

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
JULY 5, 2017
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's July 5, 2017 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Lori Heilman
Ms. Lisa Reeves
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Approval of the Minutes:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the June 7, 2017 Business Meeting and the June 7, 2017 Public Hearings. He asked if there were any comments or corrections? **Mr. Patton moved to approve the Minutes as presented. Mr. Turner 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 June 8, 2017 through July 5, 2017.

EXPENSES:

Accounting Fees	\$ 478.24
Attorney Fees	3,600.00
Auto Expense	83.45
Consultant/Professional Svcs Fees	1,637.50
Filing Fees (CLURs)	224.00
Legal Ads/Recruitment	113.84
Miscellaneous Expense	236.46
Office & Board Mtg. Supplies	227.99
Office Equipment/Expense	5.27
Postage Expense	252.00
Printing/Pub/Dues/Subscriptions	<u>2,519.10</u>
TOTAL:	9,377.85

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 5,460.84
Health / Dental / Life / LTD	17,335.02
Retirement - BCPC Portion	17,632.06
Salaries - Staff Expense	75,669.49
Salaries BCPC	720.00
Salaries BCBOA	<u>175.00</u>
TOTAL:	\$116,992.41

GRAND TOTAL: \$126,370.26

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. Patton seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT AND VARIANCES - Janet Kegley, Chairman, Kevin Wall, Staff

1. Request of **Viox & Viox, Inc. (applicant)** for **Kenton County Airport Board (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) and two dimensional variances for a 1.8 acre tract located on the west side of Limaburg Road and immediately south of the properties at 4465 Limaburg Road and 1743 Anderson Boulevard, Boone County, Kentucky. The request is for a zone change to allow a warehouse and variances from Table 31.1 and Section 3645 "Buffer Yards" of the Boone County Zoning Regulations to allow reductions in the required 50 foot rear yard setback and the Buffer Yard D landscaping standards.

Mr. Bob Schwenke announced that he had a conflict with the request and wanted to abstain from voting. Mr. Schwenke left the meeting room.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Wall noted that the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Breetz, Mr. Bunger, Mrs. Kegley, Mr. Turner, Mrs. Heilman voting in favor of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Louis Kelly, attorney for Anderson Manufacturing, stated that his client is not the applicant or property owner, but will be purchasing the property in question from the Airport if the request is granted. He is available to answer any questions.

Chairman Rolfsen then asked if there were any questions or comments from the Board Members?

Seeing none, Chairman Rolfsen asked if there was a motion to act on the request? Mrs. Kegley moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to conditions. Mr. Hicks seconded the motion and it passed unanimously.

Mr. Schwenke returned to the meeting room.

ZONING MAP AMENDMENT AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Greg Breetz, Chairman, Kevin Wall, Staff

2. The request of **Francisville, LLC (owner)** for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky, to modify a Concept Development Plan and previous conditions of approval to allow a reconfiguration of an approved commercial, attached single family residential, and multi-family residential development (Thornwilde Village) and the request of **Francisville, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Residential Planned Development (RPD) for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky, to allow an expansion of Thornwilde Village consisting of multi-family residential buildings.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Wall noted that the Committee voted unanimously to approve the request with Mr. Breetz, Mr. Bunger, Mrs. Kegley, Mr. Patton and Mr. Turner voting in favor of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Phil Drees, property owner, stated that he was available to answer any questions. Mr. Vince Stitzel, 2409 Lost Willow Court, explained there is a correction in Condition #2 regarding the buffer up to Sedwick Drive. There is no Sedwick Drive as that was the original name of the street back in 1994. It was supposed to be a cul-de-sac with 11 units. There is no intersection there. Mr. Wall replied that it is platted. Mr. Stitzel responded there is no street sign. He wanted to read a passage from Mr. Daniel Thornburn of The Drees Company. Mr. Costello asked if it was new testimony that wasn't presented at the Public Hearing? Mr. Stitzel admitted that the Planning Commission didn't hear it before or at the Public Hearing. Mr. Costello stated that the Planning Commission could not accept the new information. He explained that the information should have been submitted at the Public Hearing. Mr. Stitzel showed it to Mr. Costello and he referred it to Mr. Wilson for review. Mr. Wilson explained that the Planning Commission could accept it and pass it on to the Fiscal Court after the Planning Commission votes on the request. It can't be made part of the Business Meeting since the Public Hearing for the request occurred in the past. Mr. Stitzel agreed to submit it later to the Fiscal Court. In 2014, the Thornwilde HOA did not receive any mailing regarding the rezoning request. The Drees Company is the address of record for the HOA. They told the HOA that they didn't receive it. The Drees Company owned the property in question in 2014 so they would not have received any notification. Some of the decisions in 2014 may be faulty. In 2017, the HOA found out that Phil Drees obtained a sliver of land along Thornwilde Drive from The Drees Company. The HOA has been maintaining this strip of land for a while. This strip provides access to Mr. Drees' property. Traffic on Thornwilde Drive is a mess especially at peak hours and when the school is in operation. There is also a curve in the street that makes the site dangerous since residents don't obey the 25 mile speed limit. There should be a thorough, proper traffic study conducted on Thornwilde Drive. He expressed a concern about the buffering next to the proposed day care. Mr. Drees is also requested to implement a walking trail on his property. He doesn't see it anywhere. There should be some recreational amenities such as playgrounds, swing sets and basketball hoops in his project for his residents. There is a perception that the Planning Commission has done everything for Mr. Phil Drees while paying no attention to the 650 homeowners in Thornwilde Subdivision. Mr. Drees has been noncommittal on his conditions. He cancelled the June 7th meeting at the 11th hour. He has gone from 12 units and retail to 176 units and retail. Mr. Stitzel asked the Board to deny the request.

Chairman Rolfsen asked if there was a motion to act on the request? Mrs. Kegley moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to conditions. Mr. Hicks seconded the motion. Chairman Rolfsen asked if any of the Board members had any questions or comments? Mr. Breetz stated that he was Chairman of the request and the Committee worked through a lot of the details. He explained that he drove through the area and what bothered him was the 3 story building and their proximity to North Bend Road. It is also a tight site. For those reasons, he announced that he was changing his vote.

Mr. Bunger asked if the buildings along KY 237 and Thornwilde Drive are to be 2 story? Mr. Drees replied that the buildings along Thornwilde Drive would be 2 story but the proposed day care could be swapped out for a 3 story building but the grade is lower. Mr. Drees explained that the buildings along KY 237 could be 3 stories high. Mr. Bunger asked if all of them could be 2 story high? Mr.

Drees replied no since they are trying to get a certain look from the road. Mr. Adrian Yanes, Viox & Viox, Inc. stated that the units along KY 237 are bridge units that will sit lower. It will look like 2 story units from KY 237.

Chairman Rolfsen asked for a vote on the original motion made by Mrs. Kegley and seconded by Mr. Hicks. The motion found Mr. Bessler, Mr. Bunger, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Ms. Nieves, Mr. Patton, Mr. Rolfsen, Mr. Schwenke, Mr. Shipe and Mr. Turner voting in favor of the request and Mr. Breetz voting against the request. The motion passed by a vote of 11-1.

ZONING MAP AMENDMENT - Kim Patton, Chairman, Todd Morgan, Staff

3. Request of **The Drees Company (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Morgan noted that the Committee voted 3-1 to approve the request with Mr. Breetz, Mr. Bunger, Mrs. Kegley voting in favor of the request and Mr. Turner voting against the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Ben Taylor, The Drees Company, stated they are in agreement with all of the Conditions. He is available to answer any questions.

Chairman Rolfsen asked if there was a motion to act on the request? Mr. Patton moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to conditions. Mr. Breetz seconded the motion. Chairman Rolfsen then asked if there were any questions or comments from the Board Members?

Mr. Schwenke stated that he didn't have a problem with the development but expressed a concern about getting traffic out in other directions especially with the new St. Tim's School. He inquired on whether the Bentle property goes all the way to Dublin Drive? Mr. Morgan replied no. It would be nice if it could connect to adjoining properties to avoid the curve on Frogtown Road. Mr. Morgan stated that the Committee considered accessing the subject site across from Kilarney Drive and with the post office. Unfortunately, the post office has a one way exit and there is also a cemetery. There is a minor improvement to Frogtown Road near Triple Crown Boulevard. The update of the Boone County Transportation Plan will address the remaining portion of Frogtown Road. Chairman Rolfsen expressed a concern that the developer provide a westbound deceleration lane on Frogtown Road. Mr. Morgan stated that the traffic study didn't warrant it and the Kentucky Transportation Cabinet didn't require it. Mr. McMillian asked whether the lots along Frogtown Road would have driveways onto Frogtown Road? Mr. Morgan responded no. The driveways to these lots are located off the interior street.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Patton and seconded by Mr. Breetz. The motion found Mr. Bessler, Mr. Breetz, Mr. Bunger, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Ms. Nieves, Mr. Patton, Mr. Schwenke and Mr. Shipe voting in favor of the request and Mr. Rolfsen and Mr. Turner voting against the request. The motion passed by a vote of 10-2.

ZONING MAP AMENDMENT - Steve Turner, Chairman, Todd Morgan, Staff

4. Request of **Storypoint (applicant)** for **Arlinghaus I, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities/Planned Development (PF/PD) for a 14.104 acre tract located on the east side of US 42 and immediately south of the property at 9001 US 42 (Kroger Marketplace), Union, Kentucky. The request is for a zone change to allow an elderly housing facility.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Fact and conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously to approve the request with Mr. Breetz, Mr. Bunger, Mrs. Kegley, Mr. Turner and Mrs. Heilman voting in favor of the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Aaron Seymour, representing the applicant, stated that he is in full agreement with the conditions set forth and is present to answer any questions.

Mr. Chester Gregory, 2204 Penrose Way, stated that he was for the project but he inquired about ownership of the existing pond. Mr. Seymour responded that they are discussing full ownership with Arlinghaus Builders. They will enter into agreement for full maintenance of the pond.

Chairman Rolfsen then asked if there were any questions or comments from the Board Members?

Seeing none, **Chairman Rolfsen asked if there was a motion to act on the request? Mr. Turner moved to approve the request by Resolution to the City of Union based upon the Committee Report and subject to conditions. Mr. Breetz seconded the motion and it passed unanimously.**

Mr. Hicks announced that he had a conflict with the next request and wanted to abstain from voting. He left the meeting room.

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

5. The Brass Tap - 8270 Bankers Street

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The site is the former Executive Springs Car Wash site. The existing car wash will be removed from the site. A Brass Tap bar/restaurant is proposed. It will have an attached/covered seating area. The building is 80' x 40' in size. Fifty-six parking spaces will be provided on the site. Mr. Morgan showed the building elevations and materials. The building is made of brick and porcelain tile. The building

will have garage doors much like Drake's. Building mounted signs will be installed on the front side and side of the building. Each sign will be 49.96 square feet in size. The applicant will use the existing monument sign. Chairman Rolfsen asked if the proposed use is a national restaurant chain? Mr. Josh Bolin stated it is a franchise out of Tampa, Florida. There is actually a restaurant located at U Square at UC. It is an upscale bar/restaurant. There is one located in Columbus, Ohio. Mr. Breetz asked if there was going to be any entertainment? Mr. Bolin stated they only have live music one night a week. Hours of operation will be until 12:00 or 1:00 a.m. during the week and 2:00 a.m. on weekends. They will match Drake's and BW3 hours. They may also open from brunch.

Mr. Patton moved to approve the request based upon the Technical/Design Review Committee recommendation. Mr. Shipe seconded the motion and it passed unanimously.

Mr. Hicks returned to the meeting room.

New Business:

ZONING MAP AMENDMENT - Kevin Wall, Staff

6. Request of **Florence Baptist Church (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 66.72 acre site located at 642 Mt. Zion Road, Boone County, Kentucky. The request is for a zone change to allow a K-12 school to operate within the existing church.

ZONING MAP AMENDMENT - Todd Morgan, Staff

7. Request of **Devesh Patel (applicant)** for **BBL Development, LLC (owner)** for a Zoning Map Amendment from Office One/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-1/PD/HDO) to Office Two/Planned Development/Houston-Donaldson Study Corridor Overlay District (O-2/PD/HDO) for an approximate 2.15 acre site located on the southeast corner of the Vandercar Way/Seligman Drive intersection, Florence, Kentucky. The request is for a zone change to allow a hotel.

Mr. Patton moved to schedule Public Hearings for items #6, and #7 listed above on August 2, 2017 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.

CHAIRMAN'S REPORT:

Mr. Rolfsen recognized the following former Board Members:

- Jim Longano was appointed by Mayor Kirby in 2009 and served 6 years as a Board Member representing Union. Mr. Longano chaired the Technical/Design Review Committee and served on the Airport and Zone Change Committees.
- Mike Ford was appointed by Judge Moore in 2008 and served 8 years as a Board Member representing the Boone County Fiscal Court. Mr. Ford replaced Dr. Poe

and served as Vice-Chairman and on the Technical/Design Review, Airport, Executive, Zone Change and Long-Range Planning Committees.

- Susan Poston was appointed by Judge Moore in 2000 and served 12 years. Mrs. Poston became the first Chairwoman of the Planning Commission. She also served as Vice-Chairwoman and on the Zone Change and Executive Committees.

He thanked them for their service to the community. Mr. Costello also noted that Mrs. Susan Schultz and Mr. Ben Brandstetter could not attend this evening's meeting.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, referred to two memos that were distributed to the Planning Commission members. The first memo involves extending the contract of Jon Brown, P.E., P.L.S. of Brown Engineering to provide engineering and surveying services to the Planning Commission at the same rates from July 1, 2017 to June 30, 2018. Mr. Hicks moved to authorize the Executive Director to execute a contract with Brown Engineering based upon the July 5, 2017 memo. Mr. Patton seconded the Motion and it passed unanimously. The second item involves extending the contract with Strategic Advisors to provide professional consulting services for the update of the Comprehensive Plan for the same time period. Mr. Hicks moved to authorize the Executive Director to execute a contract with Strategic Advisors based upon the June 30, 2017 memo. Mr. Schwenke seconded the Motion and it passed unanimously.

OTHER:

Chairman Rolfsen recognized Board Member Don McMillian who was recently elected to the Kentucky Veterans Hall of Fame. Only 24 were elected in 2017 based upon his community service. It is a well deserved honor.

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 8:25 p.m.

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

