

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
JANUARY 3, 2018
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Rick Lunnemann
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
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Robert A. Jonas, AICP, Director, Planning Services

Chairman Rolfsen called the Public Hearing to order at 7:35 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Todd K. Morgan, Staff

1. Request of **Anchor Retail Solutions, LLC (applicant)** for **Arlinghaus I, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Commercial Two/Planned Development (C-2/PD) for an approximate 1.71 acre site located on the east side of US 42, on the southeast corner of the intersection with Fowlers Lane and to the west of the property at 9075 US 42 (Kroger fuel center), Union, Kentucky. The request is for a zone change to allow a multi-tenant commercial building.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 1.71 acre site is located near the Kroger Fuel Center and the proposed StoryPoint project. The request involves a Zone Change from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Commercial Two Planned Development (C-2/PD) in order to allow 7,522 square foot retail center with 2 tenants. The proposed center will include a Panera restaurant with a drive-through. There will also be another tenant in the center. The Panera tenant space is 5,019 square feet and the speculative tenant space is 2,503 square feet. There will be 83 parking spaces on site. Access to the site is from the Kroger/StoryPoint private driveway. Two curb cuts will serve the site. White board fencing will be installed along US 42 in front of the retail center. Mr. Morgan showed building elevations of the proposed retail center. The building will be brick, stone, EIFS and ceramic tile. He presented the four elevations (sides) of the proposed building and a landscaping plan. The applicant is proposing a shared buffer with Kroger along the eastern and northern property line. The number of plants meet the code requirements. Mr. Morgan also showed a drawing of the proposed free-standing sign with two tenant panels. He also reviewed the site history of the Kroger and StoryPoint sites as outlined on pages 1-2 in the Staff Report. References to the Boone County Comprehensive Plan are made on pages 2-7 of the Staff Report. He also mentioned the site is part of the Union Town Plan area. The Union Town Plan also recommended a green area, a 100 foot building setback and town home development. The Comprehensive Plan and the Union Town Plan have not been updated since the Kroger Zone Change and the StoryPoint Zone Change applications were approved. Mr. Morgan showed photos of the site and adjoining properties.

In terms of Staff Comments, Mr. Morgan referred to page 8 of the Staff Report that outlines the findings necessary for approving or denying a Zoning Map Amendment and the Planned Development (PD) standards.

Staff would like the applicant to address the following:

- A. An updated Traffic Impact Study was submitted with the application (see attachments). Staff would like the Study to address the recent road improvements that were made on U.S. 42 and if they are adequate to address the trips that will be generated by the overall development (Kroger Marketplace, Kroger Fuel, Kroger Outlots, StoryPoint, and proposed outlot).
- B. Is the proposed development following the Union Kroger Marketplace outlot design requirements (see attachments)? If not, what are the proposed changes?

- C. Can the building elevations be updated and provide masonry, tile, and EIFS percentages on all four facades?
- D. Can building material samples be provided?
- E. Will the parapet walls be tall enough to fully screen the roof mounted mechanical equipment?
- F. The plan shows that drive through signage is being proposed. Does it comply with code?
- G. The plans shows that shared buffer yards are being proposed with Kroger? Will a shared buffer yard agreement be recorded?
- H. The plans show the storm water from the site will go to one of Kroger's detention basins. Was the basin sized to accommodate the storm water from the subject site?

Finally, Staff sent out an agency memo and received comments back from Union Fire Department and Sanitation District No. 1. These comments are attached to the Staff Report.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Greg Dale, McBride Dale & Clarion, noted that he was representing the applicant. He stated that the existing zoning of residential is not appropriate given the changes in the area since the adoption of the current Comprehensive Plan. With regard to the Staff Comments, he offered to address them now or at the Committee Meeting. He expressed no concerns or objections. He will provide the information at the Committee Meeting.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Carl Dieso, 9154 Armistead Court, stated that he was a new resident in Boone County and Union. He expressed a concern about traffic. In his opinion, retail strip style development is getting closer to the residential portion of the community. As you enter Union, you will see an entire strip center with 7 outlots and the proposed project. He urged the Board to think about what it will look like and how it will interact with the community and residents. He noted that he wasn't aware of the development of the adjoining vacant lot.

In response to Mr. Dieso's comments, Mr. Morgan replied that in 2014, the City of Union overturned the Planning Commission's recommendation to deny the Kroger request. Further, the Planning Commission and the City of Union approved the StoryPoint senior housing project in 2017 adjacent to the subject site with conditions.

Chairman Rolfsen asked if the other tenant for the proposed retail center was known? Mr. Morgan replied no. It could be a commercial or office use. Chairman Rolfsen stated that traffic was a major concern for the Kroger site along with the Union Town Plan and that is why the Planning Commission unanimously denied the zone change several years ago.

Ms. Noreen Morgan, resident of Fowlers Creek subdivision, inquired about the color of the building. Is it really going to be green and yellow? Mr. Morgan explained that the Planning Commission can impose building color conditions on the zone change request in order to meet the PD standards and be compatible with the adjoining buildings.

Chairman Rolfsen asked how the proposed Panera restaurant relates in size to the Panera store on Houston Road? Mr. Brian Copp from Anchor Retail Solutions stated it will be smaller. The building is a prototype that was just built in West Chester Township. It is not bright yellow. That building has been completed. Chairman Rolfsen asked if the applicant could take some photographs of the West Chester Township restaurant? Mr. Copp said they intend to comply with the requirements from the other outparcels.

Chairman Rolfsen asked if the proposed restaurant had a double drive-through? Mr. Copp replied only one. Chairman Rolfsen stated that the Houston Road restaurant is a nightmare in terms of parking. People park at Watson's. He mentioned that it is critical that Panera get an agreement with Kroger. Mr. Morgan stated that the proposed parking meets the zoning requirements.

Mr. Patton asked the applicant if the handicapped sidewalk is going across 4 lanes of traffic? Maybe it could be moved to the side and the traffic island be moved down?

Mr. Hicks asked what developable property is left? Mr. Morgan responded that the vacant lots to the east will be the completion of Arbor Springs Subdivision. Vicksburg Drive would be extended into a cul-de-sac with residential lots. Mr. Bob Schroder agreed. Mr. Rick Lunnemann asked how to define masonry? Mr. Copp replied that it would be brick, stone and ceramic tile.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 17, 2018 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on February 7, 2018 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:59 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director