is January 5, 2017 unless an extension of the time limit is filed by the originator for the request. The time extension has been requested by Staff but not provided by the originator. Tonight's Business Meeting is the last possible date for the Planning Commission to take Final Action since there is no extension of time. There is no recommendation other than the Committee deferral. It is unresolved with the applicant.

Mr. Bunger explained that the Committee is waiting for some additional information from the applicant. Mr. Wall stated at the Committee Meeting that he needed an updated time extension waiver. He further explained that the owner group is based out of town and not capable of executing the time waiver in a timely manner. Mr. Bunger stressed there were 2 significant issues that the Committee wanted the applicant to address. This was the reason to schedule another Committee Meeting.

Mr. Bunger asked if the applicant was present and wanted to respond. Ms. Anne F. McBride, FAICP (applicant) representing Clover, for Flomed, LLC and Paddock Club 2, LLC (owners) stated that both property owners are located on the east coast. No one anticipated that the Zone Change Committee would continue the request. She sent the revised time extension form (through the February 1 Business Meeting) to her client who in turn sent it to a broker. By that time, it was Christmas. A lot of businesses were closed during the holidays. She mentioned that the 2 LLCs have been the toughest to get things processed. Everyone has to agree and it usually took 4 weeks for the first time limit extension and 8 weeks on the original application. She apologized for putting the Planning Commission in such a position. She doesn't know what to do.

Mr. Bunger asked if a new time extension letter would be submitted by tomorrow (January 5, 2017)? Ms. McBride replied no. Mr. Costello also noted that the Staff sent numerous emails and made phone calls to the applicant in order to resolve this issue. The Planning Commission office was open during the week between Christmas and New Years. Ms. McBride stated that it wasn't the fact they wouldn't sign it, there just wasn't enough time. Mr. Costello reiterated that this State law is counter productive to local government and to the development community.

Mr. Bunger asked legal counsel to explain the options before the Planning Commission. Mr. Wilson responded that if the Planning Commission fails to make a recommendation within the 60 day time limit and the extension of time is not possible, then the application is to be forwarded to the Fiscal Court or other legislative body without a recommendation of approval or disapproval. Mr. Wilson also stated that the other Committee Members were present and can discuss a course of action before the full Board.

Mr. Bunger indicated that the request was fully discussed at the Committee Meeting. He stated there were 2 significant items which generated the need for the applicant to possibly rework their plan in order to meet the concerns of the Committee. There were other minor issues such as building setback, etc.. There was a concern about building mass and construction materials along with possibly redesigning the access road around the proposed buildings in order to provide fire equipment access. The Florence Fire Chief advised the Committee that it was preferred. This was

essential for the safety of the facility and elderly residents. He asked if other members of the Committee wanted to offer comments and ideas on how to proceed?

Mr. Patton stated there was a third item or concern that arose at the Public Hearing. That concern was to have adequate parking for the proposed use. The applicant did a good job in addressing it by showing a future expansion of the existing parking lot.

Mr. Breetz identified possible grade issues with the development of the site. It would not only affect emergency response but also connections to adjoining properties and buffering.

Mr. McMillian expressed a concern about access management. There is a way to get in but not another way to get out. Mr. Bunger replied that it was addressed. A provision was made and agreed upon by the applicant that a connection be made between other properties if the shopping center property was redeveloped in the future. It would involve access or right-of-way only and not be built immediately.

Mrs. Heilman asked if the subject property had already been annexed into the City of Florence. Mr. Costello responded that annexation of the property into the City of Florence was pending. There was an intent to annex. Mr. Costello further stated that the Planning Commission recommendation would be sent to the Boone Fiscal Court and the City of Florence in case the annexation request is defeated or withdrawn. Mrs. Heilman urged the Planning Commission to make a final recommendation and not set a precedent in not taking final action. Mr. Bunger agreed with Mrs. Heilman and stated that the Planning Commission should complete its work.

Mr. Schwenke thanked the Committee for contacting the Florence Fire Chief and looking into the fire response issue since it was mentioned at the Public Hearing. Mr. Schwenke mentioned that he did not like the project to just be hanging out there.

Mr. Costello announced that the Staff has drafted Findings for Denial should the full Board want Staff to present them. Mr. Bunger stated that the Board has the responsibility to act tonight. Any Board decision at tonight's Business Meeting is the result of the applicant's actions and inadequate response. The request involves several issues that need to be addressed properly before making a final decision. This can't be done since the applicant is not willing to extend the time limit in accordance with State law. As a result, Mr. Bunger suggested that Staff read the Findings for Denial in order for the full Planning Commission to consider taking final action to deny the request.

Mr. Wall read the "Findings of Denial" for the Clover Communities request. (See Exhibit A).

Seeing no further questions or comments, Secretary/Treasurer Bunger asked if there was a motion to take final action? Mr. Patton moved by Resolution to the City of Florence and the Boone County Fiscal Court to approve the denial of the request based upon the "Findings of Denial" as presented by Mr. Wall. Mr. Schwenke seconded the motion and it passed unanimously.

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

3. Core Life Eatery - 6785 Houston Road

Staff Member, Todd Morgan, referred to his Power Point presentation. The proposed use will occupy the vacant former Laughing Noodle restaurant. Mr. Morgan reminded everyone that the site is located in the lawsuit settlement area. The original building was approved in 2013. The proposed restaurant is located at the end of the building. The applicant would like to redesign the entrances to the restaurant with Trex like Currito Burrito same color. The applicant would also like to have outside seating by removing 2 parking spaces. The seating area would be 19' x 18' in size. The Committee asked the applicant to redesign the outdoor seating area with no or less pergola material. This part of the request is being tabled until revised drawings are submitted and reviewed at a later date. The proposed Core Life Eatery signs on the front and side facades are okay since they are under 100 square feet and are part of the Committee approval. Mr. Morgan stated that the Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request - the Trex and signage only. The pergola issue will be examined later on.

Mr. Reynolds moved to approve the request subject to the Staff conditions. Ms. Reeves seconded the motion and it passed unanimously.

New Business: None

EXECUTIVE DIRECTOR'S REPORT: No Report.

OKI REPORT: Mr. Breetz announced that OKI has selected WSP and Parsons Brinkerhoff to undertake the update of the Boone County Transportation Plan in 2017.

OTHER: Mrs. Kegley asked about the time of the Long Range Planning/Comp Plan Committee Meeting on January 18th? Mr. Costello replied that originally it was tentative and now it has been cancelled.

At this time, Secretary-Treasurer Bungler turned the Business Meeting over to Mr. Bob Schwenke and Mrs. Kegley, Nominating Committee members. Mr. Schwenke asked if there were any nominations from the floor for any of the Officer positions for 2017? Currently, there is a ballot of individuals running for an office. Mr. Schwenke identified the ballot:

Chairman -	Charlie Rolfsen
Vice-Chairman -	Matt Apke Kim Patton Charlie Reynolds
Secretary-Treasurer -	Kim Bungler
Temporary Presiding Officer -	Steve Turner

Seeing no nominations from the floor, Mr. Schwenke closed the nominations and asked that the ballots be distributed and collected. Both Mr. Dale Wilson and Mr. Costello counted the ballots. The results are as follows:

Chairman - Charlie Rolfsen
Vice-Chairman - Kim Patton
Secretary-Treasurer - Kim Bunger
Temporary Presiding Officer - Steve Turner

Mr. Costello reminded Board Members to contact Chairman Rolfsen for Committee preferences. The new committee assignments will go into effect February 1, 2017.

There being no further business to come before the Planning Commission, Mr. Hicks moved to adjourn the meeting. Mr. Schwenke seconded the motion. The meeting was adjourned by unanimous consent at 7:46 p.m.

APPROVED

**Charlie Rolfsen
Chairman**

Attest:

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