

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
SEPTEMBER 4, 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 September 4, 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 Bunger, Secretary/Treasurer
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski

COMMISSION MEMBERS NOT PRESENT:

Ms. Corrin Gulick
Mr. Steve Turner, Temporary Presiding Officer

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. 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 August 7, 2019 Business Meeting and August 7, 2019 Public Hearings. Chairman Rolfsen asked if there were any other comments or corrections? Mr. Lunnemann **moved to approve the Minutes as presented. 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 August 8, 2019 and September 4, 2019.

EXPENSES:

| | |
|-----------------------------------|---------------|
| Accounting Fees | \$ 557.88 |
| Attorney Fees | 3,900.00 |
| Auto Expense | 102.77 |
| Consultant/Professional Svcs Fees | 3,185.00 |
| Filing Fees (CLURs) | 208.00 |
| GIS Operations | 21,356.16 |
| Legal Ads/Recruitment | 86.32 |
| Miscellaneous Expense | 195.55 |
| Office & Board Meeting Supplies | 1,593.67 |
| Office / Equipment Maintenance | 140.03 |
| Office Equipment/Expense | 306.34 |
| Postage Expense | 500.00 |
| Printing/Pub/Dues/Subscriptions | <u>175.50</u> |

TOTAL: \$32,307.22

SALARIES AND BENEFITS:

| | |
|------------------------------|---------------|
| FICA-BCPC Portion | \$ 6,659.41 |
| Health / Dental / Life / LTD | 16,702.55 |
| Retirement - BCPC Portion | 26,142.88 |
| Salaries - Staff Expense | 91,363.96 |
| Salaries BCPC | 815.00 |
| Salaries BCBOA | <u>105.00</u> |

TOTAL \$141,788.80

GRAND TOTAL: \$174,096.02

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 - Brad Shipe, Chairman, Todd Morgan, Staff

1. Request of **RES, LLC (applicant)** for **CMH of KY, Inc. (owner)** for a Zoning Map Amendment from Commercial Services (C-3) to Industrial One (I-1) for a 6.2657 acre tract located at 10833 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow the sales of semi trucks and trailers.

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 3-0 to approve the request with Mr. Shipe, Mr. Bunger, and Mr. Lunnemann 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. Gerry Dusing, attorney for the applicant, stated that he was available to answer any questions.

Chairman Rolfsen asked if there was a motion to take action? **Mr. Shipe 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. Patton seconded the motion.**

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

Mr. McMillian asked if the applicant was already moved onto the site? Mr. Glenn Crone responded that they have not moved onto the new site. He noted that they will move trucks onto the site once they receive their license which requires zoning approval. It will probably occur the first of the new year. Mr. Dusing stated as soon as the business receives the zoning, they will then receive the license. Mr. Crone noted that the existing site has 2 different truck sales companies.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Shipe and seconded by Mr. Patton. The motion passed unanimously.

CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Rick Lunnemann, Chairman, Michael Schwartz, Staff

2. Request of **Jason Horowitz (applicant)** for **Florence KY (SEC HWY 42 and Express) (owner)** for a Change in an Approved Concept Development Plan in Office One/Planned Development (O-1/PD) and Commercial Two/Planned Development (C-2/PD) zones for a 0.97 acre lot located on the south side of US 42, to the immediate west of the property at 8741 US 42 and immediate east of the property at 8755 US 42, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow an automotive repair facility.

Mrs. Janet Kegley announced that she had a conflict of interest with the request and left the meeting room.

Staff Member, Michael Schwartz, read the Committee Report, which recommended denial based upon Findings of Fact (see Committee Report). Mr. Schwartz noted that the Committee voted 2-1 to deny the request with Mr. Bunger and Mr. Lunnemann voting in favor of the denial and Mr. Shipe voting against denial.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Bob Gage, GBT Realty, stated that his company is the proposed developer of the site. The proposed project is not an automotive repair facility. It is a retail tire store. The business provides some ancillary services like changing belts and hoses as well as installing tires. Part of the C-2 zoned lot is the shared access drive, detention facility and sewer easements for the lot. If these items were not on the lot, they would have enough room to put the building on the C-2 lot. These restrictions were placed on the lot a while ago. The only buildable portion is on land zoned O-1. The lot has been sitting empty for quite a while. There has been very little interest in it because of a small usable area. The proposed use is the best fit for the lot. He felt that he can meet all of the requirements on the 0.55 acre portion of the site. The use will garner 27 customers per day. When the cars are backing out of the bays, the driver raises the door, honks the horn and someone directs the driver to back out. He would like the Planning Commission to approve the change.

Chairman Rolfsen asked if there was a motion to take action? Mr. Lunnemann moved to deny the Change in Concept Development Plan request by Resolution to the City of Florence based upon the Findings of Fact in the Committee Report. Mr. Bunger seconded the motion.

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

Chairman Rolfsen asked Mr. Shipe about his vote at the Committee Meeting? Mr. Shipe replied that he originally voted against the denial but didn't realize how close the bay door was to the drive. He explained that he was inclined to change his vote and vote to deny the request. Mr. Gage stated that the drive is 24 feet wide and is just outside the doors. There is only 10 feet between the doors and the drive. He stated that he didn't think the drive would be used a lot by Starbucks. Starbucks has their own dedicated drive on the other side of their lot. It serves as an overflow at 8:00 a.m. and at 5:00 p.m. Typically, a dealer doesn't have a lot of customers early in the morning. It won't be problematic. Chairman Rolfsen asked Staff to comment on the traffic routes. Mr. Schwartz responded that it is difficult to say. He referred to the Site Plan and showed traffic from Express Street and traffic will go around the building by making a left versus going right. It is always easier to make a right turn. It depends on where the traffic is originating. A traffic study was not conducted by Starbucks or by the applicant. Mr. Gage noted that Firestone's hours of operation are from 7:00 a.m. to 7:00 p.m.

Mrs. Heilman stated that the new Starbucks is the only free-standing Starbucks along US 42. The only other one is on Mall Road. It will have heavy traffic. Mrs. Heilman asked Staff to address why the proposed project doesn't meet the Zoning Regulations and the approved Plantation Pointe Concept Development Plan?

Mr. Schwartz offered the following:

- 1) The trash area needs to be enclosed. No information has been provided.
- 2) The submitted lighting plan did not meet the requirements in terms of foot candles.
- 3) The number of parking spaces exceeds the maximum allowable.
- 4) There is insufficient information about signage.
- 5) The applicant doesn't meet the buffer yard requirement on Cavalry Drive. The applicant is missing a couple of trees and bushes.
- 6) Architectural plans need to be submitted as part of Design Review.
- 7) The setback of the parking area doesn't meet the requirements.
- 8) Loading areas are not permitted in the front of the building.
- 9) There is a need for more landscaping in the vehicular use areas.
- 10) There was a question about the roof design.
- 11) The trash, truck and the tire storage areas are located in the shared easement. There will have to be a movement of the easement or the trash area.

Mr. Hicks noted that at first he considered it a good use since there are enough banks. Commercial districts need a lot of different uses and he mentioned at the time that it was a big hurdle. He agreed with the Committee's recommendation.

Mr. Wilson explained that the Board is deliberating its decision now based upon the Public Hearing evidence and the Committee's recommendation.

Mr. Bunger stated that the site is closely restricted and there is a safety factor given the location of the bays and the layout shown in the plan. The Starbucks will be busy throughout the day and the subject site is the only one with a shared access. If the site had a separate access for safety, it might be different. It is non-conforming and too much to overcome to gain approval of the use at this site.

Mr. McMillian stated that he would like to commend the Committee's recommendation. He is not in favor of shared driveways. There are too many cars and he is not in favor of the request.

Chairman Rolfsen asked for a vote on the original motion to deny the request made by Mr. Lunnemann and seconded by Mr. Bunger. The motion to deny the request passed unanimously.

Mrs. Kegley returned to the meeting room.

NEW BUSINESS:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Michael Schwartz, Staff

3. Request of **Oppidan c/o Jay Moore (applicant)** for **Synergy Development Group LLC c/o Steven Weber (owner)** for a Change in Concept Development Plan in a Office Two/Commercial Two/Planned Development/Houston Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) zone for an approximate 1.48 acre lot located on the south/east

side of Meijer Drive and to the immediate east of the property at 410 Meijer Drive, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a retail store.

ZONING MAP AMENDMENT - Kevin Wall, Staff

4. Request of **Redwood USA, LLC c/o Greg Thurman (applicant) for Lucile C. Stephens Trust Agreement c/o Michael A. Conner (owner)** for a Zoning Map Amendment from Public Facilities/Planned Development (PF/PD) to Suburban Residential Two/Planned Development (SR-2/PD) for an approximate 3.9 acre site located on the southwest corner of the North Bend Road/Veterans Way intersection, and part of the approximate 22.2 acre tract at 2406 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow single story attached dwelling units.

Mr. Hicks moved to schedule the Public Hearing for items #3 & 4, listed above on October 2, 2019 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin P. Costello, AICP, introduced Kevin T. Wall, AICP, who briefly discussed the 2019-2020 Zoning Update. The Long-Range Planning/Comp Plan Committee met prior to the Business Meeting to adopt the project's outline and schedule. The Zoning Update includes both the text and map. It is a follow-up to the 5 year update of the Comprehensive Plan. Staff is looking at emerging trends, more effective regulations and converting the code to a digital format. The current format is a series of PDFs on the website. Mr. Costello explained that Kevin Wall is the project manager and it is his fifth Update. He referred to his September 4, 2019 memorandum which explains the project and a handout about the consulting firm, enCode Plus. The 2019-2020 Zoning Update project will be different. It will be transformational. The recommended firm is enCode Plus located in Texas. They have been hired by Covington and will be engaged to work for all of Kenton County. Perhaps all of Northern Kentucky will have the same zoning format in the future. The format will be easier to read and understand. It will have better graphics and definitions and we will be able to include calculators for landscaping, signs, parking, fees, etc. It has a searchable engine. The new format will be easy to use on your tablet, home computer, phone, etc. It is GIS based so the text can be linked to the Zoning Map. Mr. Schwartz gave a demonstration of enCode Plus' work for Durango, Colorado. He showed how definitions are organized as well as searchable tables and examples of graphics. He also demonstrated how GIS is embedded into the website as well as the site calculator for landscaping.

Mr. Costello explained that the total cost is \$28,450 plus training costs Mr. Schwartz will be the point person for the digital conversion and Mr. Wall will lead the project. Other Staff members will be involved. The goal is to complete the Zoning Update by the end of next year. That includes full adoption by the legislative units. This type of work occurs every five years and it is necessary to update the Zoning Code because of the changes in the community. We will examine best practices in an effort to have effective regulations that can be enforced and be based upon the latest Comprehensive Plan.

Mr. Patton inquired about licensing costs. Mr. Costello responded that there are annual licensing and maintenance costs. This allow us to obtain updates of the software and unlimited access (read only) to the website. Currently, we pay about \$20,000 a year in GIS licensing/maintenance fees and Microsoft licensing/maintenance fees. The annual licensing/maintenance fees will be about \$9,000 - \$10,000 per year. Mr. Schwartz noted that the license is actually awarded to the Planning Commission and we can have as many users as possible. The information will be hosted on enCode Plus servers and there will be a double redundancy with three different server facilities.

Mr. Hicks moved to authorize its Executive Director to enter into written agreements with enCode Plus based upon their August 30, 2019 proposal and scope of services not to exceed \$28,450 plus training costs. Mr. Schwenke seconded the motion and it passed unanimously.

COMMITTEE REPORTS:

AIRPORT:

Mr. Bessler noted that the Staff is waiting to hear back from the Airport in confirming the September 19, 2019 Committee meeting date.

ADMINISTRATIVE/PERSONNEL: Mr. Lunnemann

No Report

ENFORCEMENT: Mr. Bunger

No Report

LONG RANGE PLANNING/COMPREHENSIVE PLAN: Mr. Schwenke

No Report

TECHNICAL/DESIGN REVIEW: Mrs. Heilman

No Report

EXECUTIVE: Mr. Rolfsen

No Report

CHAIRMAN: Mr. Rolfsen

No Report

OKI: Mr. Patton

No Report

OTHER:

There being no further business to come before the Planning Commission, Mr. Hicks moved to adjourn the meeting. Mr. Lunnemann 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