

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
NOVEMBER 4, 2015  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bunger, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Ms. Lori Heilman  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Mark Hicks  
Mr. Jim Longano  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. 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

Secretary/Treasurer Bunger called the Public Hearing to order at 7:31 P.M. and introduced the first item on the Agenda:

**CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff**

1. Request of **Abercrombie & Associates, Inc. - Robert G. Rothert (applicant)** for **Hopeful Road Holdings, LLC (owner)** for a Change in an Approved Concept Development Plan in a Suburban Residential Two/Planned Development (SR-2/PD) zone for an approximate 33.81 acre site located on the west side of Hopeful Church Road between the properties at 7275 and 7393 Hopeful Church Road, across Hopeful Church Road from the Hopeful Church Road/Surfwood Drive intersection, and at the southern terminus of Meadow Wood Drive, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow attached ranch style rental units.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request is a Change in an Approved Concept Development Plan. In 2005, there was an approval for 344 units which were a combination of townhouses and stacked condominiums. All of the documents with this approval are attached to the Staff Report. In February, 2015, there was a Public Hearing for a Change in an Approved Concept Development Plan request for single-story rental, townhouse units. The total number of units in this proposal was 191. The density was approximately 5.65 units per acre. The applicant withdrew the application after the Zone Change Committee met. A set of conditions were recommended by the Zone Change Committee but the condition letter was not signed by the applicant. There was no final action by the full Planning Commission.

The site is designated High Suburban Density Residential, which allows a variety of residential units up to 8 dwelling units per acre. It allows townhouses and condominiums. The site has 2 lakes. The current proposal is very similar to the proposal that was recently withdrawn. The proposal includes single-story, 176 townhouse rentals. The overall density is 5.21 units per acre. The buildings range in size from 3-8 dwelling units and are arranged in 4 pods - 3 on the north side of the main road and 1 the south side. A connector road is planned to be built through the development aligning with Surfwood Drive. It would be extended west to the adjoining property. The internal street network will be private driveways. There is a planned connection to Meadow Wood Drive and to the Estes property. Mr. Wall referred to architectural drawings depicting what the units would look like from an exterior and interior standpoint. He showed photographs of the site and adjoining properties. He also displayed the original approved Concept Development Plan and the Plan that was withdrawn.

In terms of Staff Comments, there is reference to the Boone County Comprehensive Plan and the Boone County Transportation Plan. There is a key component identified in both plans - an east-west connector road from Hopeful Church Road to Pleasant Valley Road and one that runs from Hopeful Church Road via Rosetta Drive to Mall Road. The second comment pertains to the Planned Development (PD) criteria or Section 1514 of the Zoning Regulations. Mr. Wall stated that he compared the criteria with the drafted conditions from the second application. The first condition dealt with following the revised Concept Development Plan discussed at the Committee Meeting, which included the architectural building design and the 3 lane east-west connector road. There were also other conditions pertaining to localized flooding and the existing large lake, sidewalks, a cost sharing agreement for a new traffic signal at Surfwood and Hopeful Church Road, berming

and landscaping at the southeast corner of the site. The City of Florence did provide some written comments as well as the Florence Fire Department and the Kentucky Transportation Cabinet.

At this time, Secretary/Treasurer Bunger asked if the applicant was present and wanted to proceed with his presentation?

Mr. T.J. Ackermann, owner and partner with Hearth Home Communities, stated that his company will own the development. He noted that his proposal is similar to the proposal that was submitted in the past but the product is different. It is geared towards the aging baby boomer market and the local community. The proposed product is being developed in 2 other locations in Northern Kentucky and in Harrison, Ohio. The product has been well received by consumers. The product will be all market rate units. The starting rent will be at \$1,495 per month. The units will be two bedrooms and two bathrooms for each unit. Each unit will have over 1,300 square feet and an attached two car garage. In total, the units will have about 1,700 square feet. The units have two entrances - one in front and one in the back. Each unit has its own private patio and yard space. The units are built a little less than what the American Disability Act (ADA) requires. Each entrance has a zero threshold. There are no steps into the unit. All doorways are a minimum of 3 feet in width. The hallways are at least 5 feet in width. There is adequate room for anyone who has mobility issues - wheelchair, walker or a mother with a stroller.

Secretary/Treasurer Bunger asked if the applicant has reviewed the previous conditions stated in the Staff Report? Mr. Ackermann responded yes but he is not agreeable to them at this point since he has hired someone to look at the traffic issue and the third lane on the connector road. He noted that the City of Florence was open to reviewing a Traffic Study to determine the need. The Traffic Study will be available before the scheduled Committee Meeting.

At this time, Secretary/Treasurer Bunger asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Ron Schroeder, 24 Kelley Drive, stated that there is a lot of storm water issues in the area. He expressed a concern about storm water drawing into the lower lake. Someone needs to address it before the proposed development begins. Also, the previous applications required a buffer area between his house and the site. He requested a privacy buffer along his property line and the adjoining properties. It will become a short cut.

Mr. Steven May, stated that he lives on a flag lot off Meadow Wood Drive. He again expressed a concern about handling the storm water and building a berm to shield the car headlights. He asserted that he was unaware that Meadow Wood Drive would be opened up. He asked who wanted to open up Meadow Wood Drive to connect the development? Mr. Wall referred to Mr. Wice's comments and noted that the prior plans always showed a connection. The City would like the connection to be realigned and developed as a public road. The proposed plan shows the road as private. Instead a "T" intersection, the road should be curved. Mr. May stated that a connection could be a shortcut. Mr. Wall explained that Meadow Wood Drive is currently a temporary dead end. If it was intended to dead end, then a cul-de-sac would have been built. Mr. Wall further explained that the buffer shown is a 30 foot wide Buffer Yard "C". There may need to be some additional berming required.

Mr. Douglas Runion, 7393 Hopeful Church Road, inquired about a turning lane. Didn't the State mandate a turning lane in 2005? The applicant would have been required to remove some of the hill to install a right hand turning lane? Also, there should be a buffer yard or berm to the creek. All the car lights from the proposed road will shine on his house. The berm should go all the way to the creek. The creek on his property is eroding because of storm water run off from the site. About 40 years ago, the creek was only 2 feet wide. It is larger now. Now there is erosion on his property and Estes property. It will get worse if storm water is not addressed from the project site. Some of this erosion was caused by the new Hopeful Church Road. There are springs on the project site.

Mr. Cecil Baker, 7316 Hopeful Road, stated that he is located directly across the farm. There really has been no change over the years except traffic just gets worse. A traffic study is not needed, just ask the people who live there. It is very difficult to turn left from Surfwood Drive towards U.S. 42. One usually has to get into the center lane. A connector road to Pleasant Valley will create more traffic on Hopeful Church Road. Why prop down a rental project in a central residential area of private homes? Granted, they are older homes. Pine Lake Apartments are located just up the road and there are a lot of apartments on Weaver Road. There is even a new apartment development located on KY 18. There are no apartments going in Union or Triple Crown. There are thousands of homeowners who are not aware of this proposed development, even people living near Yealey Elementary. Traffic is atrocious along Hopeful Church Road. There has to be a traffic signal at Surfwood Drive and Hopeful Church Road. Their site would be a great site for a park. The City of Florence could get with the County to make a park. There is not a pool or clubhouse planned for the site.

Ms. Sandy Schroeder, 24 Kelley Drive, asked if it is a private development with public streets? Will the City of Florence maintain the public street? Mr. Costello replied yes. Many subdivisions like Oakbrook and Triple Crown have public streets. Secretary/Treasurer Bunger added that the City of Florence would maintain public roads within their legal jurisdiction.

Mr. Steven May again asked about how the storm water will be handled from the site? Secretary/Treasurer Bunger replied that information must be provided at the Committee Meeting.

Mr. Runion inquired if there was a shortage of rental property in the Florence area? There are not enough athletic fields in Boone County. There is a great need and perhaps this site could be used for such a use? Everyday there is a traffic back-up past his mailbox towards U.S. 42. When there is a wreck on the interstate, he cannot get out of his driveway onto Hopeful Church Road. Any traffic added to the road would be a disaster.

Secretary/Treasurer Bunger questioned how the applicant was going to handle storm water runoff from the site? Mr. Ackermann responded that it would be handled per local and U.S. EPA requirements. Storm water from the site has to be handled responsibly. It is not their intent to discharge any additional storm water off their property and create a problem downstream. In regard to traffic, Mr. Ackermann stated he has no objection to the installation of a traffic signal at Surfwood Drive and Hopeful Church Road. They would prefer it. It is his understanding that it is not warranted at this time based on the traffic flow. It is not their choice but up to the Kentucky Transportation Cabinet to issue the requirement. They are willing to offer a proportionate share to pay for the cost of the traffic signal. Mr. Costello asked the applicant to take a closer look at the conditions of the

lake and existing storm water problems in the area. Mr. Ackermann responded that they examined the original plan. The original applicant did not take into account all of the drainage and wetland areas. As a result, they modified their storm water plans to incorporate all of the wet areas and to increase the detention areas.

Secretary/Treasurer Bunger asked if any of the Planning Commission Members had any questions or comments?

Mrs. Kegley asked the applicant to be prepared to talk about buffers against the single-family areas. Mr. Ackermann replied that they will comply with the 30 foot requirement along with mounding and landscaping to protect the adjoining neighbors. Mrs. Kegley reminded them to look at the areas where vehicle headlights could be seen as well as the other conditions.

Mr. Patton requested that the applicant undertake a couple of sight sections using the topography to analyze the viewsheds.

Mr. Ford stated that he appreciated the applicant's pursuit of completing a traffic study in order to justify the installation of a traffic signal considering the speed limit on Hopeful Church Road. For safety reasons, Mr. Ford asked the applicant to provide a right turn lane at the new intersection. This would allow traffic to move off Hopeful Church Road. A traffic signal would also help school buses and automobiles leaving Yealey Elementary. Mr. Ackermann replied that he would have his Traffic Engineer study that recommendation further. He also noted that the connection to Meadow Wood Drive will be designed as a "T" intersection in order to minimize the thru traffic between both developments. He also stated that he prefers the roads within the development be private but the east-west connector would be public. The design is an attempt to minimize traffic and not encourage traffic from the proposed development to travel through Meadow Wood Drive. Mr. Ford asked the Staff to check if the streets within Stonegate Meadows are accessible for school buses since there are a lot of cul-de-sacs in the subdivision? Also, are the private streets within the proposed development suitable for bus traffic? Mr. Wall replied that the existing public streets within the subdivision are built to public standards. Perhaps, the street turning radius needs to expand? It could also apply to fire trucks. Mr. Ackermann stated that they will show large vehicle turning movements on a plan for the Committee.

Mr. Wilson asked if the applicant's Engineer was present to respond to the storm water questions? Mr. Ackermann answered yes. Mr. Bob Rothert, Abercrombie and Associates, stated that they have not performed a detailed storm water design yet and have not prepared storm water calculations to determine how it impacts the water level of the existing lake. The lake may have to be lowered by 6 inches to accommodate new storm water volume from the development. Secretary/Treasurer Bunger requested that the Engineer review the general area and all the storm water adjacent to the site. Mr. Rothert further stated that it was their desire to design the private street to a public street standard - pavement thickness, roll curbs and gutter with concrete pavement. It will look like a public street even though it is a private road.

There being no further questions or comments, Secretary/Treasurer Bunger announced that the Committee Meeting for this item will be on November 18, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 2, 2015 at 7:00 P.M. Secretary/Treasurer Bunger closed the Public Hearing at 8:25 P.M.

**APPROVED:**

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**Kim Bunger**  
**Secretary/Treasurer**

**Attest:**

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

**Exhibit**

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Greg Breetz  
Mr. Mike Ford, Vice Chairman  
Ms. Lori Heilman  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Bob Schwenke  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Mark Hicks  
Mr. Jim Longano  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. 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

Secretary/Treasurer Bungler called the Public Hearing to order at 8:26 P.M. and introduced the second item on the Agenda:

**CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff**

2. Request of **Mark C. Smith (applicant)** for **General Growth Properties (owner)** for a Concept Development Plan in a Commercial Two/Planned Development/Mall Road Overlay (C-2/PD/MR) zone for an approximate 0.76 acre site located at 7840 Mall Road, Florence, Kentucky. The request is for a restaurant with a drive-through facility.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 0.76 acre site is located on Mall Road. The site also has frontage on Mall Circle Road. It is the former Fifth Third Bank site. The applicant is requesting approval of a Concept Development Plan to allow a 3,441 square foot Slim Chickens restaurant with a drive-thru, outside seating, 43 parking spaces and a shared parking agreement with Florence Mall for 10 parking spaces. The restaurant will have 106 seats - 84 inside and 22 outside. The site is planned to have 3 access points off Mall Circle Road. Two of them are full access points and the other would be egress only for the drive-thru lane. The applicant has submitted building elevations and samples. The building will be made of brick, CMU block, EIFS and standing seam metal roofing. The applicant also submitted a signage package and it shows an 8 foot tall monument sign, directional signage and building mounted signage. Mr. Morgan showed photographs and noted the adjacent land uses and zoning of the site. The site is part of the Mall Road District Overlay. The existing bank building will be demolished. There is an existing storm water detention area on the northern end of the site. The Future Land Use Map of the Comprehensive Plan designates the site as Commercial. Mr. Morgan referred to the Business Activity Element on page 4 of the Staff Report. It encourages the reuse of commercial buildings and ongoing maintenance and rehabilitation of older business districts instead of creating new commercial districts. He also referred to various sections from the Mall Road District Study starting on pages 5 and 6. The site is located in Area #2. Additional development around the perimeter of the Area including along Mall Circle Road, Plaza Boulevard, and Mall Road, is recommended. Multi-story buildings are encouraged for this additional development, as are shared parking facilities including parking structures. For development along Mall Road, this will entail relocating the portion of Mall Circle Road that is parallel to Mall Road eastward to provide sufficient depth for new outlots. The Study also classifies the site under review as an Impact Site. The corners at the intersections of Mall Road with Mall Circle Road are "Impact Sites" per the Impact Site Map. It recommends that the building be placed immediately at the road intersection without any intervening vehicular areas; include a multiple story building to create a larger scale and to anchor the building to the intersection. In addition, the maximum front and corner side yard setback for Impact Sites should be no more than 15 feet. There are currently several driveway interconnections which function as frontage roads of sorts in the Study area. Mall Circle Road is one of these driveways. What is recommended along these areas is 5 foot wide curb sidewalks along the frontage similar to BJ's Brewhouse. There are also architectural design requirements. The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a unit masonry appearance. These materials shall have an integral color. Other materials such as EIFS/stucco, architectural grade metals, wood or cement board siding, glass block, and precast concrete may be used for trim and detailing. On page 9 of the Staff Report, for "Impact Sites" at least one main, emphasized pedestrian entrance should be placed at the corner of the intersection where the building is located in order to anchor the site to the intersection. Parapet designs which have a

defined cornice line and pitched roofs are permitted. Pitched roof forms shall be complete and symmetrical, and span the entire building. All mechanical equipment shall be screened. On page 10, loading/unloading and service areas shall be placed in the side or rear yard only. Garbage storage areas shall be placed in the side or rear yard only and the required enclosure structure shall be constructed with the same materials, colors and design detailing as the principal building. Site furniture including benches/seating and tables shall also be required.

In terms of signage, the Mall Road District Study has its own signage requirements. Monument signs that are 8 feet tall are permitted. There are several limitations for building mounted signage. Channel letters, sandblasted redwood, individual pin mounted letters are permitted. What is prohibited is board signs and other similar type signs as determined by the Zoning Administrator. A final item from the Mall Road District Study relates to transportation. It involves pushing Mall Road Circle back towards the Mall in order to increase the depth of the outlots to increase the viability of the outlots.

In terms of Staff Comments, the following Planned Development exceptions or waivers are being sought. First, the Impact Site requirements require buildings to be placed near the intersection without any intervening vehicular areas. Multi-story construction or single story buildings with high parapets are required. Once again, the maximum permitted front and corner side yard setbacks are 15 feet. The submitted plan shows the building will have a 24 foot front yard setback and an approximate 265' corner side yard setback. It would also require one main pedestrian entrance at the corner of the intersection where the building is located. Second, the Mall Road District Study requires 5 foot wide sidewalks with box curbs along shared private development streets/driveways. The sidewalks can encroach into the required landscaping buffer yards. The amount of EIFS being used at the top of the building exceeds the trim and detailing requirements. A masonry knee wall or wainscot is required around the base of the building. The window system on the north elevation (and possibly the west elevation) does not meet this requirement. The roof design is not symmetrical. It includes an 8' tall sign wall on the northern facade. The unloading of supplies will take place in the corner side yard. The dumpster enclosure is not being designed with the same detailing as the building. No outside furniture, waste receptacles, or bike racks are shown on the plan.

In regard to signage requirements, the monument sign is 8'-1 3/4" tall. The sign code permits an 8' tall monument sign. The applicant needs to confirm if the brick being used in the monument sign matches the building. The aluminum pan signs on the side of the building are not a permitted sign type. The Slim Chickens logo on the north facade is not a permitted sign type because it is not being used with channel letters. Overall, even with the Mall Road District Study requirements, the project doesn't fit well on site. The single-story building is not located in close proximity to the intersection, the proposed surface parking is located entirely in the corner side yard, and three access points are proposed. The relocation of Mall Circle Road eastwards would permit more development options and allow the project to better fit onto the project site.

In terms of building design, the northern facade contains an 8' tall and approximate 15 1/2' wide EIFS sign wall on the roof. The sign wall gives the roof an incomplete and asymmetrical appearance. It also essentially creates a prohibited roof sign and gives the Mall Road elevation the appearance of a secondary facade. The Mall Road District Study requires primary walls to be

constructed with brick, architectural grade CMU, stone, or tile. EIFS is permitted for trim and detailing. Staff would like the applicant to address if the amount of EIFS at the top of the building can be reduced and if additional masonry can be integrated into the design. The contracting red and sand colored EIFS grids at the top of the northern, southern, and eastern facades appear to be sign elements. The applicant needs to address if all roof mounted mechanical equipment will be screened from public view per the Mall Road District Study requirements. Pedestrian connectivity is important in the Mall Road District Study. The current plan lacks the perimeter sidewalk improvements that are required by the Mall Road District Study. BJ's constructed 5' curb walks along their Mall Circle Road and Plaza Boulevard frontages.

In terms of access, traffic and parking, the proposed layout includes three access points on Mall Circle Road. The shared driveway can be highly congested during peak times and the Christmas holiday season. Only two cars will be able to stack from the menu board before they interfere with surface parking stalls. The driveway connection to Olive Garden is being removed. The applicant should address what types of vehicles will make deliveries to the restaurant and what hours deliveries will occur? Finally, the monument sign is 1 3/4" taller than what it is permitted. The aluminum pan signs and Slim Chickens circle logo are not permitted sign types. Sign specifications were not provided for the menu board. Will the menu board contain the awning that is shown in the sign example photos?

Secretary/Treasurer Bunger asked if the applicant was present and wanted to proceed with his presentation?

Mr. Mark Smith, applicant, stated that he is the franchise owner for the tri-state for Slim Chickens. He introduced Barb Wells and Chris Edwards, architects for the project. Mr. Smith referred to a PowerPoint presentation. It is a new concept. It is a fast casual restaurant that sells fresh chicken. There are currently 30 stores and they plan to build 120 stores nationwide in the coming years. Mr. Smith described the menu items that the restaurant offers. Mr. Smith distributed a handout (see Exhibit A).

Ms. Barb Wells, project architect, stated that she knew that the site is an Impact Site as described in the Mall Road District Study. Unfortunately, the property is very small - 0.68 acre in size. It is almost impossible to fit the building at the corner. The site is being leased from General Growth Properties and they have no control over the Mall Circle Road. They don't have clout with General Growth to get more width to put the building at the corner. The existing Fifth Third Bank will be demolished and the new building will be located close to the Olive Garden building, which is on the widest portion of the property. The proposed building is about 3,900 square feet. Waivers are being requested to build the building 24 feet from Mall Road and 265 feet from the corner. They are proposing to build a sidewalk around the building just like BJ's. The sign base will match the main building - masonry, brick and block. The dumpster enclosure will be the same materials split faced block and brick. A drawing has been submitted. There are 43 parking spaces on-site, which is a little short, but the Mall has agreed to provide the use of 22 parking spaces and a cross access easement. A pedestrian access will be provided by installing a painted cross-hatch on the pavement. The patio will face Mall Road and should create some excitement and activity. It will be covered and have a metal rail around it between the brick columns.

Secretary/Treasurer Bunger asked if the applicant formally identified the waivers for the project? Mr. Morgan responded yes that it is mentioned in summary format in Comment #1 on pages 12 and 13 of the Staff Report. Ms. Wells responded that they can't move the ring road. Perhaps the Planning Commission has some clout with the Mall? Secretary/Treasurer Bunger asked about the location of the stacking area for the drive-thru and the outdoor seating? He expressed a concern about vehicles idling. Ms. Wells stated it was close. She requested permission to install plastic in order to enclose the outdoor seating area for winter months. Secretary/Treasurer Bunger asked if there was a design requirement for winter usage? Mr. Morgan replied that it would be viewed as a temporary structure. However, it could be permitted as part of this process as a Planned Development exception. Ms. Wells noted that they included outside seating such as benches, decorative trash cans and bike racks in their proposal.

Secretary/Treasurer Bunger asked if any of the Planning Commission Members had any questions or comments?

Mr. Turner inquired about other local store locations. Ms. Wells responded not in the area. He asked what was the typical stacking in the drive-thru and at what times? Ms. Wells responded 7-8 cars will stack up during peak times. Mr. Smith noted that the busiest time is dinner followed by lunch. Mr. Turner asked if there was more stacking before or after the menu board? Ms. Wells replied that they have two drive-thru windows - one to accept money and one to deliver food orders. Mr. Turner suggested moving the menu board close to the drive-thru window if the food delivery is fast enough. Mr. Smith answered that the food is cooked to order. It takes about 4 minutes to cook. During peak hours, they have line busters just like Chick-fil-a. They take orders and money before you get to a window. It occurs before the menu board. They rarely have stacking problems beyond the normal amount. Secretary/Treasurer Bunger stated that Chick-fil-a has full circle stacking amount around their building. Mr. Smith replied that unfortunately they don't have the same size lot as Chick-fil-a. Mr. Costello stated that the Board doesn't want back ups on ring road or Mall Circle Road. Mr. Smith stated that one option would be to stack them through the other entrance. Signage could be installed to direct traffic.

Mr. Patton asked where the Planning Commission is in terms of incentivising or penalizing the Mall for moving the ring road back? Mr. Morgan replied that the penalty is the applicant must go through the Public Hearing process versus meeting the Study's requirement and having an Administrative Review. Mr. Patton stated that if the waivers aren't approved, then the project is dead. If the road is moved back, the site would be better to develop and it would open more sites for development. It could be more financially viable and be consistent with what is going on across the street. Approving the project "as is" will bury the chance for the road to be moved or built. If not, it makes sense to have more stacking along Mall Road. It is an awkward site and the applicant has done its best given the site. Secretary/Treasurer Bunger asked if there was a discussion about this road relocation issue with General Growth Properties? Ms. Wells replied no. Mr. Patton asked if someone from General Growth could attend the Committee Meeting? Mr. Costello replied that he would contact Greg Comte, General Manager, of Florence Mall.

Ms. Lori Heilman asked the applicant to be prepared to discuss the waivers in detail at the Committee Meeting. She noted that BJ's was held to the standards of the Mall Road District Study. The applicant should be more flexible in not requesting all of the waivers and stick to the

requirements of the Study.

Mr. Ford asked if the restaurant was a front counter order facility or if it had waiters? Mr. Smith responded that the customer orders at the counter and they bring the food to the customer. Mr. Ford inquired about dropping the drive-thru facility? Mr. Smith replied no since 50% of their sales are from the drive-thru. Mr. Smith also noted that boxed trucks will deliver food in the morning before the store or Mall opens. The trucks would park in the parking lot. They would not block the ring road. He also pointed out the location of the trash dumpster.

At this time, Secretary/Treasurer Bunger asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Cynthia Bucco, Eagle Realty Group, a real estate affiliate for the Western-South Financial Group, stated that her company owns an out parcel located at the southeast corner of Mall Road and Plaza Boulevard. It is about 3 parcels south of the subject site. She stated that her company is opposed to the request. The project does not fit on the site. Given the numerous issues with the proposal, it is inappropriate to approve the waivers and would prefer to see development be consistent with the guidelines. Mr. Costello asked about the status of their outlot? Ms. Bucco stated that the site is subject to some restrictive covenants that expire in early 2018. It is almost impossible to sell the site now. Secretary/Treasurer Bunger asked if Slim Chickens approached Eagle Realty about their site? Ms. Bucco stated not to her knowledge.

**There being no further questions or comments, Secretary/Treasurer Bunger announced that the Committee Meeting for this item will be on November 18, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on December 2, 2015 at 7:00 P.M. Secretary/Treasurer Bunger closed the Public Hearing at 9:04 P.M.**

**APPROVED:**

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**Kim Bunger**  
**Secretary/Treasurer**

**Attest:**

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

**Exhibit A - Slim Chickens PowerPoint Slides (handout)**