

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
AUGUST 7, 2019
7:00 P.M.**

Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's August 7, 2019 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bungler, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Robert Jonas, AICP, Director, Planning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael Schwartz, Planner

Approval of the Minutes:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the July 3, 2019 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections? **Mr. Harper moved to approve the Minutes as presented. Mr. Patton 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 July 4, 2019 and August 7, 2019.

EXPENSES:

Accounting Fees	\$ 1,940.94
Attorney Fees	3,900.00
Auto Expense	122.97
Consultant/Professional Svcs Fees	2,935.00
Filing Fees (CLURs)	160.00
GIS Operations	392.00
Legal Ads/Recruitment	167.44
Miscellaneous Expense	919.56
Office & Board Meeting Supplies	1,652.10
Office Equipment/Expense	591.34
Postage Expense	500.00
Printing/Pub/Dues/Subscriptions	1,207.00
Professional Development	451.20
Refunds	<u>250.00</u>

TOTAL: \$15,189.55

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 7,443.66
Health / Dental / Life / LTD	16,258.85
Retirement - BCPC Portion	19,227.81
Salaries - Staff Expense	102,555.96
Salaries BCPC	385.00
Salaries BCBOA	<u>140.00</u>

TOTAL \$146,011.28

GRAND TOTAL: \$161,200.83

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:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Janet Kegley, Chairwoman, Todd Morgan, Staff

1. Request of **Brian Dunham, Frost Brown Todd, LLC (applicant)** for **Benenson Flo. KY. LLC and Wal-Mart Real Estate Business Trust (owners)** for a Change in Concept Development Plan for a 14.85 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club). The request is for a Change in Concept Development Plan to allow a gasoline fueling station and for modifications to an existing retail building in a Commercial Two/Planned Development/Houston-Donaldson Study Corridor Overlay (C-2/PD/HDO) zone.

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 4-0 to approve the request with Mr. Bunger, Mr. Patton, Mr. Turner and Mrs. Kegley voting in favor of the request. A letter from the property owner has been received agreeing to the conditions.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Brian Dunham, attorney and applicant for Sam's Club, introduced Kevin Thompson and Dan Gross with Sam's Club and Keith Moore with Carlson Consulting. He agreed with the Findings of Fact and Conditions. The complete record gives an overwhelming support for the project. It will allow improvements to the facade of the Sam's store as well as the fuel project. It is consistent with the Comprehensive Plan and the Houston-Donaldson Study. It is compatible with the surrounding properties in the overlay zone. The last time Sam's was before the Planning Commission was over 11 years ago. Since then, the Houston-Donaldson Study has been amended. Goal A of the current Study is to maintain the successful business climate of the subarea they are located in. In the case of the Sam's Club parcel, the ancillary fuel station is necessary to maintain the success of the Sam's Club. The retail environment has changed significantly. Sam's Club has closed multiple locations in the Greater Cincinnati market. At the same time, their competitors have a competitive advantage. They need to offer fuel to their members in order to remain competitive in the retail environment. They realize that their competitors are not located in the Houston-Donaldson Study area. The proposed project supports the Study's goal of maintaining a successful business climate. It provides residents and County members the benefit of discounted fuel at a convenient location while respecting thoughtful planning and heightened design requirements in the overlay zone. Those design features are shown in the submitted drawings for the building and the fuel center. What they have provided is what they offer in only 10% of their stores. Approval of the use does not impact the Planning Commission's ability to review other new fuel stations in the overlay area separately and differently. The proposed fuel station will be located in the rear portion of the site. It is significantly below grade of Thoroughbred Boulevard and Spiral Drive. The station will not be viewed from Houston Road at all. For these reasons, it makes sense to approve the set of plans based upon the unique set of facts. Mr. Dunham requested a motion to approve the request.

Chairman Rolfsen asked if there was a motion to take action? **Mr. Patton moved to approve the Change in Approved Concept Development Plan request by Resolution to the City of Florence based upon the Committee Report and subject to conditions. Mr. Bunger seconded the motion.**

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

Mr. McMillian stated that he was present when the previous requests were turned down. No one else has a fueling station on Houston Road. Why is this one being allowed? He is against the request because there will be more.

Mr. Bunger stated that the Committee voted in favor of the request due to the uniqueness of the site. By approving Sam's, it will not mean automatically approving others. The fuel center is located behind the building and lower than the roads. There will be an extensive amount of landscaping in the area. The landscaping must be maintained. He voted in favor because it will help Sam's viability as a business and the fact that it serves existing Sam's members as customers. It is unique versus other sites.

Mr. Patton agreed with Mr. Bunger's comments. It is a very unique site for its location. He supported the project since it supports members only, similar to Costco. It is not a convenience store that will be open to the public. We are not opening the floodgates. Houston Road is more developed now than it was 11 years ago. There aren't many sites available for development. Retail now is under a lot of stresses. The hours are limited. It is not opened 24/7.

Chairman Rolfsen asked Staff to define decorative site furniture? Mr. Morgan replied that the Houston-Donaldson Study requires decorative site furniture be located near the entrance. Fuel prices will not be advertised in this area.

Mr. Harper stated that he agreed with Mr. McMillian and thought approving the project will set a dangerous precedent to reverse course. It is difficult to expect rejecting future projects that may come before the Planning Commission. For that reason, he stated that he would vote no on the request. It is setting a dangerous precedent.

Mr. McMillian stated the Committee voted for it because Costco has gas pumps. Kroger has gas pumps. If the proposed project is approved, how are they going to keep gas pumps out of the Houston-Donaldson Study area? Meijer will request them and how will we turn them down?

Mr. Bunger replied that consideration of Costco had no influence on him in regard to his decision.

Mr. Hicks stated that he understands Mr. McMillian's position but the area is a destination area and there is no gas station in the area. It is near the expressway. If you need gas, one will have to drive to KY 18. The market demands gasoline sales in the area. The Houston-Donaldson Study area has changed over time. It was once a planned office area but now it has grocery stores. We should help this business just like Costco. By not having gas in the area, it causes more traffic problems at each end of Houston Road.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Patton and seconded by Mr. Bunger. **The vote found Mr. Bessler, Mr. Bunger, Ms. Gulick, Mr. Hicks, Mr. Lunnemann, Mr. Patton, Mr. Rolfsen, Mr. Schwenke, Mr. Shipe, Mr. Szurlinski and Mr. Turner voting in favor of the request and Mr. Harper, Mrs. Heilman and Mr. McMillian voting against the request. The motion passed by a vote of 11-3.**

Mr. Patton left the meeting room at this time.

ZONING MAP AMENDMENT - Kim Bunger, Chairman, Kevin Wall, Staff

2. Request of **Al Neyer, LLC (applicant)** for **Loretta F. Smith Estate, Harold Stidham, and Deborah Stidham (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Industrial One (I-1) for a 111.1042 acre site located at 4548 and 4664 Bullittsville Road, and at the western terminus of Wright Boulevard, Boone County, Kentucky. The request is for a zone change to allow industrial uses.

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 3-0 to approve the request with Mr. Bunger, Mr. Lunnemann and Mrs. Kegley voting in favor of the request. A letter from the property owner has been received agreeing to the conditions. Mr. Wall showed the revised drawings submitted to the Committee as a result of the testimony made at the Public Hearing. There are 2 options - one is a two building option with the same amount of square footage as the first single building option. The buffer area was enlarged and enhanced. There is a berm in both options. It includes the retention of existing vegetation along the property line. There is also a naturalized area between the existing vegetation and the new evergreens. The applicant also provided some sectional views, which show the buffering next to the closest house. It provides a sight line from the ground and a second story window. There was also an exhibit that shows the future public road alignment. There is some flexibility in determining the exact location of the street being extended to the property to the south. It is dependent on how the property to the south is developed. Mr. Wall showed the options of the architectural design of the industrial buildings and the lighting fixtures (a half of a foot candle at the edge of pavement and zero at the property line.)

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Ryan Reardon, Al Neyer, LLC (applicant) stated that the conditions speak for themselves. He offered to highlight how the proposed plans balance the needs of the County and the needs of the neighbors. First, there is about 40% green space in the project. A lot of it is located on the southwest side of the site. This maintains the character along Bullittsville Road. This is important to the residents in the area. The buffer on average is 3 times what is required. Third, there is improved circulation by the construction of a public road. It will extend Wright Boulevard through the site, which will be connected to a future new road. He requested a motion for approval with conditions.

Mr. Stephen Burkart, 4440 Bullittsville Road stated that he lives closest to the proposed building. There is no buffer in land use from industrial to residential. He is more acceptable for Business Park uses instead of industrial uses on the subject site. It is a huge building being proposed. Neyer has said that their client is only going to use a small portion of the docks. If Neyer only needs 100 docks, why are they building a facility with 300 docks? Why do they have to build the docks on the side where the residential area is located? Couldn't they put the docks facing the east side? He stated that he can see the church across 237. He thinks that he will see the building from the second floor of his house. He asked the Planning Commission not to approve the zone change.

Mr. Larry Andrzejewski, 3622 Brent's Way, asked about the number of trucks entering and exiting the site each day? The applicant responded 45 trucks total each day. What about the other 250

docks? What will the building be used for even though there are some restrictions? Is the use a 7-Eleven operation? Will there be any activity on the site over night? He is opposed to the project. He is okay with the emergency access to Bullittsville Road. It can't be used for traffic backups just for emergencies. It is a beautiful building and a building development. Is it being put in the right place? The residents didn't expect it when they moved to the area. Is it the right location for something that is so large?

Chairman Rolfsen asked if there was a motion to take action? **Mr. Bunger moved to approve the Zoning Map Amendment request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to conditions. Mr. Lunnemann seconded the motion.**

Chairman Rolfsen asked if there were any questions or comments from the Board Members? Mr. Schwenke asked the applicant to propose multiple buildings instead of one large building. By having multiple buildings, then the development would be away from the neighbors. The applicant turned the building but we didn't gain anything. The 584,000 square foot building should be cut off to be in line with the 817,000 square foot building. It would provide for a better buffer for the neighbors - less noise. He stated that he has a hard time voting for the zone change request.

Chairman Rolfsen asked about the 45 trucks versus the number of docks? Mr. Reardon replied that the truck parking issue is driven by the specific user and not volume. It is the way a user accommodates and accepts trucks. The proposed project is not for on-time delivery and doesn't have a secured truck lot. He has agreed to make the road improvements in the initial phase based on the traffic study. They have agreed to limit the truck traffic as evidenced by the condition letter. Trucks can enter the site at anytime. It is not a secured site. Chairman Rolfsen asked if any of the trucks were refrigerated? Mr. Reardon stated that is not allowed in the large building option. From the property line to the edge of pavement in Option #2, there is 156 feet and 138 feet. Option #2 is a less offensive use since it isn't the dock side of the building. It is an employee parking area. Chairman Rolfsen asked if the refrigerated trucks could be heard at night by the neighbors in Option #2? Mr. Wall replied that he didn't know since he is not an expert on this topic. Mr. Wall confirmed why the Committee allowed refrigerated uses as a potential use since the docks were not directly facing the residents. Chairman Rolfsen stated that he would not vote in favor of the request unless refrigerated truck use is prohibited in both options. If it is not sufficient for one building, it shouldn't be for 2 buildings. It is just as noisy. Mr. Reardon stated that the closest truck in Option #2 would be about 300 feet from the property line. There has been no noise study undertaken.

Mrs. Heilman stated that she has visited the area and finds it hard to believe that the project would generate more traffic without causing a problem. The applicant shows 300 docks on the building. It is hard to predict what is really going to happen. The size and scale of the buildings doesn't respect the transition between Business Park and Residential. It may be a good project for Boone County but it is not in the right place given the size and scale of the proposed building.

Mr. Bunger noted that size and scale are important but one must consider the site having 40% open space. It is unusual for an industrial area. Traffic is important, therefore, it was important for the site to connect to the CVG #7 site located to the south. This connection is important. Mr. Bunger stated that he didn't realize that the refrigerated truck condition only applied to the one option and not both options. He considered it to be important to both building options.

Mr. Reardon stated the possible tenant for the proposed single building currently employs 480

people and operates on 2 shifts during the week and a single shift on Saturdays. It is not a 24 hour operation. The company is a light dock user. Typically, they propose 1 dock for every 10,000 square feet of building or 140 docks. The number and location of docks is sometimes dependent on plant equipment layout. Mr. Reardon offered to strike refrigeration uses from both building options.

Mr. Schwenke stated that we still don't know who the end user will be in the proposed building. Everything is vague. We are told that we won't have more than 45 trucks per day but there are many loading docks. There are so many variables. Maybe it's premature until we know what is going to happen. Maybe we should know what is coming before we build it.

Mr. Bunger asked Staff how it treats what is required in terms of parking spaces and docks. Mr. Wall responded that there is a condition pertaining to trip generation and a baseline from the Traffic Study. The Staff has access to the same traffic engineering manuals. Tenants have to get approval from the Planning Commission and this is where we verify the figures and necessary requirements. Mr. Wall explained that the number of docks is tied to the user and the Traffic Study.

Mr. Lunnemann stated that he agrees with the statements by Mr. Schwenke and Mrs. Heilman. The size of the building is enormous. What swayed him to vote in favor of the request was the Traffic Impact Study and the developer's commitment to make the improvements as required by the Kentucky Transportation Cabinet. Second, Staff will have the ability to review the tenant that will go into the building(s). We are able to look at the trip generation manual to determine if it fits and to understand potential impacts. If it doesn't fit, the applicant can always go back through the process again.

Ms. Gulick asked what is expected to change between now and then when the final traffic impact study is approved by KTC? Mr. Mike Yeager, Integrated Engineering, stated that the recommended improvements outlined in the Traffic Impact Study used an older version of the traffic manual. The older version tripled the amount of expected trips. The recommended improvements are based on the higher numbers. Since then, the applicant and KTC have agreed to a middle trip generation figure based upon both manuals. The updated Study will be complete next week. The final Study has not officially been approved but the trip generation figures have been approved. If the proposed tenant occupies the single building, the recommended improvements won't be needed but Neyer will install them per the condition.

Mr. McMillian stated that no one has mentioned safety. How will traffic get out? One way in and the same way out. Give a key to a fire department? Which fire department? Who will take care of the key? Boone County is one of the unsafest counties. Trucks are noisy. They don't have to be refrigerated. Everyone around the building will hear it. It is loud. Nobody cares about safety. Safety is not a gated way out.

Mr. Reardon replied that Neyer has agreed to build a public road through the site, which will provide another access point, not today, but in the future when and where as deemed as appropriate by Boone County. The public road will be built to the property line.

Mr. Szurlinski asked who determines what an emergency is? Mr. Wall responded that it is the Burlington Fire Department.

Mr. Bunger explained that it is emergency access for emergency vehicles only and no tractor trailer or a lot of vehicles. Mr. Marc Gloyeske replied that the emergency exit will be 20 feet in width and that is what the fire department wanted. It will handle their largest apparatus.

Mr. Bessler asked if the condition of not allowing refrigerated trucks is in both options on the record?

Mr. Costello responded yes. The applicant verbally agreed to it and the condition will be modified.

Mr. Bunger asked the applicant for a project completion date schedule? Mr. Reardon responded that construction would start in April 2020. They would build the first building in the 2 building plan - finished at the end of 2021. The adjacent site would not be far behind from their project-timing. In the large building scenario, they have enough space for 81 trucks to be parked in the queue. Mr. Bunger noted that CVG-7 site could potentially connect to Gateway Boulevard on KY 237.

Mr. Schwenke asked if the Board would vote on the 2 options? Mr. Costello replied that the applicant is proposing 2 options as a package with striking the use or parking of refrigerated trucks.

Mr. Hicks commended the Zone Change Committee for their work. The Board had a lot of good discussion tonight.

Mr. Shipe stated that he had to leave the Committee Meeting early but he is in favor of the request.

Mr. McMillian mentioned that he is not in favor of emergency exits. He prefers permanent exits. There are too many cars going out and too many trucks going in. We don't build a traffic jam at a business place. He is not in favor of an emergency exit unless that is the first thing put in the development and then expand on it.

Chairman Rolfsen asked for a vote on the motion originally made by Mr. Bunger and seconded by Mr. Lunnemann. **The vote found Mr. Bessler, Mr. Bunger, Ms. Gulick, Mr. Harper, Mr. Hicks, Mr. Lunnemann, Mr. Rolfsen, Mr. Shipe, Mr. Szurlinski and Mr. Turner voting in favor of the request and Mrs. Heilman, Mr. McMillian and Mr. Schwenke voting against the request. The motion passed by a vote of 10-3.**

Mr. Patton returned to the meeting room at this time.

TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairwoman, Todd Morgan, Staff

3. Staybridge Suites - 3256 Ted Bushelman Boulevard

Staff Member, Todd Morgan, gave a PowerPoint presentation. The site is located off Ted Bushelman Boulevard. The proposal would add 2 signs on the front and back of the building. Both would be 15 square feet each and would be located near the entrances. The signs are in addition to the previously approved building mounted sign of 94.24 square feet. The Houston-Donaldson Study only allows for one sign area on any two facades. The total square footage on each facade is 109.24 square feet in one sign area. The same sizes would be on both the front and back portions of the building.

Mr. McMillian asked what does the Houston-Donaldson Study allow? Mr. Morgan replied that the Study allows 2 signs on any 2 facades up to 200 square feet in area. The exception is allowing 2 signs on each facade for a total of 4 signs but under the square footage maximum per facade. Most of their parking is located in the back of the building and there is a need to show people where the entrances are located.

Mr. Morgan noted that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

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

TECHNICAL/DESIGN REVIEW - Lori Heilman, Chairwoman, Todd Morgan, Staff

4. Holiday Inn Express - 1055 Vandercar Way

Staff Member, Todd Morgan, gave a PowerPoint presentation. The applicant would like to install new signage. On July 2, 2019, a sign permit was issued for the front of the building. This sign is 103.10 square feet in sign area. Sign permit #2 was approved for the east elevation. Sign permit #3 was approved for a monument sign. The applicant is requesting approval of a building mounted sign on the third facade - 103.10 square feet. The exception is one extra building mounted sign. They are still below their 400 square foot allotment. The sign will be seen from the back of the building.

Mr. Morgan noted that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

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

NEW BUSINESS:

CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff

5. Request of **Tom Gill (applicant)** for **Chung Gi Wha Korean Restaurant, Inc. (owner)** for a Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Study Overlay (C-3/PD/PO) zone for an approximate 1.02 acre lot located at 7800 Commerce Drive, Florence, Kentucky. The request is for a Concept Development Plan to allow a digital motor vehicle sales and reconditioning center.

Mr. Hicks moved to schedule the Public Hearing for item #5, listed above on September 4, 2019 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin Costello, AICP, Executive Director, referred to his August 8, 2019 Memo. He recommended that the Planning Commission appoint all the officers of the Boone County Planning Commission as a Hearing Examiner at future Public Hearings when needed in accordance to the provisions in KRS 100.171(2). This will help if the Board needs to continue Public Hearings to another date. Mr. Hicks moved to appoint the officers of the Boone County Planning Commission as a Hearing Examiner as outlined in Mr. Costello's August 8, 2019 Memorandum. Mr. Schwenke seconded the motion and it passed unanimously.

OTHER:

There being no further business to come before the Planning Commission, Mr. Patton moved to adjourn the meeting. Mr. Bessler seconded the motion. The meeting was adjourned by unanimous consent at 8:49 p.m.

APPROVED

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director